

DRAFT

MINUTES – 22 MAY 2018



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 22 May 2018, commencing at 6.19pm.

PRESENT:

Mayor R Palmer, Councillors G Arnott, C. Doohan, G Dunkley, K. Jordan, P. Le Mottee, J Nell, S Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

126	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 8 May 2018 be confirmed.</p>
127	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that the apology from Cr Jaimie Abbott be received and noted.</p>

MINUTES ORDINARY COUNCIL - 22 MAY 2018

	Mayor Ryan Palmer declared a pecuniary conflict of interest in confidential Item 2. The nature of the interest is that family members are Directors of the company being granted the easement.
--	--

INDEX

MOTIONS TO CLOSE 4

1. MOTION TO CLOSE6
2. MOTION TO CLOSE7

COUNCIL REPORTS..... 8

1. DEVELOPMENT APPLICATION NO.16-2017-936-1 FOR A
DWELLING AT 182 PORT STEPHENS DRIVE, SALAMANDER BAY
(LOT: 566 DP:27353)9
2. T33-2017 PROVISION OF TRAFFIC CONTROL SERVICES37
3. DRAFT OPERATIONAL PLAN 2018-2021 - AMENDED STATEMENT
OF REVENUE POLICY (WILLIAMTOWN MANAGEMENT AREA -
SUB CATEGORY) AND ADDITIONAL FEE AND CHARGE40
4. POLICY REVIEW: INTEGRATED RISK MANAGEMENT POLICY50
5. POLICY REVIEW: PECUNIARY INTEREST RETURNS -
LODGE MENT64
6. POLICY REVIEW: ACCESS TO INFORMATION72
7. POLICY REVIEW: INTERNAL REPORTING90
8. REQUEST FOR FINANCIAL ASSISTANCE115
9. INFORMATION PAPERS119

INFORMATION PAPERS 121

1. CASH AND INVESTMENTS REPORT - APRIL 2018122
2. FENCING PLAYGROUND TO IMPROVE ALL ABILITIES FACILITIES126

NOTICES OF MOTION 128

1. PROPOSED SALE OF 109 FORESHORE DRIVE, SALAMANDER
BAY129
2. RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER
BAY135
3. PORT STEPHENS CRICKET CLUB138

CONFIDENTIAL 140

1. PURCHASE OF 8 BALLAT CLOSE, MEDOWIE141
2. GRANT OF DRAINAGE EASEMENT OVER 96-100 PORT
STEPHENS STREET, RAYMOND TERRACE142

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION

	Councillor Giacomo Arnott Councillor John Nell That the Notice of Motions be brought forward and that Notice of Motion Item 2 be dealt with first.
--	--

The motion on being put was lost.

MOTION TO CLOSE_e

ITEM NO. 1

**FILE NO: 18/103726
EDRMS NO: PSC2017-03502**

MOTION TO CLOSE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely ***Purchase of 8 Ballat Close, Medowie.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

128	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely <i>Purchase of 8 Ballat Close, Medowie.</i>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	--

ITEM NO. 2

**FILE NO: 18/98680
EDRMS NO: PSC2015-03284**

MOTION TO CLOSE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely ***GRANT OF DRAINAGE EASEMENT OVER 96-100 PORT STEPHENS STREET, RAYMOND TERRACE.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

129	<p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 0 on the Ordinary agenda namely <i>GRANT OF DRAINAGE EASEMENT OVER 96-100 PORT STEPHENS STREET, RAYMOND TERRACE.</i>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	--

COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 22 MAY 2018**ITEM NO. 1****FILE NO: 18/94478
EDRMS NO: 16-2017-936-1****DEVELOPMENT APPLICATION NO.16-2017-936-1 FOR A DWELLING AT 182
PORT STEPHENS DRIVE, SALAMANDER BAY (LOT: 566 DP:27353)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application DA No. 16-2017-936-1 for a Dwelling at 182 Port Stephens Drive, Salamander Bay (LOT: 566 DP27353) for the reasons contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

130	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council move into Committee of the Whole.
------------	--

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Chris Doohan That the recommendation be adopted.
--	--

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

131	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council refuse Development Application DA No. 16-2017-936-1 for a Dwelling at 182 Port Stephens Drive, Salamander Bay (LOT: 566 DP27353) for the reasons contained in (ATTACHMENT 3) .
------------	--

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2017-936-1 for the construction of a dwelling to Council for determination. A locality plan is provided at **(ATTACHMENT 1)**.

The application is being reported to Council given the large amount of community interest pursuant to the Development Applications to be Reported to Council Policy.

Proposal

The application proposes the construction of a single storey dwelling containing three bedrooms, bathroom, ensuite, rumpus room, living/dining area and a double garage **(ATTACHMENT 1)**. The single storey dwelling is positioned 28 metres (m) from the western property boundary. Vehicle access is gained from Port Stephens Drive via a driveway approximately 100m in length.

To obtain the required Bushfire Attack Level of 29, an Asset Protection Zone (APZ) of 25m around the perimeter of the dwelling is required to be implemented. The disturbance footprint of the development is:

- Driveway - 845sqm
- Dwelling including required Asset Protection Zone – 3974sqm
- Total – 4816sqm

Site Details

The subject site is located on the eastern side of Port Stephens Drive, at 182 Port Stephens Drive Salamander Bay. The subject site is approximately 5.6ha in size. There is currently no development on the site.

The site is heavily vegetated, with minimal patches of cleared land. Vegetation consists of remnant coastal Sand Apple Blackbutt forest, continuous with swamp forest, freshwater and estuarine wetland communities in the Mambo Wetlands.

To the west of the site is the wetland reserve public recreation area known as 'Boronia Gardens Reserve' with residential development to the south west and Mambo Wetland environmental conservation area to the east and north of the site. The subject site forms part of a significant fragment of habitat measuring approximately 191ha in size, of which Mambo Wetland Reserve comprises 175ha.

Assessment Outcomes

The subject land is zoned E2 Environmental Conservation under the Port Stephens Local Environmental Plan 2013 (LEP2013). The proposed use is permissible with consent in the E2 zone.

The proposed development was assessed against relevant controls and objectives as specified under *State Environmental Planning Policy No. 71 Coastal Protection*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *LEP2013* and *Port Stephens Development Control Plan 2014* (DCP2014).

Key Issues

E2 Environmental Conservation Zone Objectives

The proposed development is defined as a dwelling house and is permissible with consent within the E2 Environmental Conservation zone under the LEP2013. The objectives of the E2 zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The site has a high Conservation Assessment Tool (CAT) ranking as reflected by the E2 Environmental Conservation zoning, biodiversity attributes mapping sets and known biodiversity values. A number of threatened species were identified on the site. The site supports preferred koala habitat (PKH) and supplementary koala habitat and provides a corridor for koala and fauna movement.

While a number of measures were proposed with the aim to reduce and mitigate harm and negative impacts on the environment and to ensure the protection of the undisturbed portion of the site, adverse environmental impacts are unavoidable. Habitat removal to construct the dwelling house and driveway, and implement the asset protection zone (APZ) will disturb fauna movement and associated use of the wider site. The unique location of the site surrounded by an expanse of native bushland with a high conservation rating amplifies the potential adverse impacts derived from the proposed development.

Whilst the zoning of the subject site permits dwelling houses with consent under LEP2013, the assessment of the vegetation removal to facilitate construction and habitation of the proposed development has concluded that the development will destroy, damage or otherwise have an adverse effect on the high ecological, scientific, cultural or aesthetic values of the site. The application is therefore not supported.

Suitability of the Site

Despite a dwelling house being permitted with consent in the E2 zone, the permissibility of a dwelling is intended to facilitate development where dwellings can be sited within areas that enable avoiding adverse direct or indirect impacts to the environment. The subject site has not been historically cleared with this development requiring clearance of approx. 4816sqm.

In addition to the attributes of the subject site, the unique location of the subject site, surrounded by an expanse of native bushland with a high conservation rating, amplifies the potential adverse environmental impacts of the proposed development. Habitat removal and disturbance to fauna movement and utilisation of the wider site as a result of residential infrastructure and home occupancy will take place. While a number of measures were proposed with the aim to reduce and mitigate harm to the environment and to ensure the protection of the undisturbed portion of the site, adverse environmental impacts will occur which are not trivial. Due to the dense, high ecological value of the remnant vegetation on-site, a dwelling could not be positioned on the subject site and avoid adverse environmental impacts. Therefore, a dwelling house is not considered to be a suitable use for the subject site.

Public Interest

The application has not demonstrated that the development is consistent with the adopted principles and strategies which seek to promote the appropriate development of land. The proposal represents minimal public benefit through the provision of one additional dwelling within the locality. The development would result in an adverse impact to local ecology which is inconsistent with the E2 Environmental Conservation zone objectives. Furthermore, the 2610 submissions received objecting to the proposal clearly highlights the interest of the wider community. The benefits are limited to the applicant/ future land owner who do not provide sufficient weight to justify the construction of the dwelling and the associated environmental impacts.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

The proposal is not considered to be satisfactory in terms of the public interest on this basis.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The application is inconsistent with the relevant planning instruments and guidelines of LEP2013 and DCP2014.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		There is scope within Council's existing budget to defend Council's determination if challenged.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with Section 4.15C of the *Environmental Planning and Assessment Act 1979*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused, it may be challenged at the Land and Environment Court.	Medium	Defend the refusal of the application in the NSW land and Environment Court if required.	Yes

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application be approved, it may be challenged at the Land and Environment Court.	Medium	Determine the application in line with the recommendation and refuse the application.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The construction of the proposed development will provide employment opportunities and support the local building industries, providing economic benefit. The proposal would not be visible from Port Stephens Drive and therefore minimal impacts to the built environment are anticipated.

The proposed development will involve the removal of vegetation on-site to facilitate the construction and safe habitation of the dwelling house. The development will require the removal and modification of Koala Habitat within an area considered to have high environmental value. The subject site forms part of the contiguous habitats connecting to the Mambo Wetlands, encompassing approximately 191ha. The application is inconsistent with the E2 Environmental Conservation zone objectives due to the inability to prevent adverse impacts on the natural environment which are not trivial. The application has failed to demonstrate that the development would not have an unacceptable impact on the natural environment and is therefore not supported.

A detailed assessment of the proposed development has been carried out against the requirements of the *EP&A Act 1979* and has been included as **(ATTACHMENT 2)** to this report.

CONSULTATION

Consultation with key stakeholders has been undertaken, including through the public notification and advertising process.

Internal

The application was referred to the following Council sections:

- Natural Resources
- Building Surveying

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Each internal staff member assessed the relevant portion of the application. Council's Natural Resource section is not in support of the application on the basis of the adverse impacts identified in **(ATTACHMENT 2)**. There were no issues identified from a Building Surveying perspective. Detailed assessment of comments received from internal referral bodies are outlined in **(ATTACHMENT 2)**.

External

Department of Primary Industries (DPI) – Fisheries - The application was referred to DPI – Fisheries for comment. Comments received outlined that the proposed mitigation measures outlined in the Statement of Environmental Effects, may be insufficient to preserve the natural values of Mambo Wetlands and noted that residential development on the subject site is not preferable.

However, if approved, DPI- Fisheries expressed that adequate conditions of consent imposed and enforced, such as a vegetation management plan and water quality and quantity controls were recommended. The referral response received from DPI – Fisheries is provided in **(ATTACHMENT 4)**.

Public Consultation

The application was exhibited for 30 days in accordance with PSDCP2014, ending 17 February 2018. During this period a total of 2610 submissions were received, incorporating 219 individual submissions and 2383 proforma submissions. The following concerns were raised:

Objection	Comments
Estimated cost of works.	An estimated cost of development report was submitted. The estimated cost of works is considered to be satisfactory.
Impact on the Koala Population and Inconsistency with Port Stephens Comprehensive Koala Plan of Management (PSC CKPoM).	Assessment of the application against each criterion within PSC CKPoM concluded that the development was acceptable. The development is considered to be consistent with the aims and objectives of PSC CKPoM. However, the application will have an adverse impact upon Koala habitat and is not considered to be consistent with the objectives of the E2 zoning.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Objection	Comments
Impact to Mambo Wetland Reserve and Potential RAMSAR status.	The development has the potential to disturb fauna movement within the significant fragment of undisturbed vegetation which incorporates Mambo Wetland Reserve. No direct impacts to the Mambo Wetland Reserve were identified as part of the assessment.
Impact to Threaten Fauna and Flora.	The assessment of the application concluded that the impact to threatened flora and fauna was acceptable with regard to requirements outlined in the Threatened Species Conservation Act 1995. However, the application is considered to have an adverse impact on the high ecological values of the site and is not considered to be consistent with the objectives of the E2 zoning.
Aboriginal Heritage of the Area.	An Aboriginal Heritage Information Management System (AHIMS) search was undertaken over the subject site. No Aboriginal sites or declared Aboriginal places are recorded.
Bushfire risk and bushfire protection measures.	The Bushfire Attack Level and proposed APZ is in line with AS 3959 – Construction of buildings in bushfire-prone areas and is considered to be satisfactory. It will require 3974 sqm of clearing of the site.
Inconsistent with the aims and objectives of State Environmental Planning Policy No71 – Coastal Protection (Repealed).	The application has been assessed against the matters for consideration outlined in SEPP 71 Coastal Protection. As the application does not satisfy Clause 8(d) - <i>the suitability of development given its type, location and design and its relationship with the surrounding area</i> . The application is not supported on this basis.
The development is not in the public interest.	The application has not demonstrated that the development is consistent with the adopted principles and strategies which seek to promote the appropriate development of land. The assessment of the application concluded that the development is not in the public interest.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Objection	Comments
Inconsistent with Port Stephens Local Environmental Plan 2013.	The application was assessed against PSLEP2013. The application is considered to be inconsistent with PSLEP2013 as the development does not satisfy the objectives of the E2 Environmental Conservation Zone.
Inconsistent with Port Stephens Development Control Plan 2014.	The application is consistent with the design guidelines specified for dwellings and is generally consistent with the PSDCP2014 general provision chapter.
Significant Environmental Impact and the requirement of Concurrence from Office of Environment and Heritage.	The development is considered to not have a significant impact on a threatened species and therefore no concurrence from the Office of Heritage is required.

OPTIONS

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

ATTACHMENTS

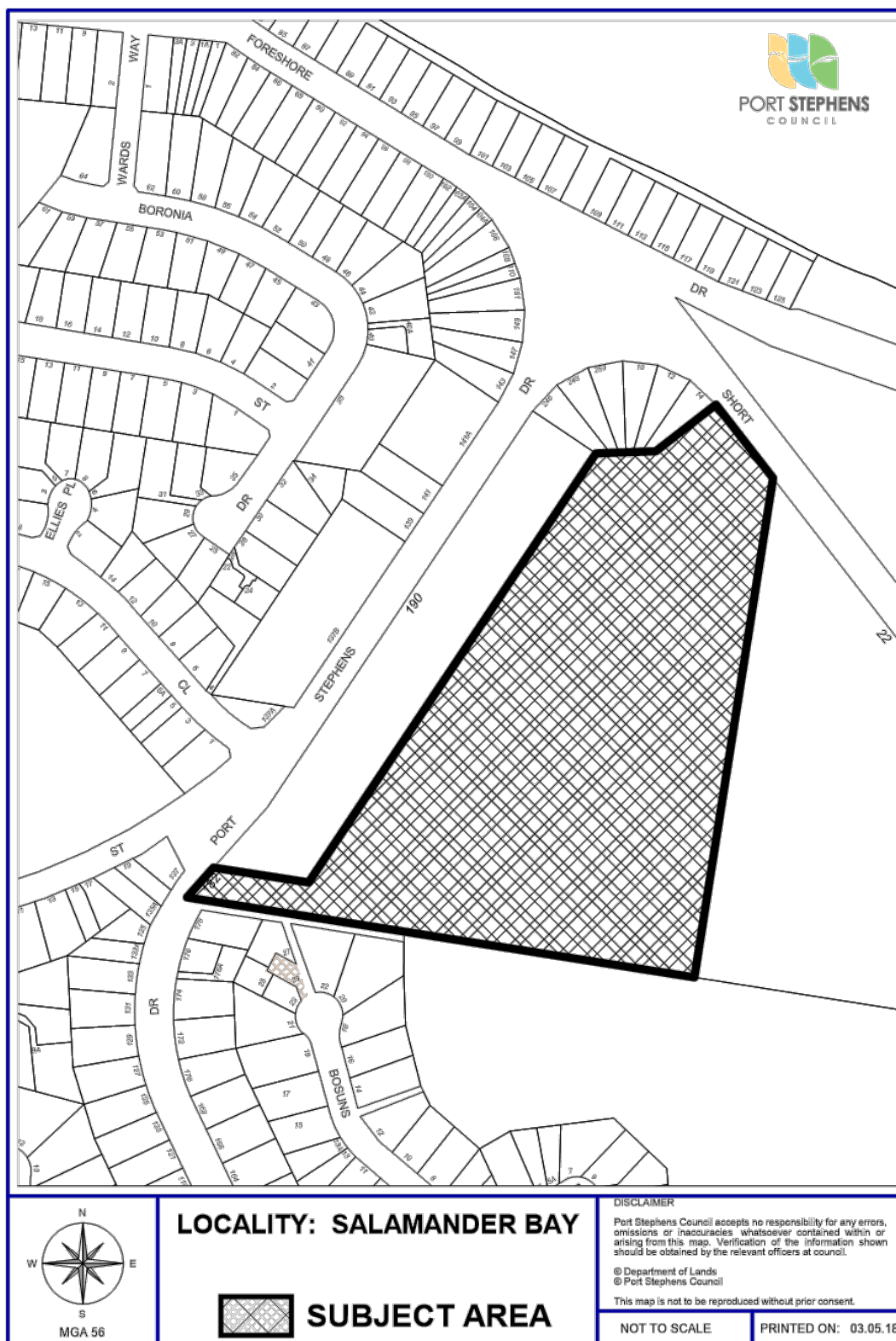
- 1) Locailty Plan.
- 2) Planners Assessment Report.
- 3) Reasons for Refusal.
- 4) DPI Fisheries Referral Comments.

COUNCILLORS ROOM

- 1) Individual Submissions.
- 2) DA Plans.

TABLED DOCUMENTS

Nil.



PORT STEPHENS
COUNCILDEVELOPMENT
ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2017-936-1
Development Description	Single Storey Dwelling
Applicant	MR P UNICOMB
Date of Lodgement	22/12/2017
Value of Works	\$450,000.00

Development Proposal

The application proposes the construction of a single storey dwelling containing three bedrooms, bathroom, ensuite, rumpus room, living/dining area and a double garage. The single storey dwelling is positioned 28m from the western property boundary. Vehicle access is gained from Port Stephens Drive via a driveway approximately 100m in length (**Figure 1 and 2**).

To obtain a Bushfire Attack Level of 29, an Asset Protection Zone (APZ) of 25m around the perimeter of the dwelling is required to be implemented. The footprint of the development is:

- Driveway - 845sqm
- Dwelling including required Asset Protection Zone – 3974sqm
- Total – 4816sqm

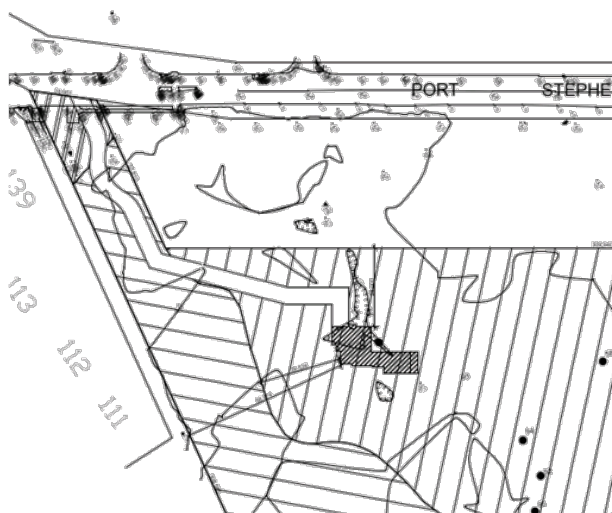


Figure 1: Location of the proposed dwelling

16-2017-936-1

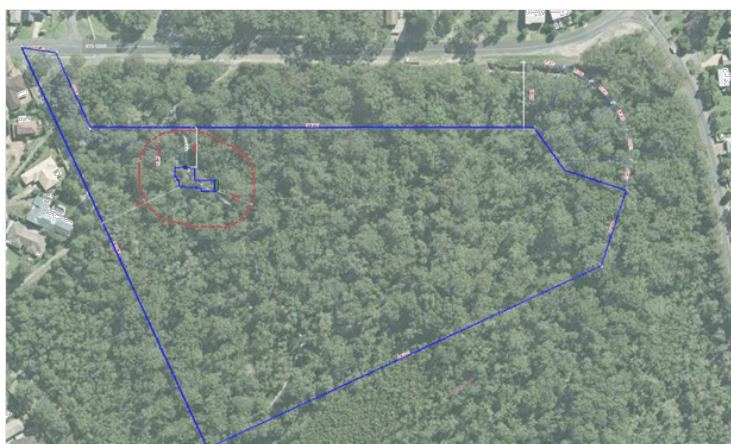


Figure 2: Extent of vegetation clearing to establish the required APZ.

PROPERTY DETAILS

Property Address	182 Port Stephens Drive SALAMANDER BAY
Lot and DP	LOT: 566 DP: 27353
Current Use	Vacant
Zoning	E2 ENVIRONMENTAL CONSERVATION
Site Constraints	<ul style="list-style-type: none"> • Bush Fire Prone – Categories 1, 2 and 3 • ASS – Class 3 and 4 • Koala Habitat – Supplementary • Coastal Management SEPP 2018 – Coastal Zone • Coastal Management SEPP 2018 – Coastal wetlands (100m proximity Area) • Height of Buildings (J) • Stormwater Requirement Area (100 Year ARI Infiltration Area) • Corridor mapping – Core Habitat • Corridor mapping – Landscape Habitat Link

Site Description

The subject site is located on the eastern side of Port Stephens Drive, at 182 Port Stephens Drive Salamander Bay (**Figure 3**). The subject site is approximately 5.6ha in size. There is currently no development on the site. The site is heavily vegetated, with minimal patches of cleared land. Vegetation consists of remnant coastal Sand Apple Blackbutt forest, continuous with swamp forest, freshwater and estuarine wetland communities in the Mambo Wetlands.

To the west of the site is the wetland reserve public recreation area known as 'Boronia Gardens Reserve' with residential development to the south west and the Mambo Wetland environmental conservation area to the east and north of the site. The subject site forms part of a significant fragment of habitat measuring approximately 191ha in size, of which Mambo Wetland Reserve comprises 175ha.

Page 2 of 14

16-2017-936-1



Figure 3: Aerial Imagery of the subject site.

Site History

A development application for a dual occupancy (DA No.16-2017-620-1) was withdrawn from Council on 24 November 2017.

Site Inspection

A site inspection was carried out on 2 May 2018. The subject site can be seen in the figures below.



Figure 4: Illustrating the location of battle axe driveway.

16-2017-936-1



Figure 5: The subject site viewed from southern boundary.



Figure 6: Within the subject site, illustrating the density of vegetation.

ASSESSMENT SUMMARY

Designated Development	The application is not designated development
Integrated Development	The application does not require additional approvals listed under s.4.46 of the EP&A Act

Page 4 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

Concurrence

The application does not require the concurrence of another body

Internal Referrals

The proposed development was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Natural Resources – Whilst it was noted that a significant impact to the surrounding environment is unlikely as assessed under the *Threatened Species Conservation Act 1995* (TSC Act), the development would have an adverse effect on the high ecological values of the site which is not trivial. The negative ecological impact to the subject site is inconsistent with the E2 Environmental Conservation zone objectives under the *Port Stephens Local Environmental Plan 2013* and therefore the application cannot be supported.

Building Surveyor – No objections were made to the proposal on construction grounds, subject to conditions of consent.

External Referrals

The proposed development was referred to the following external agencies for comment.

Department of Primary Industries (Marine Parks) (DPI) –It was noted that the responsibility of DPI within marine parks is to ensure that marine biological diversity and marine habitats are conserved and ecological processes are maintained. With regard to land use planning and approvals, DPI ensures that development activities comply with or are consistent with the requirements of the *Marine Estate Management Act 2014*, *Marine Estate Management Regulation 2017* and *Marine Estate Management (Management Rules) Regulation 1999*.

Comments expressed that:

- The proposed mitigation measures outlined in the statement of environmental effects (SOEE), if they are implemented, may be insufficient to preserve the natural values of Mambo Wetlands.
- The status given to the subject land as an E2 Environmental Conservation Zone is better served without urban or residential encroachment.

However, if approved, DPI expressed that adequate conditions of consent must be imposed and enforced, such as a vegetation management plan and water quality and quantity controls, in order to mitigate any potential deleterious impacts associated with the proposal.

MATTERS FOR CONSIDERATION – SECTION 4.15**s4.15(1)(a)(i) – The provisions of any EPI**

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

The proposed development is defined as a dwelling house and is permissible with consent within the E2 Environmental Conservation zone under the LEP2013. The objectives of the E2 zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

Page 5 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The site has a High Conservation Assessment Tool (CAT) ranking as reflected by the E2 Environmental Conservation zoning, biodiversity attributes mapping sets and known biodiversity values on-site. Four threatened fauna species were identified on-site including the wallum froglet, white bellied sea-eagle, koala and grey headed flying fox. The subject site supports preferred koala habitat and supplementary koala habitat. The proposal will impact on the koala habitat located on the subject site as follows:

- Clearing of 200m² of preferred koala habitat;
- Clearing of 1300m² of 50m buffer over supplementary koala habitat; and
- Modify 3300m² of supplementary habitat and 50m buffer over supplementary habitat for the implementation of the required APZ.

While a number of measures were proposed with the aim to reduce and mitigate harm and negative impacts on the environment and to ensure the protection of the undisturbed portion of the site, adverse environmental impacts are unavoidable. Habitat removal to construct the dwelling house and driveway, and implement the asset protection zone will disturb fauna movement and associated use of the wider site. The unique location of the site surrounded by an expanse of native bushland with a high conservation rating amplifies the potential adverse impacts arising from the proposed development.

Whilst the zoning of the subject site permits dwelling houses with consent under the LEP2013, the assessment of the vegetation removal to facilitate construction and habitation of the proposed development has concluded that the development has the potential to destroy, damage or otherwise have an adverse effect on the high ecological, scientific, cultural or aesthetic values of the site. The application is therefore not supported in this regard.

Clause 4.2B – Erection of Dwelling Houses on Land in Certain Rural, Residential and Environment Protection Zones

This clause relates to land zoned E2 Environmental Conservation and aims to prevent unplanned rural residential development. Under subclause (3)(b), a Lot zoned E2 Environmental Conservation created before this Plan commenced, having an area of at least 4,000 square metres and on which the erection of a dwelling house was permissible immediately before that commencement, is a Lot by which this clause applies.

The lot was previously zoned 7(a) Environmental Protection "A" prior to the commencement of the LEP2013 in February 2014, whereby a dwelling house was permitted with consent. The subject Lot also is greater than 4000m² in size. In this regard, the application is consistent with the requirements specified under this Clause.

Clause 4.3 – Height of Buildings

The subject site does not have a specified height limit under the LEP2013 mapping. Nonetheless, the single storey dwelling proposed is considered to be in keeping with the existing height controls of development of similar nature within the immediate proximity of the site therefore the proposal would satisfy the aims of the clause.

Clause 7.1 – Acid Sulfate Soils

The area for development is identified as having class 3 and 4 acid sulphate soils (ASS). Minimal cut is required to facilitate the proposed development and therefore ASS considerations have been satisfied.

Clause 7.2 – Earthworks

Page 6 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

The application proposes earthworks of approximately 0.33m fill material to establish a level building platform. Due to the minor nature of earthworks, the proposal is unlikely to disrupt drainage patterns, impact potential future development on-site or disturb potential relics located on-site. The application is satisfactory against the objectives and requirements of Clause 7.2 (3).

Clause 7.6 – Essential Services

The site has access to the majority of essential services listed under this clause. In regards to sewer management, no specific management solution has been identified in the application. Council's records indicate that the site is not currently sewered and an application under Section 68 of the Local Government Act 1993 for on-site sewer management may be needed to be lodged. As the application is recommended to be refused, the outstanding information regarding sewage management was not requested. Therefore, the application is inconsistent with the requirements of Clause 7.6.

State Environmental Planning Policies

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The Koala Habitat Planning Map within the Port Stephens Council Comprehensive Koala Plan of Management (PSC CKPoM), illustrates the entire area of the site as supplementary Koala habitat. Ground-truthing submitted with the application revealed patches of preferred Koala Habitat, Supplementary Koala Habitat and 50m Buffer over Supplementary Koala Habitat. The ground truthed koala mapping provided with the application is illustrated in **Figure 7** below:



Figure 7: Illustrating Koala Habitat identified in supporting documentation.

The proposal will impact koala habitat as follows:

- Clearing of 200m² of preferred koala habitat;
- Clearing of 1300m² of 50m buffer over supplementary koala habitat; and
- Modify 3300m² of supplementary habitat and 50m buffer over supplementary habitat for the implementation of the required APZ.

Assessment of the application against each criterion concluded:

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

- The proposed development has been located to minimise clearance of Preferred Koala Habitat.
- The proposed development has not reduced clearing within buffer areas. It is noted that the site has minimal cleared areas, therefore a reduction in vegetation removal cannot be facilitated through a relocation of the proposed development.
- The application does not propose the restoration or rehabilitation of areas of koala habitat buffers.
- Satisfactory measures in line with CKPoM considerations to ensure long term protection of the site are proposed.
- Fencing is proposed to be erected around the building envelope to restrict movement of dogs.

The development is considered to be generally consistent with the aims and objectives of PSC CKPoM.

State Environmental Planning Policy No.71 Coastal Protection

The application was lodged prior to State Environmental Planning Policy (Coastal Management) 2018 being gazetted. As such, the application will be assessed against the aims and objectives of State Environmental Planning Policy No.71 Coastal Protection.

The development has no direct access to the waterfront and the development will not create an unacceptable impact on views of the water front. The application conserves animals and plants within the meaning of the TSC Act 1995.

However, the development does not satisfy Cl 8: (d) - *the suitability of development given its type, location and design and its relationship with the surrounding area*. The development is considered to not be a suitable development type, regardless of the location of the development on the site and would have adverse impacts on the surrounding environment. The development type, being a dwelling is not considered to be an appropriate utilisation of the site.

The application has been assessed against these matters for consideration. As the application does not satisfy Clause 8 (d) the application is not supported on this basis.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted for the proposed development that demonstrates that the sustainability criteria can be achieved.

s4.15(1)(a)(ii) – Any draft EPI

There are no draft EPI's relevant to the proposed development.

s4.15(1)(a)(iii) – Any DCP

Port Stephens Development Control Plan 2014

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

Chapter A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12, the development was exhibited for a period of 30 days. In response 2610 submissions were received, as detailed in **Table 1** below:

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

SUBMISSION TYPE	COUNT
Individual (including Community Group / Organisations) Submissions	219
Individuals who Made 2 Submissions	4
Individuals who Made 3 Submissions	1
Individuals who Made 4 Submissions	3
Proforma Submissions	2383
TOTAL	2610

Table 1 – Submission count.

Chapter B.2 – Natural Resources

A Fauna and Flora report (the report) was submitted with the development application. It is noted that the DA is considered a pending development application and therefore the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* applies to the application. In accordance with Clause 28(1) the former planning provisions under the TSC Act 1995 applies.

The report assessed the potential indirect and direct impact of the development on the surrounding environment. The following development characteristics are noted:

Development Footprint

- Driveway - 845sqm
- Dwelling including required Asset Protection Zone – 3974sqm
- Total – 4816sqm

The application outlined that the environmental impacts have been mitigated to an appropriate level as necessary under the TSC 1995. However, the application, inclusive of mitigation measures proposed is unable to prevent the adverse impact on the high ecology value of the subject site.

The proposal will result in direct impacts due to habitat removal to facilitate the construction of residential infrastructure. Ongoing indirect impacts are likely to occur due to disturbance to fauna movement and utilisation of the wider site as a result of both residential infrastructure and human occupancy. The unique location of the subject being surrounded by high conservation value amplifies the environmental importance of the subject site.

Although the application has satisfied the objectives and requirements contained within this chapter, the application is not considered to be consistent with the objectives of the E2 Environmental Conservation zone and is therefore not supported.

Chapter B3 Environmental management

The application is recommended to be refused, due to the reasons listed in the Notice of Determination (NoD). As the application is recommended to be refused, potential impacts from acid sulphate soils, air quality, noise and earthworks will not be created and therefore an assessment is not required.

Chapter B4 – Drainage and Water Quality

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

The development plans illustrate the provision of a rainwater tank with overflows routed to a designated rainwater infiltration area. The stormwater drainage design has been assessed as being consistent with the Infrastructure Specification.

Chapter B9 – Road Network and Parking

The proposed dwelling is a three bedroom dwelling and accordingly requires two (2) car parking spaces. Two (2) car parking spaces have been provided for the proposed dwelling, which satisfies the minimum car parking requirements specified under DCP2014.

Chapter C4 – Dwelling and Ancillary Development

Clause	Requirement	Assessment
C4.1	Building height to be max. 8m on land where no maximum building height specified in LEP	The proposed single storey building is less than 8m in height and is an acceptable height within the character of the area.
C4.4	Minimum front setback of 10m in environmental zoned land	The proposed development is setback 28m from the front property boundary which complies with the minimum setback requirements.
C4.11	Side setback for ground floor of 5m in environmental zones	The ground floor of the proposed development is setback a minimum of 58m from side property boundaries which complies with the minimum setback requirements.
C4.15	Rear setback for ground floor of 5m in environmental zones	The large rear setback is in excess of 5m and complies with the minimum setback requirements.
C4.18	Garage to be setback min 1m behind building line	The proposed garage is not setback from the building line. However, considering the depth of the front setback, this is not considered to impact the consistency of the streetscape. Subsequently the objective of the DCP would still be met.
C4.24	At least one habitable room to front the street boundary	The development is not visible from the Port Stephens Drive and is therefore not applicable to this application.
C4.26	Development to be sympathetic to the street character	The proposed development is typical of other developments in the locality,
C4.31	Min 50m ² of POS with 35m ² principle POS with min dimensions of 4m x 4m, or 20m ² balcony with minimum width of 3m where ground floor POS cannot be provided	Whilst a large section of the site would be remain heavily vegetated, there is ample space for private amenity within the APZ.
C4.33	Min 2hrs of sunlight to principle POS between 9am to 3pm mid-winter	The private amenity is considered to have satisfactory access to sunlight.
C4.34	Min 30% of POS of adjoining dwelling must receive at least 3hrs sunlight between 9am to 3pm mid-	The development is separated sufficiently from neighbouring properties and as such no overshadowing will occur.

Page 10 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

	winter	
C4.35	Min driveway width of 3.6m	The proposed driveway is considered to meet this requirement.
C4.36	Maximum garage door width of 9m for lots greater than 1500m ²	The proposed garage door is 5m, which is compliant with this requirement.

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

s4.15(1)(a)(iv) – The regulations

N/A

s4.15(1)(a)(v) – Any coastal management plan

There are no coastal management plans applicable to the proposed development.

s4.15(1)(b) – The likely impacts of the development**Social and Economic Impacts**

The proposed development represents a modern dwelling and will result in additional housing to service the needs of the community. The construction of the proposed development will provide employment opportunities in the locality and support the local building industries. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The proposed development will have minimal impacts on the nature of the locality and is characteristic of other developments in both the local and wider community. The proposal is not visible from Port Stephens Drive and therefore no anticipated adverse impacts on the built environment as a result of the proposed development are anticipated.

Impacts on the Natural Environment

The proposed development will involve the removal of vegetation on-site to facilitate the construction and safe habitation of the dwelling house. The development will require the removal and modification of Koala Habitat within an area considered to have high environmental value. The subject site forms part of the contiguous habitats connecting to the Mambo Wetlands, encompassing approximately 191ha. The application is inconsistent with the E2 Environmental Conservation zone objectives due to the inability to prevent adverse impacts on the natural environment. The application has failed to demonstrate that the development would not have an unacceptable impact on the natural environment and is therefore not supported.

s4.15(1)(c) – The suitability of the site

Insufficient information has been submitted to demonstrate that the development is suitable for the site. Despite a dwelling house being permitted with consent in the E2 zone, the permissibility of a dwelling is intended to facilitate development where dwellings can be sited within cleared areas, avoiding adverse direct or indirect impacts to the environment.

Page 11 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

The unique location of the subject site, surrounded by an expanse of native bushland with a high conservation rating amplifies the potential adverse environmental impacts of the development. Habitat removal and disturbance to fauna movement and utilisation of the wider site as a result of residential infrastructure and home occupancy will take place. While a number of measures were proposed with the aim to reduce and mitigate harm to the environment and to ensure the protection of the undisturbed portion of the site, adverse environmental impacts will occur. Due to the dense, high ecological value of the remnant vegetation on-site, a dwelling could not be positioned on the subject site and avoid adverse environmental impacts. Therefore, a dwelling house is not considered to be suitable use for the subject site.

s4.15(1)(d) – Any submissions

2610 submissions have been received in relation to the proposed development. Due to the large volume of submissions, submission types are detailed in **Table 2** below.

SUBMISSION TYPE	COUNT
Individual (including Community Group / Organisations) Submissions	219
Individuals who Made 2 Submissions	4
Individuals who Made 3 Submissions	1
Individuals who Made 4 Submissions	3
Proforma Submissions	2383
TOTAL	2610

Table 2 – submission count

The matters raised in the submissions objecting to the development are discussed in the table below:

Objection	Comments
Estimated cost of works	An estimated cost of development report was submitted. The estimated cost of works is considered to be satisfactory.
Impact on the Koala Population and Inconsistency with Port Stephens Comprehensive Koala Plan of Management (PSC CKPoM).	Assessment of the application against each criterion within PSC CKPoM concluded that the development was acceptable. The development is considered to be consistent with the aims and objectives of PSC CKPoM. However, the application will have an adverse impact upon Koala habitat and is not considered to be consistent with the objectives of the E2 zoning.
Impact to Mambo Wetland Reserve and	The development has to potential to disturbed

Page 12 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

Potential RAMSAR status	fauna movement within the significant fragment of undisturbed vegetation which incorporates Mambo Wetland Reserve. No direct impacts to the Mambo Wetland Reserve were identified as part of the assessment.
Impact to Threaten Fauna and Flora	The assessment of the application concluded that the impact to threatened flora and fauna was acceptable with regard to the requirements outlined specified in the Threatened Species Act 1995. However, the application is considered to have an adverse impact on the high ecological values of the site and is not considered to be consistent with the objectives of the E2 zoning.
Aboriginal Heritage of the Area	An Aboriginal Heritage Information Management System (AHIMS) search was undertaken over the subject site. No Aboriginal sites or declared Aboriginal places are recorded.
Bushfire risk and bushfire protection measures	The Bushfire Attack Level and proposed APZ is in line with AS 3959 – Construction of buildings in bushfire-prone areas and is considered to be satisfactory.
Inconsistent with the aims and objectives of State Environmental Planning Policy No71 – Coastal Protection (Repealed)	The application has been assessed against the matters for consideration outlined in SEPP 71 Coastal Protection. As the application does not satisfy Clause 8(d) - <i>the suitability of development given its type, location and design and its relationship with the surrounding area</i> . The application is not supported on this basis.
The development is not in the public interest	The application has not demonstrated that the development is consistent with the adopted principles and strategies which seek to promote the appropriate development of land. The assessment concluded that the development is not in the public interest.
Inconsistent with Port Stephens Local Environmental Plan 2013	The application was assessed against PSLEP2013. The application is considered to be inconsistent with PSLEP2013 as the development does not satisfy the objectives of the E2 Environmental Conservation Zone.
Inconsistent with Port Stephens Development Control Plan 2014	The application is generally consistent with the design guidelines specified for dwellings and is generally consistent with the PSDCP 2014 general provision chapter.

Page 13 of 14

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2017-936-1

Significant Environmental Impact and the requirement of Concurrence from Office of Environment and Heritage	The development is considered to not have a significant impact on a threatened species and therefore no concurrence from the Office of Heritage is required.
---	--

s4.15(1)(e) – The public interest

The application has not demonstrated that the development is consistent with the adopted principles and strategies which seek to promote the appropriate development of land. The proposal represents minimal public benefit through the provision of one additional dwelling within the locality. The development would result in an adverse impact to the local ecology which is inconsistent with the E2 Environmental Conservation zone objectives. Furthermore, the 2610 submissions received objecting to the proposal clearly highlights the interest of the wider community. The benefits are limited to the applicant/ future land owner who do not provide sufficient weight to justify the construction of the dwelling and the associated environmental impacts.

The proposal is not considered to be satisfactory in terms of the public interest on this basis.

DETERMINATION

The application is recommended to be refused under delegated authority, subject to conditions as contained in the notice of determination.

SAMUEL HARVEY

Page 14 of 14



PORT STEPHENS
COUNCIL

Notice Of Determination - REFUSAL

Under section 4.16(1)(b) and 4.18(1)(a) of the *Environmental Planning and Assessment Act 1979* (NSW)

Recommended Conditions of Consent

SCHEDULE 1

REASONS FOR REFUSAL

1. The proposed development is inconsistent with the objects contained in Section 1.3(ii) of the *Environmental Planning and Assessment (EP&A) Act 1979*, as it fails to demonstrate that the development will encourage the proper management and development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment (s.1.3(a)(i) of the *EP&A Act 1979*);
2. The proposed development will result in a development that fails to satisfy the provisions of Clause 8 (d) – Matters for Consideration of State Environmental Planning Policy 71 – Coastal Protection in that development is not suitable given its type, location and design and its relationship with the surrounding area (s.4.15(1)(a)(i) of the *EP&A Act 1979*);
3. The proposed development will result in a development that fails to satisfy Clause 2.3(2) Zone Objectives and Land Use Table of Port Stephens Local Environmental Plan 2013, in that the development fails to satisfy the objectives of the E2 Environmental Conservation Zone (s.4.15(1)(a)(i) of the *EP&A Act 1979*);
4. The proposed development will result in a development that is in conflict with the provisions of Clause 7.6(c) the disposal and management of sewage of the Port Stephens Local Environmental Plan 2013, in that satisfactory method to dispose and manage sewage was not submitted (s.4.15(1)(a)(i) of the *EP&A Act 1979*);
5. Approval of the proposed development will result in unacceptable impacts on the natural environment (s.4.15(1)(b) of the *EP&A Act 1979*);
6. The proposed development is not considered to be suitable for the site (s.4.15(1)(c) of the *EP&A Act 1979*); and
7. The proposed development is not considered to be in the public interest the development as it is inconsistent with the adopted principles and strategies which seek to promote the appropriate development of land. (s.4.15(1)(e) of the *EP&A Act 1979*).

Adelaide Street (PO Box 42), Raymond Terrace NSW 2324
DX 21406 Raymond Terrace • Phone 4980 0255
Email council@portstephens.nsw.gov.au

16-2017-936-1

Page 1 of 2



SCHEDULE 2

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 8.2 of the Act, or
- a right of appeal under Section 8.7 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

Adelaide Street (PO Box 42), Raymond Terrace NSW 2324
DX 21406 Raymond Terrace • Phone 4980 0255
Email council@portstephens.nsw.gov.au

16-2017-936-1

Page 2 of 2

ITEM 1 - ATTACHMENT 4 DPI FISHERIES REFERRAL COMMENTS.



Department of
Primary Industries

Trim ref: OUT18/1489

Samuel Harvey
Development Planner
Port Stephens Council
PO Box 42
Raymond Terrace 2324

Dear Mr Harvey,

Proposal: Single Storey Dwelling
DA No: 16-2017-936-1
Lot: 566 DP 27353, 182 Port Stephens Drive, Salamander Bay

Thank you for your referral of 9 January 2018 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries (DPI).

In relation to this referral, the responsibility of DPI within marine parks is to ensure that marine biological diversity and marine habitats are conserved and ecological processes are maintained. With regard to land use planning and approvals the Department ensures that development activities comply with or are consistent with the requirements of the Marine Estate Management Act 2014, *Marine Estate Management Regulation 2017* and *Marine Estate Management (Management Rules) Regulation 1999*. In accordance with section 56 of the *Marine Estate Management Act 2014*, for the carrying out of development on land that is in the locality of a marine park, the consent authority must take into consideration the objects of this Act, the permissible uses of the area concerned under the regulations or the management rules and any advice given to it by the relevant Ministers about the impact on the marine park of development in the locality.

We note that this application relates to the same property as the previously withdrawn development application 16-2017-620-1, which was for a dual occupancy residence, and there is little difference between the applications and supporting material.

The proposal will require land clearing and development in what is currently natural bushland adjacent to the Mambo Wetlands Reserve. This Reserve has high conservation value to the marine park. The natural state of these wetlands provides an essential linkage for the maintenance of biodiversity and the viability of local fauna that frequent the marine park (particularly seabirds) within their home range. In recognition of the importance of Mambo Wetlands as a nursery for juvenile fish stocks, a Sanctuary Zone was declared in Salamander Bay that includes that part of the Mambo Wetlands up to mean high water mark.

The Flora and Fauna Assessment submitted with the previous application notes the presence of a variety of threatened and endangered flora and fauna species, populations and ecological communities, and hollow-bearing trees that will be affected by the construction of residential premises. We note reference to the proposal resulting in increased weed infestation, increased spread of pest fauna species, edge effects, predation by cats and dogs, increased human presence, and an increase in artificial lighting. The proposed development would also increase the intensity and frequency of flows as a result of vegetation removal, an increase in the area of impermeable surfaces, which may affect the natural hydrology and

Locked Bag 800, Nelson Bay, NSW 2315, Australia
Port Stephens Fisheries Institute, Taylors Beach Road, Taylors Beach, NSW 2316.
Tel: 02 4916 3970 Fax: 02 4982 1014 E: psolmp@dpi.nsw.gov.au www.dpi.nsw.gov.au

ITEM 1 - ATTACHMENT 4 DPI FISHERIES REFERRAL COMMENTS.



**Department of
Primary Industries**

runoff into streams and watercourses, an increased pollution risk, and a potential increase in informal and inappropriate access into the wetlands area by motorised vehicles and pedestrians.

The proposed mitigation measures outlined in the SOEE, if they are implemented, may be insufficient to preserve the natural values of Mambo Wetlands. The status given to the subject land as E2 Environmental Conservation Zone is better served without urban or residential encroachment. However, if approved, we would like to see adequate conditions of consent imposed and enforced, such as a vegetation management plan and water quality and quantity controls, in order to mitigate any potential deleterious impacts associated with the proposal.

Please contact me if you require further information on (02) 4916 3970.

Yours sincerely, 



Luke Erskine

Manager

Port Stephens – Great Lakes Marine Park

30 January 2018

Locked Bag 800, Nelson Bay, NSW 2315, Australia
Port Stephens Fisheries Institute, Taylors Beach Road, Taylors Beach, NSW 2316.
Tel: 02 4916 3970 Fax: 02 4982 1014 E: psqlmp@dpi.nsw.gov.au www.dpi.nsw.gov.au

ITEM NO. 2

**FILE NO: 18/95705
EDRMS NO: T33-2017**

T33-2017 PROVISION OF TRAFFIC CONTROL SERVICES

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 2 on the Ordinary Council agenda namely T33-2017 Provision of Traffic Control Services.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
 - 5) That Council reject all tender submissions submitted from: Workforce Road Services Pty Ltd, Dan Power Pty. Ltd. trading as TrafficPOWER, iCombined 360 Services Group Pty Ltd, Hunter Traffic Pty Ltd, Guardian Traffic Services, Donnelly Services Pty Ltd, DOB Enterprises Pty Ltd and Complete Staff solutions Pty Ltd for the Provision of Traffic Control Services.
-

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ORDINARY COUNCIL MEETING - 22 MAY 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>That Council reject all tender submissions submitted from: Workforce Road Services Pty Ltd, Dan Power Pty. Ltd. trading as TrafficPOWER, iCombined 360 Services Group Pty Ltd, Hunter Traffic Pty Ltd, Guardian Traffic Services, Donnelly Services Pty Ltd, DOB Enterprises Pty Ltd and Complete Staff solutions Pty Ltd for the Provision of Traffic Control Services.</p>
--	--

ORDINARY COUNCIL MEETING - 22 MAY 2018 MOTION

132	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council reject all tender submissions submitted from: Workforce Road Services Pty Ltd, Dan Power Pty. Ltd. trading as TrafficPOWER, iCombined 360 Services Group Pty Ltd, Hunter Traffic Pty Ltd, Guardian Traffic Services, Donnelly Services Pty Ltd, DOB Enterprises Pty Ltd and Complete Staff solutions Pty Ltd for the Provision of Traffic Control Services.</p>
-----	--

BACKGROUND

The purpose of this report is to reject all tenders received from the following suppliers for the varying schedule prices for the provision of traffic control services:

The list of Tenderers is:

- Workforce Road Services Pty Ltd
- Dan Power Pty. Ltd. trading as TrafficPOWER
- iCombined 360 Services Group Pty Ltd
- Hunter Traffic Pty Ltd
- Guardian Traffic Services
- Donnelly Services Pty Ltd
- DOB Enterprises Pty Ltd
- Complete Staff Solutions Pty Ltd

The tender was advertised and closed on 27 November 2017, with a total of eight tenderers.

The Tender Approval Panel has reviewed the tender evaluation process for this tender and recommends an alteration in scope that better reflects Council's requirements. As such, all tender submissions are to be rejected, tenderers to be notified and a new tender called for these services.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Facilities and Services Section.

Internal

- General Manager
- Governance Manager
- Facilities and Services Section Manager
- Financial Services Section Manager

External

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3**FILE NO: 18/97013
EDRMS NO: PSC2017-03014****DRAFT OPERATIONAL PLAN 2018-2021 - AMENDED STATEMENT OF
REVENUE POLICY (WILLIAMTOWN MANAGEMENT AREA - SUB CATEGORY)
AND ADDITIONAL FEE AND CHARGE****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the amended Statement of Revenue Policy and an additional fee for holiday park call out for inclusion in the draft Integrated Planning and Reporting Framework.
 - 2) Places the amended Statement of Revenue Policy and additional fee on public exhibition for a period of 28 days and, should no submissions be received, the policy and additional fee be adopted as amended, without a further report to Council.
-

**ORDINARY COUNCIL MEETING - 22 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Giacomo Arnott Councillor Glen Dunkley That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

133	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorses the amended Statement of Revenue Policy and an additional fee for holiday park call out for inclusion in the draft Integrated Planning and Reporting Framework.2) Places the amended Statement of Revenue Policy and additional fee on public exhibition for a period of 28 days and, should no submissions be received, the policy and additional fee be adopted as amended, without a further report to Council.
------------	--

BACKGROUND

The purpose of this report is to seek Council's endorsement of the amended Statement of Revenue Policy (**ATTACHMENT 1**) for inclusion in the draft Operational Plan 2018-2021 (**TABLED DOCUMENT 1**), place it on public exhibition for a period of 28 days and invite submissions in accordance with the *Local Government Act 1993* (Local Government Act).

The Integrated Planning and Reporting documents, including the draft Operational Plan 2018-2021 were placed on public exhibition in April 2018. That document included Council's Statement of Revenue Policy for 2018-2019. Since that time, Council has investigated the limited options available to it to provide financial assistance to the residential and farmland ratepayers whose properties are located within the Williamstown Management Area, which was declared by the Environment Protection Authority in November 2017. The NSW Valuer General has recently completed a review of land values for rating purposes of properties that were added to the Williamstown Management Area and those land values were decreased on average 15% to take effect from 1 July 2018.

Council is unable to waive or discount rates for affected ratepayers, however, Council is permitted to make sub-categories of the ordinary residential and farmland rates and make lower rates in those categories. Council cannot resolve to make sub-categories of ordinary rates until the proposal has been included in the draft Operational Plan and placed on public exhibition and submissions considered.

In addition, it has been noted that the advertised draft Fees and Charges 2018-2019 failed to include a proposed holiday park call out fee. This fee is proposed to be \$150 per hour or part thereof and is GST inclusive (**ATTACHMENT 2**). It is now necessary to advertise this proposed fee with the amended Statement of Revenue Policy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

There is no financial cost to Council in making sub-categories of ordinary rates and applying different rates in different sub-categories. Council already makes residential and farmland rates different to the business rate.

If Council makes sub-categories of the ordinary residential rate and farmland rate to align with the Williamstown Management Area zones as proposed in the draft Operational Plan 2018-2021, 472 residential and farmland rate assessments within the Williamstown Management Area will be levied lower rates in 2018-2019 than would otherwise have been the case. The effect on average ordinary rate assessment levies for 2018-2019 is shown below:

Sub-Category	Reduction	Average Reduction
Primary Zone - Farmland	50%	\$681
Primary Zone - Residential	50%	\$530
Secondary Zone - Farmland	25%	\$403
Secondary Zone - Residential	25%	\$242
Broader Zone - Farmland	10%	\$146
Broader Zone - Residential	10%	\$100

The total amount of reductions would be \$90,293, and these rates would be spread evenly across the remaining 33,376 Port Stephens Council rate assessments at an average increase of \$2.71 for the year. This increase is considered modest given that Council's total rate income is increasing by the rate pegging limit of 2.3% (\$920,000) in 2018-2019.

Hard copies of the draft Operational Plan 2018-2021 will be made available for inspection at Council's libraries and Administration Building. It will also be available for download from Council's website.

Advertisements will be placed in the Port Stephens Examiner inviting submissions as well as on Council's website.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 502 of the Local Government Act requires Council to include rating proposals in its Operational Plan, place that plan on public exhibition and consider submissions before adopting the plan and making rates.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the proposal is not supported by the community.	Medium	Public exhibition of proposal and consideration of submissions.	Yes
There is a risk that the draft document is not exhibited as required and adopted by 30 June 2018 leading to loss of time, potential financial, reputational and legal implications for Council.	Low	Public exhibition of draft Operational Plan from 24 May 2018 to 21 June 2018 and consideration of submissions and adoption of the plan on 26 June 2018.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Operational Plan has been founded on a quadruple bottom line basis of social, economic, environmental and governance factors through the four Focus Areas. The Four Focus Areas, 'Our Community, Our Place, Our Environment and Our Council' provide a structure for all of the Plans, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section.

Internal

- Input was sought from Councillors at a two way conversation on 8 May 2018.
- Financial Services staff have prepared calculations and rates modelling.
- Options have been considered and proposed by Council's Executive Leadership Team.

External

- Council wrote to the Premier of NSW seeking advice on the ability to waive rates and obtain financial assistance from the NSW Government for affected ratepayers.
- Council wrote to the Office of Local Government seeking advice on the ability to grant rate discounts for affected ratepayers.
- Council requested the NSW Valuer General to review land values following the revision of the Management Area boundary.
- Council staff liaised with the Office of the NSW Valuer General to gain an understanding of the land value trends to enable feasible and reliable rate modelling of the proposals contained in this report.

OPTIONS

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

ATTACHMENTS

- 1) Amended Statement of Revenue Policy.
- 2) Proposed Holiday Park Call Out Fee.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Draft Operational Plan 2018-2021.

Statement of Revenue Policy

The following rates are proposed for 2018-2019 and include a 2.3% rate-pegging increase allowed by the NSW Government. Key elements of Council's rating policy are:

- Rates levied on the most recent land valuations provided by the NSW Valuer-General, being base date 1 July 2016;
- Total rate income will increase by approximately 2.3% above 2017-2018 levels in accordance with rate-pegging legislation and including an adjustment to allow for income growth related to newly rateable Crown Land (which is subject to application to the NSW Office of Local Government and approval by the Independent Pricing And Regulatory Tribunal (IPART));
- 35% base amounts continued in the main residential category and business category;
- Introduction of sub-categories in the residential and farmland categories
- Farmland and residential rates in the same sub-category locations continue to have the same rate in the dollar and base amounts;
- No special rates are proposed for 2018-2019.

Williamstown Management Area

Sub-categories are proposed in the residential and farmland rate categories in 2018-2019 to enable different rates to be made in the Williamstown Primary, Secondary and Broader Management zones and residential land and farmland located elsewhere within the Port Stephens Council Local Government Area. The reason for the proposal is to provide financial assistance to residential and farmland ratepayers whose properties are included in the RAAF Base Williamstown per- and poly-fluoroalkyl substances (PFAS) contamination areas.

Rating of Strata Lots

Each lot in a strata plan is rated separately but Council will include lots on one rate notice where one lot consists of either a residential unit or residential unit and garage and the other lots consist of either a garage or utility room. A maximum of three (3) separate strata lots can be included on one rate notice where only one lot must contain a residential unit. All lots must be within the same strata plan. Council will not allow aggregation in any other circumstances including multiple residential units, multiple garages, multiple industrial bays, multiple retail premises and multiple marina berths. Council will allow aggregation of land values where new land values are received and amalgamation or consolidation of parcels owned by the same ratepayer is to occur, and the Valuer-General has confirmed that amalgamation will be approved. Council will also allow aggregation of land values with other land owned by the same ratepayer where land is subject to a license or enclosure permit and the Valuer-General has confirmed that amalgamation will be approved. Rates will be levied on the new aggregated land value, but not backdated for previous years.

Categorisation of Land

All land is placed within one of four mandatory categories for rating purposes according to the dominant use of the land: residential, farmland, business and mining. The land category is printed on the rate notice. Ratepayers may apply for their land category to be reviewed and applications are determined within 40 days. Where a ratepayer applies for their land category to be reviewed and this is approved, the date of effect for rating purposes is the date their application was received by Council. The date of effect may be backdated at Council's discretion, if there are exceptional circumstances that prevented the ratepayer from making an earlier application. Where Council initiates the review of a land category the date of effect shall be no earlier than the date the declaration is posted to the ratepayer.

Exemption from Rates

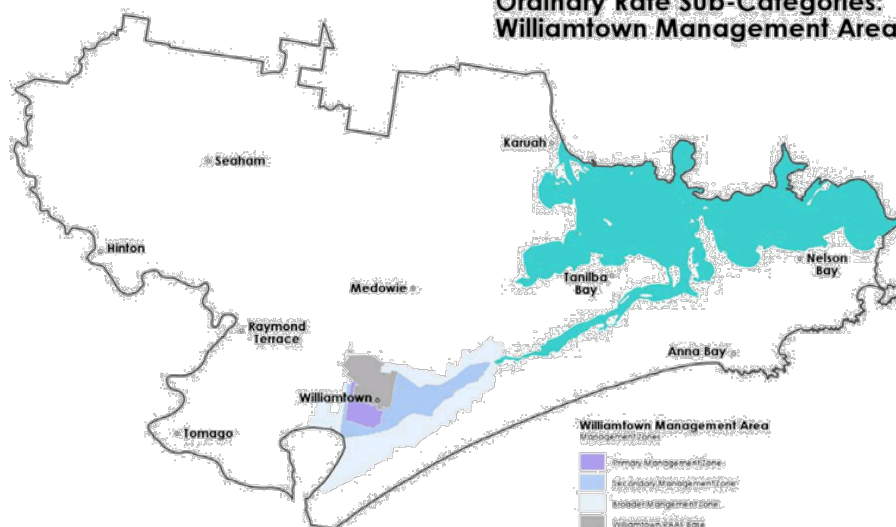
All land is rateable unless it is exempt under section 555 or section 556 of the Local Government Act. Eligible organisations (generally public charities) may apply for their land to be made exempt if they believe it to be exempt. Where a ratepayer applies for their land to be made exempt and this is approved the date of effect for rating purposes is the date their application was received by Council. The date of effect may be backdated, at Council's discretion, if there are exceptional circumstances that prevented the ratepayer from making an earlier application.

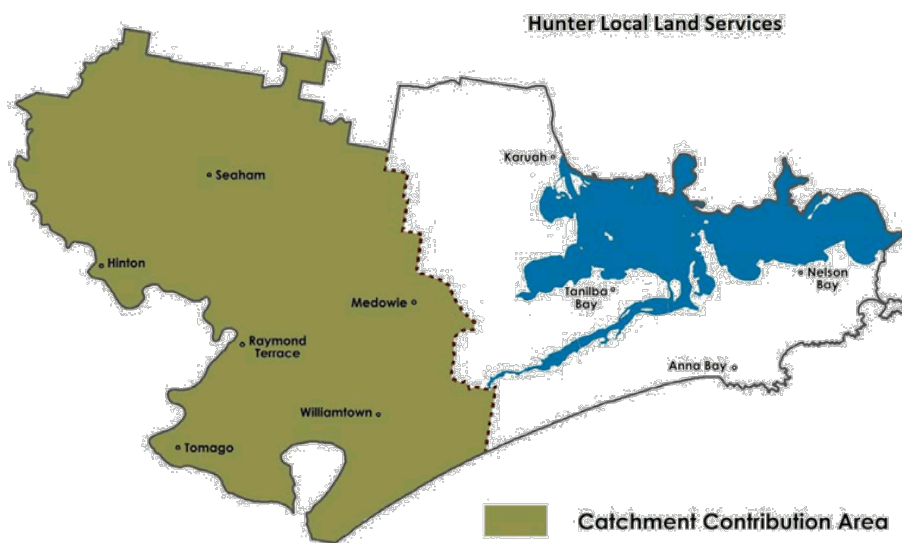
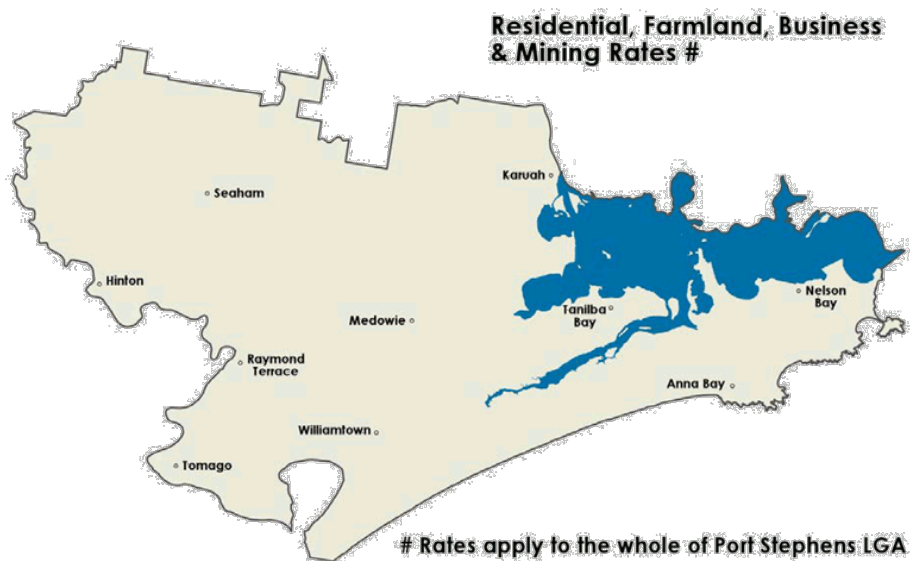
Hunter Local Land Services

Council includes on its rate notice a catchment contribution collected on behalf of the Hunter-Local Land Services. The Local Land Services sets the rate in the dollar around June each year after receiving Ministerial approval. Catchment contributions are collected by Council under the Local Land Services Act 2013 and are passed on to the Service. All rateable land with a land value exceeding \$300 within a defined river catchment area is subject to the contribution.

Ordinary Rate Structure

Category	Sub-Category	Ad Valorem Rate c in \$	Base Amount \$	Base Amount Yield %	Estimated Rate Yield '000s
Residential	Williamstown Primary Zone	0.15135	184.00	35	\$12
Residential	Williamstown Secondary Zone	0.22703	276.00	38	\$112
Residential	Williamstown Broader Zone	0.27243	331.20	37	\$226
Residential	Residential	0.3033	369.00	35	\$32,654
Farmland	Williamstown Primary Zone	0.15135	184.00	27	\$6
Farmland	Williamstown Secondary Zone	0.22703	276.00	23	\$22
Farmland	Williamstown Broader Zone	0.27243	331.20	25	\$21
Farmland	Farmland	0.3033	369.00	22	\$752
Business	n/a	0.8513	1,557.00	35	\$8,066
Mining	n/a	0.8513	n/a	n/a	nil
Total					\$41,871

**Ordinary Rate Sub-Categories:
Williamstown Management Area**




ITEM 3 - ATTACHMENT 2 PROPOSED HOLIDAY PARK CALL OUT FEE.

Fee Name	Fee Description	Clarification	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
Call out fee			\$13.64	\$150.00	Per hour or part thereof	Market Pricing

ITEM NO. 4

**FILE NO: 18/98072
EDRMS NO: PSC2012-04581**

POLICY REVIEW: INTEGRATED RISK MANAGEMENT POLICY

REPORT OF: MICHELLE GILLIVER-SMITH - ORGANISATION DEVELOPMENT
SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submission.
- 2) Adopts the revised Integrated Risk Management Policy shown at **(ATTACHMENT 1)**.
- 3) Revokes the Integrated Risk Management policy dated 26 April 2016, Minute No. 098.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

134	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Receives and notes the submission.2) Adopts the revised Integrated Risk Management Policy shown at (ATTACHMENT 1).3) Revokes the Integrated Risk Management policy dated 26 April 2016, Minute No. 098.
------------	--

BACKGROUND

The purpose of this report is to provide Council with the comments received as part of the public exhibition of the Integrated Risk Management Policy ('Policy').

One submission was received that identified hazards associated with assets and operational matters in one suburb of the local government area. A summary of the submission is contained in **(ATTACHMENT 2)**. This matter has been referred to the appropriate operational area for attention. No further action is required as a result of the submission.

The Integrated Risk Management Policy provides Council with a comprehensive, documented and coherent risk management system that demonstrates Council's regard for its duty of care to staff, the community and the environment for now and for future generations.

The Policy is presented for Council's determination.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications with the implementation of the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Policy ensures Council meets its legislative obligations in relation to the management of risk. Work Health and Safety, Environmental Management and general Corporate Risk documentation will need to be updated upon adoption of the revised policy to reflect its requirements.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not meet its legislative obligations without a method for assessing and controlling risks.	Extreme	Implement Integrated Risk Management policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications with the implementation of the revised Policy.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Development Section to ensure the revised framework is appropriate for the Council's needs and responsibilities.

Internal

Consultation has been undertaken with all Group and Section Leadership Teams and workshops with the Executive Leadership Team to revise the Policy.

On 11 December 2017, a workshop was conducted with the Executive Leadership Team to review and update the Risk Context SWOT; a review and update of the Risk Appetite Table/Statement (the table included the 34 identified categories previously endorsed by the Executive Leadership Team); and a review and update of the Impact/Consequences Table.

External

Consultation with the Audit Committee was undertaken as the representatives of external stakeholders as the Policy relates to Council's commitment to, and the process for, managing all categories of organisational risk.

On 13 December 2017, the draft Risk Management Framework was approved by the Executive Leadership Team and on 22 February 2018 the draft documents were endorsed by the Audit Committee.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

In accordance with local government legislation the revised Integrated Risk Management Policy was placed on public exhibition from 5 April 2018 to 3 May 2018 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Integrated Risk Management Policy 2018.
- 2) Submission Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2012-04581 **PSC2006-6848**
TITLE: INTEGRATED RISK MANAGEMENT
POLICY OWNER: ORGANISATION DEVELOPMENT MANAGER

1. PURPOSE:

- 1.1 Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of workers, residents and visitors alike. Similarly, the identification and management of opportunities through the application of risk management principles ensures that Council is well positioned to take or increase risk in order to pursue opportunities.
- 1.2 Council recognises that the environmental, social and economic importance of operating in a sustainable manner, ensuring a high level of environmental compliance and performance through continuous improvement and the implementation of our Environmental Management System. Our focus on environmental performance is supported by the Integrated Risk Management System (IRMS) that includes compliance obligations and consideration of environmental aspects such as prevention of pollution, degradation of ecosystems and resource efficiency as part of the risk assessment process.
- 1.3 Critical incident and business continuity management minimises the risk to staff, protects property and guards Council's reputation from events that have, or are likely to have, noticeable and detrimental operational impact on Council. The ability to respond quickly to limit damage in the short window of opportunity that often occurs at the beginning of a crisis can serve to contain the potential costs to Council.
- 1.4 The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk and opportunity involved in achieving cost-effective outcomes. By implementing an Integrated Risk Management System IRMS throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs. The aim of the Integrated Risk Management System IRMS aligns with Delivery Program item 15.1.3 'manage risks across Council'.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 1 of 9

Policy



2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risk in accordance with our vision, purpose and values.
- 2.2 We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, AS/NZS 4801:2001 Occupational Health & Safety Management Systems and AS/NZS ISO 14001:2015 Environmental Management Standards. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential opportunities, by ensuring the health and safety of our workers and by protecting our environment.
- 2.3 Our Integrated Risk Management System **IRMS** will also align with Council's Business Excellence Framework by facilitating continuous improvement.

3. SCOPE:

- 3.1 Our Integrated Risk Management System **IRMS** will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.
- 3.2 The key steps for implementing an Integrated Risk Management System **IRMS** across the organisation include:
 - 3.2.1 Centralising all corporate risk, work health and safety and environmental management documents on the Integrated Risk Management System **IRMS** on Council's intranet.
 - 3.2.2 Progressively combining common documents to provide a simpler, more focused management system, a reduction in duplication, more effective audit management and a greater demonstration of due diligence.
 - 3.2.3 Implementing a communication strategy for the Integrated Risk Management System **IRMS**.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 2 of 9

Policy



4. DEFINITIONS:

Risk	Effect of uncertainty on objectives (Note: an effect is a deviation from the expected and can be positive and/or negative).
Risk management	Coordinated activities to direct and control an organisation with regard to risk.
Risk management framework	Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

5. POLICY STATEMENT:

- 5.1 Port Stephens Council is committed to developing an effective Corporate Integrated Risk Management System **IRMS** that clearly considers all major risks and opportunities integrated into one common framework. Our IRMS will focus on continually improving comprehensive risk management processes. Overview of the IRMS is shown below.
- 2) In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk appetite are set out in the table below

	Willingness to Accept Risk			
	Low	Medium	High	Extreme
	Preference for options that avoid risk or have low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and an acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
Asset		✓		
Legal	✓			
Financial		✓		
Business Systems & Processes			✓	
Environment	✓			
Reputation		✓		
People	✓			

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Policy



In particular, Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public.

In consideration of our commitment to our stakeholders and community, Council has no appetite for risks that impinge on our transparency and integrity of decision making.

We have no appetite for risks that may have a significant adverse impact on our long term financial sustainability. However, Council encourages entrepreneurship and has a reasonable appetite for risks arising from property and economic development opportunities.

Reflecting our conservative approach to knowledge management, resilience and environmental performance, Council has little appetite for risks in these areas. We have a moderate appetite for risk in normal business operations and accept that there is an element of reputation risk inherent in the delivery of our services.

Understanding the role of technology in enabling and innovating core business operations, we are open to technology risks that improve service delivery and efficiency of operations.

Notwithstanding the above, Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating, and will actively manage all risks with an extreme or high residual risk ranking.

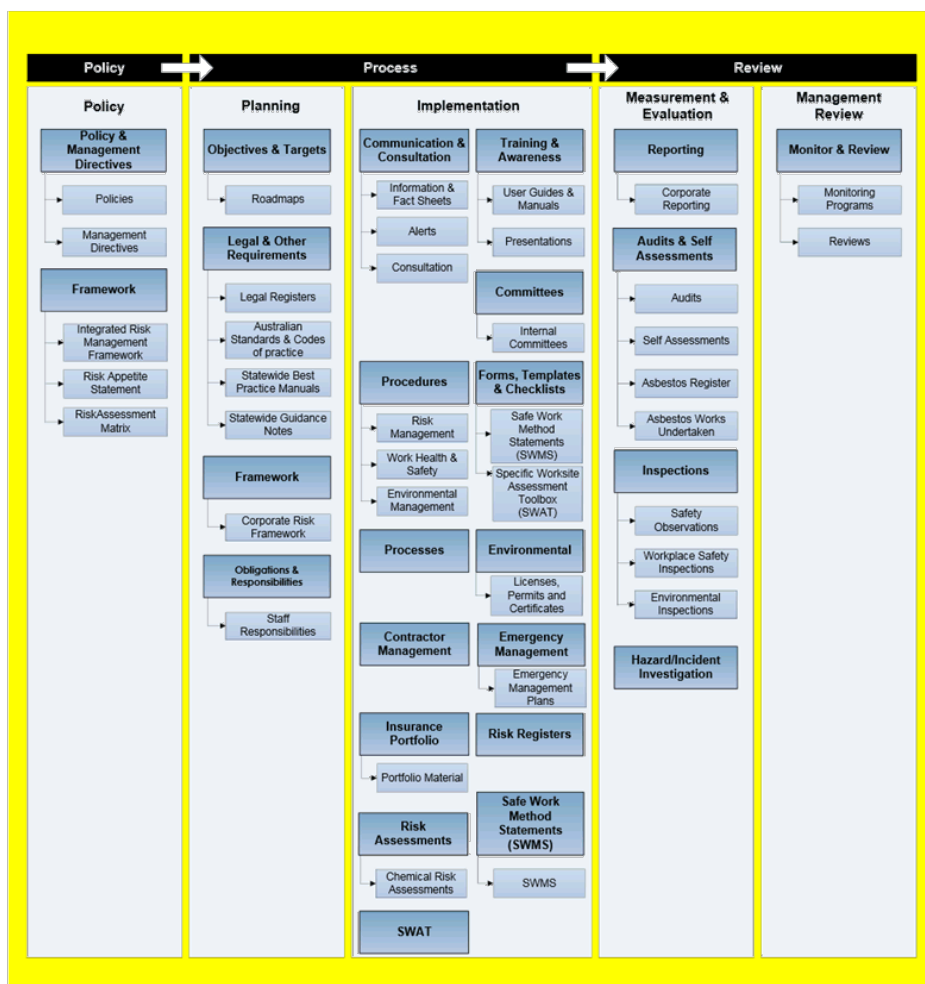
Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 4 of 9

Policy



Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Policy



- 5.2 Council is required to identify, evaluate, mitigate, monitor and report business continuity risks to ensure it's able to continue operations in the event of a material business interruption and to continue to provide critical services to the community and stakeholders.
- 5.3 Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

6. POLICY RESPONSIBILITIES:

- 6.1 Corporate Risk Management will be led by the Senior Leadership Team, ie the General Manager, Group Managers and Section Managers with support from the Corporate Risk Management Team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 Risk management – Principles and guidelines.

~~2) Direct responsibility and final accountability for critical incident and business continuity management rests with the Emergency Response Committee (ERC) comprised of:~~

- ~~• General Manager~~
- ~~• Mayor~~
- ~~• Group Manager Corporate Services~~
- ~~• Group Manager Facilities & Services~~
- ~~• Group Manager Development Services~~
- ~~• Organisation Development Manager~~
- ~~• Property Services Manager~~
- ~~• Communications Manager~~
- ~~• Business Systems Support Manager~~
- ~~• Risk Management Coordinator~~

6.2 Every staff member is responsible to implement and embed risk management by:

- identifying, managing and monitoring risks and opportunities in their areas of accountability;
- communicating these areas of risk to their manager or supervisor;
- taking measures to ensure their own safety, that of other employees, customers and other workers; and by
- acting to reduce environmental harm by preventing pollution, degradation of ecosystems and minimising resource use.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 6 of 9

Policy



7. RELATED DOCUMENTS:

- 1) ~~Work Health and Safety Statement of Commitment.~~
- 2) ~~Injury Management Management Directive.~~
- 3) ~~Work, Health and Safety Responsibilities Guideline.~~
- 4) ~~Supervisors accompanying injured employees to initial medical treatment following work injury Management Directive.~~
- 5) ~~Injury Management and Return to Work Procedure.~~
- 6) ~~Council Prosecutions Policy.~~
- 7) ~~Compliance Policy.~~
- 8) ~~Corporate Risk Management Framework.~~
- 9) ~~Audit Committee.~~
- 10) ~~Environment Policy~~
- 11) ~~Incident Management Plan~~
- 12) ~~ICT Disaster Recovery Plan~~
- 13) ~~Records Management Disaster Recovery Plan~~
- 14) ~~Section Business Continuity & Recovery Plans~~

- 1) Work Health and Safety Statement of Commitment
- 2) Corporate Risk Integrated Management Framework
- 3) Environment Policy
- 4) Corporate Business Continuity Plan and Section Recovery Plans
- 5) ICT Disaster Recovery Plan
- 6) Records Management Disaster Recovery Plan

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

EDRMS container No	PSC2012-04581 PSC2006-6848	EDRMS record No	16/302228 18/440
Audience	Councillors, staff and community		
Process owner	Organisation Development Manager		
Author	Risk Management Coordinator		

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Policy



Review timeframe	Two years	Next review date	26/04/2018 22/05/2020
Adoption date	10/06/2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	10/06/2014	Risk Management Coordinator	Original policy.	135
2.0	26/04/2016	Risk Management Coordinator	Updated into incorporate new Brand Identity Style Guide v1.0; amendments to risk appetite statement table; inclusion of opportunity; updates to environmental performance references; inclusion of key points of Critical Incident & Business Continuity Management Directive.	098

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 8 of 9

Policy



3.0	19/01/2018	Risk Management Coordinator	<p>Reviewed the policy, included numbering to each paragraph, updated the version control and file number.</p> <p>1.2 – inserted IRMS.</p> <p>1.4, 2.3, 3.1, 3.2, 3.2.1, 3.2.3 & 5.1 – updated IRMS wording.</p> <p>4 – inserted risk management framework definition</p> <p>5 – deleted point 2), including 'Willingness to Accept risk table'.</p> <p>5 – inserted new risk table.</p> <p>6 – deleted point 2) and inserted 6.2.</p> <p>7 – deleted items 1 to 14 and inserted items 1 to 6.</p>	
-----	------------	-----------------------------	--	--

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Page: 9 of 9

ITEM 4 - ATTACHMENT 2 SUBMISSION SUMMARY.**Submission Summary****Integrated Risk Management Policy**

Received from	Issues raised	Response
Port Stephens Resident	<p>The submission received identified hazards associated with assets and operational matters in one suburb of the local government area.</p> <p>The submission also questioned where the Integrated Risk Management System sat in the hierarchy of documents.</p>	<p>The matters have been referred to the appropriate section of Council for attention and will be prioritised amongst other works.</p> <p>As the issues raised in the submission do not relate to the intent/content of the policy, no further action is required as a result of the submission.</p>

ITEM NO. 5**FILE NO: 18/95322
RM8 REF NO: A2004-0195****POLICY REVIEW: PECUNIARY INTEREST RETURNS - LODGEMENT****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Pecuniary Interest Returns – Lodgement policy shown at **(ATTACHMENT 1)**.
- 2) Place the Pecuniary Interest Returns – Lodgement policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Pecuniary Interest Returns – Lodgement policy dated 10 May 2016, Minute No. 119, should no submissions be received.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Ken Jordan That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

135	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Pecuniary Interest Returns – Lodgement policy shown at (ATTACHMENT 1).2) Place the Pecuniary Interest Returns – Lodgement policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Pecuniary Interest Returns – Lodgement policy dated 10 May 2016, Minute No. 119, should no submissions be received.
------------	--

BACKGROUND

The purpose of this report is to provide Council with the reviewed Pecuniary Interest Returns – Lodgement policy ('Policy').

The Policy provides a framework for management and compliance of the *Local Government Act 1993* with regard to councillors and designated persons.

The Policy has been reviewed as part of Council's ongoing policy review program and is shown at **(ATTACHMENT 1)**. The amendments were minor in nature, with references to the Office of Local Government and Council's records management system updated.

Council has introduced a new review format to easily identify the amendments to each policy. Council will note that each section and then each paragraph now have a numbering system. This will assist with referencing the amendments in the version control at the end of each policy and for Council to easily reference sections during debate at Council. Further, the yellow highlighted areas indicate new insertions in the policy, whilst those words that have a line through them are to be removed.

The Policy is presented for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance this Policy will assist Council in managing returns lodged under the *Local Government Act 1993*, for councillors and designated persons.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy framework, pecuniary interest returns may not be lodged on time and in accordance with the <i>Local Government Act 1993</i> .	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office Section.

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

External

- Following Council adoption, the Policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Revised Pecuniary Interest Returns - Lodgement policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -
LODGEMENT POLICY.

Policy



FILE NO: A2004-0195

TITLE: PECUNIARY INTEREST RETURNS - LODGEMENT

POLICY OWNER: GOVERNANCE MANAGER

1. PURPOSE:

- 1.1 The purpose of this the **Pecuniary Interest Returns – Lodgement** Policy (the 'Policy') is to ensure compliance with Chapter 14 of the *Local Government Act 1993*.
- 1.2 Chapter 14 relates to pecuniary interest responsibilities of the mayor, councillors and those staff identified as designated persons under the Act.

2. CONTEXT/BACKGROUND:

- 2.1 The *Local Government Act 1993* requires the Mayor, Councillors and designated persons to make a disclosure within three months of being elected to Council or commencing with Council. Following this period an annual disclosure is also required to be made after June 30 each year and before September 30 of the same year.

3. SCOPE:

- 3.1 In May each year a report will be submitted to Council to confirm the list of designated persons.
- 3.2 Councillors and designated persons will be provided with an information brochure, copy of previous return and an original pecuniary interest form by the 15 July of each year.
- 3.3 The information brochure should include:
 - Responsibilities of Councillors and designated persons under the Act;
 - Information required on the pecuniary interest form;
 - Acceptable method of completing the pecuniary interest form;
 - Responsibilities of staff processing the forms;
 - Due date;
 - Consequences of late returns.
- 3.4 Monthly reminders to be sent to designated persons if they have not forwarded their returns – including a final reminder on or around 23 September.
- 3.5 All returns should be lodged with the General Manager or Executive Administration Coordinator no later than 5.00pm on the 30 September of each year.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 5 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -
LODGEMENT POLICY.

Policy



3.6 Upon receipt of returns the Executive Administration Coordinator will:

- Provide written receipt to the Councillor or designated person and a copy filing in the records management system (EDRMS) (RM8).
- Check the return to ensure that it has been completed (to best of your knowledge) particularly that it has been dated and signed.
- Executive Administration Coordinator to complete the date the return was received.
- File the return in the Pecuniary Interest Register.
- Store the Pecuniary Interest Register in the strong room for safe keeping.

3.7 Under no circumstances is a third party (for example a staff member) to complete pecuniary interest returns on behalf of a councillor or a designated person.

3.8 Should councillors or designated persons require a computer print out of their property or properties they should formally request the Executive Administration Coordinator to provide a computer printout of property/s owned in the local government area. Once the computer property print out is obtained, the computer print out should be transcribed by the councillor or designated person onto the form or onto an attachment (other than Council's original computer print out).

3.9 Forms are to be made available from the General Manager's Office from 30 June each year.

3.10 All lodged returns are to be tabled at the first Council meeting after 30 September together with a report identifying any failures to lodge.

3.11 Report to the Office Division of Local Government any person who fails to lodge a Return required by Section 449.

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the Policy.

Act	<i>Local Government Act 1993</i>
Designated person	An employee, volunteer, contractor of Port Stephens Council.
Pecuniary interest	is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

5. POLICY STATEMENT:

5.1 The objectives of this Policy are to:

5.1.1 Inform the Mayor, Councillors and all designated persons of their responsibilities under the Act.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 5 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -
LODGEMENT POLICY.

Policy



- 5.1.2 Provide transparency for the community.
5.1.3 Assist mayor, councillors and all designated persons to identify potential areas of conflict of interest.

6. POLICY RESPONSIBILITIES:

- 6.1 The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.
6.2 Mayor, Councillors and designated persons are responsible for complying with the Policy.
6.3 Executive Administration Coordinator is responsible for assisting with the implementation of the Policy.

7. RELATED DOCUMENTS:

- 7.1 *Local Government Act 1993*
7.2 Code of Conduct
7.3 Pecuniary Interest Register

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	A2004-0195	EDRMS record No	
Audience	Mayor, Councillors and designated persons		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Two years	Next review date	April 2018 April 2020
Adoption date	11 February 2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	09/05/1995	Assistant General Manager	Adopted by Council	185
2.0	19/10/2004	Governance Officer	Adopted by Council	375

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



ITEM 5 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -
LODGEMENT POLICY.

Policy



3.0	11/02/2014	Executive Officer	Adopted by Council	018
4.0	10/05/2016	Governance Manager	Transfer policy into the new policy template.	119
4.1		Governance Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. 1.1 – included to the name of the policy. 3.5 – removed reference to timing. 3.6.1 – replaced the wording (RM8) with (EDRMS). 3.11 - replaced the wording 'Division of Local Government' with 'Office of Local Government'.	

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM NO. 6**FILE NO: 18/95364
RM8 REF NO: PSC2009-09420****POLICY REVIEW: ACCESS TO INFORMATION****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Access to Information policy shown at **(ATTACHMENT 1)**.
- 2) Place the Access to Information policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Access to Information policy dated 23 August 2016, Minute No. 241, should no submissions be received.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Glen Dunkley That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

136	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Access to Information policy shown at (ATTACHMENT 1).2) Place the Access to Information policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Access to Information policy dated 23 August 2016, Minute No. 241, should no submissions be received.
------------	--

BACKGROUND

The purpose of this report is to provide Council with the revised Access to Information policy ('Policy'). The Policy has been reviewed as part of Council's ongoing policy review program, and is shown at **(ATTACHMENT 1)**.

The Policy provides a supporting framework for the release of information under the *Government Information (Public Access) Act 2009* (Act). The Policy and guidelines are designed to inform the community about the release and management of Council information. It also informs the community when certain restrictions of the release of information may occur.

It is the intention of the Policy to release as much government information as possible to meet the objectives of the Act, however Council needs to balance this with its other legislative responsibilities such as, but not limited to, the *Copyright Act 1968* and the *Privacy and Personal Information Protection Act 1998*.

Council has introduced a new review format to easily identify the amendments to each policy. Council will note that each section and then each paragraph now have a numbering system. This will assist with referencing the amendments in the version control at the end of each policy and for Council to easily reference section during debate at Council. Further, the yellow highlighted areas indicate new insertions in the policy, whilst those words that have a line through them are to be removed.

The policy is presented for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance, this Policy will assist Council in its obligations under the *Government Information (Public Access) Act 2009* (the Act).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate policy and guidelines in place, Council would not be meeting its obligations under the Act.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

External

- Following Council endorsement, the Policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Revised Access to Information policy and guidelines.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1
GUIDELINES.

REVISED ACCESS TO INFORMATION POLICY AND

Policy



FILE NO: PSC2009-09420
TITLE: ACCESS TO INFORMATION POLICY
POLICY OWNER: GOVERNANCE MANAGER

1. PURPOSE:

1.1 The Access to Information Policy (the 'Policy') ensures Port Stephens Council is committed to the following principles regarding public access to documents and information:

- Open and transparent government.
- Consideration of the overriding public interest in relation to access requests.
- Proactive disclosure and dissemination of information.
- Respect for the privacy of individuals.

2. CONTEXT/BACKGROUND:

- 2.1 From 1 July 2010, the *Government Information (Public Access) Act 2009* (NSW) ('GIPA Act') commenced providing four mechanisms to access Council information – mandatory disclosure, proactive disclosure, informal release and formal access.
- 2.2 Section 12 of the *Local Government Act 1993* (NSW) and the *Freedom of Information Act 1982* (Cth) ceased on 30 June 2010.

3. SCOPE:

- 3.1 Port Stephens Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums. Also, Council publishes the inspection documents listed under Schedule 5 of the GIPA Act held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published ~~because of~~ due to an overriding public interest against disclosure.
- 3.2 Council also makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charge or at the lowest reasonable cost.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 1 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.**Policy**

- 3.3 The 'Access to Information Guidelines' as shown at Appendix 1 of this Policy identifies the documents and types of information that are available for public access and any restrictions that may apply.
- 3.4 Some documents may require a formal access application in accordance with the GIPA Act. Council will assess all requests for access to documents and information in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.
- 3.5 Depending upon the nature of the request and the form of access requested charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.
- 3.6 Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.
- 3.7 Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of the request, in accordance with the GIPA Act.
- 3.8 Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.
- 3.9 The General Manager has authority to approve Guidelines for Information Access, which is to be available to members of the public.

4. DEFINITIONS:

Application	A Formal Access Application made under the GIPA Act.
Disclosure log	A disclosure log published on Port Stephens Council's website, as required by the GIPA Act.
Formal access	An applicant is required to lodge a Formal Access Application under the GIPA Act, if the requested information cannot be provided by way of mandatory release, proactive release or informal release.
GIPA Act	The <i>Government Information (Public Access) Act 2009</i> (NSW)

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 2 of 14

ITEM 6 - ATTACHMENT 1
GUIDELINES.

REVISED ACCESS TO INFORMATION POLICY AND

Policy



Informal release	<p>Means a request to access information where a formal access application is not required under the GIPA Act.</p> <p>Government agencies are encouraged to informally release information under the GIPA Act, by excusing the need for a formal application (and fee) to be lodged. Reasonable conditions may apply.</p>
Mandatory release	<p>Means information classified as open access information, in accordance with the GIPA Act.</p> <p>The GIPA Act requires agencies to publish certain information, referred to as open access information, on their websites free of charge.</p>
Open access information	<p>Means information that is publicly available unless there is no public interest against disclosure, in accordance with the GIPA Act.</p> <p>In accordance with section 18 of the GIPA Act, Council is required to make open access information publicly available. Schedule 1 of the GIPA Regulations requires additional open access information to be made publicly available. Open access information will only be made publicly available where there is no public interest against disclosure.</p>
Proactive release	<p>Means government information that Council decides to release outside other release provisions under the GIPA Act.</p> <p>Beyond mandatory release, agencies are encouraged (and authorised) to release as much government information as possible under the GIPA Act.</p>
Public interest	<p>Means considerations under the GIPA Act either in favour of release or against release.</p> <p>There is an overriding public interest against disclosure of government information for the purposes of the GIPA Act if there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure. Please see section 14 of the GIPA Act.</p>
Request for information	<p>An informal request for information under section 8 of the GIPA Act.</p>

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 3 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



5. POLICY STATEMENT:

- 5.1 The objective of this Policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests and applications for such access.
- 5.2 The GIPA Act provides greater access to Council records through accessibility on Council's website where possible, and where this does not create an unreasonable additional cost to Council to publish these documents on the website.
- 5.3 This Policy is to be read in conjunction with the Access to Information Guidelines for Local Government.

6. POLICY RESPONSIBILITIES:

- 6.1 The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this policy.

7. RELATED DOCUMENTS:

- 7.1 *Government Information (Public Access) Act 2009 (NSW)*
- 7.2 *Government Information (Public Access) Regulation 2009 (NSW)*
- 7.3 *Privacy and Personal Information Protection Act 1998 (NSW)*
- 7.4 *Health Records and Information Privacy Act 2002 (NSW)*
- 7.5 *State Records Act 1998 (NSW)*
- 7.6 *Local Government Act 1993 (NSW)*
- 7.7 *Environmental Planning and Assessment Act 1979 (NSW)*
- 7.8 *Companion Animals Act 1998 (NSW)*
- 7.9 Access to Information Guidelines for Local Government
- 7.10 Code of Conduct

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 4 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	PSC2009-09420	EDRMS record No	16/398910
Audience	Port Stephens community and Council employees		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Two years	Next review date	April 2018 April 2020
Adoption date	23 August 2016		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	16 September 1997	Governance Manager	Original policy adopted by Council.	1282
2	19 October 2004	Governance Manager	Adopted by Council.	375
3	28 March 2006	Governance Manager	Adopted by Council.	462
4	13 July 2010	Governance Manager	Adopted by Council.	208
5	11 February 2014	Governance Manager	Adopted by Council.	016

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 5 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



6	23/8/2016	Governance Manager	Policy formatted into new template. Changes made to legislation references and definitions added. Also included the guidelines.	241
6.1		Governance Manager	Reviewed the policy, included numbering to each paragraph and updated version control. 1.1 – inserted the word 'the policy'. 3.1 – delete 'because of' and insert 'due to'. 3.7 – delete the word 'other'. 4.0 – amended the definition of 'informal request', updated 'mandatory release', 'open access information', proactive release' and inserted 'for information' under the 'Request' definition. 7.2 – inserted new clause and re-numbered subsequent numbering 7.3 to 7.9. <u>Guidelines update</u> 1.2 – updated telephone number.	

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 6 of 14

Policy

**APPENDIX 1****Access to Information Guidelines for Local Government****1. Accessing Information**

- 1.1 Port Stephens Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the public interest. In doing so, Council recognises that it must take into account the privacy of others, legal and commercially sensitive information.
- 1.2 These guidelines set out the documents and types of information that are available to members of the public as a matter of routine, and those that will not generally be available for inspection and copying. Where practicable, Council will deal with requests to inspect documents in accordance with the *Government Information (Public Access) Act 2009* (NSW) ('GIPA Act') free of charge but a reasonable photocopying fee may be payable under the GIPA Act and for access to versions of documents that are neither current nor immediately preceding versions of the document and are not reasonably accessible. All charges are detailed in Council's Schedule of Fees and Charges – Council's Fees and Charges are available from the Council website or by contacting Council on **4988 0255**.
- 1.3 There is a right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act. Charges for formal applications are in accordance with the GIPA Act Fees and Charges and include a \$30 application fee. In some circumstances processing charges may also be applied.
- 1.4 Council also may provide access to information under other legislation. Under the *Privacy and Personal Information Protection Act 1998* (NSW) ('PPIPA') and the *Health Records and Information Privacy Act 2002* (NSW) ('HRIPA'), an individual also has a right to access and amend records held by Council which contain their personal details, matters related to their business affairs and any records containing information

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 7 of 14

about their health. Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the GIPA Act. The Act provides for consultation with other affected parties prior to disclosure of information concerning their personal or business affairs. Under the *State Records Act 1998* (NSW) Council is required to give an access direction (whether the records are open or closed) for all Council's records that are at least thirty (30) years old in what is described as the "open access period". Under the *Environmental Planning and Assessment Act 1979* (NSW) and *Environmental Planning and Assessment Regulations 2000* (NSW) there is a right to access Development Application registers and documents held by Council subject to restrictions set out in section 268(3).

2. Information Available

2.1 Council publishes open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost on Council. In respect of the latter the Council will make the information freely available in another format eg. hard copy at the Council Administration Building. The open access information is:

- Council's policy documents;
- a publication guide with information about the council's structure and functions, and listing the type of information that is publicly available;
- a disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public;
- a register of contracts worth more than \$150,000 that councils have with private sector bodies;
- a record of open access information that council does not make publicly available on the basis of an overriding public interest against disclosure.

2.2 In addition schedule 5 of the GIPA Act requires that certain documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



2.3 These documents are:

- Information about Council;
- The model code of conduct prescribed under section 440(1) of the *Local Government Act 1993 (NSW)* ('LGA');
- Council's adopted Code of Conduct;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Reports;
- Auditor's Report;
- Integrated Plans – comprises of the Community Strategic Plan, Delivery Program, Operational Plan, Workforce Strategy, Long Term Financial Plan and the Asset Management Plan;
- EEO Management Plan;
- Policy concerning the payment of expenses and provision of facilities to the mayor and councillors;
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees);
- Any codes referred to in the *Local Government Act*;
- Returns of the Interests of Councillors, Designated Persons and Delegates;
- Agendas, business papers and minutes of council/committee meetings (except meetings that are closed to the public);
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council;
- Land Register;
- Register of Investments;
- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political donations;
- Register of Voting on Planning Matters.

3. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders.
- Plans of Management for Community Land.
- Environmental Planning Instruments, Development Control Plans and Contribution Plans.

4. Information about Development Applications

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 9 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



4.1 Development Applications and any associated documents received in relation to a proposed development, ie:

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications – subject to the provision of the *Privacy and Personal Information Protection Act 1998* (NSW);
- Heritage Consultant Reports;
- Tree Inspections Consultant Reports;
- Acoustic Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals;
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

5. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979* (NSW)
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

5.1 It should be noted that there is other legislation that can apply to the release of Council records such as, but not limited to, the *Privacy and Personal Information Protection Act 1998* (NSW) and *Copyright Act 1968* (Cth). Council's Right to Know officers will consider all relevant legislation applicable to any request for information.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 10 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



- 5.2 Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The consent of copyright owners is required for documents where copyright applies such as documents on development applications. This information would generally be available for inspection however may not be able to be copied.
- 5.3 In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.
- 5.4 Council will endeavour to release other information in response to an informal request, subject to any reasonable conditions as Council thinks fit to impose. However, notwithstanding the lodgement of an informal request, Council may require a formal access application to be submitted where the information sought:
- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
 - contains personal or confidential information about a third party that requires consultation, or
 - would involve an unreasonable amount of time and resources to produce.

6. Exemptions to Access

- 6.1 Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources.
- 6.2 Council will always explain to the applicant its reasons for applying an exemption. Council will not classify information as exempt unless there are clear reasons for doing so. Where documents contain exempt information, any remaining information contained within the requested document will be available under the Act.
- 6.3 In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.
- 6.4 The GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the **only** considerations against disclosure that Council will consider in applying the public interest test.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 11 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



6.5 Considerations are grouped under the following headings:

- responsible and effective government;
- law enforcement and security;
- individual rights, judicial processes and natural justice;
- business interests of agencies and other persons;
- environment, culture, economy and general matters;
- secrecy provisions (in legislation other than those listed in Schedule 1);
- exempt documents under interstate Freedom of Information legislation.

6.6 In applying the public interest test, Council will **not** take into account:

- that disclosure might cause embarrassment to, or loss of confidence in, the Council;
- that any information disclosed might be misinterpreted or misunderstood by any person.

6.7 Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

6.8 Under the GIPA Act there are 12 categories of information (eight of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. These eight are:

- Information subject to an overriding secrecy law (26 specifically named Acts);
- Information subject to the direction or order of a court or other body with the power to receive evidence on oath;
- Information subject to legal professional privilege;
- Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee);
- Documents affecting law enforcement and public safety;
- Specific information relating to transport safety;
- Specific reports concerning the care and protection of children;
- Specific information relating to Aboriginal and environmental heritage.

6.9 Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 12 of 14

ITEM 6 - ATTACHMENT 1 REVISED ACCESS TO INFORMATION POLICY AND GUIDELINES.

Policy



6.10 In dealing with informal requests Council will apply a similar decision making framework.

7. Accessing Information and Making an Application

7.1 The public may obtain access to information as follows:

- by searching the Council's website to see if it is already available
- by contacting Council and requesting the information. Council will advise whether the information requested:
- is *open access*, or *mandatory release* information that is readily available and where and how to get the information.
- should be made available as part of a *proactive release* of information.
- can be disclosed through an *informal release*, for example where no third party personal information is involved.
- requires a *formal access application*, for example because consultation with a third party is required.

7.2 To make an informal request for access to information under the GIPA Act, Council may require the completion of an 'Informal Access Request Form'. No fee is required on application.

7.3 To make a formal application for access to information under the GIPA Act, the 'Formal Access Application Form' should be completed. The Formal Application fee is \$30.00 and processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within five working days.

7.4 If a fee for photocopies of documents provided under the GIPA Act is payable, it will be listed in Council's adopted Fees and Charges and is GST inclusive.

8. Time Limits

8.1 In respect of formal applications, Council will notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

8.2 If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of Review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 13 of 14

Policy



internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

9. Rights of Review and Appeal

9.1 Where a member of the public is refused access under a formal application under the GIPA Act, staff will provide details of the reasons for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal application for access to information under the GIPA Act has three options of review available.

9.1.1 Applicants can apply to Council for an **internal review**. This is review by someone more senior than the original decision maker and there is a \$40 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.

9.1.2 If an applicant is not satisfied with the internal review, or does not want one, they can ask for a **review by the Information Commissioner**. Applicants have eight weeks from being notified of a decision to ask for this review.

9.1.3 If an applicant is not satisfied with the decision of the Information Commissioner or the internal reviewer or if they do not want to take these options they can **apply to the NSW Civil and Administrative Tribunal (NCAT)**. If the applicant has already had a review by the Information Commissioner they have four weeks from notification of the decision to make this application. If they have not had a review by the Information Commissioner they have eight weeks from notification of the decision to make this application.

9.2 It is noted that there are no rights of review in respect of informal requests, but the applicant may make a formal application at any time.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 23/08/2016

Review Date: 30/04/2020

Page: 14 of 14

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ITEM NO. 7

FILE NO: 18/95368
RM8 REF NO: PSC2010-00009

POLICY REVIEW: INTERNAL REPORTING

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Internal Reporting policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Internal Reporting policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Internal Reporting policy dated 10 May 2016, Minute No. 118, should no submissions be received.
-

ORDINARY COUNCIL MEETING - 22 MAY 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Sarah Smith That the recommendation be adopted.
--	--

ORDINARY COUNCIL MEETING - 22 MAY 2018 MOTION

137	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Internal Reporting policy shown at (ATTACHMENT 1).2) Place the Internal Reporting policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Internal Reporting policy dated 10 May 2016, Minute No. 118, should no submissions be received.
------------	--

BACKGROUND

The purpose of this report is to provide Council with the reviewed Internal Reporting policy ('Policy'). The Policy has been reviewed as part of Council's ongoing policy review program, and is shown at **(ATTACHMENT 1)**.

The Policy details roles and responsibilities of all parties to a public interest disclosure. It provides a framework for public interest disclosures to be made to Council by public officials.

Council has introduced a new review format to easily identify the amendments to each policy. Council will note that each section and then each paragraph now have a numbering system. This will assist with referencing the amendments in the version control at the end of each policy and for Council to easily reference section during debate at Council. Further, the yellow highlighted areas indicate new insertions in the policy, whilst those words that have a line through them are to be removed.

The policy is presented for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance, this policy will assist Council in managing public interest disclosures. It is a requirement of the *Public Interest Disclosure Act 1994* that Council has a policy in place.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of policy framework, Council would not meet the requirements of the <i>Public Interest Disclosure Act 1994</i> .	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office Section.

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

External

- Following Council adoption, the policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Revised Internal Reporting policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2010-00009
TITLE: INTERNAL REPORTING POLICY
POLICY OWNER: GOVERNANCE MANAGER

1. PURPOSE:

- 1.1 The purpose of this **the Internal Reporting Policy (the 'Policy')** policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The Policy sets out who you can report wrongdoing to in Port Stephens Council (Council), what can be reported and how reports of wrongdoing will be dealt with by Port Stephens Council.
- 1.2 This Policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this Policy and the *Public Interest Disclosures Act 1994* (PID Act).
- 1.3 This Policy is just one in the suite of Port Stephens Council's complaint handling policies.
- 1.4 The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through the staff grievance process. If a staff member makes a report under this Policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the staff grievance process.

2. CONTEXT/BACKGROUND:

- 2.1 The PID Act requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.
- 2.2 A review of the *Protected Disclosures Act 1994*, in 2010 amended the title of the Act to the *Public Interest Disclosures Act 1994*.

3. SCOPE:

- 3.1 Who does this Policy apply to?

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 1 of 21

Policy



3.1.1 This Policy will apply to:

- mayor and councillors;
- permanent employees, whether full-time or part-time, temporary or casual employees;
- consultants;
- individual contractors and their employees working for Port Stephens Council;
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

3.1.2 The Policy also applies to public officials of another council or public authority who report wrongdoing relating to Port Stephens Council.

3.2 Roles and responsibilities

A. The role of council staff and Councillors

3.2.1 Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;
- respect the rights of any person the subject of reports.

3.2.2 Staff and Councillors must not:

- make false or misleading reports of wrongdoing;
- victimise or harass anyone who has made a report.

3.2.3 Additionally, the behaviour of all council staff and Councillors involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code could result in disciplinary action.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 2 of 21

Policy



B. The role of Port Stephens Council

3.2.4 Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

3.2.5 Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

3.2.6 Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

3.2.7 To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this Policy will receive training on their responsibilities.

C. Roles of key positions

General Manager

3.2.8 The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- make decisions following any investigation or appoint an appropriate decision-maker;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 3 of 21

Policy



- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC);
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

3.2.9 The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- coordinate the Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;
- assess whether it is possible and appropriate to keep the reporter's identity confidential;
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure the Council complies with the PID Act;
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures officers

3.2.10 Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting Policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

3.2.11 Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 4 of 21

Policy



- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- discuss with the reporter any concerns they may have about reprisal or workplace conflict;
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Mayor

3.2.12 The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- refer reports to an investigating authority, where appropriate;
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- refer actual or suspected corrupt conduct to the ICAC;
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and managers

3.2.13 Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers are responsible for:

- encouraging staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this Policy;
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 5 of 21

Policy



3.3 What should be reported?

3.3.1 You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

3.3.2 Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *Government Information (Public Access) Act 2009* (GIPA Act), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this Policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's 'Guideline B2: What should be reported?'

3.2.3 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Code of Conduct.

3.2.4 Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

A. Corrupt conduct

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

3.3.6 For example, this could include:

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

B. Maladministration

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

3.3.8 For example, this could include:

- making a decision and/or taking action that is unlawful;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 6 of 21

Policy



- refusing to grant an approval for reasons that are not related to the merits of their application.

C. Serious and substantial waste of public money

3.3.9 Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

3.3.10 For example, this could include:

- not following a competitive tendering process for a large scale contract;
- having bad or no processes in place for a system involving large amounts of public funds.

D. Breach of the GIPA Act

3.3.11 A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

3.3.12 For example, this could include:

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

E. Local government pecuniary interest contravention

3.3.13 A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

3.3.14 For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
- a Councillor participating in consideration of a development application for a property they or their family have an interest in.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 7 of 21

Policy



3.4 Assessment of reports

3.4.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

3.4.2 The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

3.5 When will a report be treated as a public interest disclosure?

3.5.1 Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this Policy (see section 3.6), an investigating authority or in limited circumstances to a Member of Parliament (MP) or journalist (see section 3.7).

3.5.2 Reports by staff are not public interest disclosures if they:

- mostly question the merits of government Policy (see section 3.15);
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 3.16).

3.6. Who can receive a report within Port Stephens Council?

3.6.1 Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this Policy or any supporting procedures.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 8 of 21

Policy



3.6.2 The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities ([section 3.2](#)).

3.6.3 If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

- General Manager – phone contact: [4988 0246](#)
- Mayor (for reports about the General Manager only) – phone contact: [4988 0245](#)
- Disclosures Coordinator – Governance Manager, phone contact: [4988 0187](#)
- Disclosures Officers:
 - Organisation Development Manager, phone contact: [4988 0126](#)
 - Human Resources Manager, phone contact: [4988 0381](#)
 - Legal Services Manager, phone contact: [4988 0377](#)

3.7. Who can receive a report outside of the Council?

3.7.1 Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority;
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

A. Investigating authorities

3.7.2 The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

3.7.3 The relevant investigating authorities for the Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct;
- the Ombudsman — for reports about maladministration;
- the Information Commissioner — for disclosures about a breach of the GIPA Act;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 9 of 21

Policy



- the Office of Local Government— for disclosures about local councils.

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

3.7.5 You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

B. Members of Parliament or journalists

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

- the General Manager;
- a person nominated in this Policy, including the Mayor for reports about the General Manager;
- an investigating authority.

3.7.7 Also, the Council or the investigating authority that received your initial report must have either:

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

3.7.8 Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 3.15).

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 10 of 21

Policy



C. Other external reporting

3.7.9 If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Code of Conduct – by, for example, disclosing confidential information.

3.7.10 For more information about reporting wrongdoing outside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this Policy.

3.8. How to make a report

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

3.8.2 If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

3.9. Can a report be anonymous?

3.9.1 There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

3.9.2 It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

3.10. Feedback to staff who report wrongdoing

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

A. Acknowledgement

3.10.2 When you make a report, the Council will contact you to confirm that your report has been received and to advise:

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 11 of 21

Policy



- the timeframe within which you will receive further updates;
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

3.10.3 After a decision is made about how your report will be dealt with, the Council will send you an acknowledgement letter, providing:

- information about the action that will be taken in response to your report;
- the likely timeframes for any investigation or other action;
- information about the internal and external resources or services available that you can access for support.

3.10.4 We will provide this information to you within ten (10) working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this Policy at that time, as required by the PID Act.

3.10.5 Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this Policy.

B. Progress updates

3.10.6 While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay;
- advice of any decision by the Council not to proceed with the matter;
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

C. Feedback

3.10.7 Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 12 of 21

Policy



- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

3.11. Maintaining confidentiality

- 3.11.1 Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.
- 3.11.2 Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.
- 3.11.3 If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.
- 3.11.4 If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.
- 3.11.5 Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

3.12. Managing the risk of reprisal and workplace conflict

- 3.12.1 When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 3.12.2 Depending on the circumstances, Council may:
 - relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
 - transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 13 of 21

Policy



- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

3.12.3 These courses of action are not punishment and will only be taken in consultation with the reporter.

3.13. Protection against reprisals

3.13.1 Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

3.13.2 The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

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

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

3.13.4 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

3.13.5 It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 14 of 21

Policy



A. Responding to allegations of reprisal

- 3.13.6 If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.
- 3.13.7 All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.
- 3.13.8 If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:
- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
 - if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
 - if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
 - take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
 - refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
 - refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.
- 3.13.9 If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.
- 3.13.10 If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this Policy.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 15 of 21

Policy



B. Protection against legal action

13.13.11 If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

3.14. Support for those reporting wrongdoing

3.14.1 Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

3.14.2 Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator or by contacting Human Resources.

3.15. Sanctions for making false or misleading statements

3.15.1 It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

3.16. The rights of persons the subject of a report

3.16.1 Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

3.16.2 If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 16 of 21

Policy



- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you;
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

3.17.1 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

3.17. Review

3.17.1 This Policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

3.18. More information

3.18.1 More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

3.19. Resources

3.19.1 The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against
Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451
524
Tel. typewriter (TTY): 1300 555 727
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about breaches of the GIPA Act: Information Commissioner

For disclosures about local councils: Office of Local Government Phone: 02 4428 4100

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 17 of 21

Policy



Toll free: 1800 472 679
 Facsimile: 02 8114 3756
 Email: ipcinfo@ipc.nsw.gov.au
 Web: www.ipc.nsw.gov.au
 Address: Level 17, 201 Elizabeth Street,
 Sydney NSW 2000

Tel. typewriter (TTY): 02 4428 4209
 Facsimile: 02 4428 4199
 Email: olg@olg.nsw.gov.au
 Web: www.olg.nsw.gov.au
 Address: 5 O'Keefe Avenue, Nowra, NSW
 2541 OR Level 16, 320 Pitt Street, Sydney,
 NSW 2000

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the Policy.

Contractor	A person or organisation engaged by Port Stephens Council.
Contractor employee	A person employed by a contractor of Port Stephens Council.
Corruption	Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
Council	Port Stephens Council.
Councillor	Means Mayor and/or Councillor
Council employee	A person employed by Port Stephens Council.
Disclosure Coordinator	The Governance Manager.
Disclosure officers	The Organisation Development Manager, Human Resources Manager and Legal Services Manager.
GIPA Act	<i>Government Information (Public Access) Act 2009.</i>
ICAC	Independent Commission Against Corruption.
Maladministration	Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
PID Act	<i>Public Interest Disclosure Act 1994.</i>
Public interest disclosure	Is a disclosure of corruption, maladministration or serious and substantial waste.
Serious and substantial waste	Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
 Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 18 of 21

Policy



5. POLICY STATEMENT:

- 5.1 Port Stephens Council is committed to ensuring that disclosures of corruption, maladministration or serious and substantial waste are dealt with in an appropriate way; maintaining confidentiality and providing support for all parties. Council encourages individuals to come forward with any matter that they become aware where wrongdoing may have occurred.

6. POLICY RESPONSIBILITIES:

- 6.1 The Mayor and General Manager are responsible for implementing, complying with, monitoring and providing advice on the Policy.
- 6.2 The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.
- 6.3 Disclosure officers are responsible for complying with and providing advice on the Policy.
- 6.4 Supervisors and managers are responsible for implementing, complying with, and providing advice on the Policy.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct
- 7.2 *Local Government Act 1993*
- 7.3 *Public Interest Disclosures Act 1994*
- 7.4 *Government Information (Public Access) Act 2009*
- 7.5 *Independent Commission Against Corruption Act 1988*

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 19 of 21

Policy



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	PSC2010-00009	EDRMS record No	
Audience	Mayor, Councillors, staff, contractors, volunteers		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Two years	Next review date	30 April 2018 30 April 2020
Adoption date	14 December 2010		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Adopted by Council	409
2.0	11/2/2014	Executive Officer	Adopted by Council	017
3.0	10/05/2016	Governance Manager	Updated with the new model policy of the NSW Ombudsman and transferred to the new policy template.	118

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 20 of 21

Policy



3.1		Governance Manager	<p>Reviewed the policy, included numbering to each paragraph and update the version control.</p> <p>1.1 – included the name of the policy.</p> <p>3.6.3 – updated contact numbers.</p> <p>3.5.1, 3.5.2, 3.6.2, 3.6.3, 3.7.8 – updates section references to new paragraph numbering.</p> <p>3.19.1 – Updates contact details.</p> <p>4.1 – insert the definition of a councillor.</p>	
-----	--	--------------------	---	--

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 14/12/2010

Printed:

Review Date: 30/04/2020

Page: 21 of 21

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ITEM NO. 8

FILE NO: 18/94696
EDRMS NO: PSC2017-00178

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from Mayoral Funds to the following:
 - a. Hunter Region Botanic Gardens – Mayoral Funds - \$2,500 donation towards the purchase of a 'Gator' tractor.

ORDINARY COUNCIL MEETING - 22 MAY 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Ryan Palmer Councillor Chris Doohan That the recommendation be adopted.
--	---

ORDINARY COUNCIL MEETING - 22 MAY 2018 MOTION

138	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from Mayoral Funds to the following: <ol style="list-style-type: none">a. Hunter Region Botanic Gardens – Mayoral Funds - \$2,500 donation towards the purchase of a 'Gator' tractor.
------------	---

BACKGROUND

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

MINUTES ORDINARY COUNCIL - 22 MAY 2018

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:-

WEST WARD – Councillors Arnott, Jordan and Le Mottee

--	--	--	--

CENTRAL WARD – Councillors Doohan, Smith and Tucker

--	--	--	--

EAST WARD – Councillors Abbott, Dunkley and Nell

--	--	--	--

MAYORAL FUNDS – Mayor Palmer

Hunter Region Botanic Gardens	A public not for profit company of volunteers who develop, manage, and maintain the gardens.	Donation towards the purchase of a 'Gator' tractor.	\$2,500
-------------------------------	--	---	---------

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9**FILE NO: 18/98681
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 22 May 2018.

No:	Report Title	Page:
1	Cash and Investments Report - April 2018	122
2	Fencing Playground to improve all Abilities Facilities	126

**ORDINARY COUNCIL MEETING - 22 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Glen Dunkley That the recommendation be adopted.
139	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council move out of Committee of the Whole.

ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION

140	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 22 May 2018.
	<hr/> No: Report Title 1 Cash and Investments Report - April 2018 2 Fencing Playground to improve all Abilities Facilities

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 18/94566
EDRMS NO: PSC2006-6531**

CASH AND INVESTMENTS REPORT - APRIL 2018

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 April 2018.

ATTACHMENTS

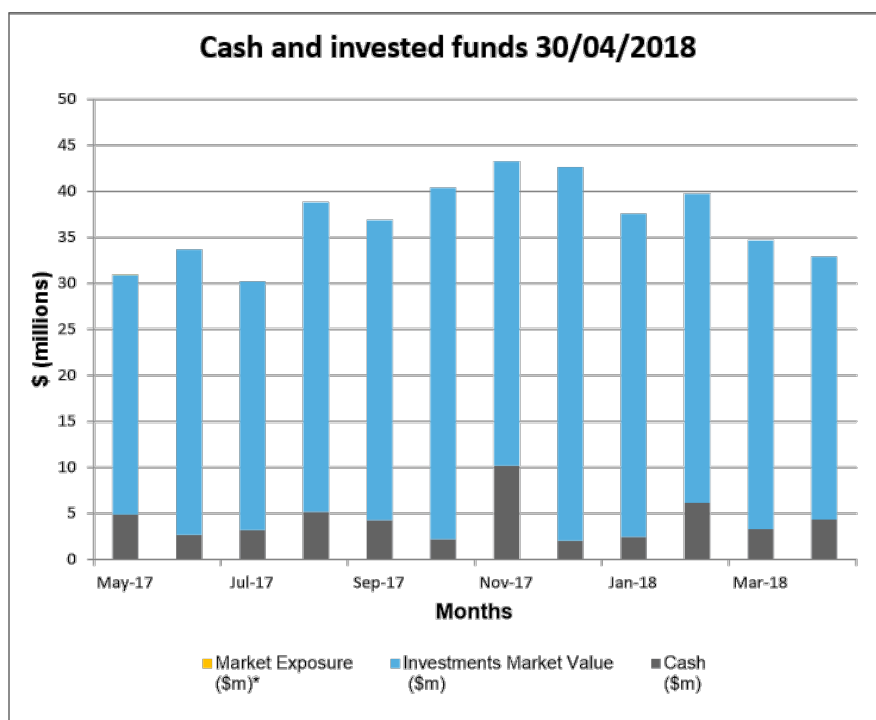
- 1) April 2018 Cash and Investments Report.

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2018

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
AMP BANK	FARQUHARSON	A+	TD	2.60%	272	16-May-18	600,000	600,000
ME BANK	FARQUHARSON	BBB	TD	2.60%	273	23-May-18	1,000,000	1,000,000
POLICE CREDIT UNION (SA)	CURVE	NR	TD	2.75%	180	28-May-18	1,400,000	1,400,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
AUSWIDE BANK LTD	CURVE	BBB	TD	2.62%	182	4-Jun-18	2,500,000	2,500,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.58%	300	27-Jun-18	1,000,000	1,000,000
SUNCORP	SUNCORP	A+	TD	2.61%	210	3-Jul-18	1,500,000	1,500,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.75%	218	13-Jul-18	600,000	600,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	356	25-Jul-18	2,250,000	2,250,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.90%	365	2-Aug-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	361	27-Aug-18	1,000,000	1,000,000
AMP BANK LTD	FIIG	A	TD	2.60%	205	19-Sep-18	1,500,000	1,500,000
AUSTRALIAN MILITARY BANK	CURVE	NR	TD	2.65%	364	5-Oct-18	900,000	900,000
COMMONWEALTH BANK	CBA	AA-	TD	2.59%	365	9-Oct-18	500,000	500,000
AUSWIDE BANK LTD	FARQUHARSON	BBB	TD	2.65%	363	10-Oct-18	1,350,000	1,350,000
AMP BANK LTD	CURVE	A	TD	2.65%	272	25-Oct-18	1,500,000	1,500,000
COMMONWEALTH BANK	CBA	AA-	TD	2.56%	335	4-Nov-18	1,250,000	1,250,000
CREDIT UNION AUSTRALIA	FARQUHARSON	BBB	TD	2.65%	349	29-Nov-18	1,000,000	1,000,000
WESTPAC BANKING CORPORATION	WESTPAC	AA-	TD	2.56%	371	13-Dec-18	1,200,000	1,200,000
COMMONWEALTH BANK	CBA	AA-	TD	2.62%	365	20-Dec-18	1,400,000	1,400,000
BANANA COAST CREDIT UNION	IMPERIUM	NR	TD	2.75%	365	20-Dec-18	600,000	600,000
WESTPAC BANKING CORPORATION	WESTPAC	AA-	TD	2.64%	363	23-Jan-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.63%	365	2-Mar-19	1,000,000	1,000,000
SUB TOTAL (\$)							28,550,000	28,550,000
INVESTMENTS TOTAL (\$)							28,550,000	28,550,000
CASH AT BANK (\$)							4,333,974	4,333,974
TOTAL CASH AND INVESTMENTS (\$)							32,883,974	32,883,974
CASH AT BANK INTEREST RATE				1.80%				
BBSW FOR PREVIOUS 3 MONTHS				1.96%				
AVG. INVESTMENT RATE OF RETURN				2.64%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

CASH AND INVESTMENTS BALANCE

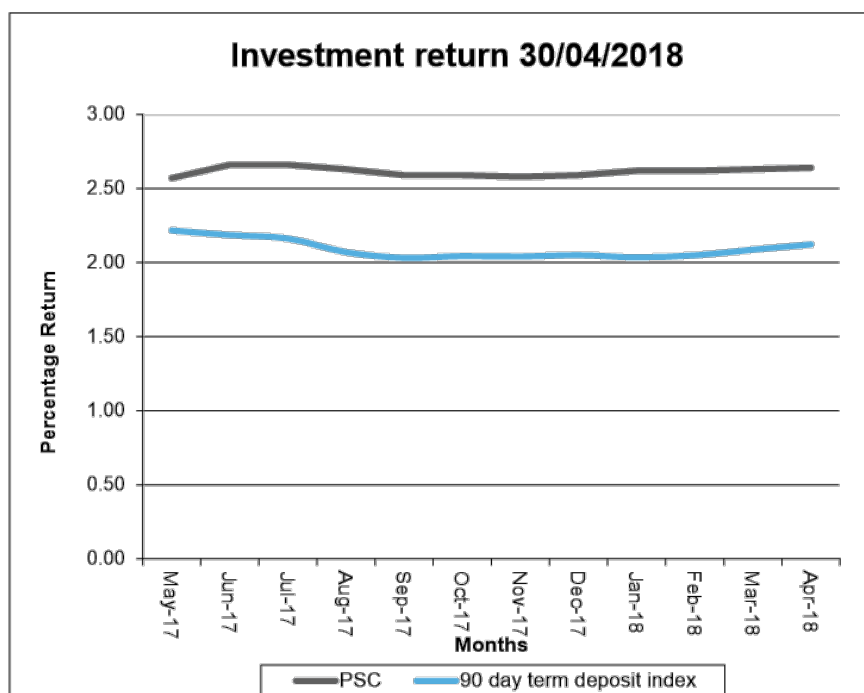
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)*	Total Funds (\$m)
May-17	4.894	26.014	0.003	30.912
Jun-17	2.685	31.000	-	33.685
Jul-17	3.232	27.000	-	30.232
Aug-17	5.201	33.600	-	38.801
Sep-17	4.271	32.600	-	36.871
Oct-17	2.230	38.150	-	40.380
Nov-17	10.214	33.050	-	43.264
Dec-17	2.043	40.600	-	42.643
Jan-18	2.472	35.100	-	37.572
Feb-18	6.152	33.600	-	39.752
Mar-18	3.296	31.350	-	34.646
Apr-18	4.334	28.550	-	32.884



*market exposure is the difference between the face value of an investment and its current market value.

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
May-17	2.2168	2.57
Jun-17	2.1860	2.66
Jul-17	2.1627	2.66
Aug-17	2.0703	2.63
Sep-17	2.0324	2.59
Oct-17	2.0442	2.59
Nov-17	2.0411	2.58
Dec-17	2.0501	2.59
Jan-18	2.0356	2.62
Feb-18	2.0492	2.62
Mar-18	2.0877	2.63
Apr-18	2.1224	2.64



ITEM NO. 2**FILE NO: 18/84960
EDRMS NO: PSC2005-3652****FENCING PLAYGROUND TO IMPROVE ALL ABILITIES FACILITIES**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this information paper is to provide details on a suitable location for a fenced playground facility and funding options. A Notice of Motion (Minute No. 051) was heard at the 27 March 2018 Council Meeting on this matter:

"It was resolved that Council:

- 1. Note that the Port Stephens local government area has a disability rate of 6.4% of persons who have a need for assistance with core activities compared to the national average of 5.1% and the NSW average of 5.4%.*
- 2. Seek a funding source to modify/upgrade a playground facility to improve access for "all abilities", in particular, fencing of an existing playground to help define the play area."*

Council currently has 57 playground assets across the local government area (LGA). Of these playground assets there are currently four fully fenced facilities. These facilities are located at the Fern Bay Community Centre, Corlette Community Hall, Salt Ash Community Hall and Anna Bay Community Hall.

Council has historically designed and located playgrounds away from identified hazards so that an enclosed fence is not required. Factors that are generally considered when deciding whether the fencing of a playground is appropriate are potential visual impact, ongoing asset maintenance considerations and the school of thought that playground fencing can lead to potential complacency by carers.

Council is currently in the process of constructing a new playground at Bernie Thompson Reserve in Shoal Bay. The location of this playground was selected by the community through a popular vote survey. One of the community concerns relating to the new location was the perceived traffic hazards from Government Road and the adjoining car parking area. As such, this project is an ideal candidate to cater for general community concerns as well as providing for a playground with all abilities considerations. The site is in a popular location for both residents and visitors using the adjoining holiday park. The cost associated with fencing this project is \$12,000 based on current estimates. Council is currently pursuing funding.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 18/95905

EDRMS NO: PSC2017-00019

PROPOSED SALE OF 109 FORESHORE DRIVE, SALAMANDER BAY

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Sell the parcel of land located at 109 Foreshore Drive, Salamander Bay with the proceeds of the sale going to the Tomaree Sports Complex Masterplan.
-

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>That Council sell the parcel of land located at 109 Foreshore Drive, Salamander Bay with the proceeds of the sale going to the Tomaree Sports Complex Masterplan.</p>
--	--

**ORDINARY COUNCIL MEETING - 22 MAY 2018
AMENDMENT**

141	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council defer Notice of Motion item 1 for a site inspection and conduct public consultation.</p>
------------	---

The amendment on being put became the motion, which was put and carried.

**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay (**white area in ATTACHMENT 1**), is a stand-alone parcel and was created along with 55 other lots in DP26610 along Foreshore Drive (formerly known as Soldiers Point Road) when the Plan of Subdivision (**ATTACHMENT 2**) was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public.

The allotment of land adjoining Lot 95 is part of a larger parcel of land running along the entire frontage of the newly created lots, providing public access to the waterfront and shown on the Plan of Subdivision as "Public Garden Recreation Space". This larger parcel of land also includes seven additional access points provided to the public from Foreshore Drive to the waterfront. The access points are identified by white circles (**ATTACHMENT 3**).

The earliest edition of the Certificate of Title showing the Estate in Fee Simple being the owner of Lot 95 as The Council of the Shire of Port Stephens was issued on 18 November 1977. This indicates that the ownership of this particular parcel of land has been in Council hands for circa 41 years.

When the *Local Government Act* was enacted in 1993 (Local Government Act), the land was classified as "Operational" and has remained that way for the past 25 years.

Under Council's Acquisition and Divestment of Land Policy, land deemed to be surplus includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as "Operational Land" under section 25 of the Local Government Act.

Section 377 (1) (h) of the Local Government Act requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

At least one formal market valuation undertaken by a valuer, registered to value such property, is required to be commissioned prior to all property divestments.

If Council resolves to sell the parcel of land, a valuation will be obtained, a Contract for Sale will be prepared and the property will be advertised for sale through Real Commercial.

ATTACHMENTS

- 1) Locality Map.
- 2) Plan of Subdivision.
- 3) Access Points.

ITEM 1 - ATTACHMENT 1 LOCALITY MAP.

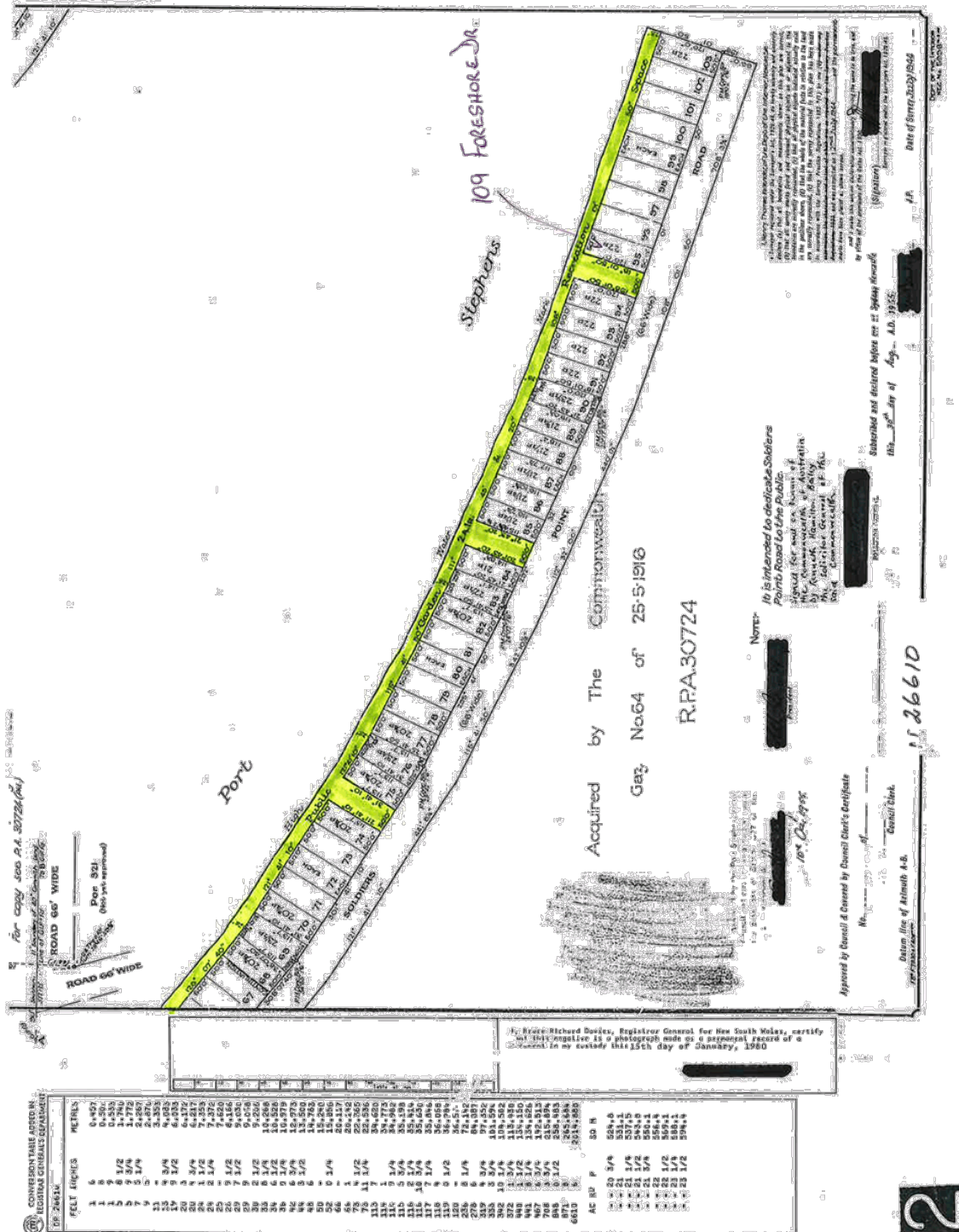




MINUTES ORDINARY COUNCIL - 22 MAY 2018

ITEM 1 - ATTACHMENT 2

PLAN OF SUBDIVISION.





NOTICE OF MOTION

ITEM NO. 2

FILE NO: 18/98922

EDRMS NO: PSC2017-00019

RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Request the General Manager to reclassify Lot 95 in Deposited Plan 26610 at 109 Foreshore Drive, Salamander Bay, directly opposite the Mambo Wetland, from Operational to Community Land.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

142	Councillor John Nell Councillor Giacomo Arnott It was resolved that Council defer Notice of Motion item 2.
------------	--

BACKGROUND REPORT OF: CARMEL FOSTER – CORPORATE SERVICES GROUP MANAGER

BACKGROUND

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay is a stand-alone parcel of 557 sq. metres in area (**white area in ATTACHMENT 1**). It is classified "Operational Land" and zoned Residential R2. The parcel was created along with 55 other lots in DP26610 along Foreshore Drive (formally known as Soldiers Point Road) when the Plan of Subdivision was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public.

Lot 104 DP26610 at 29 Foreshore Drive is classified as "Community Land", is zoned Public Recreation RE1 and comprises a total land area of 7,590 sq. metres. Part of this parcel adjoins Lot 95 and continues along the entire frontage of the 55 Lots in this subdivision. It is recorded on the Plan of Subdivision as "Public Garden Recreation Space". It is also identified on the Council GIS system as the "Bob Cairns Reserve". Further to the East is another significant parcel of "Community Land" and identified as the "Joe Redman Reserve".

ATTACHMENTS

- 1) Locality Map.

ITEM 2 - ATTACHMENT 1 LOCALITY MAP.



NOTICE OF MOTION**ITEM NO. 3****FILE NO: 18/97744****EDRMS NO: PSC2017-00019****PORT STEPHENS CRICKET CLUB****COUNCILLOR: PAUL LE MOTTEE**

THAT COUNCIL:

- 1) Publicly recognise the outstanding achievements of Port Stephens Cricket Club.
-

Councillor John Nell left the meeting at 7:15pm in Open Council.

Councillor John Nell returned to the meeting at 7:18pm in Open Council.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

143	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council publicly recognise the outstanding achievements of Port Stephens Cricket Club.
------------	---

BACKGROUND REPORT OF: JOHN MARETICH – ASSET MANAGER**BACKGROUND**

The Port Stephens Cricket Club first played in Maitland A Grade competition in the 1997-1998 season and has played at this level for 21 consecutive seasons. No other club in the regional competition has achieved this.

During their 21 year participation in this competition, Port Stephens Cricket Club has played in the Grand Final 17 times and of these 17 appearances, they have won the competition 13 times. Streaks of 3, 4 and 5 titles in a row have been recorded including the most recent 2017-2018 season.

The Port Stephens Cricket Club has won the Minor Premiership 12 times and been awarded the Club Championship 13 times. The club has been successful in shorter game formats taking out the Maitland 10-over Competition and winning the most recent Maitland T20 competition. The club holds a world record for the highest 4th wicket partnership in a limited overs match of 310 runs.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

In the season just completed, a Port Stephens player took out the Batting Average Award with an average of 215 runs per game and the Bowling Average Award with an average of 7.15 runs per wicket. The club has also had 7 Association Player of the Year Awards.

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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

ORDINARY COUNCIL MEETING – 22 MAY 2018 MOTION

144	<p>Councillor Sarah Smith Councillor Ken Jordan</p> <p>It was resolved that Council move into confidential session.</p>
-----	---

The following Council officers were present for the Confidential Session:

Communications Section Manager
Public Relations and Marketing Officer
Digital Marketing and Social Media Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 18/91147
EDRMS NO: PSC2017-03502**

PURCHASE OF 8 BALLAT CLOSE, MEDOWIE

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

145	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Purchase 8 Ballat Close, Medowie by way of Private Treaty on the terms and conditions detailed in the report background.2) Any contract amendments (excluding purchase price) be delegated to the General Manager for negotiation and approval.3) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documentation relevant for the purchase.4) That the land be classified as operational land under the <i>Local Government Act 1993</i>.
------------	--

CONFIDENTIAL

ITEM NO. 2

**FILE NO: 18/16533
RM8 REF NO: PSC2015-03284**

**GRANT OF DRAINAGE EASEMENT OVER 96-100 PORT STEPHENS STREET,
RAYMOND TERRACE**

**REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

146	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Resolve to grant an easement for drainage of water over 96-100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP195285) on the terms and conditions set out in the report background.2) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documentation related to the grant of easement and receipt of compensation.
------------	--

There being no further business the meeting closed at 7.36pm.