

Ordinary Council Meeting



Agenda
Monday 10 December 2018
Council Chambers
126-138 Main Road Speers Point
6:30pm

Opening meeting:

Acknowledgement of country:

Apologies and applications for leave of absence by councillors:

Disclosures of interests:

Confirmation of Minutes: Ordinary Council Meeting held on 26 November 2018

Development and Planning Standing Committee held on 3 December 2018

Presentations: The Living Smart Festival – Australia’s Best Community Event at the Australian Event Awards

Food+Garden=Green service – Recognised at the National Inside Waste Awards

Mayoral Minute(s): Nil

Reports of committees:	Organisational Services Standing Committee	3 December 2018
	Built and Natural Assets Standing Committee	3 December 2018
	Service Delivery Standing Committee	3 December 2018
	General Business Standing Committee	3 December 2018

Business Arising from Public Forum:

Special Reports:	Chief Executive Officer (1)	10 December 2018
	Code of Conduct Statistics Report	
	Director of Organisational Services (1)	10 December 2018
	Review of advisory committees and groups – Report 3	

Morven Cameron
Chief Executive Officer

Note: Council Meeting Agendas will be available for download from the City website by 5.00pm on the Tuesday prior to the meeting date (www.lakemac.com.au)

Ordinary Council Meeting



	Director of Service Delivery (1)	10 December 2018
	Loss of equipment by community groups affected by Council facility closures	
Inspections:	Nil	
Matters Referred:	Nil	
Notice of Motion:	Value of Local Government NSW Membership	10 December 2018
	Keeping our Community Safe - Installation of CCTV at Pasterfield Oval, Cameron Park	10 December 2018
	Review of superannuation arrangements for Councillors and the Mayor in NSW	10 December 2018
	Endorsement of LMCC Pool Priority Matrix (2018)	10 December 2018
Rescission Motions:	Request for Donations & Financial Assistance under Section 356 of the Local Government Act 1993	10 December 2018
Confidential Items:	Boolaroo (13A Main Road) - Land Identified for Sale	10 December 2018
	<i>As this report deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the LGA 1993; AND deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council (Section 10A (2)(d)(ii) of the LGA 1993) Council closes the meeting in accordance with Clause 11.1 of Council's Code of Meeting Practice.</i>	
Petitions:		
Business without Notice:		
Conclusion of the meeting:		

Morven Cameron
Chief Executive Officer

Note: Council Meeting Agendas will be available for download from the City website by 5.00pm on the Tuesday prior to the meeting date (www.lakemac.com.au)

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**Minutes of the Ordinary Meeting
Monday 26 November 2018
Council Chambers Speers Point**

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor Councillor David Belcher, and Councillors Brian Adamthwaite, Christine Buckley, Luke Cubis, John Gilbert, Nick Jones, Barney Langford, Jason Pauling and Adam Shultz.

Officers:	Morven Cameron	Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Andrew Bryant	Acting Manager Community Planning
	Elizabeth Lambert	Chief Development Planner
	Alice Howe	Manager Sustainability
	Wes Hain	Manager Integrated Planning
	Helen Plummer	Manager Asset Management
	Kate Cramp	Manager Property & Business Development
	Dwight Graham	Chief Financial Officer
	Angela Lamb	Governance Administration Officer
	Kate Davies	Public Relations

The Mayor declared the meeting open at 6.30pm.

Apologies:

227

Moved. Cr. Adamthwaite

Seconded. Cr. Langford

Apologies were submitted for the non-attendance of Councillors Colin Grigg, Wendy Harrison and Kevin Baker.

(Carried)

Disclosures of Interest:

Councillor Barney Langford declared a significant non-pecuniary interest in item 18OS013 – *Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993*, advising that persons associated with the application are known to him and would be leaving the chamber.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18SP081 – *Investments – October 2018*, advising he is an Authorised Representative #310165 of Meritum Financial Group AFSL #245569. Meritum is a subsidiary of MLC which is a subsidiary of NAB and Council has substantial funds invested with NAB. There is no direct financial connection between NAB and himself.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18SP080 – *Investment Policy Review*, advising:

- a. He is an Authorised Representative #310165 of Meritum Financial Group AFSL #245569. Meritum is a subsidiary of MLC which is a subsidiary of NAB and Council has substantial funds invested with NAB. There is no direct financial connection between NAB and himself;
- b. He is a member of the Lake Macquarie City Council Audit, Risk and Improvement (ARI) Committee which has previously “noted” this policy. This role is a Council appointed position.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18SP082 – *Review of advisory committees and groups – Report 2*, advising he is the former Chair of the Companion Animals Advisory Committee and accordingly interested persons are known to him.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18SP085 – *Community Event Funding – November Allocation*, advising that members of

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26 November 2018



the Valentine Resident's Association are known to him due to prior dealings. There are no commercial connections between himself and members to the best of his knowledge.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18NM030 – *DA/957/2017 Curran's Road, Cooranbong*, advising that the applicants are known to him due to dealings in relation to this application only. There are no commercial connections between himself and applicants.

Councillor Barney Langford declared a significant, non-pecuniary interest in item 18OS013 – *Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993*, advising that persons associated with the application are known to him and would be leaving the chamber.

Councillor Nick Jones declared a less than significant, non-pecuniary interest in item 18SP081 – *Investments October 2018*, advising that through his work he is an authorised loan writer for a number of the financial institutions through which Council has investments.

Councillor Nick Jones declared a less than significant, non-pecuniary interest in item 18SP080 – *Investment Policy Review*, advising that through his work he is an authorised loan writer for a number of the financial institutions through which Council has investments.

Councillor David Belcher declared a less than significant, non-pecuniary interest in item 18SD004 – *Proposal to name oval at Awaba – Robert 'Dutchy' Holland Oval*, advising that interested parties are known to him.

Councillor John Gilbert declared a less than significant, non-pecuniary interest in item 18SP086 – *Short Term Rental Accommodation*, advising that he is the licensee of short term rental accommodation.

Councillor Christine Buckley declared a less than significant, non-pecuniary interest in item 18SP085 – *Community Event Funding – November Allocation*, advising that members of the Valentine Resident's Association are known to her.

Councillor Adam Shultz declared a significant, non-pecuniary interest in item 18SP085 – *Community Event Funding – November Allocation*, advising that members of the Valentine Resident's Association are known to him and that he would be leaving the chamber.

Mayor Kay Fraser declared a less than significant, non-pecuniary interest in item 18SP085 – *Community Event Funding – November Allocation*, advising that members of the Valentine Resident's Association are known to her.

Confirmation of Minutes:

228

Moved. Cr. Belcher
Seconded. Cr. Buckley

The Minutes of the Ordinary Council Meeting held on Monday 29 October 2018, be taken as read and be hereby confirmed.

(Carried)

229

Moved. Cr. Pauling
Seconded. Cr. Belcher

The recommendations of the Development and Planning Standing Committee at its meeting held on 12 November 2018 be adopted as detailed below.

(Carried)

Recommendation No. 1

18DP021 Jewells - Clause 4.6 Variation to Height - Dwelling & Shed

Folder No: DA/950/2018
Report By: Development Planner - Fiona Stewart

21

Moved. Cr. Pauling
Seconded. Cr. Grigg

- A. Council approves DA/950/2018, subject to conditions listed in Attachment 1; and
- B. Council endorses the development standard variation under Clause 4.6 of Lake Macquarie Local Environmental Plan 2014, providing a maximum building height of 6.97 metres for the dwelling house, exceeding the development standard of 5.5 metres.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion Against the Motion
Cr. Adamthwaite
Cr. Baker

Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert
Cr. Grigg
Cr. Jones
Cr. Langford
Cr. Pauling
Cr. Shultz
(carried)

(Carried)

Recommendation No. 2

18DP022 Charlestown - Clause 4.6 Variation to Height - 25 Dwellings and Community Title Subdivision

Folder No: DA/420/2018

Report By: Development Planner - Glen Matthews

22

Moved. Cr. Cubis
Seconded. Cr. Buckley

A. Council approves DA/420/2018 for 25 dwellings and subdivision, subject to conditions in Attachment 1.

B. That Council endorse the development standard variation under clause 4.6 of the Lake Macquarie Local Environmental Plan 2014, providing a maximum building height of 12.1 metres exceeding the development standard of 8.5 metres.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert
Cr. Grigg
Cr. Jones
Cr. Langford

Cr. Pauling
Cr. Shultz
(carried)

(Carried)

Recommendation No. 3

**18DP023 Belmont: Review of Refusal - Development Applicant -
Carport, Swimming Pool & Associated Safety Barriers**

Folder No: DA/1786/2017
Report By: Principal Building Surveyor - Gordon Dryburgh

23

Moved. Cr. Shultz
Seconded. Cr. Grigg

That the matter be deferred for additional legal advice and a Council site inspection.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Baker
Cr. Belcher	
Cr. Buckley	
Cr. Cubis	
Cr. Fraser	
Cr. Gilbert	
Cr. Grigg	
Cr. Langford	
Cr. Pauling	
Cr. Shultz	
(carried)	

(Carried)

230

Moved. Cr. Langford
Seconded. Cr. Adamthwaite

That Council allows photographs to be taken during the proceedings of the Mayor's Annual Christmas Appeal.

(Carried)

Presentations

The Mayor launched the annual Christmas Appeal and reiterated the importance of the donations made by Councillors, local businesses and members of the community for the families around Lake Macquarie who benefit from the donated gifts.

Liz Baker, Communications Manager from Samaritans thanked the Mayor and Councillors for their donations. She advised that Samaritans support approximately 1500 families per year, with hundreds located in the Lake Macquarie area who will benefit from the Samaritan's Christmas Warehouse.

Recommendations of the Organisational Services Standing Committee - Monday 12 November 2018

231

Moved. Cr. Adamthwaite
Seconded. Cr. Belcher

That the reports of the Organisational Services be considered individually.

(Carried)

The recommendations of the Organisational Services Standing Committee at its meeting held on 12 November 2018 be adopted as detailed below.

Recommendation No. 1

**18OS011 Reclassification of Various Sites - 2018 Housekeeping
Amendment to Lake Macquarie Local Environmental Plan
2014**

Folder No: F2018/00510

Report By: Statutory Property Officer - Joanne Marshall

Amendment (1)

Moved. Cr. Pauling

Seconded. Cr. Jones

A. Council authorises 1-6(i)-(vi) and 8-9(viii)-(ix) and Councillors be provided with further information to items 7(vii) and 10(x):

Preparation and submission of a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), for the following purposes.

- i) 9C Albert Street, Edgeworth
(Lot 2 DP 506929, red outline on attachments 1 & 2)
 - a. Reclassify as Operational Land.
 - b. Dedicate as public road.

- ii) 38C Bayview Street, Warners Bay
(Lot 1 DP 651248, red outline on attachments 3 & 4)
 - a. Reclassify as Operational Land.
 - b. Dedicate as public road.

- iii) 37A Highfields Parade, Highfields
(Lot 198 DP 18348, red outline on attachments 5 & 6)
 - a. Reclassify as Operational Land.
 - b. Dedicate as public road.
 - c. Rezone from RE1 Public Recreation to R2 Low Density Residential

- iv) Apex Street, Belmont
(Part of Lot 41 DP 557183, Lot 1 DP 511858 & Lot 2 DP 519114, red outline on attachments 7 & 8)
 - a. Reclassify as Operational Land.
 - b. Dedicate as public road.

- ii) 8A Kawara Place, Kahibah
(Lot 30 DP 245090, red outline on attachments 9 & 10)
 - a. Reclassify as Operational Land.

-
- b. Create drainage easement.
- vi) Part of 356 Awaba Road, Toronto
(Part of Lot 101 DP 1228040, red on attachments 11 & 12)
 - a. Reclassify as Operational Land.
 - b. Rezone from IN2 Light Industrial to RE1 Public Recreation.
 - c. Incorporate into neighbouring recreation reserve.
 - vii) Part of 146C Princeton Avenue, Adamstown Heights
(Part of Lot 138 DP 252655, red outline on attachments 13 & 14)
 - a. Reclassify as Operational Land.
 - b. Dedicate part as public road.
 - c. Sale of residue.
 - viii) Corner Brougham Avenue & Macquarie Road, Fennell Bay
(Part of road reserve adjoining Lot 11 DP 562939, red on attachments 15 & 16)
 - a. Close part of public road.
 - b. Classify as Community Land.
 - c. Rezone from R2 Low Density Residential to RE1 Public Recreation.
 - d. Incorporate into adjacent ecological reserve.
 - ix) 36 & Part 36A Wommara Avenue, Jewells
(Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & Part Lot 153 DP 246099, red on attachments 17 & 18)
 - a. Close part of public road.
 - b. Rezone from RE1 Public Recreation to R2 Low Density Residential.
 - c. Public Sale or development as an investment.
 - x) Part of 6 Tristania Close, Teralba
(Part of Lot 32 DP 716248, red outline on attachments 19 and 20)
 - a. Reclassify as Operational Land.
 - b. Sale to adjoining owners.
- B. If a Gateway Determination is issued under section 3.34 of the EP&A Act, then:
- a. The exhibition of the Planning Proposal and the conduct of a consultation process consistent with the requirements of the Gateway Determination; and
 - b. The conduct of a public hearing consistent with the requirements of section 29 of the Local Government Act 1993; and
 - c. The commencement of a consultation process in respect of the proposed road
-

closures that is consistent with the requirements of Part 4 of the Roads Act.

- C. Once the consultation processes described in Recommendation B are complete, the matter is to be resubmitted to Council for further consideration, having regard to any submissions received.

(Lost)

232

Moved. Cr. Adamthwaite

Seconded. Cr. Belcher

Council authorises:

- A. Preparation and submission of a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), for the following purposes.
- i) 9C Albert Street, Edgeworth
(Lot 2 DP 506929, red outline on attachments 1 & 2)
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 - ii) 38C Bayview Street, Warners Bay
(Lot 1 DP 651248, red outline on attachments 3 & 4)
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 - iii) 37A Highfields Parade, Highfields
(Lot 198 DP 18348, red outline on attachments 5 & 6)
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 - c. Rezone from RE1 Public Recreation to R2 Low Density Residential

 - iv) Apex Street, Belmont
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 - b. Dedicate as public road.

 - ii) 8A Kawara Place, Kahibah
(Lot 30 DP 245090, red outline on attachments 9 & 10)
 - a. Reclassify as Operational Land.
 - b. Create drainage easement.

- vi) Part of 356 Awaba Road, Toronto
(Part of Lot 101 DP 1228040, red on attachments 11 & 12)
 - a. Reclassify as Operational Land.
 - b. Rezone from IN2 Light Industrial to RE1 Public Recreation.
 - c. Incorporate into neighbouring recreation reserve.

 - vii) Part of 146C Princeton Avenue, Adamstown Heights
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 - b. Dedicate part as public road.
 - c. Sale of residue.

 - viii) Corner Brougham Avenue & Macquarie Road, Fennell Bay
(Part of road reserve adjoining Lot 11 DP 562939, red on attachments 15 & 16)
 - a. Close part of public road.
 - b. Classify as Community Land.
 - c. Rezone from R2 Low Density Residential to RE1 Public Recreation.
 - d. Incorporate into adjacent ecological reserve.

 - ix) 36 & Part 36A Wommara Avenue, Jewells
(Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & Part Lot 153 DP 246099, red on attachments 17 & 18)
 - a. Close part of public road.
 - b. Rezone from RE1 Public Recreation to R2 Low Density Residential.
 - c. Public Sale or development as an investment.

 - x) Part of 6 Tristania Close, Teralba
(Part of Lot 32 DP 716248, red outline on attachments 19 and 20)
 - a. Reclassify as Operational Land.
 - b. Sale to adjoining owners.
- B. If a Gateway Determination is issued under section 3.34 of the EP&A Act, then:
- a. The exhibition of the Planning Proposal and the conduct of a consultation process consistent with the requirements of the Gateway Determination; and
 - b. The conduct of a public hearing consistent with the requirements of section 29 of the Local Government Act 1993; and
 - c. The commencement of a consultation process in respect of the proposed road closures that is consistent with the requirements of Part 4 of the Roads Act.

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C. Once the consultation processes described in Recommendation B are complete, the matter is to be resubmitted to Council for further consideration, having regard to any submissions received.

(Carried)

Recommendation No. 2

18OS012 Policy Review - Access to Council Information and Staff by Councillors

Folder No: F2005/00833
Report By: Governance Coordinator - Katherine McNaughton

233

Moved. Cr. Pauling
Seconded. Cr. Buckley

That Council:

- A. Rescinds the current *Access to Council information and staff by councillors* policy (Attachment 3).
- B. Adopts the revised *Access to council information and staff by councillor's* policy, including the changes outlined in Attachment 2 of this report.

(Carried)

Councillor Barney Langford left the chamber at 6.48pm due to his declaration of interest in item 18OS013 – *Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993*.

Recommendation No. 3

18OS013 Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993

Folder No: F2018/00118/01
Report By: Governance Coordinator - Katherine McNaughton

234

Moved. Cr. Shultz
Seconded. Cr. Jones

Council provides an in-kind donation of up to \$1000.00 to a resident of Redhead.

(Carried)

Councillor Barney Langford returned to the chamber at 6.55pm.

Recommendations of the Service Delivery Standing Committee - Monday 12 November 2018

235

Moved. Cr. Belcher
Seconded. Cr. Shultz

The recommendations of the Service Delivery Standing Committee at its meeting held on 12 November 2018 be adopted as detailed below.

(Carried)

Recommendation No. 1

18SD003 Proposed naming of the Turnbull-Davies Clubhouse at Liles Oval Redhead

Folder No: F2018/01208

Report By: Parks Management Officer - Stephen Pichaloff

Moved. Cr. Baker
Seconded. Cr. Buckley

- A. Council formally recognises the naming of the amenities building at Liles Oval as the Turnbull – Davies Clubhouse, and arranges appropriate signage.
- B. Council notifies the applicant and the Liles Oval Community Operating Committee of the naming.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert
Cr. Grigg
Cr. Jones
Cr. Langford
Cr. Pauling
Cr. Shultz
(carried)

Recommendation No. 2

18SD004 Proposal to name oval at Awaba - Robert 'Dutchy' Holland Oval

Folder No: F2018/01382
Report By: Parks Management Officer - Stephen Pichaloff

Moved. Cr. Belcher
Seconded. Cr. Grigg

- A. Council formally recognises the naming of the oval locally known as Awaba Oval as Robert 'Dutchy' Holland Oval and arranges appropriate signage.
- B. Council notifies Cricket Southern Lakes of the naming.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert
Cr. Grigg
Cr. Jones
Cr. Langford
Cr. Pauling
Cr. Shultz
(carried)

Recommendations of the General Business Standing Committee - Monday 12 November 2018

236

Moved. Cr. Langford
Seconded. Cr. Buckley

The recommendations of the General Business Standing Committee at its meeting held on 12 November 2018 be adopted as detailed below.

(Carried)

Recommendation No. 1

18GB108 Update on re-naming of reserve - Belmont South

Folder No: F2015/00564
Report By: Councillor - Colin Grigg

That an update is provided to Councillors via memo on the re-naming of reserve at Belmont South 'Ken Lambkin Reserve'.

Refer to 16COMM010.

Recommendation No. 2

18GB109 Council Determination of DA/1609/2018 - 3 Mulbinga Street, Charlestown

Folder No: DA/1609/2018
Report By: Councillor - Kevin Baker

That DA/1609/2018 – 3 Mulbinga Street, Charlestown – Boarding House – including demolition be brought before Council for determination in relation to concerns about bulk and scale and public safety concern.

Recommendation No. 3

18GB110 Council Determination of DA/1947/2018 - 37 Harbord Street, Bonnells Bay

Folder No: DA/1947/2018
Report By: Councillor - Jason Pauling

That DA/1947/2018 – 37 Harbord Street, Bonnells Bay be brought before Council for determination in lieu of determination by staff under delegated authority in relation to concerns relating to LEP and policy interpretation.

Recommendation No. 4

18GB111 Update on 18MM001 Newcastle and Hunter Ending Homelessness Pledge

Folder No: F2004/06120/01
Report By: Councillor - Jason Pauling

That Councillors are provided with an update on 18MM001 – Newcastle and Hunter Ending Homelessness Pledge.

Recommendation No. 5

18GB112 Tabled Correspondence - Mirrabooka and Dandaraga Road, Mirrabooka

Folder No: PM15/0162/05
Report By: Councillor - Jason Pauling

A. That Council officers investigate resident's concerns regarding LMCC proposed

roadworks at Dandaraga Road, Mirrabooka.

B. That Councillors be updated by memo prior to the final design.

Refer to D09140558.

Recommendation No. 6

18GB113 Clearing of reserve - behind Laxton Crescent, Belmont North

Folder No: C2018/00050-027
Report By: Councillor - Christine Buckley

That Councillors are provided with a memo about ownership and clearing of reserve at the rear of 46 Laxton Crescent, Belmont North.

Recommendation No. 7

18GB114 Update on SR 1884770 - Salts Bay Access Road, Swansea Heads

Folder No: C2018/05160
Report By: Councillor - John Gilbert

That Councillors are provided with an update via memo on SR 1884770 in relation to the outcome on the strategies discussed at the site inspection undertaken.

Recommendation No. 8

18GB115 Noise concerns - 7 Pacific Street, Caves Beach

Folder No: P2007/01737
Report By: Councillor - John Gilbert

That Councillors be provided with a memo regarding Council's handling of a noise complaint at 7 Pacific Street, Caves Beach.

Recommendations of the Lake Macquarie Environmental Sustainability Grants Assessment Committee - Thursday 4 October 2018

237

Moved. Cr. Belcher
Seconded. Cr. Adamthwaite

The recommendations of the Environmental Sustainability Grants Assessment Committee at its meeting held on 4 October 2018 be adopted as detailed below.

(Carried)

Recommendation No. 1

18ESGC002 Lake Macquarie Environmental Sustainability Grants 2018-2019 Round 1

Folder No: F2018/00847
Report By: Sustainability Engagement Officer - Karen Keogh

Committee's Recommendation:

That Council approves funding for the following five applications having successfully met the eligible grants criteria:

- A. \$2500 – Hunter Wildlife Rescue – Native Animal Trust – 18/19-1.1 *Anybody Home? Nesting Boxes for Wildlife*
- B. \$2,099 – Terra Australis Cultural Endeavours (TACE) – 18/19-1.2 *Newcastle Waldorf School Bush Food and Bush Craft Gardens*
- C. \$2,500 – International Erosion Control Association (IECA) – 18/19-1.3 *Get Flocced Workshop and Demonstration*
- D. \$2655 – St Mary's Catholic College – 18/19-1.4 *St Mary's Green Café and*

Cafeteria

- F. \$3000 – Coal Point Public School P&C Association – 18/19-1.6 *Native Pollinators Garden Sanctuaries*

Recommendations of the Lake Macquarie Traffic Facilities and Road Safety Committee - Monday 13 November 2018

238

Moved. Cr. Langford
Seconded. Cr. Buckley

The recommendations of the Lake Macquarie Traffic Facilities & Road Safety Committee at its meeting held on 13 November 2018 be adopted as detailed below.

(Carried)

Recommendation No. 1

18TFC142 Inspection Committee Recommendations for October 2018

Folder No: F2018/00068/10
Report By: Customer & Administration Officer - Erin Mann

Committee's Submission and Recommendation: No 1

1. The Inspection Committee's recommendations, as per attached document, be noted.

Recommendation No. 2

18TFC143 Gateshead - Skyline Way - Timed Parking

Folder No: F2018/00876/45/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Submission and Recommendation:
No 2**

Approve the alteration of 15 metres parking restrictions 1P (9am – 6pm, Mon – Fri) to 1/4P (6am – 3pm, Mon – Fri) as detailed in attached plan.

Recommendation No. 3

18TFC144 Charlestown - Milson Street - Parking restrictions

Folder No: F2018/00876/28/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Submission and Recommendation:
No 3**

Approve the removal of No parking restrictions 6 meters either side of the exit driveway of H/N 3-7 Milson Street, Charlestown and replace with 20 metres of No Parking - Wedding Or Funeral Vehicles Excepted (8am – 6pm, Mon – Fri) restrictions north of the entry driveway of H/No 3-7 Milson Street, Charlestown as detailed in attached plan.

Recommendation No. 4

18TFC145 Nords Wharf / Cams Wharf - Crangan Bay Drive - Centre lines

Folder No: F2018/00876/67/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Submission and Recommendation:
No 4**

- A. Approve the installation of Dividing (BB) centre lines for full length of road between Nords Wharf Road and Cams Wharf Road.
- B. Approve the installation of Give Way restrictions on Crangan Bay Drive at its intersection with Nords Wharf Road.

As detailed in attached sketch

Recommendation No. 5

18TFC146 Kahibah - Tibbin Street and Murrakin Street - Intersection Investigation

Folder No: F2018/00876/51/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Submission and Recommendation:
No 5**

- A. Approve the installation of Dividing (BB) centrelines and RPM,s at 6 metre intervals from the north side of the driveway of H/No 2 Tibbin Street, Kahibah to the existing centre line fronting H/No 4 Tibbin Street.
- B. Approve the installation of Give Way restrictions with 20 metres Dividing (BB) centrelines and RPM,s at 6 metre intervals on Murrakin Street, Kahibah at its intersection with Tibbin Street.

As detailed in attached sketch

Recommendation No. 6

18TFC147 Cardiff - Munibung Road - Centreline alignment and travel lane extension

Folder No: F2018/00876/22/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Submission and Recommendation:
No 6**

- A. Approve the realignment of the centreline on Munibung Road, Cardiff between Macquarie Road and Lachlan Road to provide 2 x 3.5 metre travel lanes on its northern side.
- B. Install turn arrows UA3 (L) and UA4 (R) in both eastbound lanes on approach to

Macquarie Road.

As detailed in attached plan

Recommendation No. 7

18TFC148 Swansea - Wood Street - No Stopping restrictions

Folder No: F2018/00876/78/01

Report By: Technical Investigations Officer - Kane Hitchcock

Committee's Recommendation:

No 7

- A. Approve the extension of No Stopping restrictions on the western side of Wood Street, Swansea for 25 metres north of the existing statutory 10 metres No Stopping at the intersection with the Old Pacific Highway as detailed in attached plan.

- B. Approve the reduction of the No Stopping are on Old Pacific Highway to 20 metres from the refuge, allowing for 15 metres of unrestricted parking.

Recommendation No. 8

18TFC149 Warners Bay - Medcalf Street - Sign and linemarking plan shared path

Folder No: F2018/00876/86/01

Report By: Technical Investigations Officer - Kane Hitchcock

Committee's Submission and Recommendation:

No 8

Approve the Line Marking and Signage plan for the extension of shared path on Medcalf Street east of Lakelands Drive, Warners Bay.

Recommendation No. 9

18TFC150 Gateshead - Intersection Felton Street and Oxford Street - Intersection upgrade

Folder No: F2018/00876/45/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Recommendation:
No 9**

Defer the matter until the matter is included in the Infrastructure Strategy Register.

Recommendation No. 10

18TFC151 Teralba - Anzac Parade - Pedestrian Safety

Folder No: F2018/00876/80/01

Report By: Technical Investigation Officer - Robert Morris

**Committee's Recommendation:
No 10**

- A. Approve in principal the installation of a raised (wombat) pedestrian crossing on Anzac Parade, Teralba at its mid-point between York Street and Margaret Street with 2.5 metre kerb extensions.
- B. Approve the amendment of item 17TFC032, to provide kerb extensions in York Street, Teralba at the pedestrian crossing and include the upgrade of the lighting to the required standard.
- C. Consult with adjacent business owners once the final location of the raised (wombat) crossing is determined in conjunction with the street lighting, and report the summary of the consultation to the Traffic Facilities and Road Safety Committee prior to final Council approval.

As detailed in the attached plan.

Recommendation No. 11

18TFC152 Teralba - Rhondda Road - Sign and Linemarking Plan

Folder No: F2018/00876/80/01

Report By: Technical Investigation Officer - Robert Morris

**Committee's Submission Recommendation:
No 11**

Approve the Signage and Line Marking plan for the site access to Teralba Asphalt Plant on Rhondda Road, Teralba as detailed in the attached plan.

Recommendation No. 12

18TFC153 Morisset - Pioneer Drive - Signage and Linemarking Plan

Folder No: F2018/00876/62/01

Report By: Technical Investigation Officer - Robert Morris

**Committee's Submission and Recommendation:
No 12**

Approve the Signage and Line Marking plan for Pioneer Drive, Watson Road and Lenswood Way, Morisset as detailed in the attached plan.

Recommendation No. 13

18TFC154 Cooranbong - Patrick Drive - Signage and Linemarking Plan

Folder No: F2018/00876/30/01

Report By: Technical Investigation Officer - Robert Morris

**Committee's Submission and Recommendation:
No 13**

Approve the Sign and Line Marking plan for the intersection of Patrick Drive and McCullough Street, Cooranbong as detailed in the attached plan.

Recommendation No. 14

18TFC155 Floraville - Floraville Road - Parking Restrictions Floraville Public School

Folder No: F2018/00876/41/01

Report By: Technical Investigations Officer - Kane Hitchcock

**Committee's Recommendation:
No 14**

- A. Approve the removal of 14 metres 5 Minute parking, 8 metres Disabled parking and 3 metres No Stopping restrictions on Floraville Road, Floraville fronting Floraville Public School at its northern end and replace with 2 metres No Parking (8am – 9:30am 2:30pm – 4pm school days) with supplementary Kiss and Ride signage.
- B. Approve the installation of 28 metres 5 Minute parking (8am – 9:30am 2:30pm – 4pm school days) south of the No Stopping restrictions at the southern end of the school.
- C. Implement this item in conjunction with items 18TFC131 - Floraville - Sovereign Close - No Stopping Restrictions and 18TFC132 - Floraville - Chevron Close - No Stopping Restrictions.

Recommendation No. 15

18TFC156 Cooranbong - Newport Road - Signage and Linemarking Plan

Folder No: F2018/00876/30/01

Report By: Technical Investigation Officer - Robert Morris

**Committee's Submission and Recommendation:
No 15**

Approve the Sign and Line Marking plan associated with the development of H/No 267 Newport Road, Cooranbong as detailed in the attached plan.

**Special Report of the Deputy Chief Executive Officer to Ordinary
Council Meeting - Monday 26 November 2018**

18SP080 Investment Policy Review

Folder No: F2005/02220
Report By: Treasury Officer - Tanya Klein

239

Moved. Cr. Pauling
Seconded. Cr. Adamthwaite

That Council

- A. Rescinds the existing Investment Policy as attached at Attachment 1.
- B. Adopts the amended Investment Policy as attached at Attachment 2.

(Carried)

18SP081 Investments October 2018

Folder No: F2004/11956/11
Report By: Treasury Officer - Tanya Klein

240

Moved. Cr. Adamthwaite
Seconded. Cr. Pauling

Council accepts the attached report identifying all money Council has invested under Section 625 of the Local Government Act 1993.

(Carried)

Special Report of the Director of Organisational Services to Ordinary Council Meeting - Monday 26 November 2018

Councillor Adam Shultz left the chamber at 7.02pm.

Councillor Adam Shultz returned to the chamber at 7.03pm.

18SP082 Review of advisory committees and groups - Report 2

Folder No: F2018/00669/02

Report By: Senior Policy Advisor - Daniel Hughes

Amendment (1)

Moved. Cr. Pauling

Seconded. Cr. Jones

Council:

- A. Continues to operate the following ten committees:
 - i. Aboriginal Grants Committee;
 - ii. Lake Macquarie Traffic Facilities and Road Safety Committee;
 - iii. Lake Macquarie Heritage Committee;
 - iv. Lake Macquarie Aquatic Services Committee;
 - v. Lake Macquarie Active Transport Advisory Group;
 - vi. Lake Macquarie City Council and Rural Fire Service Liaison Committee;
 - vii. Lake Macquarie Ageing and Disability Advisory Panel;
 - viii. Lake Macquarie Youth Advisory Committee;
 - ix. Lake Macquarie Australia Day Awards Committee; and
 - x. Lake Macquarie Sports Council.
- B. Discontinues the following committee:
 - i. Youth Week Grants Sub-Committee.
- C. Notes that discontinuation of the Youth Week Grants Sub-Committee will take effect when the Youth Advisory Committee's Charter is updated to include responsibility for Youth Week Grants.
- D. Reconsiders the status of the Companion Animals Advisory Committee and the scope of the committee.

(Lost)

241

Moved. Cr. Adamthwaite

Seconded. Cr. Buckley

Council:

- A. Continues to operate the following ten committees:
 - i. Aboriginal Grants Committee;
 - ii. Lake Macquarie Traffic Facilities and Road Safety Committee;
 - iii. Lake Macquarie Heritage Committee;
 - iv. Lake Macquarie Aquatic Services Committee;
 - v. Lake Macquarie Active Transport Advisory Group;
 - vi. Lake Macquarie City Council and Rural Fire Service Liaison Committee;
 - vii. Lake Macquarie Ageing and Disability Advisory Panel;
 - viii. Lake Macquarie Youth Advisory Committee;
 - ix. Lake Macquarie Australia Day Awards Committee; and
 - x. Lake Macquarie Sports Council.
- B. Discontinues the following two committees:
 - i. Companion Animals Advisory Committee; and
 - ii. Youth Week Grants Sub-Committee.
- C. Notes that discontinuation of the Youth Week Grants Sub-Committee will take effect when the Youth Advisory Committee's Charter is updated to include responsibility for Youth Week Grants.

(Carried)

18SP083 September review of the 2018/2019 Operational Plan and Budget

Folder No: F2016/00780/02/05

Report By: Corporate Planning Coordinator - Jennifer Donaldson

242

Moved. Cr. Belcher

Seconded. Cr. Shultz

That Council:

- A. Receives and notes the status of Delivery Program strategies and Operational Plan actions for the period 1 July 2018 to 30 September 2018
- B. Adopts the amendment to the Operational Plan action as outlined in this report
- C. Notes amendments to the Works Program as outlined in this report
- D. Adopts the variations to the 2018/2019 budget resulting in a projected surplus of \$168,000 as at 30 September 2018

(Carried)

Minutes of the Ordinary Council Meeting

26 November 2018



Councillor Adam Shultz left the chamber at 7.31pm.

18SP084 Adoption of Webcasting of Council Meetings policy

Folder No: F2016/01616

Report By: Governance Coordinator - Katherine McNaughton

Amendment (1)

Moved. Cr Pauling

Seconded. Cr Jones

- A. That Council adopts the draft *Webcasting of Council Meetings* policy (version 1).
- B. Council requests the State Government re-imbursement the cost of introducing webcasting after March 2019.

(Lost)

243

Moved. Cr. Langford

Seconded. Cr. Belcher

- A. That Council adopts the draft *Webcasting of Council Meetings* policy (version 1).
- B. Council requests the State Government re-imbursement the cost of introducing webcasting.

(Carried)

Councillor Adam Shultz returned to the chamber at 7.32pm.

Special Report of the Director of Service Delivery to Ordinary Council Meeting - Monday 26 November 2018

Councillor Adam Shultz left the chamber at 7.32pm due to his declaration of interest in item 18SP085 – *Community Event Funding – November Allocation*.

18SP085 Community Event Funding - November Allocation

Folder No: F2017/01436/06

Report By: Cultural Development and Events Officer - Alicia Nash

244

Moved. Cr. Adamthwaite

Seconded. Cr. Cubis

Council resolves to provide Community Event Funding to the following applicant/event:

- A. \$565 – Valentine Residents Association – Carols in the Park

(Carried)

Councillor Adam Shultz returned to the chamber at 7.33pm.

Special Report of the Head of Development and Planning to Ordinary Council Meeting - Monday 26 November 2018

Councillor Luke Cubis left the chamber at 8.07pm.

Councillor Luke Cubis returned to the chamber at 8.09pm.

18SP086 Short Term Rental Accommodation

Folder No: F2014/01451/03

Report By: Strategic Planner - Samantha Hardie

Amendment (1)

Moved. Cr. Belcher

Seconded. Cr. Langford

- A. Council resolves to permit Short-Term Rental Accommodation as permissible 365 days per year, as exempt or complying development, for dwellings where a host is not present.
- B. Council advise the NSW Department of Planning and Environment of its decision.

(Lost)

Amendment (2)

Moved. Cr. Pauling

Seconded. Cr. Cubis

Council defer making a decision on the number of days where STRA will be permissible until after the Code of Conduct is prepared to provide Council with more clarity around the range of actions that can be taken to address negative impacts of STRA.

(Lost)

245

Moved. Cr. Adamthwaite

Seconded. Cr. Belcher

- A. Council resolves to permit Short-Term Rental Accommodation as permissible 180 days per year, as exempt or complying development, for dwellings where a host is not present and that this be decision be reviewed once the code of conduct is prepared.
- B. Council advise the NSW Department of Planning and Environment of its decision.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Fraser	Cr. Pauling
Cr. Adamthwaite	
Cr. Langford	
Cr. Belcher	
Cr. Cubis	
Cr. Shultz	
Cr. Jones	
Cr. Buckley	
Cr. Gilbert	
(carried)	

(Carried)

Notice of Motion - Monday 26 November 2018

18NM029 Investigate the creation of a Central Business District (CBD) to be named Lake Macquarie

Folder No: F2016/01522/01

Report By: Councillor - Adam Shultz, Councillor - Jason Pauling, Councillor - Luke Cubis, Councillor - John Gilbert, Councillor - Kevin Baker

246

Moved. Cr. Shultz

Seconded. Cr. Jones

That council:

- A. LMCC staff prepare a report for Council's consideration on the creation of a Central Business District (CBD); and
- B. Consider naming this location Lake Macquarie.
- C. Consideration is to be given to existing public transport infrastructure, proximity to the lake and previous attempts by LMCC to create a locality named Lake Macquarie for identity purposes.
- D. Staff engage with Councillors via Councillor Portfolio Committees and Lake Macquarie's Economic Development Corporation (Dantia) as part of this process.
- E. The report is to be provided to councillors for consideration as soon as practicable or as part of reporting to Council on a revised version of draft Lake Mac 2050 Strategy.

(Carried)

18NM030 DA/957/2017 Curran's Road, Cooranbong

Folder No: DA/957/2017
Report By: Councillor - Jason Pauling

247

Moved. Cr. Pauling
Seconded. Cr. Belcher

That Councillors be briefed by way of memorandum regarding:

- A. Current status of this DA/957/2017;
- B. Current opinion with respect to legal interpretation regarding DA/957/2017;
- C. Planned actions to resolve current issues regarding legality of DA/957/2017.

(Carried)

18PE006 Request for a 50 Metre Pool at West Wallsend Swimming Centre

248

Moved. Cr. Adamthwaite

Councillor Brian Adamthwaite tabled a petition on behalf of West Wallsend residents in relation to a 50 metre pool at West Wallsend Swimming Centre . The petition was received and referred to the appropriate Council officer for consideration.

Refer to D09154111.

(Carried)

(Matter raised by Councillor Adamthwaite)

Minutes of the Ordinary Council Meeting
26 November 2018



As this concluded the business the
Chairperson terminated the meeting at 8.23pm.
Minutes adopted by resolution of Council,
at its meeting held on 10 December 2018.

..... MAYOR



Determinations of the Development and Planning Standing Committee Meeting

Monday 3 December 2018

Council Chambers Speers Point

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Jason Pauling and Adam Shultz.

Apologies: Councillor Barney Langford

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Alice Howe	Manager Sustainability
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Alannah Totterdell	Public Relations

Your Development and Planning Standing Committee Meeting wishes to report having met in the Council Chambers Speers Point on Monday 3 December 2018 at 6:32pm.

3 December 2018

Development and Planning Standing Committee Meeting - Monday 3 December 2018

Disclosures of Interest:

Councillor David Belcher declared a significant, non-pecuniary interest in item 18DP025 - *Morisset - Education Establishment increase in student numbers*, advising that parties who work for the applicant and known to him personally and that he would be leaving the chamber.

18DP024 Rathmines: Council Determination : Bulk and Scale of Shed

Folder No: DA/2052/2017
Report By: Building Surveyor - David Whyte

24

Moved. Cr. Baker
Seconded. Cr. Pauling

Approve DA/2052/2017 subject to conditions of consent, provided in Attachment 4.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert
Cr. Grigg
Cr. Harrison
Cr. Jones
Cr. Pauling
Cr. Shultz
(carried)

(Carried)

3 December 2018

Councillor David Belcher left the chamber at 6.41pm due to his disclosure of interest in item 18DP025 – *Morisset – Education Establishment increase in student numbers.*

18DP025 Morisset - Education Establishment increase in student numbers

Folder No: DA/1070/2018
Report By: Development Planner - Fiona Stewart

25

Moved. Cr. Baker
Seconded. Cr. Pauling

That Council approves DA/1070/2018, subject to conditions listed in Attachment 1.

That Council replaces condition 4 with:

4. Commencement of the Use of the Land

The approved use of the land (increase in student numbers to 275) shall not be fully implemented until all relevant conditions of this consent have been complied with and a Compliance Certificate has been issued for all required internal and public domain works by the PCA. A final Carparking Plan shall be submitted to Council for approval by the end of February 2019, which shall include an anticipated timeframe for the works and interim measures for car parking and pedestrian management. The works shall be completed within nine months of the date of the determination.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Baker	Cr. Adamthwaite
Cr. Buckley	Cr. Harrison
Cr. Cubis	
Cr. Fraser	
Cr. Gilbert	
Cr. Grigg	
Cr. Jones	
Cr. Pauling	
Cr. Shultz	
(carried)	

(Carried)

Councillor David Belcher returned to the chamber at 7.08pm.

**Determinations of the Development and Planning Standing
Committee Meeting**

3 December 2018



As this concluded the business the
Chairperson terminated the meeting at 7.09pm.
Minutes adopted by resolution of Council,
at its meeting held on 10 December 2018.

..... MAYOR



Minutes of the Organisational Services Standing Committee Meeting

Monday 3 December 2018

Council Chambers Speers Point

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Jason Pauling and Adam Shultz.

Apologies: Councillor Barney Langford

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Alice Howe	Manager Sustainability
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Alannah Totterdell	Public Relations

Your Organisational Services Standing Committee Meeting wishes to report having met in the Council Chambers Speers Point on Monday 3 December 2018 at 7.10pm.

Organisational Services Standing Committee Meeting - Monday 3 December 2018

Disclosures of Interest:

Councillor Brian Adamthwaite declared a significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he has a small number of Telstra shares and will be leaving the chamber.

Councillor Wendy Harrison declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising she is a user of Telstra and has a small number of Telstra shares.

Councillor Kevin Baker declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he is a user of Telstra.

Councillor Christine Buckley declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising she is a user of Telstra.

Councillor John Gilbert declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he is a user of Telstra.

Councillor Colin Grigg declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he is a user of Telstra.

Councillor Nick Jones declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he is a user of Telstra.

Councillor Adam Shultz declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising he is a user of Telstra.

**Recommendations of the Organisational Services Standing
Committee Meeting**



3 December 2018

Councillor Kay Fraser declared a less than significant, non-pecuniary interest in it 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunications Facility*, advising she is a user of Telstra.

**18OS014 Requests for Donations & Financial Assistance under Section
356 of the Local Government Act 1993**

Folder No: F2018/00118/01
Report By: Governance Coordinator - Katherine McNaughton

5

Moved. Cr. Belcher
Seconded. Cr. Buckley

**Submission and Committee's Recommendation
No. 1:**

Council resolves to provide the following donations/financial assistance:

A. \$2000 to Lions District 201N3

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	
Cr. Baker	
Cr. Belcher	
Cr. Buckley	
Cr. Cubis	
Cr. Fraser	
Cr. Gilbert	
Cr. Grigg	
Cr. Harrison	
Cr. Jones	
Cr. Pauling	
Cr. Shultz	
(carried)	

(Carried)

3 December 2018

Councillor Brian Adamthwaite left the chamber at 6.41pm due to his disclosure of interest in item 18OS015 – *West Wallsend (Part 1a George Booth Drive) and Gateshead (Part 20 Carbeen Street) – Proposed Lease for Telecommunication Facility*.

**18OS015 West Wallsend (Part 1a George Booth Drive) and Gateshead
(Part 20 Carbeen Street) - Proposed Lease for
Telecommunication Facility**

Folder No: F2012/00750/08

Report By: Coordinator Property Services - Michelle Shepherd

6

Moved. Cr. Belcher
Seconded. Cr. Shultz

**Submission and Committee's Recommendation
No. 2:**

Council authorises:

- A. Subject to any required Development Consent, the granting of four consecutive five year leases over Part 1a George Booth Drive, West Wallsend (Part Lot 1 DP 367540) shown as coloured in red on Attachment 2, as follows:
 - i. Lessee: Telstra Corporation Limited
 - ii. Term: Four by five-year consecutive leases
 - iii. Rent: \$30,056 pa (excluding GST)
 - iv. Rent Reviews: The rent is to increase by 3% on each lease anniversary date.
- B. Subject to any required Development Consent, the granting of a five year lease over Part 20 Carbeen Street, Gateshead (Part Lot 793 DP 536661) shown as coloured in red on Attachment 4, as follows:
 - i. Lessee: Telstra Corporation Limited
 - ii. Term: Five-year lease
 - iii. Rent: \$30,056 pa (excluding GST)
 - iv. Rent Reviews: The rent is to increase by 3% on each lease anniversary date.
- C. All costs associated with preparation of the leases referred to in recommendations A and B will be the responsibility of Telstra.
- D. Execution under Council's Common Seal, if required, of the leases and all associated transaction documents necessary to bring effect to the above

**Recommendations of the Organisational Services Standing
Committee Meeting**



3 December 2018

recommendations.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Baker	Cr. Gilbert
Cr. Belcher	
Cr. Buckley	
Cr. Cubis	
Cr. Fraser	
Cr. Pauling	
Cr. Grigg	
Cr. Harrison	
Cr. Jones	
Cr. Shultz	
(carried)	

(Carried)

Councillor Brian Adamthwaite returned to the chamber at 7.46pm.

As this concluded the business the
Chairperson terminated the meeting at 7.46pm.
Minutes adopted by resolution of Council,
at its meeting held on 10 December 2018.

..... MAYOR



Minutes of the Built and Natural Assets Standing Committee Meeting

Monday 3 December 2018

Council Chambers Speers Point

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Jason Pauling and Adam Shultz.

Apologies: Councillor Barney Langford

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Alice Howe	Manager Sustainability
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Alannah Totterdell	Public Relations

Your Built and Natural Assets Standing Committee Meeting wishes to report having met in the Council Chambers Speers Point on Monday 3 December 2018 at 7.46pm.

Built and Natural Assets Standing Committee Meeting - Monday 3 December 2018

Councillor Nick Jones left the chamber at 7.54pm.

Councillor Nick Jones returned to the chamber at 7.55pm.

Councillor John Gilbert left the chamber at 8.00pm.

Councillor John Gilbert returned to the chamber at 8.02pm.

18BNA003 Living Safely with Lead Grants Program

Folder No: PM18/0032/16

Report By: Sustainability Engagement Officer - Philippa Rainey

Amendment (1)

Moved. Cr. Pauling

Seconded. Cr. Belcher

Council resolves not to introduce the Living Safely with Lead Grant Program at this time.

(Lost)

Amendment (2)

Moved. Cr Adamthwaite

Seconded. Cr Grigg

- A. That Council establish the Lead Mitigation Grants Committee as a sub-committee of the council
- B. Notes the draft Committee Charter described in Attachment 1.
- C. Adopts Guidelines to administer the Lead Mitigation Grants Committee (Attachment 2).
- D. The committee structure and operation be reviewed in 12 months' time
- E. Nominates two Councillors to represent Council on the Lead Mitigation Grants Committee.

(Lost)

Moved. Cr. Baker

Seconded. Cr. Buckley

**Recommendations of the Built and Natural Assets Standing
Committee Meeting**



3 December 2018

Submission and Committee's Recommendation

No. 1:

Cr Baker
Cr Buckley

Council resolves not to introduce the Living Safely with Lead Grant Program at this time and request that staff provide a memo to Councillors with alternative options.

For the Motion Against the Motion

Cr. Baker	Cr. Adamthwaite
Cr. Belcher	Cr. Harrison
Cr. Buckley	
Cr. Cubis	
Cr. Fraser	
Cr. Gilbert	
Cr. Grigg	
Cr. Jones	
Cr. Pauling	
Cr. Shultz	
(carried)	

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 8.22pm.
Minutes adopted by resolution of Council,
at its meeting held on 3 December 2018.

..... MAYOR



**Minutes of the Service Delivery Standing Committee Meeting
Monday 3 December 2018
Council Chambers Speers Point**

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Jason Pauling and Adam Shultz.

Apologies: Councillor Barney Langford,

Officers:	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Alice Howe	Manager Sustainability
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Alannah Totterdell	Public Relations

Your Service Delivery Standing Committee Meeting wishes to report having met in the Council Chambers Speers Point on Monday 3 December 2018 at 8.23pm.

3 December 2018

Service Delivery Standing Committee Meeting - Monday 3 December 2018

Councillor Jason Pauling left the chamber at 8.23pm.

Councillor Luke Cubis left the chamber at 8.24pm.

Councillor Jason Pauling returned to the chamber at 8.25pm.

Councillor Luke Cubis returned to the chamber at 8.25pm.

Disclosures of Interest:

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 18SD006 - *Draft - Rock Fishing Legislation*, advising that interested parties are known to him personally.

18SD005 Lake Mac Libraries Strategic Business Plan 2019 - 2024

Folder No: F2017/00092

Report By: Manager Cultural Services - Jacqueline Hemsley

2

Moved. Cr. Adamthwaite

Seconded. Cr. Harrison

Submission and Committee's Recommendation

No. 1:

- A. Council authorises exhibition of the draft Lake Mac Libraries Strategic Business Plan 2019 - 2024, appended to this report as Attachment 1, for a minimum of 40 days and accepts public submissions.
- B. Refer the draft strategy to the Portfolio Groups and hold a Councillor briefing prior to the strategy being reported back to Council for adoption.

For the Motion Against the Motion

Cr. Adamthwaite
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Fraser
Cr. Gilbert

Recommendations of the Service Delivery Standing Committee Meeting



3 December 2018

Cr. Grigg
Cr. Harrison
Cr. Jones
Cr. Pauling
Cr. Shultz
(carried)

(Carried)

Recommendations of the Service Delivery Standing Committee Meeting



3 December 2018

18SD006 Draft - Rock Fishing Legislation

Folder No: F2018/01646
Report By: Manager Leisure Services - Brad Sutton

Amendment (1)

Moved. Cr. Pauling
Seconded. Cr. Jones

That Council resolves not to 'opt in' to the Rock Fishing Safety Act 2016, which would see areas within Lake Macquarie declared as high risk rock fishing locations.

(Lost)

Councillor Jason Pauling called a Motion of Dissent on the Chairperson's ruling of not allowing the moving of an amendment due to the time limit being expired.

Moved. Cr. Pauling
Seconded. Cr. Baker

The motion of dissent was put to the meeting.

(Lost)

Councillor Jason Pauling and Kevin Baker requested their dissent to the above motion be noted.

3

Moved. Cr. Buckley
Seconded. Cr. Harrison

**Submission and Committee's Recommendation
No. 2:**

That Council resolves to 'opt in' to the Rock Fishing Safety Act 2016, which would see areas within Lake Macquarie declared as high risk rock fishing locations.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Baker
Cr. Belcher	Cr. Jones
Cr. Buckley	Cr. Pauling
Cr. Cubis	
Cr. Fraser	

Recommendations of the Service Delivery Standing Committee Meeting

3 December 2018



Cr. Gilbert
Cr. Grigg
Cr. Harrison
Cr. Shultz
(carried)

(Carried)

As this concluded the business the
Chairperson terminated the meeting at 8.57pm.
Minutes adopted by resolution of Council,
at its meeting held on 10 December 2018.

..... MAYOR



Minutes of the General Business Standing Committee
Monday 3 December 2018
Council Chambers Speers Point

Present: Her Worship the Mayor, Councillor Kay Fraser, Deputy Mayor, Councillor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Wendy Harrison, Nick Jones, Jason Pauling and Adam Shultz, and Chief Executive Officer Morven Cameron.

Apologies: Councillor Barney Langford

Officers:	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Alice Howe	Manager Sustainability
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Kate Davies	Public Relations

Your General Business Standing Committee wishes to report having met in the Council Chambers Speers Point on Monday 3 December 2018 at 8.57pm.

General Business Standing Committee Meeting - Monday 3 December 2018

18GB125 Parking Infringements

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

Committee's Recommendation No. 1:

Parking inspectors are now able to issue demerit point infringements along with parking tickets for parking in a disability parking area without a permit (1 point), and leaving a stationary vehicle on or near a children's crossing, pedestrian crossing, marked foot crossing, or bicycle crossing (2 points).

Can staff please advise by way of memo:

- A. If Council rangers have these new powers;
- B. How many infringements were issued for the aforementioned infringements in the last twelve months.

18GB126 Return and Earn Scheme

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

Committee's Recommendation No. 2:

Given that it is now the first anniversary of the Return and Earn scheme, can staff please provide an update by way of memo advising:

- A. If Council has entered into a fund sharing arrangement with the Material Recovery Facility (MRF) that collects our containers;
- B. What the dollar value of any fund sharing arrangement is;
- C. If Council is assisting the NSW State Government by providing land opportunities for Return and Earn Reverse Vending Machines.

18GB127 Apprenticeships and Traineeships

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

**Committee's Recommendation
No. 3:**

Can staff please provide information by way of memo on the following aspects of Apprenticeship and Traineeships:

- A. How many opportunities have been offered this year, compared to the previous three financial years;
- B. In which areas is Council offering Apprenticeships and Traineeships?
- C. What opportunities are available, and what plans are in place for Council to further increase our numbers of Apprentices and Trainees?

18GB128 Edgeworth Library

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

**Committee's Recommendation
No. 4:**

Edgeworth Public Library has had works undertaken over the last 18 months that, despite previous assurances, have taken away practically all parking at the facility. Can staff please provide an update by way of memo regarding the future plans for Edgeworth Library:

- A. What plans are in place to allow accessible parking in the immediate future?;
- B. What are the medium and long term plans for the Edgeworth Library?
- C. Have any feasibility studies been undertaken as to a short term move of the library to a more suitable location (such as Edgeworth Town Square)?

18GB129 Barnsley Weir

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

Committee's Recommendation

No. 5:

The Barnsley Weir continues to have serious issues relating to flooding, including the recent issue where the bridge was found to be on the point of collapse due to erosion. Whilst the work of Council staff, particularly the Section Manager of CiviLake Roads and Drainage Services Mr. Brogan in this area is fantastic, clearly our band-aid approach to the Weir is not sustainable as a long-term solution. Can Council staff please provide an update by way of memo as to:

- A. Original life projection of the Weir at Barnsley;
- B. Plans or strategies to replace the Weir with a structure that would better accommodate the future needs of the area?

18GB130 Roadside Vendors

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

Committee's Recommendation

No. 6:

Several complaints have been received recently, regarding roadside vendors – flowers, fruit, haircuts etc. Can more information please be provide via memo regarding:

- A. Processes, procedures, and rules for vendors to trade on Council owned land (including length of time permitted etc);
- B. Processes, procedures, and rules for vendors to trade on privately owned land (including length of time permitted etc);
- C. Enforcement actions available and taken regarding breaches in regards to roadside trading

18GB131 Traffic Issues - Ironbark Road, Morisset

Folder No: F2018/01745
Report By: Councillor - Kevin Baker

**Committee's Recommendation
No. 7:**

That the traffic conditions in Ironbark Road, Morisset be referred to the Lake Macquarie Traffic Facilities and Road Safety Committee.

18GB132 Investigation into Changed Wave Conditions - Blacksmiths Beach

Folder No: F2018/01745
Report By: Councillor - John Gilbert

**Committee's Recommendation
No. 8:**

Council enquires and seeks interest from Newcastle University in partnering in an investigation into the loss of surf breaks and changed wave conditions at Blacksmiths Beach.

18GB133 Consent for Signage

Folder No: F2018/01745
Report By: Councillor - Adam Shultz

**Committee's Recommendation
No. 9:**

That a memo be provided to councillors in relation to the required consent for signage on council property and private property and any further information relating to applicable fines and public safety issues.

18GB134 Number of businesses in Lake Macquarie

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

Committee's Recommendation

No. 10:

That Councillors be briefed by way of Memorandum regarding the number of businesses in Lake Macquarie including specific detail regarding the following statistics taken from <https://www.lakemac.com.au/city/snapshot>:

- "There are more than 13,000 businesses in the City"
- "About 6200 new businesses have established in the past five years"

**18GB135 Additional Information regarding Reclassification of 146C
Princeton Avenue Adamstown Heights (Lot 138 DP 252655)**

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

Committee's Recommendation

No. 11:

That Councillors be provided further detail by way of Memorandum regarding reclassification of 146C Princeton Avenue Adamstown Heights (Lot 138 DP 252655) per 18OS011.

**18GB136 Additional Information regarding Reclassification of 6
Tristania Close, Teralba (Lot 32 DP 716248)**

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

Committee's Recommendation

No. 12:

That Councillors be provided further detail by way of Memorandum regarding

reclassification of 6 Tristania Close Teralba (Lot 32 DP 716248) per 18OS011.

18GB137 Additional Information regarding Animal Attacks in Lake Macquarie

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

**Committee's Recommendation
No. 13:**

That Councillors be provided further detail by way of Memorandum regarding animal attacks reported in Lake Macquarie quarterly report (Ref: 81 animal attacks reported between 1 July 2018 and 30 September 2018 per 18SP083).

18GB138 Additional Information regarding Consultancies Expenditure

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

**Committee's Recommendation
No. 14:**

That Councillors be provided further detail by way of Memorandum regarding Consultancies Expenditure of \$450,000 YTD per 18SP083.

18GB139 Council Determination of DA/1734/2018 - 70 Fennell Crescent, Blackalls Park

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

**Committee's Recommendation
No. 15:**

That DA/1734/2018 - 70 Fennell Cres Blackalls Park be "called-up" for determination by



full Council rather than under delegated authority by staff in relation to concerns about bulk and scale of the development.

18GB140 Newstan Community Consultative Committee Alternate

Folder No: F2018/01745
Report By: Councillor - Jason Pauling

Committee's Recommendation
No. 16:

That Council nominates Councillor Shultz as an alternate member for Newstan Community Consultative Committee.

As this concluded the business the
Chairperson terminated the meeting at 9.10pm.
Minutes adopted by resolution of Council,
at its meeting held on 10 December 2018.

..... MAYOR

Special Report of the Chief Executive Officer to Ordinary Council Meeting 10 December 2018

Special Report of the Chief Executive Officer to Ordinary Council Meeting - Monday 10 December 2018

18SP090 Code of Conduct Statistics Report

Council Ref: F2004/06063-04 - D09165950
Report By: City Ombudsman - Jeranne Kosviner

Précis:

The Office of Local Government *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* requires the Complaints Coordinator to report statistics on Code of Conduct complaints about Councillors and the Chief Executive Officer for the period 1 September 2017 to 31 August 2018 to Council and the Office of Local Government within three months of the end of September.

Recommendation:

Council receives and notes the report.

Background:

The *Local Government Act 1993* (the Act) requires Councils to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct (the Model Code) and to adopt procedures to administer the Code that incorporate the provisions of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).

In August 2017, Council adopted an updated Code of Conduct for Council Officials and Code of Conduct for Staff.

The Codes of Conduct set the minimum requirements for conduct for council officials and staff in carrying out their functions. It is the personal responsibility of council officials and staff to comply with the standards of the Code of Conduct. Failure by a Councillor to comply with the standards of conduct prescribed under the Code of Conduct constitutes misconduct for the purposes of the Act. Failure by a member of staff to comply with the Code of Conduct may give rise to disciplinary action.

The Procedures require that Code of Conduct complaints about the Chief Executive Officer be made in writing to the Mayor and that Code of Conduct complaints about Councillors, including the Mayor, and Council staff be made in writing to the Chief Executive Officer. A complaint must be referred to the Office of Local Government if:

- It alleges a breach of the pecuniary interest provisions of the Act.
- It alleges a breach of Part 10 of Council's Codes of Conduct relating to the maintenance of the integrity of the Code.

Special Report of the Chief Executive Officer to Ordinary Council Meeting 10 December 2018

- It alleges a councillor failed to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interest arising from reportable political donations.
- A councillor makes a Code of Conduct complaint about another Councillor or the Chief Executive Officer as a Public Interest Disclosure, this must be stated in writing at the time of making the complaint, and declines consent to the disclosure of their identity as the complainant.
- The complaint is the subject of a special complaints management arrangement with the Office of Local Government.

If the complaint does not need to be referred to the Office of Local Government, the Chief Executive Officer or Mayor may, where practicable and appropriate, resolve the complaint by alternative means or refer it to Council's endorsed Complaints Coordinator for referral to a conduct reviewer engaged by Council. LMCC uses a panel of reviewers from the Hunter Councils four-year term panel of conduct reviewers, adopted by Council in August 2017.

The Chief Executive Officer, Mayor, conduct reviewer or conduct review committee, may, at any time, refer a Code of Conduct complaint to an external agency or body such as, but not limited to, the Office of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the Police.

Allegations of suspected breaches of Council's Codes of Conduct must not be made at Council meetings or in any other public forum. Information about Code of Conduct complaints and the management and investigation of them is to be treated as confidential and is not to be publicly disclosed or discussed except under specific circumstances set out in the Model Code or Procedures.

Allegations of breaches of Part 10 of Council's Codes of Conduct by a Councillor or the Chief Executive Officer are to be made to the Office of Local Government.

Lake Macquarie City Council had one Code of Conduct complaint about Councillors and the Chief Executive Officer for the period 1 September 2017 to 31 August 2018. All complaints were finalised during the reporting period at a total cost to Council of \$0.

Proposal:

It is proposed that Council receives and notes this report and the statistical report in the attachment to this report.

Consultation:

Consultation has occurred with Council's Executive.

Implications:

Policy Implications:

Section 440 of the Act requires Council adopt a Code of Conduct that incorporates the provisions of the Model Code. Section 440AA requires Council adopt procedures that incorporate the provisions of the Model procedure.

The Office of Local Government Procedures require the Complaints Coordinator to report statistics on Code of Conduct complaints made about Councillors and the Chief Executive

Special Report of the Chief Executive Officer to Ordinary Council Meeting 10 December 2018

Officer for the period 1 September to 31 August to the Council and the Office of Local Government within three months of the end of September each year.

Environmental Implications:

There are no environmental implications associated with this matter.

Social Implications:

The reporting of Code of Conduct complaints statistics:

- Is an important accountability mechanism that provides local communities with a valuable insight into the performance of their Council.
- Provides the Office of Local Government with the means to evaluate Councils' implementation of the Model Code framework and whether the framework has achieved its policy objectives.

Infrastructure Asset Implications:

There are no infrastructure asset implications associated with this matter.

Financial Implications:

Council is required to report the total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the period 1 September to 31 August each year, including internal staff costs. For this reporting period, the total cost was \$0.

Risk and Insurance Implications:

Council is required to meet the procedural requirements of the Office of Local Government as outlined in the Procedures.

Options:

Reporting the statistics of Code of Conduct complaints made about Councillors and the Chief Executive Officer is a requirement under the Procedures adopted by Council in accordance with section 440AA of the *Local Government Act 1993*. The Office of Local Government provides the template for the statistics in the attachment to this report.

Conclusion:

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* require statistics on Code of Conduct complaints made about Councillors and the Chief Executive Officer for the period 1 September to 31 August, in the format specified by the Office of Local Government, to be reported to Council and the Office of Local Government within three months of the end of September each year.

Chief Executive Officer - Morven Cameron

Attachments:

1. LMCC - OLG - Code of Conduct Complaints Report - Data Collection 2017-18 - Form D09166205

Model Code of Conduct Complaints Statistics Lake Macquarie City Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	1
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	1
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	1
c	The number of code of conduct complaints referred to a conduct reviewer	0
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
h	The number of finalised complaints investigated where there was found to be no breach	1
i	The number of finalised complaints investigated where there was found to be a breach	0
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are not yet finalised	0
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	0

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="1"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <input style="width: 50px; text-align: center;" type="text" value="0"/>
b	Conflict of interest (Part 4) <input style="width: 50px; text-align: center;" type="text" value="0"/>
c	Personal benefit (Part 5) <input style="width: 50px; text-align: center;" type="text" value="0"/>
d	Relationship between council officials (Part 6) <input style="width: 50px; text-align: center;" type="text" value="0"/>
e	Access to information and resources (Part 7) <input style="width: 50px; text-align: center;" type="text" value="0"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input style="width: 50px; text-align: center;" type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office <input style="width: 50px; text-align: center;" type="text" value="0"/>

Special Report of the Director of Organisational Services to Ordinary Council Meeting 10 December 2018

Special Report of the Director of Organisational Services to Ordinary Council Meeting - Monday 10 December 2018

18SP087 Review of advisory committees and groups - Report 3

Council Ref: F2018/00669/02 - D09139466
Report By: Senior Policy Advisor - Daniel Hughes

Précis:

A review of Council's advisory and consultative committees has been underway since June 2018. Two reports have been provided to Council as a part of this review (18SP062 in September 2018 and 18SP082 in November 2018). This is the third and final report for this review.

Recommendation:

Council:

- A. Continues to operate the following five committees:
 - i. Environmental Sustainability Grants Committee;
 - ii. Environmental Research Grants Committee;
 - iii. Art Gallery Advisory Committee;
 - iv. International Children's Games Advisory Committee; and
 - v. Lake Macquarie Coastal Zone Management Committee.
- B. Discontinues the Waste Advisory Committee.
- C. Recognises the Lake Macquarie Coastal Zone Management Committee as an advisory committee to Council.

Background:

Following the establishment of Councillor Portfolios in May 2018 (refer to 18SP025), Council officers have been reviewing Council's advisory groups and consultative committees (23 committees in total). The core objective for this review is to analyse the role of each committee in light of the new Portfolio Committees. This analysis, captured in attachments 1-6, has supported the preparation of recommendations to Council.

Proposal:

It is proposed that the following five committees be continued for the following reasons:

- Environmental Sustainability Grants Committee – This committee has a clear purpose and fulfils its role in the assessment of environmental sustainability grant applications. These assessments assist the formulation of recommendations to Council to award Environmental Sustainability Grants.

Special Report of the Director of Organisational Services to Ordinary Council Meeting 10 December 2018

- Environmental Research Grants Committee – This committee has a clear purpose and fulfils its role in the assessment and prioritisation of environmental research grants for Consideration by Council. It should be noted that funding for the grants program includes contributions from Council as well as industry sponsors (Hunter Water, Origin Energy and Delta Electricity).
- Art Gallery Advisory Committee – Currently, the Art Gallery Advisory Committee is focused on the acquisition and deaccession of items in the Art Gallery's collection, however research into art galleries across Australia suggests that such a committee should also be used to provide advice on the gallery's direction. Council staff will work with the Lake Macquarie City Art Gallery to explore potential improvements to its governance arrangements, including the role of the Art Gallery Advisory Committee. It is proposed that the Art Gallery Advisory Committee continue its current operations while of this work is undertaken.
- International Children's Games Advisory Committee – This committee fulfils Council's obligations under a Memorandum of Understanding with the Hunter Academy of Sport, which is to administer a committee to support Lake Macquarie's participation in the International Children's Games.
- Lake Macquarie Coastal Zone Management Committee – This committee fulfils Council's obligations under Council's *Coastal Zone Management Plan*. Furthermore, the Committee fulfils the obligations placed on Council by the NSW Government's *Floodplain Development Manual* to have a committee in place to assist with the preparation of floodplain risk management plans.
 - It is further proposed that Council passes a formal resolution to establish this committee. This is due to an administrative error in Council report 16SP073 whereby the committee was not established by Council's resolution.

Council report 16SP073 did acknowledge that the committee would be established once the *Coastal Zone Management Plan* was certified. The plan was certified by the Minister for Planning, the Hon. Robert Stokes in June 2016. To date there has not been a Council resolution effecting the establishment of the committee by Council.

It is proposed that the following committee be discontinued for the following reasons:

- Waste Advisory Committee – This committee has fulfilled its purpose and ceased operations during the implementation stage of the current waste strategy. Consultation with staff and Councillors has confirmed there is no longer a need for this committee. Furthermore, future waste strategy discussions will be with all Councillors and the relevant Portfolio Committee.

Consultation:

The following consultation activities were undertaken for each committee:

- Environmental Sustainability Grants Committee – consultation included a survey of members, participation in a committee meeting and interviews with staff and Councillor members.
- Environmental Research Grants Committee – consultation included a survey of members and interviews with staff and Councillor members. Participation in a

Special Report of the Director of Organisational Services to Ordinary Council Meeting 10 December 2018

committee meeting could not be scheduled as the committee only meets once per annum.

- Art Gallery Advisory Committee – consultation included a survey of members and interviews with staff and Councillor members. Participation in a committee meeting could not be scheduled during the review period as the committee’s meetings do not adhere to a regular schedule.
- International Children’s Games Advisory Committee – consultation was limited to interviews with staff, a representative from the Hunter Academy of Sport and Councillor members. The timing of the review coincided with Lake Macquarie’s participation in the 2018 International Children’s Games in Jerusalem. As a result, the reviewer was not able to participate in a formal committee meeting and a survey of external members was not undertaken.
- Lake Macquarie Coastal Zone Management Committee – consultation included a survey of members, participation in a committee meeting and interviews with staff and Councillors.
- Waste Advisory Committee – consultation involved fact to face discussions with staff and Councillor members. Membership for this committee was limited to Councillors. All stakeholders consulted supported the recommendation to discontinue this committee.

Policy Implications:

There are no direct policy implications associated with the proposal.

Environmental Implications:

There are no direct environmental implications associated with the proposal.

Social Implications:

Committees provide a valuable contribution to social wellbeing in the Lake Macquarie community. Committees provide a forum for collaborative social interaction between staff and Councillors, business and industry representatives, specialists and experts, as well as local and regional community representatives. Among a range of other benefits, this interaction can lead to better policy, project and program development.

Therefore, Council should ensure it provides ongoing support to committees recommended for continuation, to enable them to provide effective advice to Council.

Infrastructure Asset Implications:

There are no direct infrastructure asset implications associated with the proposal.

Financial Implications:

The proposal will have no impact on Council’s 2018-19 budget or long term financial plan.

Risk and Insurance Implications:

There are no direct risk or insurance implications associated with the proposal.

Special Report of the Director of Organisational Services to Ordinary Council Meeting 10 December 2018

Options:

1. Council may accept the recommendation to continue five committees and discontinue one committee. This is the recommended option, as it will reduce the number of unnecessary committees of Council and ensure Council can continue to seek the advice and expertise it needs from the remaining committees.
2. Council can reject the recommendation and request alternative outcomes be considered for each committee and updated recommendations be reported to Council at a later date (possibly February or March 2019 Ordinary Meetings). This is not recommended as it will delay decisions on the Committee Review and potentially impact on the operations of committees.
3. Council may reject the recommendation, and determine to continue (or discontinue) any or all of the committees listed in the recommendations. This option is not recommended as the outcome would be inconsistent with the results of consultation activities. This could negatively affect relationships between Council and its committees and jeopardise future consultation activities with Council committees.

Conclusion:

To improve Council's management of its committees and to provide clarity to existing committees on their longevity, it is proposed that Council accept the proposed recommendation.

Acting Manager Organisational Performance - Carlie McQuillan

Attachments:

- | | |
|---|-----------|
| 1. Attachment 1 - Environmental Sustainability Grants Committee | D09138258 |
| 2. Attachment 2 - Environmental Research Grants Committee | D09145722 |
| 3. Attachment 3 - Art Gallery Advisory Committee | D09138276 |
| 4. Attachment 4 - International Children's Games Advisory Committee | D09142144 |
| 5. Attachment 5 - Lake Macquarie Coastal Zone Management Committee | D09067300 |
| 6. Attachment 6 - Waste Advisory Committee | D09091591 |

Committee Review – Environmental Sustainability Grants Committee

1.1 Background

The Environmental Sustainability Grants Committee assesses Environmental Sustainability Grant applications against relevant sustainability criteria. The Committee uses these assessments to make recommendations to Council for the allocation of funding to environmentally sustainable projects that have the greatest benefit to the City of Lake Macquarie.

1.1.1 Responsibilities and functions

The Committee is to:

- Using the grant project assessment tools, review Environmental Sustainability Grant applications prior to Committee meetings.
- Attend meetings of the Committee to discuss and prioritise applications and to make recommendations.
- Consider applications for grant project variations out of session as needed.
- Conduct themselves in a professional manner, giving due deference to the views of others and Council's Code of Conduct.
- The Committee shall have as its Chairperson a Councillor, elected at the first meeting of the Committee held immediately after appointment of a new Council.
- If, at the commencement time of any meeting of the committee, the Chairperson is absent, the members present may elect an alternative member to occupy the Chair for that meeting. This person shall stand down, if and when, the Chairperson arrives.
- At least 14 days' notice shall be given to members of the time and place of a convened meeting.
- Copies of the Environmental Sustainability Grant applications and project assessment templates will be provided to Committee members at least 7 days prior to the Committee meeting.
- Committee members are required to review grant applications using the assessment templates provided.
- A quorum at any meeting of the Committee shall comprise four members, and must include one Councillor and Sustainability Department staff member.
- Decisions of the Committee are guided by the combined total score for each project, as determined by the project assessment sheets.
- Final decisions of the Committee will be by a deliberative vote requiring a simple majority, however where there is a clear consensus, the Chairman may rule the matter determined accordingly.
- Each member present at a meeting shall have one vote of equal value.

- Minutes of the Committee's deliberations shall be submitted to the Built and Natural Assets Standing Committee for endorsement at the earliest opportunity after the Committee meeting.
- The Committee may, as required, conduct further business by non-face-to-face means throughout its term (e.g. consideration of project variations sought for previously approved projects).

1.1.2 Priorities

The Committee is to approve grant funds to support community initiated projects that either:

- Contribute to lasting improvements to the local environment;
- Demonstrate sustained reduction in resource consumption (e.g. water, energy);
- Enhance local ecosystems;
- Reduce the community's exposure to environmental risks (e.g. natural disasters);

And that also:

- Demonstrate clear education and/or community engagement outcomes;
- Involve the wider community;
- Implement projects identified in a relevant School Environmental Management Plan;
- Implement projects identified in a Sustainable Neighbourhood Action Plan; and
- Implement actions identified in a regional or local environmental/sustainability management plan.

1.1.3 Membership

Membership for the Committee consists of:

- Two Councillors (currently Councillor Colin Grigg and Councillor David Belcher);
- Sustainability Engagement Coordinator, LMCC;
- Coordinator, Lake Macquarie Landcare;
- School representative – Department of Education;
- Sustainable Neighbourhood Alliance Inc. Chairperson (or alternate member nominated by the alliance);
- Member of the Indigenous community; and
- Environmental Sustainability Grants Officer.

I.2 Findings

I.2.1 Purpose

The Committee's Charter clearly communicates the Committee's purpose in the assessment of Environmental Sustainability Grant applications and the making of recommendations to Council.

Observations made by the reviewer in a meeting of the Committee, combined with feedback from Committee members through a survey, confirmed Committee members understand the Committee's purpose.

I.2.2 Membership structure

Again, observations made by the reviewer, in addition to member feedback, suggests that the membership structure of the Committee supports effective assessments where member perceptions are challenged but recommendations of the Committee are made respectfully and often unanimously.

Feedback from Committee members, through a survey, suggested that the Committee could benefit from the inclusion of a young person as a member of the Committee. Including a young person as a member of the Committee would not detract from the Committee's ability to make recommendations to Council. The addition of a young person could broaden the perspectives of the Committee when making assessments.

It is suggested the Committee explore whether there is an opportunity to expand its membership structure to include a young person.

I.2.3 Delegation

Discussions with staff indicate funding for the grants program is approved annually as a part of Council's operational plan. Therefore the decisions made by Council are based on awarding the allocation of funding from a pre-approved program.

Given the detailed analysis and assessment put into the formulation of recommendations by the Committee, combined with the nature of the program's funding, it is feasible that Council could delegate the Committee the authority to determine the applications. This would reduce administrative burden for staff and Council in preparing additional reports to Council. However, a resolution of Council is needed to effect any delegation.

It is suggested staff and the Committee explore whether a delegation would be more efficient. It is further suggested that staff work with the Unique Landscape Portfolio Committee to assist in the consideration of any implications arising from a possible delegation.

I.3 Recommendations

Recommendation 1

It is recommended that Council resolves to continue the Environmental Sustainability Grants Committee.

Recommendation 2

It is recommended the Committee review its membership structure to determine whether it could include a young person as a member of the Committee.

Recommendation 3

It is recommended that the Committee explore, in partnership with the Unique Landscape Portfolio Committee, whether the Committee should receive a delegation from Council to determine Environmental Sustainability Grant applications.

Committee Review – Environmental Research Grants Committee

1.1 Background

The Environmental Research Grants Committee identifies research priorities, assesses Environmental Research Grant applications against relevant assessment criteria. Using these assessments, the Committee makes recommendations to Council for the allocation of funding to projects that have the greatest benefit to the City of Lake Macquarie.

1.1.1 Responsibilities and functions

The Committee is responsible for:

- identifying research priorities;
- fostering environmental research in the City of Lake Macquarie;
- encouraging sponsorship from private organisations and government bodies; and
- making recommendations to Council on the allocation of research grant funds and the acceptance of sponsorship.

1.1.2 Membership

Membership for the Committee is sought from representatives of:

- Lake Macquarie City Council, being:
 - two Councillors; and
 - two staff members (the Director Built and Natural Assets and Manager Sustainability, or delegates);
- surrounding local government;
- industry, including:
 - Hunter Water Corporation; and
 - any organisation accepted as a sponsor of the research grants;
- University of Newcastle, being two representatives from relevant fields;
- Government, including:
 - Department of Primary Industry (NSW Fisheries);
 - Environment Protection Authority;
 - Commonwealth Scientific and Industrial Research Organisation; and
 - Avondale College;
- a Coordinator, being a staff member from Council's Sustainability Department; and
- observers, including staff from Council's Sustainability Department.

I.2 Findings

I.2.1 Purpose

A review of meeting minutes for the Committee, responses to a survey of Committee members and discussions with staff suggest the Committee clearly understands its purpose in the assessment of Environmental Research Grant applications against relevant assessment criteria.

I.2.2 Grant program structure

I.2.2.1 Sponsorship

To attract sponsorship, Council staff liaise with potential sponsors to request sponsorship for the program (one round per financial year). Current sponsors of the Environmental Research Grants program include Council, Delta Electricity, Origin Energy and Hunter Water.

The provision of sponsorship differs slightly between sponsors. Unlike Delta Electricity and Origin Energy who allocate a set amount of funds at the beginning of the program, Hunter Water prefers to sponsor up to 50% of the funding required for the projects that align to their business interests.

Having one sponsor not contributing to a general pool of funds for the program can make it difficult to prioritise and allocate funds fairly across the program. That being said, it is positive that the program is attracting significant sponsorship (approximately \$5,000 per sponsor).

I.2.2.2 Assessment process

The assessment process for applications under the program involves:

- a preliminary assessment by Council staff (against the same pre-determined criteria used by the Committee);
- a secondary assessment and ranking process by the Committee;
- discussion of funding allocations by the Committee (i.e. consideration of available funds against ranked applications);
 - For Hunter Water, this step often involves additional internal discussions with other staff from Hunter Water.
- the committee makes recommendations to Council on the allocation of funding;
 - Depending on Committee's determination, further discussions may need to be held with Hunter Water; and
- Council determines the allocation of funds.

I.2.2.3 Program structure

The program and its assessment process are working well. However, the conditions placed on the provision of sponsorship by Hunter Water have created additional work for the Committee, Council staff and sponsors.

It is possible this could be resolved through changes to the design of the grant program. For example, as opposed to trying to pool funds, the Committee could explore whether each sponsor could sponsor a particular program under the auspices of an overarching Environmental Research program.

The Committee could also explore other structural changes such as a delegation from Council to determine applications. A delegation to the Committee could be suitable as around half of the funding is from external sources. Furthermore, Council's funding contribution for the program is allocated through operational budgeting processes.

Delegating authority to determine environmental research grants to the Committee would remove the need for recommendations to be put to Council, which in turn would reduce the challenges faced in scenarios whereby sponsors disagree with Council's determination.

I.3 Recommendations

Recommendation 1

It is recommended that Council resolve to continue the Environmental Research Grants Committee.

Recommendation 2

It is recommended Council staff work with Committee members to explore possible improvements to the structure of the Environmental Research Grants Program.

Recommendation 3

Determine a clear process for accommodating project specific funding provided via Hunter Water.

Committee Review – Art Gallery Advisory Committee

1.1 Background

Established in December 2000, Council’s Art Gallery Advisory Committee carries out a supportive and advisory role to the Art Gallery Director (Gallery Director) in matters relating to the care, control, funding and management of the Lake Macquarie City Art Gallery (the Gallery).

1.1.1 Function

The Committee assists and advises the Gallery Director:

- In matters relating to the care, control, funding and management of the Gallery;
- In matters of Gallery policy and protocols;
- On the acquisition of artworks for the Gallery and the City collections;
- By encouraging the enjoyment, appreciation and education in the arts in the City of Lake Macquarie through the provision of exhibitions and public programs and for such purposes raise funds as appropriate;
- By advising the Gallery Director and any other relevant Council officer/s on proposed public art projects for the City;
- By providing advice on proposed future Gallery developments in consultation with the Gallery Director for presentation to Council; and
- By reviewing the objectives, policies and strategies of the Gallery on an annual basis.

1.1.2 Section 355 Delegation

The Committee has been given delegated authority under section 355 of the *Local Government Act 1993* (the LG Act).

1.1.3 Membership

Membership for the Committee consists of a maximum of twelve citizens having an interest in the arts in the region including:

- The Mayor of Lake Macquarie;
- Three Lake Macquarie City Councillors;
- Manager [Cultural Services];
- Gallery Director;
- One representative of the School of Fine Art University of Newcastle;
- One representative from the Gallery’s Education Reference Group;
- One representative from the Gallery’s Aboriginal Reference Group;
- One representative from the executive of the Lake Macquarie Art Gallery Society; and
- Up to three representatives of the art community – either artists and or curators/writers.

Mayor Councillor Kay Fraser, Councillor Barney Langford, Councillor Brian Adamthwaite and Councillor Colin Grigg are currently members of the Committee.

1.2 Findings

1.2.1 Purpose

The Committee's constitution, as well as the Council report establishing the Committee (COOP260) in 2000, suggests that the Committee should be heavily involved in the business of the Gallery. However, anecdotal feedback from Council staff and some responses to a survey of Committee members indicates that the Committee's primary focus is the acquisition of art for the Gallery.

A review of minutes indicates that a variety of topics have been put to the Committee over time, not just acquisitions. However, minutes also indicate that the discussion of acquisitions is the most consistent and dominant topic for the Committee.

1.2.1.1 Necessity

There is no legislative or regulatory requirement for Council to have an Art Gallery Advisory Committee. However, research into the management of art galleries across Australia indicates it is best practice for the governance structure of galleries to include a board or committee with some level of oversight into the direction of gallery activities (such as exhibits).

The exact roles and responsibilities of each board/committee researched differ based on the needs of each gallery. For example, the Rockhampton Art Gallery Board focusses on advocacy; seeking philanthropic contributions to their gallery. As an alternative example, Adelaide City Council uses a Public Art Round Table to advise Council on their Annual Public Art Plan and to establish selection panels to assess artwork proposals (including for galleries and public art).

Discussions with staff from the Gallery, as well as the Cultural Services team, suggest there may be an opportunity to not only review the Committee's constitution but to consider the overarching governance framework for the Gallery. Minutes of the Committee's last meeting in October 2018 also suggest that the Committee is considering what governance structures it could explore as a result of changes to Council's organisational structure.

1.2.2 Delegation

Both the Committee's Charter and the Council report establishing the Committee refer to the Committee being a 'Section 355 Committee'. This refers to section 355 of the LG Act which states:

A function of a Council may, subject to this Chapter, be exercised:

(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or

(b) by a committee of the Council, or

(c) partly or jointly by the council and another person or persons, or

(d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or

(e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

Neither the Council report nor the Committee's constitution explains what function has been delegated to the Committee. The LG Act provides a description of Council functions, of which the acquisition of art is not one. That being said, the acquisition of art could be deemed as an ancillary function to the provision of cultural services to the community. This would validate the committee being delegated authority to exercise a Council function.

It is suggested that Committee's constitution be amended to clarify what functions have been delegated to the Committee.

I.3 Recommendations

Recommendation 1

It is recommended that Council resolves to continue the Art Gallery Advisory Committee.

Recommendation 2

It is recommended that Council staff review, and amend as appropriate, the Committee's constitution to clarify what functions have been delegated to the Committee.

Recommendation 3

It is recommended that Council staff investigate, in collaboration with the Creativity Portfolio Committee, possible changes to the governance structure of the Art Gallery including the role of the Art Gallery Advisory Committee.

Committee Review – International Children's Games Advisory Committee

1.1 Background

The International Children's Games is the largest multisport youth event in the world and is recognised by the International Olympic Committee. Council has participated in the Games since 2008 and has an ongoing commitment to participate in the Games to provide cultural and sporting benefits to the youth of Lake Macquarie.

1.1.1 Function

The Committee is responsible for:

- assisting the Hunter Academy of Sport (HAS) in administering Council's participation at the games. This includes providing advice on sport selection, fundraising and marketing/promotion; and
- assisting the City Representative in carrying out formal duties at the games, identifying opportunities for learning, and to build city-to-city relationships.

1.1.2 Membership

Membership for the Committee consists of:

- the Mayor of Lake Macquarie (Councillor Kay Fraser);
- one Councillor (Councillor Brian Adamthwaite);
- the Manager Community Planning;
- Hunter Academy of Sport staff;
- the Personal Assistant to the Mayor; and
- a representative from the Communications Department.

1.2 Findings

1.2.1 Purpose

1.2.1.1 Memorandum of Understanding

In November 2017, Council resolved to enter into a revised Memorandum of Understanding (MoU) with HAS for the International Children's Games (refer to Council report 17COMM013). The MoU assigns Council the responsibility to coordinate the Committee.

1.2.1.2 Ongoing commitment to International Children's Games

Council and HAS have agreed to send a team to the 53rd International Children's Games in 2019 in Ufa, Russia. A committee is still required to assist HAS in administering Council's participation at the games in 2019.

I.3 Recommendations

Recommendation 1

It is recommended that Council resolve to continue the International Children's Games Committee.

Committee Review – Lake Macquarie Coastal Zone Management Committee

1.1 Background

Established in 2016, the Committee provides guidance and assistance to Council on coastal, estuary and floodplain management in accordance with the *NSW Coastal Zone Management Manual* (OEH 2016) and the *NSW Floodplain Development Manual* (DIPNR 2005).

1.1.1 Responsibilities and Functions

The functions and responsibilities of the Committee are to:

- Advise Council on appropriate strategies to protect and improve the health of estuary and coastal ecosystems within the City.
- Provide guidance and assistance for the preparation, implementation and periodic revision of Coastal Zone Management Plans or Coastal Management Programs, including agreed visions, goals, objectives, targets, management options and priorities.
- Assist and advise Council on identification and prioritisation of areas for flood investigation and planning, the development of flood studies and floodplain risk management studies and plans, and appropriate development controls on flood affected lands.
- Recommend management options and priorities that offer the most cost effective means of achieving agreed coastal zone and floodplain management objectives and targets, in ways that meet community and stakeholder expectations.
- To facilitate cooperative and synergistic action by the broader community and stakeholder organisations, whether or not represented on the Committee.
- Present and discuss the views and concerns of represented stakeholders in relation to strategic planning directions and significant development applications relevant to Coastal Zone and Floodplain Management.
- Help guide and review studies that can assist evaluation of estuary, coastal zone and floodplain management options to reduce risks and promote ecosystem health in the most cost effective manner.
- Liaise with other government and non-government bodies involved in natural resource and floodplain management, to minimise duplication, maintain consistency and facilitate integration with other natural resource management initiatives.
- Make recommendations to Council regarding coastal, estuary and floodplain management.

1.1.2 Membership

Membership for the Committee includes:

- Three Councillors (currently Councillor Brian Adamthwaite, Councillor Colin Grigg, and Councillor Barney Langford).
- One representative from each of the following Government sector agencies:

- Lake Macquarie City Council: Sustainability, Community Planning, Integrated Planning, Development Assessment and Compliance, Community Development and Asset Management, and Waste Environment and Rangers Departments;
- Central Coast Council;
- NSW State Emergency Service;
- NSW Roads and Maritime Service (Maritime Division);
- Hunter Water Corporation;
- Hunter Local Lands Services;
- NSW Department of Primary Industries, Crown Lands Division;
- NSW Department of Primary Industries, Fisheries Division;
- NSW Office of the Environment and Heritage – Coast, Estuary and Flooding;
- NSW Office of the Environment and Heritage – National Parks and Wildlife;
- NSW Environment Protection Authority; and
- Other State Government agencies as appropriate (co-opted on an as needed basis).
- One representative from each of the following industry and research sector organisations:
 - Delta Electricity;
 - Origin Electricity;
 - Centennial Coal;
 - Lake Coal;
 - University of Newcastle;
 - Avondale College;
 - Cardiff Chamber of Commerce or Cardiff Combined Chamber; and
 - Other relevant industry or research organisations as may be determined from time to time by the Committee.
- The following community representatives:
 - One delegate from an established and relevant lake user group;
 - One delegate from an established and relevant coastal user group;
 - Two delegates from established and relevant community, ecological or environmental groups;
 - One delegate nominated by the Lake Macquarie Aboriginal Consultative Committee; and
 - Two community representatives from flood-affected locations within the City.

1.2 Findings

1.2.1 Purpose

The Committee works as an advisory committee and was created following certification of the *Lake Macquarie Coastal Zone Management Plan*. The creation of this Committee replaced (and merged) Council's former Floodplain Management Committee and Lake Macquarie Estuary and Coastal Management Committee.

A report to Council in September 2016 (16SP073) stated that the committee "*is required by the 'NSW Preparing Coastal Zone Management Plan Guidelines' and 'NSW Floodplain Development Manual'.*"

The Committee's Charter states that the Committee's purpose is to provide guidance and assistance to council on coastal, estuary and floodplain management in accordance with the *NSW Coastal Zone Management Manual* (OEH 2016) and the *NSW Floodplain Development Manual* (DIPNR 2005).

1.2.1.1 [NSW Preparing Coastal Zone Management Plan Guidelines](#)

The NSW Preparing Coastal Zone Management Plans Guidelines do not require the establishment of a Coastal Zone Management Committee. However, the guidelines recommend Council's consider establishing a community advisory committee or panel, inclusive of key stakeholders (identified by Council), during the preparation of a Coastal Zone Management Plan.

1.2.1.2 [NSW Coastal Zone Management Manual](#)

The NSW Coastal Zone Management Manual does not require the establishment of a Coastal Zone Management Committee. However, it does recommend councils confirm internal governance arrangements for the preparation and implementation of a Coastal Zone Management Plan. This may include the establishment of a committee or the changing of terms of reference for existing groups.

Status of Council's Coastal Zone Management Plan

Part D of Council's *Coastal Zone Management Plan* lists a range of management actions under key themes. Under the theme of "Improve Council's focus and capacity to manage coastal values" a management action is to:

Review the membership of the Estuary and Coastline Management Committee and reform as a Coastal Zone Management Committee, with representatives of key stakeholder groups for both the estuary and open coast. To ensure the membership is more representative of open coastal stakeholders as well as the lake, expand agenda to include environmental considerations.

The establishment of the Committee fulfils the management action under Council's Coastal Zone Management Plan. The Committee's Charter and a review of meeting minutes indicate that the work of the Committee is relevant to the implementation of the Coastal Zone Management Plan.

1.2.1.3 [NSW Floodplain Development Manual](#)

Section 2.2 of the NSW Floodplain Development Manual (FD Manual) requires councils to establish a Floodplain Risk Management Committee. The principal objective of such a committee is to assist councils in the development and implementation of one or more floodplain risk management plans for its service area. Such a committee is to be a forum for the discussion of technical, social, economic and ecological issues and for the distillation of possibly differing viewpoints on these issues.

The FD Manual notes that once the committee has completed its primary task of developing a floodplain risk management plan(s), including its implementation strategy, a limited group should remain to oversee implementation.

Appendix D of the FD Manual provides further information on the:

-
- need for the committee;
- role of the committee;
- membership of the committee;
- role of committee members;
- use of technical sub-committees;
- community consultation;
- commitment of committee members; and
- trade-offs.

The responsibilities of a Floodplain Risk Management Committee, as identified in the FD manual, are included in the Committee's Charter.

Status of Floodplain Risk Management Plans

Council has in place a *Floodplain Risk Management Plans Implementations Process* that follows the FD Manual and recognises the role of the Committee in developing the plans.

Floodplain risk management plans continue to be developed by Council. For example, the *LT Creek Floodplain Risk Management Study and Plan Final Report* was accepted by Council in April 2018. Council staff have indicated that other floodplain risk management studies are planned or underway.

As a result of ongoing development of floodplain risk management plans, a committee servicing the function of a floodplain risk management committee is still required to ensure compliance with the FD Manual.

1.2.2 **Member Participation**

External membership for the Committee includes 24 voting members, that is:

- Seven community representatives;
- Ten government body representatives; and
- Seven industry representatives.

Overall membership of the Committee includes 36 voting members when including the three Councillor members and nine voting staff members.

A review of Committee meeting minutes over the last six meetings (October 2017-August 2018) indicates that participation numbers are below what is required by the Charter. Minutes indicate that an average of 12-13 people attend Committee meetings, not including Council staff. On all but two of the Committees past six meetings, attendance was less than 50 percent of voting members identified in the Committee's Charter.

It is difficult to determine what is causing low participation rates from observations made and data collected. A review of agendas and minutes indicate that the Committee is discussing subjects relevant to its Charter and is producing recommendations to Council.

Some of the responses from participants to the survey (only eight persons responded, including staff) suggest that the Committee could improve the design of its agendas to ensure it represents value to all those attending the meeting. One member noted that they travel from Sydney to attend meetings and that a good agenda assists in determining whether they will or will not attend a Committee meeting.

Although difficult to confirm whether it is the case for the Committee, research into best practice for Committee operations suggests that the high number of voting members could be negatively affecting participation rates for one or more of the following reasons:

- There is insufficient time to discuss matters in appropriate detail.
 - As a hypothetical example, if all 27 members of the Committee were given just two minutes each to discuss the same agenda item, it would take nearly an hour (54 minutes) to discuss the one agenda item.
- Reports and presentations are difficult to design in a manner that meets the needs and expectations of the group.
 - The larger the group, the more diverse members' skill sets, knowledge and expertise becomes. Depending on the agenda item, one person may have little knowledge whilst others may have advanced knowledge. This can make it difficult for Council staff to present business papers and presentations to the Committee in a way that meets the varying needs and expectations of members.
 - If not done well, some members may feel overwhelmed by the content. Similarly if not done well, other members may feel uninterested or frustrated that the material may have insufficient detail.
- Agenda items may not be relevant to all members.
 - It would be reasonable to suggest that some stakeholders are often only interested in matters of relevance to them. Consequently, it may be difficult to compile an agenda that provides relevance to all 27 members as opposed to a smaller more targeted group.

1.2.2.1 Restructure of meetings

To improve participation rates, it could be valuable for the Committee to explore whether current arrangements are meeting the needs and expectations of all members. The Committee could explore whether:

- their membership could be restructured;

- their committee structure could be restructured (e.g. establish multiple committees or sub-committees); and/or
- they could establish a long-term agenda which identifies core subjects for discussion at certain meetings (for example, one meeting could be dedicated to flood management, another to coastal zone management, another to emergency response, another to research and strategy development, etc).

1.2.3 Resolution to establish

A report to Council (16SP073) in September 2016 appointed Councillors to the Committee. Content within the report acknowledged that the Committee was yet to be established. The first meeting of the Committee was in February 2017, during which the Committee's Charter was accepted by the Committee. A review of Council records indicates that Council did not make a formal resolution to establish the Committee between these dates (or since).

Although common practice for Council, neither State legislation nor Council policy requires a Council resolution to establish a committee unless membership consists of Councillors only (refer to Clause 260 of the Local Government (General) Regulations 2005).

Therefore, the issue of Council not passing a formal resolution is of a technical nature in that the Committee's Charter could simply be updated to remove reference to a resolution being made. Alternatively, a new report could be put to Council seeking a resolution to formally establish the Committee (this could be achieved through the third committee review report to Council scheduled for December 2018).

Discussions with staff have indicated that the preference is to have the Committee formally established by Council as it is considered by staff to be good practice for Committee with Councillors as members.

1.3 Recommendations

Recommendation 1

It is recommended that the Coastal Zone Management Committee be continued and that Council pass a resolution formally establishing the Committee.

Recommendation 2

It is recommended that the Coastal Zone Management Committee conduct a self-review to determine whether the committee should adjust its various structures to better suit the needs and expectations of its members.

Committee Review – Waste Advisory Committee

1.1 Background

Responsible for assisting the development of waste management strategies and initiatives, the Waste Advisory Committee makes recommendations to Council regarding the management of solid and liquid waste.

1.1.1 Responsibilities and Functions

The responsibilities and functions of the Committee are to:

- advise Council on planning for waste services within Lake Macquarie City;
- advise Council on strategic direction and leading waste management practice regionally, nationally, and internationally; and
- advise Council on, and response to, the implications of waste management policy emanating from other levels of government.

1.1.2 Membership

Membership for the Committee is limited to a maximum of four Councillors (currently Mayor Councillor Kay Fraser, Councillor David Belcher, Councillor Nick Jones, and Councillor Christine Buckley).

1.2 Findings

1.2.1 Purpose

The Committee has fulfilled its purpose. The Committee has contributed to a range of waste management initiatives throughout the Committee's lifecycle, including providing advice on green waste collection, waste audits, waste drop-off centres, regional waste strategies, illegal dumping, the Awaba Waste Management Facility, and more.

The Committee ceased operations during the recent implementation stage of the current waste strategy. Consultation with staff responsible for the Committee, as well as Councillors, indicates that the Committee may no longer be required. This is because the current waste strategy is in its infancy. In addition, staff knowledge and expertise has grown over time reducing the ongoing need for an advisory committee.

The Committee may be re-instated in the future for the development of future waste strategies, which may also include a review and evaluation of the recently implemented waste strategy.

1.2.2 Committee membership

Membership for the Committee is restricted to the Councillors and the Mayor. Council committees, with membership limited to Councillors only, can only be established under Clause 260 of the Local Government (General) Regulations 2005 (the Regulations). Because of the membership restrictions, the committee is required to meet a range of obligations under Part 10 of the Regulations as well as Council's Code of Meeting Practice.

In summary, Part 10 of the Regulations sets the directions for notice of meetings, acts of disorder, committee functions, committee procedures, committee structure and quorum, reports of committees, etc.

As a comparative example, this would mean the Waste Advisory Committee would need to operate in a manner similar to one of Council's Standing Committees.

Subjectively, the matters considered by the Committee do not warrant the same regulation of procedures as one of Council's Standing Committees.

Should the Committee continue to operate or be re-instated in the future (noting the recommendation is to discontinue the Committee), non-Councillor member(s) should be included in the Committee's membership structure. This would remove the current requirement to adhere to Part 10 of the Regulations and Council's Code of Meeting Practice. Council would be able to establish such a committee under Section 220 of the *Local Government Act 1993* and regulate its operations through a Committee.

I.3 Recommendations

Recommendation 1

It is recommended that Council resolve to discontinue the Waste Advisory Committee.

**Special Report of the Director of Service Delivery to Ordinary
Council Meeting 10 December 2018**

**Special Report of the Director of Service Delivery to Ordinary
Council Meeting - Monday 10 December 2018**

**18SP088 Loss of equipment by community groups affected by Council
facility closures**

Council Ref: F2015/01105 - D09134561
Report By: Acting Coordinator Community & Recreation Development - Christopher
Miner

Précis:

Due to the recent identification of contaminated materials within a small number of Council facilities, these facilities have been temporarily closed while the buildings were cleaned and repaired. As a result, Council officers have disposed of equipment affected by the contamination and owned by the community groups. These groups have requested financial assistance from Council to replace their equipment, and this report provides a process to provide financial assistance.

Recommendation:

Council provides a one-off financial allocation of \$15,000 to assist community groups impacted by recent Council facility closures, and delegates the function of allocating these funds to the Chief Executive Officer.

Background:

Council undertook a proactive inspection and testing program on a number of community and recreation facilities that previously had works undertaken to remove contaminated materials in the building fabric. Following the program some facilities, or parts of facilities, were closed due to the nature of the results received. The majority of facilities were able to be re-opened reasonably quickly after further investigations, however at some locations the testing and remediation resulted in prolonged closure and the disposal of equipment owned by the community groups.

These facilities had contaminated storage areas within the buildings, resulting in hygienic cleaning of non-porous items, and disposal of mostly porous items. An inventory was provided to each of the community groups identifying equipment which could be cleaned (if applicable) or equipment disposed of.

Each group submitted a financial request with itemised details of their losses and out-of-pocket expenses. After discussions with each community group Council officers have estimated a total of \$9800 is required to assist the currently impacted groups.

At this point in time, there are no other community groups similarly impacted however the financial allocation of \$15,000 may be used within the remainder of 2018/19 specifically for the purpose outlined in this report, should the need arise.

Special Report of the Director of Service Delivery to Ordinary Council Meeting 10 December 2018

Section 356(1) of the Local Government Act (1993) - 'Can a council financially assist others?' states that:

A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

The recommendation is consistent with Section 356(1) of the Local Government Act (1993)

Proposal:

It is proposed Council provides a one-off financial allocation of \$15,000 to assist community groups impacted by recent Council facility closures, and delegates the function of allocating these funds to the Chief Executive Officer.

Consultation:

Consultation has occurred with Acting Manager Community Planning, Section Manager Community Assets, Coordinator Building Services, and the community groups relevant to this report. The community groups are supportive of the recommendation.

Implications:

Policy Implications:

The requested amount exceeds funding available to individual applicants under Council's Funding Assistance Policy (Donations & Financial Assistance). There are no other policy implications in relation to the recommendation.

Environmental Implications:

There are no direct environmental implications associated with this report.

Social Implications:

With Council providing financial assistance to impacted community and sporting groups, it will allow the groups to replace items required to continue providing recreational activities and community services in the local area.

Infrastructure Asset Implications:

There are no direct infrastructure asset implications associated with this report.

Financial Implications

Should the recommendation be adopted, the funding of \$15,000 will be allocated from the Quarry and Contamination reserve.

Risk and Insurance Implications:

There are no direct risk or insurance implications for Council associated with the recommendation. Moving forward, Council officers will discuss with all community groups and hirers of Council-owned community and recreation facilities the recommendation to ensure adequate and appropriate contents insurance coverage for all equipment permanently stored in these buildings. Where possible, this recommendation will be formalised through tenancy agreements such as leases and hire agreements.

Special Report of the Director of Service Delivery to Ordinary Council Meeting 10 December 2018

Options:

1. Recommend the one-off financial allocation of \$15,000 as outlined in this report.
2. Amend the amount recommended. This is not the preferred option given this amount has been recommended with the knowledge of the current works program and in consultation with the currently impacted community groups.
3. Not provide any financial assistance. This is not the preferred option, as the groups need to replace items so they can continue providing recreational activities and community services to the community of Lake Macquarie.

Conclusion:

By financially assisting community and recreation groups directly impacted by the closure of Council facilities that they occupy, Council supports these groups to continue providing much needed recreation activities and community services in Lake Macquarie.

Acting Manager - Community Planning - Andrew Bryant

Attachments:

Nil.

Notice of Motion - Monday 10 December 2018

18NM031 Value of Local Government NSW Membership

Council Ref: F2004/07344-03 - D09164364
Report By: Councillor - Jason Pauling

LGNSW is the peak organisation that represents the interests of NSW general and special purpose councils. According to the website www.lgnsw.org.au/about-us/who-we-are, LGNSW aims to “*strengthen and protect an effective, democratic system of local government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.*” (Source: <https://www.lgnsw.org.au/about-us/who-we-are>)

As a member of LGNSW, Lake Macquarie City Council has access to a range of services including:

- Industrial relations and legal advice;
- Management solutions and learning activities;
- Mentoring and Councillor support;
- Local Government Procurement services; and
- Grants and Awards.

In recent years LMCC has spent more than \$550,000 on LGNSW related expenses (see Table 1).

Table1- LGNSW related expenditure

Expense	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Annual Membership	56417.59	58413.57	59986.00	61232.00	66558.79	69172.71
Annual Conference	7524.44	5914.00	9373.00	8417.91	11561.31	8886.40
Other Conferences	604.75	5015.82	3941.06	3158.72	6166.85	0.00
Subscriptions	10733.64	6056.82	2045.00	3622.50	3694.09	0.00
Training	10544.55	13896.35	8567.64	14134.55	28140.00	80.00
Legal Contributions	0.00	602.49	0.00	1476.55	0.00	4652.70
Other Costs	181.82	300.00	0.00	0.00	1063.63	0.00
TOTAL P/A (\$)	86006.79	90199.05	83912.70	92042.23	117184.67	82791.81

Total expenditure since 2013 is \$552137.25.

Notice of Motion 10 December 2018

Recommendation:

That Lake Macquarie City Council not renew its LGNSW membership at the next renewal on the basis of *value for money* and lack of *tangible rate payer benefit*.

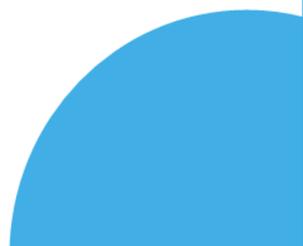
Attachments:

1. Notice of Motion - LGNSW 2017 Value Audit Summary D09164405



VALUE AUDIT OF LGNSW

- ▶ LGNSW commissioned an audit in November 2017 to quantify the value it delivers to members. The audit showed that LGNSW delivers significant value, in particular as an advocate, adviser and aggregator. It also made suggestions to improve the value proposition. This document summarises the audit findings and actions LGNSW is undertaking to respond.



Key Findings

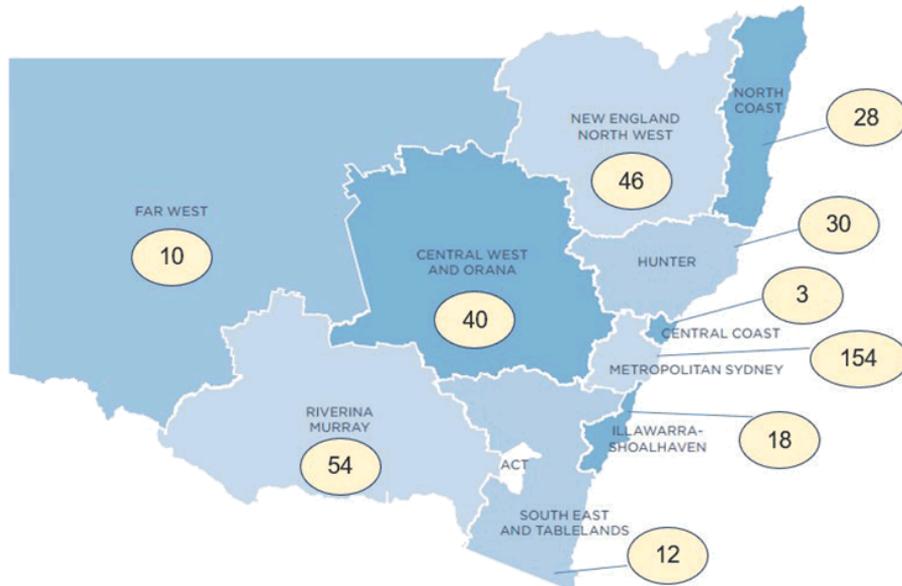
-  The current state of local government in NSW represents the sum effort of over **135 YEARS** of activity. Since its establishment in 1883, LGNSW has enjoyed countless policy wins, secured billions of dollars in concessions, savings and direct funding, and delivered hundreds of products and services to members. Not all achievements benefit every member but, collectively, they provide a net benefit to the sector.
-  LGNSW delivers a significant **RETURN ON INVESTMENT**; every \$1 provided by members is converted into nearly \$10 of benefits.
-  LGNSW collects just over \$5 million in member subscriptions to deliver \$12.1 million worth of advocacy and member services.
-  Membership fees for the past few years have **TRENDED DOWNWARDS**, relative to the size (i.e. net revenue) of the sector.
-  LGNSW **SUBSIDISES MEMBERSHIP FEES**. Fees fund only 40% of LGNSW's annual operating expenditure. The rest is funded by investments, paid services and sponsorships.
-  **COUNCILS NEEDS DIFFER**. Each serves a unique community, undertakes different activities and operates within unique financial, operational and societal circumstances. Perceptions of value, and engagement, with LGNSW differ from one council to another, and at different points in time.
-  LGNSW's work as an **ADVOCATE, ADVISER AND AGGREGATOR** has resulted in many tangible benefits for the sector
-  As an **ADVOCATE**, LGNSW identifies and intervenes on serious matters before they happen and before they enter the public domain. Often what LGNSW stops through its advocacy is of greater significance and more value to members than what they see delivered.
-  As an **ADVISER**, LGNSW helps members – including council staff – by removing uncertainty, reducing risk, providing comfort and enabling progress on issues and projects.
-  As an **AGGREGATOR**, LGNSW promotes partnership arrangements and reduces duplication across the sector, assisting members to reduce costs, improve efficiency and add value.
-  LGNSW offers an **INSURANCE-LIKE FUNCTION** through its industrial support, crisis support and legal advice that only a subset of councils must call upon in any given year, but which provides critical support in times of need.
-  **MEMBER SATISFACTION** has improved significantly in recent years. Perceptions of value change, but member research shows a direct correlation between frequency of contact with the association and satisfaction with its services. Councillors who have infrequent contact with LGNSW are less likely to be aware of its activities, services and value.
-  **THE AUDIT CONCLUDED** that LGNSW does not have an underlying issue with value, per se, but that it could boost activity to engage members, improve transparency, demonstrate that value is real and evidence-based, communicate advocacy wins and sector leadership, ensure ongoing service quality and timeliness, and measure and report on performance. Some initiatives in response to this audit are already under way and others are planned.



Role as Advocate

- ▶ The actions or inactions of state and federal governments can help or hinder councils. Some decisions can result in severe consequences (cost and otherwise) for the sector.
- ▶ Strong member support is necessary to progress advocacy outcomes – the stronger the support, the greater the potential for influence.
- ▶ State associations such as LGNSW are necessary to preserve and present matters of importance to members even though it is not always possible to win every argument or reflect every member’s individual nuance or perspective.
- ▶ LGNSW has a long list of noteworthy advocacy wins. Recent examples include: helping secure \$110 million for the Regional Water and Wastewater Backlog Program; developing a capability framework to help councils assess and communicate “what good looks like”; and full reimbursement of costs plus a funded education campaign as part of the Fire and Emergency Services Levy.
- ▶ The advocacy work undertaken by LGNSW, and its position on issues, is decided by vote at the annual conference. Members decide and prioritise matters for LGNSW to pursue.

Number of annual conference motions considered by region over the past three years.





Role as Adviser

- The local government sector has diverse and frequently changing responsibilities. It must respond to government decisions, community expectations, work practice changes and approaches, as well as changing environmental, social and economic forces.
- State associations such as LGNSW help members by removing uncertainty, reducing risk, providing comfort and enabling progress on issues and projects.

LGNSW delivers value by providing:





Role as Aggregator

Through partnership arrangements, LGNSW delivers financial, operational, reputational and other tangible benefits to members. Duplication is expensive, so LGNSW identifies opportunities for sector collaboration that facilitate shared solutions.

LGNSW aggregates in areas such as:





Actions

LGNSW is implementing a range of initiatives, as part of ongoing improvements and more recently, to address issues raised in the audit. We aim to ensure members are at the centre of everything we do and deliver value wherever possible. The actions listed below have been completed or are in progress.

		In Progress	Done / Ongoing
	Capability review to assess the internal capability of LGNSW.		✓
	Strategic Plan the capability review will feed into the development of LGNSW's 2018-22 strategic plan.	✓	
	Increased focus on advocacy e.g. an advocacy plan for the 2019 State election.	✓	
	Joint Organisations we're listening to what they want, how they want to engage, and how we can best support them.	✓	
	Systems improvement we are developing a Customer Relationship Management (CRM) system and a new website.		✓
	Council summits involves the President, board members and staff visiting and consulting with members across the state.		✓
	External committee representation all positions will be open to all councillors and expressions of interest assessed independently		✓
	Board accessibility new measures ensure members have a stronger sense of issues being considered.		✓

The audit was carried out by Glen Beckett from the Local Government Association of Queensland (LGAQ) using methodologies like those used for similar associations in Queensland and South Australia. These included interviews with members and staff (all LGNSW members were invited to participate) and review of written materials including member research and submissions.

For further information about the value audit or LGNSW please email lgnsw@lgnsw.org.au or call 9242 4000.

Notice of Motion 10 December 2018

18NM032 Keeping our Community Safe - Installation of CCTV at Pasterfield Oval, Cameron Park

Council Ref: F2018/00113 - D09164903
Report By: Councillor - Kevin Baker

Pasterfield Oval, playground, and skate park, has by all accounts been a resounding success. The community love the facilities, the sports clubs love the facilities, and fitness groups love the facilities.

Unfortunately, since it has opened, there has been an undesirable element who are intent on terrorising and instilling fear into the users of the facilities. Undesirables are regularly bringing “monkey bikes” into the facility, tearing down the pathways and terrorising users of the BMX track. Parents protecting their children have been threatened with tasers and stun guns, and there was a recent incident of a young person being stabbed in an organised fight at the facility.

Clearly, we need to ensure that our children can play safely in what is one of our flagship recreational facilities in Lake Macquarie. CCTV has been proven to work as an active deterrent, and as a method of identification of undesirables who do commit criminal acts. Council has recently introduced CCTV at the Charlestown Skate Park, as it was also being targeted by undesirables.

We need CCTV installed at Pasterfield Oval, playground, and skate park, in order to ensure it remains a fun, safe, and enjoyable place for our community.

Recommendation:

That:

- A. Council immediately take steps to implement CCTV at Pasterfield Oval, Playground, Skate Park
- B. Council investigate the feasibility of having CCTV streams from all LMCC Public CCTV installations viewable remotely by NSW Police

Attachments:

Nil.

Notice of Motion 10 December 2018

18NM033 Review of superannuation arrangements for Councillors and the Mayor in NSW

Council Ref: F2004/06740-02 - D09165203
Report By: Councillor - Adam Shultz, Councillor - Nick Jones, Councillor - Brian Adamthwaite, Councillor - John Gilbert

The Superannuation Guarantee (SG) contribution is compulsory for all employers in Australia. This applies to all employment in the private sector, not-for-profit or Government related roles, including state and federal politicians.

The Superannuation Guarantee also applies to all remunerated board roles. Despite this, in NSW, Councillors and Mayors that serve on Local Government are excluded by the operation of section 251 of the Local Government Act, which provides that Councillors and Mayor's fees 'do not constitute salary for the purposes of any act'.

In 2017, the Australian Tax Office (ATO) released findings that there are at least 2.4 million workers in Australia who have been underpaid their superannuation entitlements. This underpayment reduces retirement savings by \$3.6 billion annually. This is a real concern, as the objective or purpose of superannuation is to provide income in retirement to substitute or supplement the Age Pension.

If the NSW Government (past, current and future) continues to fail to ensure that councillors and mayors are paid the Superannuation Guarantee (currently at 9.5%) what kind of message is this sending employers that also fail to make the appropriate payments? Many Councillors and Mayors rely solely on the income they derive from their duties on Local Government. What kind of community standard is being set from the continued failure to make the appropriate payment of superannuation?

In both Victoria and Queensland, councillors and mayors are paid appropriate superannuation entitlements.

The attached letter from Local Government NSW (LGNSW) to the Minister for Local Government on 15 June 2018, the Hon. Gabrielle Upton MP provides further information (Attachment 1). (Please note that some of the section references and terms used in Attachment 1 appear to be outdated).

At present, a number of retirees are retiring on defined benefit schemes, which generally pay an annuity for life, largely based on their pre-retirement income. These schemes are now closed and have been for a number of years. There is going to be significant disparity among the elderly in the years ahead as a result of these and other changes.

It is time for the NSW Government (past and present) to stop discriminating against Councillors and Mayors in NSW and ensure that they are paid the appropriate superannuation guarantee to which other employees and directors in Australia are entitled.

The motion below therefore recommends Lake Macquarie City Council adopts a position of leadership on this issue, by undertaking advocacy activities and assessing the opportunity to become an Eligible Local Government Body (ELGB) in accordance with section 14-45(1)(e) of Schedule 1 of the Taxation Administration Act 1953 (Cth) ("Tax Act").

Notice of Motion 10 December 2018

As per advice from LGNSW, where a council becomes an ELGB, councillors and mayors are regarded as employees for the purposes of the Tax Act and Superannuation Guarantee contributions must be paid (currently 9.5%). Becoming an ELGB would also introduce a range of other implications for Council, which are not fully understood at present, due to the complexity of Australia's tax and superannuation legislation.

It is therefore advised by staff that we take a stepped approach as outlined in the recommendation.

Recommendation:

That Council:

- A. Writes to both the NSW Minister for Local Government and the Shadow Minister for Local Government to request that the NSW Government stop discrimination against Councillors and Mayors and:
 - i. pursue amendments to section 251 of the Local Government Act to ensure the Superannuation Guarantee is paid on the income derived from serving on Local Government in NSW in addition to the fees currently paid to councillors and mayors; and
 - ii. request that the Local Government Remuneration Tribunal clarify in its 2019 Determination whether the fee ranges specified are inclusive or exclusive of superannuation, having regard to the relevant provisions of the Taxation Administration Act 1953 Superannuation Guarantee (Administration) Act 1992.
 - iii. note that current income derived from serving on Local Government in NSW is taxed at the Councillors' or Mayors' marginal tax rate and is not deemed exempt income.
- B. Adopts the advocacy position that the State Government should, by legislation or otherwise make it clear that Superannuation Guarantee (SG) contributions are additional to fees already paid to Councillors and Mayors.
- C. Writes to LGNSW as well as Member Councils of our Joint Organisation to urge them to consider making similar advocacy efforts to the NSW Government and Opposition prior to the March 2019 election.
- D. Requests a comprehensive briefing from staff regarding the implications of becoming an Eligible Local Government Body (ELGB) under section 14-45(1)(e) of Schedule 1 of the Taxation Administration Act 1953 (Cth).

Attachments:

1. Notice of Motion - LGNSW Letter - Superannuation - 15 June 2018 D09165199



Our ref: R15/0015 OUT-00027719

15 June 2018

Hon. Gabrielle Upton MP
Minister for Local Government
52 Martin Street
SYDNEY NSW 2000

Dear Minister

A handwritten signature in black ink that reads 'Gabrielle'.

Non-payment of superannuation to elected Local Government representatives

I write regarding a key issue raised by a Local Government NSW ("LGNSW") member council which was resolved at the 2017 LGNSW Annual Conference to be taken forward.

I seek your response to the following issue:

Resolution 80: Lake Macquarie City Council – Councillors' superannuation

"That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds."

LGNSW made a submission to the Local Government Remuneration Tribunal ("Tribunal") in January this year regarding the non-payment of the Superannuation Guarantee to mayors and councillors. In response, the Tribunal observed at paragraph 54 of its 2018 'Annual Report and Determination', dated 17 April 2018, that:

"54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69)."

LGNSW acknowledges that the Tribunal does not have jurisdiction to require the payment of superannuation to elected representatives, and that to achieve this outcome, an amendment to the *Local Government Act 1993* (NSW) ("LG Act") is required.

To be eligible for superannuation, councillors and mayors need to be members of councils that have unanimously resolved to become Eligible Local Government Bodies ("ELGBs") under section 14-45(1)(e) of Schedule 1 of the *Taxation Administration Act 1953* (Cth) ("Tax Act"). Where such a resolution is made, councillors and mayors are regarded as employees for the

LOCAL GOVERNMENT NSW
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ABN 49 853 913 882

purposes of the Tax Act and Superannuation Guarantee contributions must be paid (currently 9.5 percent).

For councillors and mayors who are not members of an ELGB, the loss of superannuation is a significant issue. The substantial amount of time and commitment involved in performing the duties of an elected Local Government official require many councillors to forsake other activities that would attract income and employer superannuation contributions.

Research by the Association of Superannuation Funds of Australia indicates that the average superannuation balance for women in 2016 was approximately 40 percent less than for men. Requiring the compulsory payment of superannuation to mayors and councillors would help bridge the superannuation gender gap and assist in attracting more women as candidates for Local Government.

Further, the current arrangements mean that councillors and mayors in NSW fall well behind their counterparts in other states in which the Superannuation Guarantee is required to be paid to elected members.

Some of the above issues were identified by Local Government Victoria as long ago as 2008.¹ As a result, the Victorian Local Government Councillor Remuneration Review Panel (**"the Panel"**) recommended that remuneration for councillors whose councils are not ELGBs should include a 9 percent payment equivalent to application of the Superannuation Guarantee (now 9.5 percent).² This recommendation brought elected members in Victoria into line with community standards. Employers are required by law to pay a minimum of 9.5 percent superannuation and this has resulted in a shift in community expectations towards superannuation.

Queensland's Local Government Remuneration and Discipline Tribunal recently noted that *"the level of superannuation payments made to a councillor is a matter to be determined by each individual council having regard to the relevant Commonwealth legislation and section 226 of the Local Government Act 2009 (Qld) ("the Qld LG Act")"*.³ Section 226 of the Qld Act provides that:

- (1) A local government (other than the Brisbane City Council) may, for its councillors—
 - (a) establish and amend a superannuation scheme; or
 - (b) take part in a superannuation scheme.
- (2) If it does so, the local government may pay an amount from its operating fund to the superannuation scheme as a contribution for its councillors.
- (3) However, the local government must not make contributions to the superannuation scheme—

¹ Local Government (Councillor Remuneration Review) Panel Report – January 2008 at p. 14.

² Note 1 at p. 14.

³ Local Government Remuneration and Discipline Tribunal Report 2017 p. 12.

- (a) of more than the proportion of a salary that is payable by the local government for its standard permanent employees under this part; or
- (b) for a person who is no longer a councillor.
- (4) A councillor of the local government may enter into an arrangement with the local government under which—
- (a) the councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and
- (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the councillor.

This provision in the Qld LG Act allows a Local Government to participate in a superannuation scheme for the benefit of its councillors by paying an amount from its operating fund to the superannuation scheme as a contribution for its councillors. The NSW LG Act contains no similar provision.

Currently in NSW councils may resolve to allow councillors to sacrifice a portion of their fees into complying superannuation funds, on a pre-tax basis. However, this is optional. Councillors who utilise this option reduce the 'take home' component of their fees. To enhance Local Government's capacity to attract talented individuals as elected leaders, legislative changes should be introduced, mandating that councils contribute to complying superannuation funds on behalf of mayors and councillors. These compulsory contributions should be additional to fees already paid to mayors and councillors, and should be calculated as if mayors' and councillors' fees were deemed ordinary time earnings for the purpose of the *Superannuation Guarantee (Administration) Act 1992* (Cth). By strengthening Local Government's ability to recruit diverse, talented elected officials, such legislative changes would provide significant benefits to NSW communities.

The NSW LG Act should be amended to include express provision requiring councils to pay the Superannuation Guarantee to elected members in Local Government, using section 226 of the QLD LG Act as a guide and having regard also to the practices of Local Government Victoria.

Should you wish to discuss this matter further, please contact Adam Dansie, Senior Manager Industrial Relations, on (02) 9242 4140.

Yours sincerely,



Cr Linda Scott
LGNSW President

Notice of Motion 10 December 2018

18NM034 Endorsement of LMCC Pool Priority Matrix (2018)

Council Ref: F2018/00113 - D09165240

Report By: Councillor - Jason Pauling

In July 2018 Council considered a special report in relation to the revised Pool Priority Matrix (2018) to replace the previous Pool Service Delivery Model (PDSM) dating from 2009. Resulting circumstances meant that the Pool Priority Matrix (2018) was never actually endorsed by Council.

This Notice of Motion (NoM) is intended to provide greater clarity for Council's longer term capital works forecasting processes and decision making by providing formal endorsement of the Pool Priority Matrix (2018).

Recommendation:

That Council:

- A. Endorses the revised Pool Priority Matrix (2018) to prioritise candidate swim centre major capital works (Charlestown and Swansea facilities);
- B. Endorses the revised Pool Priority Matrix (2018) assessment of Speers Point and West Wallsend Swim Centres as the next highest swim centre candidate projects for concept design and feasibility assessment;

Attachments:

Nil.

Rescission Motions - Monday 10 December 2018

18RM005 Request for Donations & Financial Assistance under Section 356 of the Local Government Act 1993

Council Ref: F2018/00118/01 - D09164529
Report By: Councillor - Jason Pauling, Councillor - Kevin Baker, Councillor - Nick Jones

We hereby give notice that it is our intention to move the following motion:

Recommendation:

That the following motion be now and hereby rescinded:

That resolution 18OS013 Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993 "Council provides an in-kind donation of up to \$1000.00 to a resident of Redhead" be hereby rescinded.

That the rescission motion be accepted.

Councillor Jason Pauling

Councillor Kevin Baker

Councillor Nick Jones

In addition, give notice of my intention to move the following further motion:

Recommendation:

That Council staff resubmit a report including all relevant information regarding the request for a donation (including background and basis for recommendations).

Background

Donations relating to personal circumstances and specific individuals are always difficult subject matter for Councils due to potential misinterpretation and representation. It is for this very reason that appropriate protocol and governance be observed in such cases – particularly when Council decision is incongruent with staff recommendation.

On 5 November 2018 councillors were sent a Memo outlining the basis of why staff had recommended not supporting the request (18OS013) on the basis that:

“Council’s Funding assistance policy states Council does not provide funding for individuals or organisations raising money on behalf of others”
(See Attachment 2).

On 12 November 2018, Council **unanimously** resolved to **not** provide funding in relation to this application (See Attachment 1). Councillors that voted in favour of **not** providing funding were:

Rescission Motions 10 December 2018

- Cr. Adamthwaite
- Cr. Baker
- Cr. Belcher
- Cr. Buckley
- Cr. Cubis
- Cr. Fraser
- Cr. Gilbert
- Cr. Grigg
- Cr. Jones
- Cr. Pauling
- Cr. Shultz

It should be noted that Cr Langford left the Chamber having declared a significant interest in the matter (See Attachment 3) and Cr Harrison had tendered apologies for the meeting (See Attachment 4).

On 14 November 2018 the Mayor sent an email to East Ward Councillors stating amongst other things that:

“I understand that this does not fit the policy but in such circumstances I think it warrants consideration for some payment even if it is only around \$500.00.” (See Attachment 6)

At the Ordinary Meeting of Council of 26 November 2018 an alternative motion was moved and carried in relation to this matter *“Council provides an in-kind donation of up to \$1000.00 to a resident of Redhead.”* .

The memo from staff received on 5 November, referred to above, also stated *“The resident is writing a children’s book focused on beach and surf safety. The resident intends to provide proceeds of the book’s sales to a family whose daughter was a surf patrol volunteer, and suffered a severe spinal injury during a recreational surfing session at a Queensland beach earlier this year.”*

This is admirable and a great way for a member of the community to show their support to this local resident, however it is contrary to Council policy, in particular the point highlighted above. There are unanswered questions relating to the nature of this donation and why Council might want to deviate from the existing policy. For example, there has been no information provided in relation to the probity surrounding this donation. The money, or the Council service, is not being donated to a registered charity governed by regulations including reporting and governance requirements. The motion proposes to provide funds (in the form of Council services) to a local resident on the premise that they will donate the proceeds of the sale of the book to another resident. No checks or balances have been provided that give Councillors comfort that this will in fact occur.

Concerns like these, and the manner in which the decision was revisited after being considered and voted on unanimously during a committee meeting raises sufficient concern to warrant that the issue be reconsidered once staff resubmit a full report including addressing the abovementioned probity issue.

Further to the issues outlined above there is an opportunity to further clarify what is meant by the term “in-kind” with respect to resolution of 26 November 2018 in that a monetary transfer will still be required within Council’s budget to reflect the cost of the service.

Based on the above it is arguable that this matter warrants revisiting and appropriate formalisation.

The intention of this Motion of Rescission is to provide appropriate transparency of process.

**Recommendations of the Organisational Services Standing
Committee Meeting****12 November 2018**

Councillor Barney Langford left the chamber at 7.28pm due to his declaration of interest in item 18OS013 – *Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993*.

**18OS013 Requests for Donations & Financial Assistance under Section
356 of the Local Government Act 1993**

Folder No: F2018/00118/01
Report By: Governance Coordinator - Katherine McNaughton

Moved. Cr. Belcher
Seconded. Cr. Grigg

**Submission and Committee's Recommendation
No. 3:**

Council resolves not to provide a donation or financial assistance to:

A. A resident of Redhead

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	
Cr. Baker	
Cr. Belcher	
Cr. Buckley	
Cr. Cubis	
Cr. Fraser	
Cr. Gilbert	
Cr. Grigg	
Cr. Jones	
Cr. Pauling	
Cr. Shultz	
(carried)	

INTERNAL

MEMO



To: Madam Mayor and Councillors
From: Director Organisational Services - Laura Kendall Ext: 1550
File: F2018/00110-02 **Date:** 05 November 2018
Subject: **Additional information – upcoming report to Organisational Services Standing Committee – requests for donations and financial assistance**

The business papers for the Organisational Services Standing Committee meeting of 12 November will be distributed to Councillors by tomorrow.

They contain a report addressing a request from a resident of Redhead for a donation of \$2000. The resident is writing a children's book focused on beach and surf safety. The resident intends to provide proceeds of the book's sales to a family whose daughter was a surf patrol volunteer, and suffered a severe spinal injury during a recreational surfing session at a Queensland beach earlier this year.

The report recommends that Council not make a donation in response to this request, as Council's *Funding assistance policy* states Council does not provide funding for individuals or organisations raising money on behalf of others.

As the request relates to circumstances which are quite personal for the family of the injured surfer, the report to Organisational Services Standing Committee is relatively brief. I anticipate Councillors may find some further information about this request useful.

[REDACTED]

In developing the recommendation not to provide a donation, Council staff were mindful of the importance of applying the *Funding assistance policy* to this request in the same way as they would for any similar request.

Staff contacted the requestor by telephone to advise that staff would not be able to recommend that Council makes a donation, as this would not be consistent with Council's *Funding assistance policy*. The requestor indicated they understood this.

[REDACTED]

Please feel free to contact me if you would like to discuss this request for a donation further. Alternatively, you may prefer to ask for further information during next week's Organisational Services Standing Committee meeting. I will do my best to answer any questions during the meeting while appropriately avoiding disclosure of personal information.

Kind regards,

Laura



Laura Kendall

Director Organisational Services

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**Recommendations of the Organisational Services Standing
Committee Meeting**

12 November 2018



**Organisational Services Standing Committee Meeting - Monday
12 November 2018**

Declarations of Interest:

Councillor Barney Langford declared a significant non-pecuniary interest in item 18OS013 – *Requests for Donations & Financial Assistance under Section 356 of the Local Government Act 1993*, advising that persons associated with the application are known to him and would be leaving the chamber.

Minutes of the Organisational Services Standing Committee Meeting

Monday 12 November 2018

Council Chambers

Speers Point

Present: Her Worship the Mayor, Councillor Kay Fraser, who presided; also Deputy Mayor David Belcher, and Councillors Brian Adamthwaite, Kevin Baker, Christine Buckley, Luke Cubis, John Gilbert, Colin Grigg, Nick Jones, Barney Langford, Jason Pauling, and Adam Shultz.

Apologies: Councillor Wendy Harrison

Officers:	Morven Cameron	Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Laura Kendall	Director Organisational Services
	Elizabeth Lambert	Chief Development Planner
	Andrew Bryant	Acting Manager Community Planning
	Wes Hain	Manager Integrated Planning
	Helen Plummer	Manager Asset Management
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Governance Administration Officer
	Kate Davies	Public Relations

Recommendation No. 3

**18OS013 Requests for Donations & Financial Assistance under
Section 356 of the Local Government Act 1993**

Folder No: F2018/00118/01

Report By: Governance Coordinator - Katherine McNaughton

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Moved. Cr. Shultz

Seconded. Cr. Jones

Council provides an in-kind donation of up to \$1000.00 to a resident of Redhead.

(Carried)

From: Mayor Kay Fraser
Sent: Wednesday, 14 November 2018 3:38 PM
To: Cr John Gilbert; Cr Christine Buckley; Cr Nick Jones; Cr Adam Shultz
Subject: RE: Upcoming report to Organisational Services Committee - request for donation

Hi John

I received an email [REDACTED]
[REDACTED]
[REDACTED] published a book on surf safety, endorsed by Surf Life Saving Australia, titled "At the Beach with Lizzie and Luke". It is a 32 page illustrated children's book that depicts the exciting adventures of young Australian surf lifesavers. The book has been well received and although entertaining, the book is also educational, reminding children and their carers of the safe things to do when visiting our beautiful beaches.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED] is currently completing Book 2 (based on the same surf lifesaving characters) and he is nearing the point of print production. He will be donating all proceeds from book sales to the [REDACTED] to help relieve financial pressures associated with [REDACTED] rehabilitation. He was hoping that LMCC's Lakemac Print would consider subsidising the cost of printing 1000 copies of the book. His first book, Book 1 received fantastic media coverage and he intends to garner the same interest from local media outlets on the launch of Book 2, especially seeing that the book is aimed at supporting [REDACTED].

I understand that this does not fit the policy but in such circumstances I think it warrants consideration for some payment even if it is only around \$500.00.

Kind regards

Kay