BUSINESS PAPER

Meeting of

COUNCIL MEETING

21 MARCH 2013

Canterbury City – a great place to live and work
Notice is hereby given that an Ordinary Meeting of Canterbury City Council will be held in The Council Chambers, 137 Beamish Street, Campsie on Thursday 21 March 2013, commencing at 7.30 P.M..

Disclosure of Interest: Section 451 of the Local Government Act 1993 requires a Councillor who has a pecuniary interest in any matter with which the Council is concerned and who is present at the meeting of the Council or Committee at which the matter is being considered must disclose the interest, and the nature of that interest, to the meeting as soon as practicable. The Councillor is required to leave the Chamber while the matter is being discussed and not return until it has been voted on.

Your attendance is requested.

Jim Montague PSM
GENERAL MANAGER
15 March 2013

BUSINESS

1. Confirmation of Minutes
   - Council Meeting held on 28 February 2013
2. Apologies
3. Mayoral Minutes
4. Public Addresses
5. Report of the Traffic Committee meeting held on 4 March 2013
6. Officers Reports
7. Reports from Advisory Committees
8. Motions of which due notice has been given
9. Questions/Business Without Notice
10. Closed Council
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This meeting will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993.
REPORT SUMMARIES

ADOPTION OF TRAFFIC COMMITTEE REPORT

OFFICERS REPORTS

1  JOINT REGIONAL PLANNING PANEL

- Canterbury forms part of the Sydney East Joint Regional Planning Panel (JRPP) (south sub-region).
- Council was required to nominate two members to the JRPP. On 28 May 2009 Council resolved to nominate the Mayor and the General Manager (or his delegate) as its members.
- Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979 states that members of JRPP should be remunerated for attending meetings by a fee determined by the Minister for Planning. The Minister has determined that Councillors can be paid up to $600 for attendance at JRPP meetings.
- It is recommended that our Councillor - Payment of Expenses and Provision of Facilities policy be amended to provide for a payment to be made to Councillors elected by Council to attend JRPP meetings.

2  LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

- This report provides information on the Local Government Amendment (Early Intervention) Bill 2013 recently introduced into State Parliament.
- It is recommended that we write to the Minister for Local Government requesting that the Bill be withdrawn until such time as councils and members of the public have had time to review it and make comment on it. It is also recommended that we write to local State members of Parliament requesting that they make representations to the Minister to support our position.

3  REVIEW OF DELEGATIONS

This report is submitted in accordance with Section 380 of the Local Government Act 1993 which requires that Councils review their delegations of authority during the first 12 months of each new term of office.
4 AUDIT OF THE FINANCIAL ASSISTANCE PROGRAM

- Each year we undertake a review of the Financial Assistance Program and its operations.
- The Financial Assistance Program (FAP) provides small grants of up to $2,000 to community organisations and community groups to undertake events, activities and projects which meet objectives related to our Community Strategic Plan.
- An internal audit of our Financial Assistance Program was conducted in late 2012 as part of the Internal Audit Program.
- The internal audit found that the policy and processes underpinning the management and administration of the FAP required specific improvements to assist in streamlining the program and making it easier for our community partners to use.
- It is recommended that the amendments to the Financial Assistance Program be noted, and the Draft Amended Policy be endorsed.

5 INTERNAL AUDIT COMMITTEE

The minutes of the Internal Audit Committee meeting held on 26 February 2013 are presented for endorsement.

6 INVESTMENTS AT 28 FEBRUARY 2013

- This report includes a Performance Report on investments.
- Also contained in the report is a statutory report on investments submitted pursuant to the Local Government (General) Regulation 2005.
- It is recommended the report be noted.

7 EXHIBITION OF DRAFT ANNUAL BUDGET AND OPERATIONAL PLAN 2013-14

- Draft documents presenting the Annual Budget, Schedule of Fees and Charges and Operational Plan for 2013-14 have been provided to Councillors.
- This report recommends that the content of the draft Annual Budget and Operational Plan documents for 2013-14 as provided be endorsed for public exhibition.
- Following the period of exhibition, a further report will be presented to Council with the feedback received and a request to formally adopt the Annual Budget, Schedule of Fees and Charges and Operational Plan for 2013-14.
ADVISORY COMMITTEES

1 COMMUNITY SAFETY COMMITTEE

The minutes of the Community Safety Committee meeting held on 4 March 2013 are presented for endorsement.

2 DISABILITY ACCESS COMMITTEE

The minutes of the Disability Access Committee meeting held on 20 February 2013 are presented for endorsement.

3 SENIOR CITIZENS ADVISORY COMMITTEE

The minutes of the Senior Citizens Advisory Committee meeting held on 21 February 2013 are presented for endorsement.

4 SPORTING FIELDS ADVISORY GROUP

The minutes of the Sporting Fields Advisory Group meeting held on 18 February 2013 are presented for endorsement.

5 ENVIRONMENTAL AND SUSTAINABILITY COMMITTEE

The minutes of the Environmental and Sustainability Committee meeting held on 19 February 2013 are presented for endorsement.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

CLOSED COUNCIL
ADOPTION OF TRAFFIC COMMITTEE REPORT

The minutes of the Traffic Committee meeting held on 4 March 2013 are provided in the attachments. The reports submitted to the Traffic Committee have been forwarded to Councillors separately.

RECOMMENDATION:
THAT the minutes of the Traffic Committee meeting held on 4 March 2013 and the recommendations contained therein, be adopted.
1 JOINT REGIONAL PLANNING PANEL

FILE NO: E-35-4 PT5

REPORT BY: GENERAL MANAGER

Summary:
- Canterbury forms part of the Sydney East Joint Regional Planning Panel (JRPP) (south sub-region).
- Council was required to nominate two members to the JRPP. On 28 May 2009 Council resolved to nominate the Mayor and the General Manager (or his delegate) as its members.
- Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979 states that members of JRPP should be remunerated for attending meetings by a fee determined by the Minister for Planning. The Minister has determined that Councillors can be paid up to $600 for attendance at JRPP meetings.
- It is recommended that our Councillor - Payment of Expenses and Provision of Facilities policy be amended to provide for a payment to be made to Councillors elected by Council to attend JRPP meetings.

Council Delivery Program and Budget Implications:
This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Effective Governance.

Report:
In 2008 amendments were made to the Environmental Planning and Assessment Act 1979 to create JRPPs to consider and determine development applications that have regional significance. Canterbury is part of the Sydney East JRPP. Sydney East JRPP consists of the following councils:
- Ashfield
- Botany Bay City
- Burwood
- Canada Bay
- Canterbury City
- Hunters Hill
- Hurstville City
- Kogarah
- Lane Cove
- Leichhardt
- Manly
- Marrickville
- Mosman
- North Sydney
- Pittwater
- Randwick City
The JRPP consists of five members, three of which are appointed by the Minister for Planning. The other two members are nominated by Council. Council on 28 May 2009 nominated the Mayor and the General Manager (or his delegate) as its members. The three members appointed by the Minister attend every JRPP meeting that takes place in its Local Government areas. Our members only attend meetings when a development involving our City is being considered.

Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979 states the following regarding remuneration for JRPP members:

“A member is entitled to be paid such remuneration (including travelling and subsistence allowance) as the Minister may from time to time determine in respect of the member.”

In July 2009, the then Minister for Planning, The Hon Kristina Keneally MP released a Circular that included the following information in respect to payments to Council nominated representatives on JRPPs:

“Council staff members: No fees should be paid, as participation in the Regional Panel would form part of the employee’s regular duties, consistent with the Department of Premier and Cabinet Guidelines for NSW Board and Committee Members, Appointment and Remuneration (the DCP Guidelines) on Payment to Public Sector Employees.

Elected Councillors: As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee of no more than $600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities.”

We have not previously remunerated our Councillor representative on the Sydney East JRPP. In light of the provisions of Clause 6 of Schedule 4 of the EPA Act 1979 and the determination made by the Minister in the abovementioned Circular, it is recommended that our Councillor representative on the JRPP be paid a fee of $600 for each meeting attended. In order to facilitate this payment, the following clause would need to be included in our Councillor Payment of Expenses and Provision of Facilities policy:

**Joint Regional Planning Panel (JRPP) Fees**

Remuneration paid to Councillors appointed by Council to the JRPP is to be in accordance with the maximum provisions (currently $600) of Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979.
The provisions of section 253 of the Local Government Act require us to place the policy on public exhibition for a period of 28 days. The policy and any submissions will be reported back to Council at the completion of the public exhibition period.

RECOMMENDATION:
THAT
1. The Councillor representative appointed by Council to the Sydney East JRPP be paid a fee for attending meetings in accordance with Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979.
2. The following clause be included in our Councillor - Payment of Expenses and Provision of Facilities policy:
   “Joint Regional Planning Panel (JRPP) Fees
   Remuneration paid to Councillors appointed by Council to the JRPP is to be in accordance with the maximum provisions (currently $600) of Clause 6 of Schedule 4 of the Environmental Planning and Assessment Act 1979.”
3. The amended Councillor - Payment of Expenses and Provision of Facilities policy be placed on public exhibition for a period of 28 days. At the end of the exhibition period, the matter be reported back to Council.
2 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

FILE NO: L-24-12

REPORT BY: GENERAL MANAGER

Summary:
- This report provides information on the Local Government Amendment (Early Intervention) Bill 2013 recently introduced into State Parliament.
- It is recommended that we write to the Minister for Local Government requesting that the Bill be withdrawn until such time as councils and members of the public have had time to review it and make comment on it. It is also recommended that we write to local State members of Parliament requesting that they make representations to the Minister to support our position.

Council Delivery Program and Budget Implications:
This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Effective Governance.

Report:

Objects of the Bill
The Local Government Amendment (Early Intervention) Bill 2013 was recently introduced into State Parliament. The stated object of the bill is:
- To enable the Minister for Local Government or the Director General of the Department of Premier and Cabinet to direct a council, a councillor or the general manager of a council to provide information or documents about the council, its operations or its activities
- To enable the Minister to issue a Performance Improvement Order (PIO) to a council that directs certain actions to be taken to improve the performance of the council
- To provide for the appointment of temporary advisors (at the council’s cost) to assist councils with complying with PIOs
- To require councils to report on compliance with PIOs
- To enable the Minister to suspend a council for a period of up to three months (with a possible extension of a further 3 months) if the Minister considers that the appointment of an interim administrator (at the council cost) is necessary to improve or restore the proper or effective functioning of a council
- To provide for the appointment of interim administrators
- To make further provision in relation to public enquiries under the Principal Act, including by permitting the Minister to suspend a council during such an inquiry

The Bill has yet to pass through both houses of parliament.

Minister’s Speech
The Minister for Local Government, in his speech introducing the Bill to Parliament, stated that the Bill was designed to address issues of dysfunction and poor performance and drive improvement in local councils. The Minister referred to media reports of individual councillors and groups of Councillors (even though this Bill deals with Councils as a whole)
engaging in disruptive behaviour that impedes the effective performance of the council. However, the Minister noted that most councils do an excellent job in serving their communities and that currently no NSW council is under administration.

The Minster notes that there are existing provisions in the Local Government Act to address dysfunction and poor performance by councils. However, the Minister describes these provisions as being limited and unwieldy. The Minister also referred to recent legislation that includes provisions that address the behaviour of individual councillors.

Comment on the Bill
The Bill if passed will have major consequences for councils. It provides for significantly increased powers to the Minister for Local Government as it allows him to suspend councils for up to three months with a possible extension of another three months as well as powers to issue Performance Improvement Orders (PIOs). If a Council does not comply with a PIO, the Minister can suspend the Council and appoint a temporary administrator. The Minister has stated that the Bill is directed at councils that are not meeting their obligations due to collective dysfunction and poor performance, however neither of these terms are defined in the Bill.

The Bill gives the Minister the power to suspend a council for three months if the Minister reasonably believes that the appointment of an interim administrator is necessary to improve or restore the proper or effective functioning of a council. This period may be extended for a further three months if the Minister reasonably believes that an extension is necessary to improve or restore the proper and effective functioning of the council. The terms “reasonably believes” and “proper and effective” are not defined or properly elaborated upon in the Bill.

The Bill provides for the Minister to give a council notice of intention to issue a PIO and allow a period of 21 days for consultation. However, the Bill also states that the Minister is not required to give notice if he considers that the suspension of a council is required as a matter of urgency or notice would serve no useful purpose. The terms “matter of urgency” and “serve no useful purpose” are also not defined in the Bill.

Local Government NSW
Advice has been received from Local Government NSW (LGNSW) that it has held an urgent meeting with the Minister for Local Government and demanded that the Bill be deferred until all details of the proposed legislation are publicly released.

LGNSW expressed its concern to the Minister that councils had not been consulted on the Bill and requested that he provide the opportunity to councils to comment on the Bill. LGNSW have requested that all councils write to their local State members of Parliament calling for the Bill to be deferred until proper consultation has taken place. LGNSW is concerned about the lack of detail in the Bill and its potential to undermine the democratic responsibilities of Mayors and Councillors.

Conclusion
It is well known that in the majority of cases where dysfunction and poor performance at a Councillor level at councils has occurred, such behaviour is usually limited to an individual councillor or a small number of councillors. Prior to the introduction of new legislation in 2012, such behaviour could only be addressed by the Minister sacking the entire Council, which meant those councillors that were seeking to act in the best interests of the residents
and ratepayers were sacked along with the Councillors that were disrupting the effective operation of the Council. This anomaly was corrected in 2012 when the State Government introduced legislation that allowed for the disqualification (for up to five years) or suspension of individual councillors for engaging in misconduct.

Under the current provisions of the Local Government Act a Council can only be removed by proclamation of the Governor on the recommendation of the Minister, following a rigorous public inquiry. The Public inquiry mechanism is considered to be an adequate response where dismissal of a democratically elected council is being contemplated. The Local Government Amendment (Early Intervention) Bill proposes to give the Minister power to remove by suspension an entire Council and such action may occur with no public notice or consultation. In addition, there are no avenues for appeal against such a decision. This is regarded as excessive and unnecessary.

Currently, councils are solely accountable to their residents and ratepayers with the Minister having a supervisory role over the Council’s performance. The provisions of the Bill will also make councils accountable to the Minister and this may have implications for councils when advocating against State Government proposals on behalf of their residents.

There are a number of concerns with the Bill that have been commented upon above. In light of these concerns, it is suggested that the Minister for Local Government be requested to withdraw the Bill until such time as councils and communities have had time to review and provide comment on it. It is also recommended Council support LGNSW’s request to write to local State members of Parliament seeking their support in this matter.

RECOMMENDATION:
THAT
1. Correspondence be forwarded to the NSW Minister for Local Government requesting that the Local Government Amendment (Early Intervention) Bill 2013 be withdrawn until such time as councils and communities have had time to review and provide comment on it.
2. The support of the local State Members of Parliament be sought in seeking withdrawal of the Bill until effective consultation has occurred.
3 REVIEW OF DELEGATIONS

FILE NO: D-4-4
REPORT BY: GENERAL MANAGER

Summary:
This report is submitted in accordance with Section 380 of the Local Government Act 1993 which requires that Councils review their delegations of authority during the first 12 months of each new term of office.

Council Delivery Program and Budget Implications:
This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Effective Governance.

Report
Section 380 of the Local Government Act 1993 states:
“Each council must review all its delegations during the first 12 months of each term of office”.

Council’s present delegations are to the Mayor, General Manager and its Standing Committees. These delegations were last reviewed on 26 March 2009.

The Mayor’s Role and Delegations
The Mayor’s role is specified in Section 226 of the Local Government Act and is:
• To exercise in case of necessity, the policy making functions of the governing body of the council between meetings of council.
• To preside at meetings of the council.
• To carry out the civic and ceremonial functions of the office.
• To exercise such other functions of the council as the council determines.

Council has previously delegated to the Mayor the following authorities:

1. Urgent Works
Conjointly with the General Manager to authorise any work not exceeding $50,000 which is deemed urgent between the last Council meeting in the year and the first meeting in the next year, provided that such work is reported to the next Council meeting.

2. Media Relations
To advise and respond to enquiries from the media and to issue media releases and statements in respect of the affairs of Council and the City generally.

An appropriate form of wording to provide this extent of delegated authority to the Mayor is included in the recommendation.
General Manager’s Role and Delegations
The General Manager’s role is set out in section 335 of the Local Government Act. It is to:
- assist the council in connection with the development and implementation of the community strategic plan and the council’s resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
- Carry out the day-to-day management of the Council.
- Exercise the delegated functions from the Council.
- Appoint staff in accordance with an organisation structure and resources approved by Council.
- Direct and dismiss staff.

Due to the range and complexity of matters required to be dealt with by councils in the course of their day to day business and the need for effective and efficient discharge of this business, councils generally exercise their powers of delegation to authorise the General Manager to perform the vast majority of these functions. This arrangement is one which is clearly contemplated by the legislation, as evidenced by the reference to it in section 335’s specification of the General Manager’s role. This arrangement (in conjunction with appropriate sub-delegations from the General Manager to other Officers) provides good customer service outcomes and greater administrative efficiency (because of less resources needing to be devoted to dealing with routine matters). It also frees up Councillors to focus on community engagement, policy development and our strategic direction.

However, the Local Government Act recognises that certain functions are more appropriately exercised by Council itself (by means of a formal resolution). These include those matters that cannot be delegated (as set out by section 377) as well as matters involving the establishment of policy. Section 377 of the Act lists the type of matters that can’t be delegated and therefore that must be considered and determined by Council.

“Local Government Act 1993
Section 377 General power of the council to delegate
(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
a) the appointment of a general manager,
b) the making of a rate,
c) a determination under section 549 as to the levying of a rate,
d) the making of a charge,
e) the fixing of a fee,
f) the borrowing of money,
g) the voting of money for expenditure on its works, services or operations,
h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
i) the acceptance of tenders which are required under this Act to be invited by the council,
j) the adoption of a management plan under section 405,
k) the adoption of a financial statement included in an annual financial report,
l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
m) the fixing of an amount or rate for the carrying out by the council of work on private land,
n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
r) a decision under section 234 to grant leave of absence to the holder of a civic office,
s) the making of an application, or the giving of a notice, to the Governor or Minister,
t) this power of delegation,
u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.”

An appropriate form of wording, which if adopted, will provide for the continuation of the current extent of delegated authority to the General Manager is included in the recommendation below.

Development Assessment Panel
The City Planning division is currently undergoing a review of processes and structure including the Development Assessment Panel function. The General Manager’s assignment of delegation to the Development Assessment Panel is contingent upon the outcome of this review.

Delegations to other officers
As provided for by Section 378 of the Local Government Act, the General Manager has previously delegated certain powers, authorities, duties and functions to other council officers. These delegations include:
- **administrative functions** including day to day operations, certification of certain documents, legal, financial and staff-related matters;
- **statutory delegations** allowing Officers to exercise powers, duties and functions under legislative provisions; and
- **statutory roles**, that is roles prescribed by legislation.
These delegations have been applied in a systematic and cascading manner where an Officer has no greater delegated authority than that of his or her supervisor. These delegations also specify certain limitations and exceptions, which define authority that has been specifically retained by the General Manager. These include operational matters such as conditions of employment for staff, specific correspondence and engagement of legal representation.

The Role of Committees
Council has previously resolved that the role of committees be as follows:

- **City Services Committee**
  To consider and make resolutions concerning the following types of matters:
  - roads and drainage
  - environmental protection
  - recreation and culture
  - public health and safety
  - social development
  - community services
  - economic services
  - organisational support and organisational development

- **City Development Committee**
  To consider and make resolutions concerning the following types of matters:
  - rezonings and other Local Environmental Plans
  - applications for development approval and related matters
  - land use planning policy, including but not limited to Development Control Plans and Codes
  - other reports on land use planning related matters

Council has previously delegated to the City Services and City Development Committees the authority to exercise Council’s powers and functions (other than those precluded from being delegated by section 377 of the Local Government Act 1993) in the achievement of each Committee’s purpose.

The recommendations below reaffirm the establishment of our existing committees, their respective established purposes, their delegated authority and certain constitutional provisions relating to them.

The recommended delegations below are identical to those granted by Council when Council last considered these matters on 26 March 2009.

**RECOMMENDATION:**
THAT
1. In accordance with the provisions of Section 377 of the Local Government Act 1993, Council hereby delegates to the Mayor the following authorities.
   1.1 Urgent Works
   Conjointly with the General Manager to authorise any work not exceeding $50,000 which is deemed urgent between the last Council meeting in the year and the first meeting in the next year, provided that such work is reported to the next Council meeting.
1.2 Media Relations
To advise and respond to enquiries from the media and to issue media releases and statements in respect of the affairs of Council and the City generally.

2. In order to provide for the expedient exercise and performance of its powers, authorities duties and functions and the efficient management of its business and responsibilities, Council hereby delegates pursuant to (and in accordance with) section 377 of the Local Government Act 1993 (as amended) to the person, for the time being, holding the office of General Manager, the exercise of its powers, authorities, duties and functions contained in the legislation specified in Schedule 1 subject to the exceptions and limitations specified in Schedule 2 and subject to the following qualifications set out in 2.1 and 2.2.

2.1 Council may by resolution, supervise, control and direct the General Manager in the exercise of any delegated function.

2.2 The General Manager will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any relevant piece of legislation and any relevant current policy of Council.

3. In order to provide for the more expedient discharge and management of Council’s business and the efficient and effective exercise of Council’s functions, Council:

3.1 Confirms the prior establishment and continued existence and operation of each of the committees specified in Column 1 of the table to Schedule 3.

3.2 Declares that the role and purpose, and the scope of authority, of each of the committees are as specified opposite their respective names in column 2 in Schedule 3.

3.3 Declares that each of the committees shall consist of all Councillors.

3.4 Pursuant to and in accordance with section 377 of the Local Government Act 1993 (NSW) delegates to each of the committees specified in Column 1 of the table in Schedule 3, all the functions of Council (other than those functions listed in section 377 of the Local Government Act 1993 (NSW) as functions which cannot be so delegated) to enable each such committee to make a final determination in respect of any matter falling within the particular committee’s respective role, purpose and authority, subject to the exceptions, conditions, qualifications and limitations (if any) specified in Schedule 4 as well the constitutional provisions specified in Schedule 5.

3.5 Declares that any and all previous delegations and authorisations to the two committees are revoked.

4. Council declares that in and for the purposes of this instrument of delegations:
• reference to an Act or other statutory instrument, or part thereof, is a reference to that Act or instrument, or part thereof, as the case may be, as in force from time to time, and extends to and includes any other Act or instrument, or part thereof, replacing or being in substitution for the same, again as in force from time to time, and
• the word function includes a power, authority and duty and extends to any function conferred or imposed upon Council whether by the Local Government Act 1993 (NSW), another Act or any other law.

5. Council declares that the provisions contained in Schedules 1, 2, 3, 4 and 5 to this resolution have effect.

Schedule 1
The powers, authorities, duties and functions specified in:
- a) The Local Government Act 1993 as amended; and
- b) Other Acts and subordinate legislation under which Council has powers, authorities,
duties and functions.

Schedule 2
The powers, authorities, duties and functions related to:

a) A decision to prepare a draft Local Environmental Plan (LEP).

b) The adoption of a draft LEP.

c) The determination of submissions received in response to the public exhibition of a draft LEP.

d) The determination of development applications as nominated by the Director City Planning.

e) Approval of a development application which does not substantially comply with Council’s policies.

f) Matters delegated to the Mayor.

g) Section 226 of the Local Government Act, relating to the role of the Mayor.

Schedule 3

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<th>ROLE AND PURPOSE, AND SCOPE OF AUTHORITY, OF COMMITTEE</th>
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| City Services Committee | Role and Purpose: To consider and make resolutions in respect of any and all of the following matters:  
- roads and drainage  
- environmental protection  
- recreation and culture  
- public health and safety  
- social development  
- community services  
- economic services  
- organisational support and organisational development  
Scope of Authority: To that end, and for the above purpose, the Committee shall have the authority to pass resolutions. |

| City Development Committee | Role and Purpose: To consider and make resolutions in respect of any and all of the following matters:  
- Rezonings and other Local Environmental Plans  
- Applications for development approval and related matters  
- Land use planning policy, including but not limited to Development Control Plans and Codes  
- Other reports on land use planning-related matters  
Scope of Authority: To that end, and for the above purpose, the Committee shall have the authority to pass resolutions. |

Schedule 4
EXCEPTIONS, CONDITIONS, QUALIFICATIONS AND LIMITATIONS

1. Each committee must exercise the functions delegated in accordance with and subject to the provisions of all relevantly applicable legislation and any law as well as any relevantly applicable and current policy of Council.

2. Each committee, in the exercise of its functions, shall at all times operate and otherwise comply with the constitutional provisions specified in Schedule 5 as well as any relevant resolution of Council.
Schedule 5
CONSTITUTIONAL PROVISIONS
1. Each committee shall meet at the time and place and on the date (day of the month, and/or as otherwise required) as may be determined from time to time generally or specifically by Council.
2. The Chairperson and Deputy Chairperson for each Committee shall be as determined from time to time by Council.
3. The quorum for a meeting of a committee shall be six members.
4. Each member is entitled to one vote. In the event of an equality of votes, the person presiding has a second or casting vote.
5. Members of the public wishing to address a meeting of a committee may do so in accordance with the guidelines adopted by Council as in force from time to time.
4   AUDIT OF THE FINANCIAL ASSISTANCE PROGRAM

FILE NO:    D-14-8 PT3
Attachments:    Draft Policy
REPORT BY:    DIRECTOR CORPORATE SERVICES

Summary:

- Each year we undertake a review of the Financial Assistance Program and its operations.
- The Financial Assistance Program (FAP) provides small grants of up to $2,000 to community organisations and community groups to undertake events, activities and projects which meet objectives related to our Community Strategic Plan.
- An internal audit of our Financial Assistance Program was conducted in late 2012 as part of the Internal Audit Program.
- The internal audit found that the policy and processes underpinning the management and administration of the FAP required specific improvements to assist in streamlining the program and making it easier for our community partners to use.
- It is recommended that the amendments to the Financial Assistance Program be noted, and the Draft Amended Policy be endorsed.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goals of Engaged Community and Effective Governance.

Report:

An internal audit of our Financial Assistance Program (FAP) was conducted in late 2012 as part of the Internal Audit Program.

The Audit found that the policy and processes underpinning the management and administration of the FAP required improvements across a range of areas. The following is an overview summary of the audit’s recommendations.

a) Clarification as to whether the FAP provides grants or donations and appropriate management of GST implications;

b) Creation of a formal policy within the format used by Council for policies;

c) Improved transparency and accountability for decision-making such that the report recommending funding incorporates the names and signatures of staff responsible for assessment of applications;

d) Implementation of a process that ensures staff have read the policy regarding the management and administration of the FAP;

e) Implementation of strategies to prevent conflicts of interest impacting on allocation of funds by requiring staff to sign a form declaring no actual or perceived conflicts of interest;

f) Strategies to improve fairness and transparency and to protect Council should there be a request for information under the Government Information (Public Access) Act 2009.
g) Measures to improve information for applicants including a document specifically prepared for applicants on how to apply and common errors and omissions made by previous applicants;

h) Better checking of the currency of public liability insurance;

i) Improved transparency so that reasons for recommending amounts that exceed the maximum amounts detailed within the policy or for not recommending funding are properly explained on the schedule to the report to Council;

j) Providing information to the community about the FAP outcomes through making the information available on the website;

k) Implementing strategies to ensure that funding is not approved if an organisation appears to be bypassing the FAP application and assessment process;

l) Ensuring that approved applicants sign an agreement to spend the funds as agreed by sending them a letter of offer in the first instance with applicants being required to return a signed form specifying the terms of the funding;

m) Improved acquittal mechanisms;

n) Strategies to ensure funds are spent appropriately and on the approved activity;

o) Strengthening information within the policy regarding use of funds for the purchase of alcohol;

p) Implementation of an annual evaluation of the FAP;

q) Strategies to ensure that donations or grants approved outside the Financial Assistance Program application and assessment process are made from a separate budget and not from the Financial Assistance Program budget, and that a policy is developed to govern the process.

The Capacity Development Team has progressed 16 of the 18 recommendations from the audit. Additionally, the audit has been used as an opportunity to introduce a number of additional improvements to the Financial Assistance Program in response to feedback from applicants.

The following section highlights some of the more significant changes.

Development of a formal policy and applicant guidelines
To date, Council had a single policy document on FAP designed to inform potential applicants about the FAP. In response to the recommendations of the audit, the policy has been amended to inform staff on how to manage and administer the Financial Assistance Program as well as provide a set of guidelines specifically targeting potential applicants. The policy includes approval and version control information. The applicant guidelines are in plain English.

Development of a new application form
The audit recommendations required that the application form include a checklist for Council staff so that when applications are received, staff can check and note that the application has been properly completed and that any documents which are required as part of the application are indeed attached.

In reviewing the application form, it was considered important that the application form relate to the new applicant guidelines and, where possible, be simplified. Accordingly, the application form has been streamlined and amended to work in concert with the guidelines.
Inclusion of information on how applicants can make their event accessible
For the first time, applicants will be provided with information on how to make their event, program or project accessible and inclusive for all members of the community. The new section covers physical access to events, as well as ensuring written materials are visually accessible and that matters such as the provision of appropriate catering are considered.

Clarification of whether funds allocated are a donation or a grant
The funds allocated under the FAP have at times been referred to as donations. The audit recommendations required clarification as to whether the funds allocated were a grant or an allocation and that the GST implications be clarified.

Clarification has now been provided that funds allocated are grants. This allows us to align the grants program with our Community Strategic Plan and to also request that organisations that are in receipt of the funds properly acquit them.

The GST implications have also been clarified and are now clearly referred to in the policy and applicant guidelines.

Improved governance
The audit recommendations identified the need to include assurances that there are no actual or perceived conflicts of interest by staff or others involved in the process of managing or administering the FAP.

The revised policy requires staff and others involved to attest that there is no conflict of interest impacting their decision making and to sign a form specifying so. Members of the assessment panel will now be required to sign a declaration stating that they are not aware of any ‘actual perceived or potential conflicts of interest’ or alternatively they may declare a conflict of interest and be excused from the assessment process.

Improved documentation of actions
In some instances in the past applications had been accepted even if submitted after the closing date or when not all sections of the form had been properly completed or the application was ineligible for some other reason. In these instances, staff have attempted to assist elderly or other non-English speaking groups complete the details after the closing date. In response to the audit recommendations, there is now an expanded office use section on the application form. Where a decision is made to accept an application that would otherwise not be accepted, staff are required to write the basis for doing so and sign it so that there is a record of the policy exception and that this can be reported to Council as required in the approval process.

Improved transparency
The audit report noted that under the current reporting, detailed reasons were not provided as to why certain amounts of funding were being recommended. The report proposed that detailed reasons must be provided for allocations or where an application is not recommended for funding. Accordingly, in future reports that are submitted to Council in which recommendations are made for funding, reasons for allocating specific amounts will be included along with reasons for not providing funding where such a decision is made.
Allocation of Donations/Grants Outside of the FAP
The audit recommendations specified the need to ensure that donations or grants approved outside of the FAP application and assessment process be made from a separate budget to the Financial Assistance Program budget. This would provide for discretionary grants. These allocations would be subject of a separate policy and process yet to be developed. This will be brought to Council once the policy has been developed.

Financial Assistance Program 2013
The Financial Assistance Program for 2013 will open in April and close in June 2013.

As has been our practice, we will advertise the program through our networks and Advisory Committees, local media, and on our website. We will also hold an information session for groups who wish to access additional information and assistance in the application process.

We will also advise Councillors and provide copies of the guidelines and application forms at the opening of the round.

RECOMMENDATION:
THAT
1. The amendments to the Financial Assistance Program be noted.
2. The draft amended Financial Assistance Policy be endorsed.
5 INTERNAL AUDIT COMMITTEE

FILE NO: A-46-4 PT5

Attachments: Minutes of Meeting 26 February 2013

REPORT BY: DIRECTOR CORPORATE SERVICES

Summary
The minutes of the Internal Audit Committee meeting held on 26 February 2013 are presented for endorsement.

Council Delivery Program and Budget Implications:
This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Effective Governance.

Report:
The minutes of the Internal Audit Committee meeting held on 26 February 2013 are provided in the Attachments.

RECOMMENDATION:
THAT the minutes of the Internal Audit Committee meeting held on 26 February 2013 be endorsed.
6 INVESTMENTS AT 28 FEBRUARY 2013

FILE NO: I-30-9 PT4

REPORT BY: RESPONSIBLE ACCOUNTING OFFICER -
(GROUP MANAGER FINANCIAL SERVICES)

Summary:
- This report includes a Performance Report on investments.
- Also contained in the report is a statutory report on investments submitted pursuant to the Local Government (General) Regulation 2005.
- It is recommended the report be noted.

Council Delivery Program and Budget Implications:
This report provides an update on our investments and supports our Community Strategic Plan long term goals of Healthy Finances and Effective Governance.

Report:
Performance Report
Management of our investment portfolio is a critical and complicated process, the success of which is dependent upon achieving an appropriate balance across a number of factors. Performance for this period in relation to each of these is outlined below.

Total funds available for investment this period were $49,500,000. Whilst the economic environment continues to be difficult, investment earnings are being maintained at anticipated levels and in line with budget forecast.

<table>
<thead>
<tr>
<th>Key Performance Indicator</th>
<th>Target</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds invested</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Proportion of available cash invested</td>
<td>≥ 80%</td>
<td>87.70%</td>
</tr>
<tr>
<td>• Proportion of available cash held at bank</td>
<td>≤ 20%</td>
<td>12.30%</td>
</tr>
<tr>
<td>Key Performance Indicator</td>
<td>Target</td>
<td>Actual</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Weighted investment rate</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Actual rate greater than benchmark (BBSW(^1))</td>
<td>≥ 3.26%</td>
<td>3.62%</td>
</tr>
<tr>
<td>• AFMA BBSW Rate: Average Mid-90 day return.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Actual rate equal to or greater than Budget rate</td>
<td>3.25%</td>
<td>3.62%</td>
</tr>
<tr>
<td><strong>Comment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council’s average investment rate is adversely impacted by the investments that are not earning interest. The weighted average investment rate for Council’s term deposits and 11am account is 4.46%.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interest earned</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Interest earned this period</td>
<td>$112,500</td>
<td>150,304</td>
</tr>
<tr>
<td><strong>Product profile</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Funds held in term deposit</td>
<td>≥ 25%</td>
<td>67%</td>
</tr>
<tr>
<td>• Funds held in any other one product</td>
<td>≤ 40%</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Investment term</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Number of different investment terms used</td>
<td>≥ 5</td>
<td>7</td>
</tr>
<tr>
<td>• Funds held in 360+ day term</td>
<td>≤ 60%</td>
<td>39%</td>
</tr>
<tr>
<td><strong>Investment by institution</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Funds invested through banks</td>
<td>≥ 50%</td>
<td>45%</td>
</tr>
<tr>
<td>• Funds invested in any other single institution type</td>
<td>≤ 20%</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Comment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excluding FRNs and CDOs the amount invested in banks is 72%.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Bank Bill Swap Rate
Funds Invested

February

Average Investment Rate

February

Page 26
Status of Collateral Debt Obligations (CDOs)

At the time of the 2008 global financial crisis, we held $9m in CDOs. Since that time CDOs totalling $5.5m have matured with Council receiving the entire principal invested.

The remaining CDOs held by Council are as follows:
Nexus Bond Limited [Nexus] – Invested $1.5m and is due to mature on 23 June 2015
Aphex Pacific Capital [Glenelg] - Invested $1.5m and is due to mature on 22 December 2014
Corsair (Jersey) No.2 [Newport] - Invested $1.0m and is due to mature on 20 March 2013

The return of the principal invested for Nexus is supported by a capital guarantee and is not considered at risk. The Glenelg and Newport CDOs are not supported by a capital guarantee; therefore the return of capital remains subject to the continuing effects of the global financial crisis.

The following is a review of the current status of the Glenelg and Newport CDOs.

Glenelg is currently valued at $599k (as at 31 December 2012) and is steadily rising in value. It is expected that the market value will continue to increase as the period to maturity shortens, however further defaults by other parties to the investment could result in the reduction in the capital value of the investment. Accordingly it is proposed to hold this CDO until the maturity date of 22 December 2014.

Glenelg is currently still paying interest at the full rate. For the quarter ended 24 December 2012, Glenelg earned 5.09% per annum.

Newport is currently valued at $358k (as at 31 December 2012) and has been rising in value. It is expected that the market value will continue to increase as the period to maturity shortens. We have been notified that there has been a Notional Reduction in capital of 44.3% due to defaults by borrowers. This means that at best we will only receive $557k at maturity in March 2013.

Newport is currently still paying interest at the full rate based on the Reduced Capital amount. For the quarter ended 24 December 2012, Newport earned 4.88% per annum.

Budget Implications:
We have been advised that the maximum that we can receive for Newport in March 2013 will be $557k, resulting in realising a capital loss of $443k.

It is recommended that the capital loss be allocated to Developer Contributions and Domestic Waste Management Reserves on a proportional basis.

Statutory Report

Clause 212 of the Local Government (General) Regulation 2005 stipulates that a written report is to be presented at each ordinary meeting of Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

The following information is presented in accordance with the legislative requirements.
**COUNCIL MEETING**

**21 MARCH 2013**

INVESTMENTS AT 28 FEBRUARY 2013 (CONT.)

- **Income Performance**

<table>
<thead>
<tr>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Income to Date</td>
</tr>
<tr>
<td>Estimated Interest Income for the Year</td>
</tr>
<tr>
<td>Budgeted Interest Income (Year to Date )</td>
</tr>
<tr>
<td>Interest Income Surplus (Deficit) Actual -to-Budget</td>
</tr>
<tr>
<td>Percent Surplus(Deficit) Over Budget</td>
</tr>
</tbody>
</table>

- **Investment by Maturity**

<table>
<thead>
<tr>
<th>No. of Days up to 30</th>
<th>Amount Invested ($)</th>
<th>% of Investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>4,500,000</td>
<td>9%</td>
</tr>
<tr>
<td>No. of Days between 30 – 60</td>
<td>1,000,000</td>
<td>2%</td>
</tr>
<tr>
<td>No. of Days between 61 – 90</td>
<td>9,000,000</td>
<td>18%</td>
</tr>
<tr>
<td>No. of Days between 91 – 120</td>
<td>10,000,000</td>
<td>20%</td>
</tr>
<tr>
<td>No.of Days 150</td>
<td>4,000,000</td>
<td>8%</td>
</tr>
<tr>
<td>No. of Days 180</td>
<td>2,000,000</td>
<td>4%</td>
</tr>
<tr>
<td>No. of Days 360+</td>
<td>19,000,000</td>
<td>39%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49,500,000</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

- **Record of Cash Movement 28 February 2013**

Opening Balance as at 31 January 2013: 49,500,000

Add: New Investments: 0.00

**Total**: 49,500,000

Less: Withdrawals: 0.00

**Total Withdrawals (returned to cheque account)**: 0.00

Closing Balance 28 February 2013: 49,500,000

- **Investment Details**

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Lodgement Date</th>
<th>Maturity Date</th>
<th>Total Days</th>
<th>Yield</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Management A/c (11am)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commonwealth Bank</td>
<td>28-Feb-13</td>
<td>01-Mar-13</td>
<td>At Call</td>
<td>3.50%</td>
<td>3,500,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>3,500,000</strong></td>
</tr>
<tr>
<td><strong>Term Deposit (TD)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ING Direct</td>
<td>21-Dec-12</td>
<td>19-Jun-13</td>
<td>180</td>
<td>4.72%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>ING Direct</td>
<td>27-Sept-12</td>
<td>26-Mar-13</td>
<td>180</td>
<td>4.74%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>18-Feb-13</td>
<td>21-May-13</td>
<td>92</td>
<td>4.40%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>19-Dec-12</td>
<td>19-Mar-13</td>
<td>90</td>
<td>4.70%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>ME Bank</td>
<td>26-Feb-13</td>
<td>28-May-13</td>
<td>91</td>
<td>4.40%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>20-Feb-13</td>
<td>28-May-13</td>
<td>91</td>
<td>4.15%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>28-Feb-12</td>
<td>29-May-13</td>
<td>90</td>
<td>4.15%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>03-Sept-12</td>
<td>07-Mar-13</td>
<td>181</td>
<td>4.90%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>09-Oct-12</td>
<td>10-Apr-13</td>
<td>183</td>
<td>4.60%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>26-Feb-13</td>
<td>28-May-13</td>
<td>91</td>
<td>4.15%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>Lodgement Date</td>
<td>Maturity Date</td>
<td>Total Days</td>
<td>Yield</td>
<td>Amount ($)</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------------</td>
<td>---------------</td>
<td>------------</td>
<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>IMB Ltd</td>
<td>05-Feb-12</td>
<td>08-May-13</td>
<td>92</td>
<td>4.15%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Credit Union Australia</td>
<td>16-Nov-12</td>
<td>15-Mar-13</td>
<td>119</td>
<td>4.20%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Credit Union Australia</td>
<td>02-Nov-12</td>
<td>01-Mar-13</td>
<td>119</td>
<td>4.40%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>20-Nov-12</td>
<td>21-Mar-13</td>
<td>121</td>
<td>4.75%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>18-Jan-13</td>
<td>21-May-13</td>
<td>123</td>
<td>4.55%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>27-Nov-12</td>
<td>26-Apr-13</td>
<td>150</td>
<td>4.80%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>26-Feb-13</td>
<td>27-Aug-13</td>
<td>182</td>
<td>4.40%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>03-Jan-12</td>
<td>03-Apr-13</td>
<td>90</td>
<td>4.65%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>12-Oct-12</td>
<td>12-Apr-13</td>
<td>182</td>
<td>4.80%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank west</td>
<td>11-Jan-13</td>
<td>27-Mar-13</td>
<td>75</td>
<td>4.20%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank west</td>
<td>15-Feb-13</td>
<td>16-Apr-13</td>
<td>60</td>
<td>4.10%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Bank west</td>
<td>22-Feb-13</td>
<td>08-May-13</td>
<td>75</td>
<td>4.05%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Newcastle Permanent</td>
<td>13-Dec-12</td>
<td>13-Mar-13</td>
<td>90</td>
<td>4.40%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Newcastle Permanent</td>
<td>27-Feb-13</td>
<td>28-May-13</td>
<td>90</td>
<td>4.10%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Newcastle Permanent</td>
<td>21-Dec-12</td>
<td>21-Mar-13</td>
<td>90</td>
<td>4.30%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Wide Bay Australia Ltd</td>
<td>16-Sept-10</td>
<td>16-Sept-13</td>
<td>1096</td>
<td>7.25%</td>
<td>2,000,000</td>
</tr>
<tr>
<td>ANZ Bank</td>
<td>27-Nov-12</td>
<td>26-Mar-13</td>
<td>120</td>
<td>3.82%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Westpac</td>
<td>05-Feb-12</td>
<td>07-May-13</td>
<td>91</td>
<td>4.14%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>St George Building Society</td>
<td>02-Nov-12</td>
<td>05-Mar-13</td>
<td>123</td>
<td>4.35%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>St George Building Society</td>
<td>13-Nov-12</td>
<td>13-Mar-13</td>
<td>120</td>
<td>4.47%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>St George Building Society</td>
<td>28-Feb-13</td>
<td>29-May-13</td>
<td>90</td>
<td>4.15%</td>
<td>1,000,000</td>
</tr>
<tr>
<td>St George Building Society</td>
<td>18-Oct-12</td>
<td>12-Mar-13</td>
<td>153</td>
<td>4.42%</td>
<td>1,000,000</td>
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<table>
<thead>
<tr>
<th>Floating Rate Notes (FRN)</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>ANZ Senior FRN</td>
<td>22-Apr-08</td>
<td>22-Apr-13</td>
<td>1,826</td>
<td>4.79%</td>
<td>1,000,000</td>
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<tr>
<td>Obelisk Trust-Keolis Notes</td>
<td>27-Jul-06</td>
<td>24-Aug-13</td>
<td>2,585</td>
<td>0.00%</td>
<td>1,000,000</td>
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<tr>
<th>Collateral Debt Obligation (CDO)</th>
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<tbody>
<tr>
<td>Corsair (Jersey) No 2 Ltd Newport</td>
<td>08-Feb-06</td>
<td>20-Mar-13</td>
<td>2,597</td>
<td>2.80%^</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Aphex Pacific Capital -&quot;Glenelg&quot;</td>
<td>13-Jun-06</td>
<td>22-Dec-14</td>
<td>3,114</td>
<td>5.09%^</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Nexus Bond Limited</td>
<td>28-Mar-03</td>
<td>23-Jun-15</td>
<td>4,470</td>
<td>*</td>
<td>1,500,000</td>
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<tr>
<th>Capital Protected Notes (CPN)</th>
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<tbody>
<tr>
<td>Longreach Series 26</td>
<td>07-Jun-07</td>
<td>07-Jun-14</td>
<td>2,557</td>
<td>*</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Longreach Series 28</td>
<td>28-Jun-07</td>
<td>27-Jun-14</td>
<td>2,556</td>
<td>*</td>
<td>2,000,000</td>
</tr>
<tr>
<td>All Seasons Note</td>
<td>29-Jun-06</td>
<td>29-Aug-14</td>
<td>2,983</td>
<td>*</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Longreach Series 29</td>
<td>28-Sep-07</td>
<td>29-Sep-14</td>
<td>2,558</td>
<td>*</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Octagon Ltd &quot;Emu Notes&quot;</td>
<td>25-Oct-05</td>
<td>30-Oct-15</td>
<td>3,657</td>
<td>*</td>
<td>1,000,000</td>
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* Denotes grandfathered investments which have maturity dates up to 30 October 2015. The impact of the global financial crisis on these investments has resulted in these investments no longer earning any investment income. A review of these investments on 9 February 2012 reconfirmed Council’s “hold-to-maturity” strategy.
Denotes grandfathered investments which continue to earn investment income and have maturity dates up to 22 December 2014. The investment earning and market value of these investments remain subject to the continuing effects of the 2008 global financial crisis. A review of these investments on 9 February 2012 reconfirmed Council’s “hold-to-maturity” strategy.

Report on Council's Investments – Section 625 of the Local Government Act 1993
I hereby certify that investments have been made in accordance with the Act, the Regulations and Council’s Investment Policy.

Record of Quotations
A separate record of quotations is kept.

RECOMMENDATION:
THAT the report be noted.
7 EXHIBITION OF DRAFT ANNUAL BUDGET AND OPERATIONAL PLAN 2013-14

FILE NO: C-114-7 12/13

REPORT BY: GENERAL MANAGER

Summary:
- Draft documents presenting the Annual Budget, Schedule of Fees and Charges and Operational Plan for 2013-14 have been provided to Councillors.
- This report recommends that the content of the draft Annual Budget and Operational Plan documents for 2013-14 as provided be endorsed for public exhibition.
- Following the period of exhibition, a further report will be presented to Council with the feedback received and a request to formally adopt the Annual Budget, Schedule of Fees and Charges and Operational Plan for 2013-14.

Council Delivery Program and Budget Implications:
This report deals with the public exhibition of the Annual Budget and Operational Plan for 2013-14 which supports our Community Strategic Plan long term goal of Effective Governance.

Report:
The draft Annual Budget and Operational Plan for 2013-14 were presented to Councillors at a workshop on 19 March 2013. The presentation supplemented briefing documents that were distributed to all Councillors in the week preceding the workshop.

At the workshop a brief overview of the proposed content of the Community Strategic Plan was provided. The Works Program – outlining infrastructure projects for the coming year, and the Operational Plan – outlining services and initiatives to be provided, were provided in the briefing documents.

Similarly an overview of the critical budget settings for the coming year was also provided and these settings were discussed. The budget settings, key assumptions, rating overview, and Fees and Charges for 2013-14 were also provided in the briefing documents.

The Councillors who attended the workshop seemingly supported the general budget settings and forward direction described by the Group Manager Financial Services, Glenn McMahon, and Manager Corporate Strategy, David Coleman. Comments made by the General Manager in relation to Council’s long term financial outlook and the financial challenges confronting local government in New South Wales also resonated with Councillors.

It was clear that Councillors wanted to further explore all opportunities to increase revenues and reduce operating costs. It was accepted by Councillors that this was essential to arrest declining liquidity and deficits on operations. Issues raised for further investigation included but were not limited to:
- Opportunities for developing Council’s property portfolio. A clear preference was expressed for property assets to generate recurrent income rather than be sold off. This approach is supported by Management.
• Special Rate Variations to arrest declining liquidity and enable greater investment into infrastructure renewal and maintenance.
• Continuation of the very successful Services Review Program.
• Increased reliance on regional procurement and resource sharing activities with Councils in our region.
• Avoidance of any new spending or service initiatives where funds have not been allocated in the current budget or external grants, or other forms of financial assistance are not available.

The workshop appeared to give general support to the following, which will be re-submitted to Council at a later date for formal adoption:
• Approval of the 3.4% increase in property rates
• Approval to split the increase in rates 70% to Residential ratepayers and 30% to Business ratepayers
• Approval to set the Domestic Waste Charge at $349.50
• Approval to submit a request for potential loan borrowing of $2.0 million with the Division of Local Government
• Approval to commence community consultation to seek support for special rate variations, as approved by Council, to address our long term sustainability challenges
• Reaffirmation of Council’s commitment to the Service Review Program
• Adoption of the Schedule of Fees and Charges.

The content presented will be combined into documents ready for public exhibition. The exhibition period is scheduled for 9 April to 8 May 2013 inclusive.

Following the period of exhibition, the draft budget will be reviewed to incorporate changes as a result of the feedback received together with any new information which may have a bearing on the 2013-14 budget. A report will then be prepared for Council noting any changes to the draft budget and requesting the budget be formally adopted and the rates set for the forthcoming year.

RECOMMENDATION:
THAT the draft Annual Budget and Operational Plan for 2013-14 as provided to Councillors, discussed at the workshop on 19 March 2013, be endorsed for public exhibition.
ADVISORY COMMITTEES

1 COMMUNITY SAFETY COMMITTEE

FILE NO: C-245-2 PT21

Attachments: Minutes of the meeting held on 4 March 2013

REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:
The minutes of the Community Safety Committee meeting held on 4 March 2013 are presented for endorsement.

Council Delivery Program and Budget Implications:
The activities of the Community Safety Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Health and Safety.

Report:
The minutes of the Community Safety Committee meeting held on 4 March 2013 are provided in the Attachments.

RECOMMENDATION:
THAT the minutes of the Community Safety Committee meeting held on 4 March 2013 be endorsed.
2 DISABILITY ACCESS COMMITTEE

FILE NO: D-22-1 PT8

Attachments: Minutes of the meeting held on 20 February 2013

REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:
The minutes of the Disability Access Committee meeting held on 20 February 2013 are presented for endorsement.

City Plan and Budget Implications:
The activities of the Disability Access Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Access to Facilities and Services.

Report:
The minutes of the Disability Access Committee meeting held on 20 February 2013 are provided in the Attachments. The following recommendations are highlighted as they have financial implications or pertain to policy matters.

Memorial Plaque for Danny Moore
THAT:
1. Vaughn Akinin, Ken Gibbs and Gina Carovigno form a sub-Committee to assist Council erecting a memorial plaque for Danny Moore.
2. Out-of-session discussions be held with the Capacity Development Officer - Participation to agree and make a recommendation for the location and design for the plaque.

Funding for Operation Out and About
THAT:
1. A contribution of $6,000 from Council’s 2012-2013 Disability Advisory Committee Budget be provided to the planning component of Operation Out and About.
2. A report be provided to the Committee on the progress of the project at the next meeting.

Funding for a Consultant to Review DA Plans
THAT a maximum of $5000 be allocated from Council’s 2012-2013 Disability Access Committee Budget for the engagement of an Accredited Access professional to assist the DA Plans Sub-committee in the review of DAs to 30 June 2013.

Access Awareness Training for New Staff
Recommendations:
THAT:
1. Mr John Evernden be appointed as the preferred presenter for Access Awareness Training at Council Induction sessions for the two remaining sessions for 2012/2013.
2. Ken Gibbs, Chris Banks and Maura Outterside will be attending at least one session throughout 2013 (along with sub-committee members Janeen Horne, Caryn Fisher and Bruce Blackshaw)

3. Gina Carovigno and Roma Wood be alternative members.

**Consideration of Additional Member**

THAT Claire Layfield’s nomination to be a member of the Disability Access Committee be accepted

**RECOMMENDATION:**

THAT the minutes of the Disability Access Committee meeting held on 20 February 2013 be endorsed.
3 SENIOR CITIZENS ADVISORY COMMITTEE

FILE NO: S-143-1 PT4
Attachments: Minutes of the meeting held on 21 February 2013
REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:
The minutes of the Senior Citizens Advisory Committee meeting held on 21 February 2013 are presented for endorsement.

City Plan and Budget Implications:
The activities of the Senior Citizens Advisory Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Access to Facilities and Services.

Report:
The minutes of the Senior Citizens Advisory Committee meeting held on 21 February 2013 are provided in the Attachments. The following recommendation is highlighted as it has financial implications.

Funding for Operations Out and About
THAT:
1. A contribution of $2,000 from SCAC’s Ageing Strategy budget to Operation Out and About project be supported.
2. A report be provided to the Committee on progress of the project at the next meeting.

RECOMMENDATION:
THAT the minutes of the Senior Citizens Advisory Committee meeting held on 21 February 2013 be endorsed.
4 SPORTING FIELDS ADVISORY GROUP

FILE NO: P-80-1, R-71-1
Attachments: Minutes of meeting held on 18 February 2013
REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:
The minutes of the Sporting Fields Advisory Group meeting held on 18 February 2013 are presented for endorsement.

Council Delivery Program and Budget Implications:
This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Engaged Community and Access to Facilities and Services.

Report:
The minutes of the Sporting Fields Advisory Group meeting held on 18 February 2013 are provided in the Attachments. The following recommendation is highlighted as it pertains to a policy matter.

Policy on the Seasonal Allocation of Sporting Fields
THAT
1. The current policy on the Seasonal Allocation of Sporting Fields be endorsed.
2. The policy be reviewed again at the end of the 2013 calendar year.

RECOMMENDATION:
THAT the minutes of the Sporting Fields Advisory Group meeting held on 18 February 2013 be endorsed.
5 ENVIRONMENTAL AND SUSTAINABILITY COMMITTEE

FILE NO: E-37-6 PT3

Attachments: Minutes of the meeting held on 19 February 2013

REPORT BY: DIRECTOR CITY PLANNING

Summary:
The minutes of the Environmental and Sustainability Committee meeting held on 19 February 2013 are presented for endorsement.

Council Delivery Program and Budget Implications:
The activities of the Environmental and Sustainability Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Responsible Use of Resources.

Report:
The minutes of the Environmental and Sustainability Committee meeting held on 19 February 2013 are provided in the Attachments. The following recommendations are highlighted as they pertain to policy matters.

Draft Nature Strip Garden Policy
THAT
1. Indigenous or native low growing grasses which don’t require mowing be used in nature strips instead of turf.
2. Examples of native low growing grasses, appropriate native shrubs and trees, along with what plants are classified weeds and banned, be attached to the application form and displayed on Council’s website.
3. A reference to Council’s street fruit tree policy be added.

NOTE: The draft Nature Strip Garden Policy is currently on exhibition. It is therefore suggested that the above recommendations form the Committee’s submission on the draft Policy.

Cooks River foreshore - Hurlstone Park
THAT
1. Due to the eroding impact of the coral trees on the Cooks River bank near the Foord Avenue footbridge, consideration be given to their removal and remediation of the area.
2. Consideration be given to the remediation of the stormwater run-off damaged area near Keir Avenue.

NOTE: The above recommendation will be the subject of a report back to the Committee.
RECOMMENDATION:
THAT
1. The minutes of the Environmental and Sustainability Committee meeting held on 19 February 2013 be endorsed.
2. The recommendations relating to the draft Nature Strip Garden Policy form the Committee’s submission on the draft policy.
3. The recommendation relating to the Cooks River foreshore at Hurlstone Park be the subject of a report to the Committee.
MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

09/13 PROGRAM OF RAIL CUTS
FILE NO: C-123-6, R-64-1

Councillor Adler to move
THAT
1. Council notes that the O’Farrell Liberal government’s program of rail cuts will have a significant impact on the local community in the Canterbury local government area.
2. Council notes that there are around 650 rail workers who live in the Canterbury local government area.
3. Council notes that this radical program of rail cuts has been initiated without any consultation with the key stakeholders such as schools, community and welfare groups, local councils and the general public.
4. Council notes that the cuts include:
   • 650 Transit Officers
   • Approximately 300 positions in routine maintenance
   • Approximately 400 from Human Resources, Industrial Relations, Safety Environment and Quality Assurance
   • Approximately 100 Station Managers
   • Approximately 100 Incident Response and Competency Assurance (From Operational)
   • Approximately 30 from Train Planning and Scheduling
5. Council also notes that the inevitable consequences of the rail cuts for the local community include:
   • Reduced security for the travelling public
   • Dirty trains
   • Increase in graffiti and vandalism
   • Safety risks for the travelling public due to the scaling down of maintenance work
6. Council believes that further adverse consequences of the cuts will result from the loss of years of experience from the railways network due to the removal of Station Managers and other key functions, and that inadequate investment in public transport infrastructure will erode train services and make them less reliable for passengers.
7. Accordingly Council calls on the NSW government to stop the rail cuts, and instead, to invest in a modern, world class public transport system that is safe, reliable and comfortable and meets community expectations
8. The contents of this Motion be sent to the Premier, the Minister for Transport, local MPs, the Rail Tram and Bus Union and the Leader of the Opposition.

10/13 NSW PLANNING WHITE PAPER
FILE NO: C-123-6, D-6-2

Councillor Adler to move
THAT Council
1. Hold one or more community workshop(s) on the NSW Planning White Paper following its expected release in March 2013
2. Conduct any such workshop(s) within one month after the release of the White Paper in order to inform our local community about the proposals contained within the White Paper and provide an opportunity for Council staff and Councillors to hear community views on these proposals.

11/13 TRAFFIC CONGESTION IN EARLWOOD

FILE NO: C-123-6, T-34-3

Councillor Vasiliades to move

THAT
1. A report be prepared for Council investigating traffic congestion issues and possible solutions regarding the area bounded by William Street, Homer Street, Woolcott Street, Permanent Avenue and Wardell Road, Earlwood;
2. In addition, the report look at how to improve the flow of traffic south bound along Homer Street through the Earlwood shopping centre.

12/13 EDUCATION AND TRAINING ADVISORY COMMITTEE

FILE NO: C-123-6, E-19-3

Councillor Paschalidis-Chilas to move

THAT Council establish an Education and Training Advisory Committee to advise it on education and training issues. The Committee will enhance Council’s existing work to ensure the residents of Canterbury always have access to affordable and high quality education and training options.

13/13 SOCIAL PROCUREMENT

FILE NO: C-123-6, S-164-1

Councillor Paschalidis-Chilas to move

THAT
1. Council officers be acknowledged for their contribution to the recently released Public Sector Social Procurement Guide.
2. Council adopt the guide and continue its excellent work in social procurement.

14/13 SUPPORTING COMMUNITY CONSULTATION SESSIONS

FILE NO: C-123-6, A-17-1

Councillor Adler to move

THAT
1. Council believes that local communities should be given the chance to have their say before any decisions about forced council amalgamations are made by the O'Farrell government.
2. Council notes that the O'Farrell government has spent over $1.8 million on endless reviews and panels and on secret consultation with big business but at no stage have local communities been invited to have their say about forced mergers.
3. Council calls on the O'Farrell government to organise local community consultation sessions with local councils so that ratepayers, residents, local businesses can have an opportunity to be heard.

4. This motion be sent to the Premier, the Minister for Local Government, the United Services Union and local MPs.
In accordance with the provisions of the Local Government Act 1993, it is proposed that the press and the public be excluded from the meeting when the following reports are to be considered for the reasons specified below.

**ITEM 1  CONTRACT FOR CONSTRUCTION OF PEDESTRIAN BRIDGE OVER WOLLI CREEK AT TURRELLA RESERVE, EARLWOOD**

This report is being considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the tender details may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence. It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council’s decision.

**ITEM 2  LEGAL SERVICES TENDER**

This report is being considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the tender details may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence. It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council’s decision.

**RECOMMENDATION:**

THAT

1. Council move into closed council to consider reports, together with any late reports tabled at the meeting.
2. Pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.