

DRAFT

MINUTES – 27 NOVEMBER 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 – 27 November 2018, commencing at 5.31pm.

PRESENT:

Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, 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 Section Manager.

152	Councillor Chris Doohan Councillor Sarah Smith It was resolved that the apology from Cr Ken Jordan be received and noted, and leave of absence of Cr Glen Dunkley be noted.
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Note: Cr Abbott entered the meeting at 5.35pm prior to voting on Motion to Close, item1.

153	Councillor Chris Doohan Councillor Sarah Smith It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 13 November 2018 be confirmed.
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MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018
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	Mayor Ryan Palmer declared a pecuniary conflict of interest in item 1. The nature of the interest is Mayor Palmer's brother in-law is involved in item 1.
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MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 18/352646
EDRMS NO: PSC2014-03305**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i 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 ***New Lease of 38 Stockton Street, Nelson Bay for Temporary Public Car Parking.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

Cr Abbott entered the meeting at 5.35pm prior to voting on Motion to Close, item1.

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

154	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i of the <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>New Lease of 38 Stockton Street, Nelson Bay for Temporary Public Car Parking.</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">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 2

**FILE NO: 18/363509
EDRMS NO: PSC2005-4312**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (g) 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 ***Lot 424 - Halifax Holiday Park***.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

155	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (g) 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 2 on the Ordinary agenda namely <i>Lot 424 - Halifax Holiday Park</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">• advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018
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Cr Nell recorded his vote against the motion.

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
AMENDMENT**

	Councillor John Nell Councillor Giacomo Arnott That confidential item 2 be dealt with in Open Council.
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The amendment on being put was lost.

COUNCIL REPORTS

Mayor Ryan Palmer left the meeting at 5:38pm in Open Council and Deputy Mayor, Cr Sarah Smith chaired the meeting in the absence of the Mayor.

ITEM NO. 1

**FILE NO: 18/255127
EDRMS NO: PSC2009-09539**

IMPLEMENTATION PANELS - MEDOWIE PLANNING STRATEGY, NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY AND RAYMOND TERRACE AND HEATHERBRAE STRATEGY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels (**ATTACHMENT 1**).
 - 2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members:
 - Robert Dein (Business)
 - Ben Niland (Business)
 - Heather Sharp (Resident)
 - Geoffrey Voigt (Resident)
 - 3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members:
 - Nicholas Diemar (Business)
 - Robert Taylor (Business)
 - Richard Casey (Resident)
 - Greg Smith (Resident)
 - Richard Ware (Resident)
 - 4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members:
 - Kristine Brown (Business)
 - Jake Bush (Business)
 - David Davies (Resident)
 - Ken Buckingham (Resident)
 - Jeffrey Bretag (Resident)
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**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

156	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels (ATTACHMENT 1). 2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members: <ul style="list-style-type: none"> • Robert Dein (Business) • Ben Niland (Business) • Heather Sharp (Resident) • Geoffrey Voigt (Resident) 3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members: <ul style="list-style-type: none"> • Nicholas Diemar (Business) • Robert Taylor (Business) • Richard Casey (Resident) • Greg Smith (Resident) • Richard Ware (Resident) 4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members: <ul style="list-style-type: none"> • Kristine Brown (Business) • Jake Bush (Business) • David Davies (Resident) • Ken Buckingham (Resident) • Jeffrey Bretag (Resident)
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to establish the Medowie Planning Strategy Implementation Panel, Nelson Bay Town Centre and Foreshore Implementation Panel, Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint community representatives to those panels.

At its meeting on 25 September 2018, Minute Number 092, it was resolved that:

'Council establish selection committees for each of the Raymond Terrace and Heatherbrae Strategy Implementation Panel, the Medowie Planning Strategy Implementation Panel and the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel comprising the Mayor and respective Ward Councillors to review nominations and recommend two (2) business and two (2) community members for each panel in accordance with the Terms of Reference (**ATTACHMENT 1**) of the Supplementary Information'.

At the meetings of the selection committees for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel, it was agreed to amend the Terms of Reference for these panels to enable up to three (3) resident representatives to be appointed to each panel (**ATTACHMENT 1**), on the basis of nominations received.

It is also noted that the Mayor has been included as a member on each panel to reflect Council's resolution of 24 April 2018 (**ATTACHMENT 1**).

The following community representatives have been recommended by the selection committees:

Medowie Planning Strategy Implementation Panel

- 1) Robert Dein (Business) – Served on the previous panel that guided the review of the previous Medowie Strategy. Robert has operated a local business for 35 years and understands planning and development matters in the town centre and in general.
- 2) Ben Niland (Business) – Served on the previous panel that guided the review of the previous Medowie Strategy. Ben operates an engineering consulting business and has been living in the area for approximately 20 years. Ben has demonstrated involvement in a range of local committees and clubs, and can combine business, engineering and local knowledge.
- 3) Heather Sharp (Resident) – A resident for almost 10 years with a young family. Heather demonstrated a good knowledge of local issues and involvement in the local community.
- 4) Geoffrey Voigt (Resident) – A resident for 20 years with involvement in local sporting and community groups. Geoffrey was involved in the preparation of the Medowie Strategy and will bring local knowledge as it relates to the Medowie Strategy.

Nelson Bay Town Centre and Foreshore Strategy Implementation Panel

- 1) Nicholas Diemar (Business) – A resident of Nelson Bay and local business owner with an office located in Nelson Bay who has strong connections to the area and has demonstrated community involvement as a volunteer.
- 2) Robert Taylor (Business) – Asset manager, including the management of the Nelson Bay d'Albora Marina. Robert is knowledgeable of the local tourism, events, marine, recreation and business economies and can represent the interests of both business and visitors to Nelson Bay.
- 3) Richard Casey (Resident) – A local resident of the area who is active in the local community with demonstrated experience in public administration and experience in the retail industry.
- 4) Greg Smith (Resident) – Greg has broad knowledge and experience of local development and tourism matters. Greg is also an advocate for young people and families.
- 5) Richard Ware (Resident) – Richard is a long term resident of Nelson Bay and is involved in a number of local groups including sports and environment protection.

Raymond Terrace and Heatherbrae Implementation Panel

- 1) Kristine Brown (Business) – Has over 10 years of Raymond Terrace/Heatherbrae Real Estate Sales experience having owned a Real Estate Agency from 2002 – 2018. Kristine demonstrated an ability to consider matters that arise during her discussions with local residents and potential investors in her capacity as a Real Estate Agent.
- 2) Jake Bush (Business) – A local business owner with strong connections to Raymond Terrace. Jake has experience in restoring the built heritage of King Street and is a strong advocate for community events and town centre improvements.
- 3) David Davies (Resident) – A long term resident of Raymond Terrace. David demonstrated that through his active involvement in a number of community groups he has a broad understanding of local issues.
- 4) Ken Buckingham (Resident) – Ken is a long term resident of Raymond Terrace and has worked in a number of local businesses across various industries. Ken is involved community, business, youth, family and sporting groups and can represent these varied perspectives.
- 5) Jeffrey Bretag (Resident) – A resident of Raymond Terrace over the past four years. Jeffrey demonstrated that his experience as a town planner would provide a positive contribution to the panel.

It is noted that Jeffrey Bretag is a past employee of Port Stephens Council and was directly involved in the development of the Raymond Terrace and Heatherbrae Strategy in 2015 and currently works as a planning consultant. Council's Code of Conduct will apply to the Panel's activities, and conflicts of interest will be managed in accordance with that Code.

If Council resolves to establish the Panels and appoint the representatives, preparations for the first meeting of each respective Panel will commence.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The coordination of the Panels will be managed within existing budget resources.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The establishment of the Implementation Panels seek to provide greater transparency and accountability for the implementation of the endorsed strategies.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the adopted strategies are not implemented.	Low	Establish the Panels to provide greater transparency and accountability in the implementation of the strategies.	Yes
There is a risk that implementation of the strategies is not communicated beyond the Panels.	Low	Establish the Panels to help communicate the endorsed strategies. Continue to communicate and meet with other stakeholders in the community.	Yes

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that conflicts of interest will arise given the membership of the Implementation Panels include local business owners and residents.	Low	The Terms of Reference apply Council's Code of Conduct to the Panel's activities. This means any conflicts of interest must be managed in accordance with that Code and, where necessary, disclosed prior to meetings.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Each of the strategies were developed with consideration given to the social, economic and environmental implications for these localities. The Implementation Panels seek to ensure that these strategies are realised and the outcomes are communicated to the community on an ongoing basis.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section and the Communications Section. Expressions of Interest were sought from the community as detailed in previous reports to Council.

Notifications were placed in the Port Stephens Examiner, Council's website and social media platforms during the notification period.

The outcomes of the Implementation Panels will be reported to Council via an Annual Report. The Annual Report will also be published on Council's website for wider community interest.

OPTIONS

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

ATTACHMENTS

- 1) Implementation Panels Terms of Reference.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.



**Medowie Planning Strategy
– Implementation Panel**

TERMS OF REFERENCE

Purpose

The Medowie Implementation Panel (the Panel) has been established to provide community advice to Council on the implementation of the Medowie Planning Strategy (the Strategy).

Objectives

The objectives of the Panel are as follows:

- To provide a forum to regularly report on progress and share information between Council and the community.
- To drive the implementation of the actions contained within the Strategy.

Terms of Reference

The Panel provides advice as requested by Council to assist the implementation of the Strategy. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating work to be carried out by Council.

Structure

The Panel will be made up of the following members:

- A Strategic Planning Officer.
- An Economic Development Officer.
- The Strategic Planning Coordinator.
- The Strategy and Environment Section Manager.
- The Community and Recreation Coordinator.
- The Civil Assets Planning Manager.
- All Central Ward Councillors.
- The Mayor.
- Four community representatives (two from local businesses and two local residents) identified through a public nomination process.

The Strategic Planning Officer will administer the panel. The chair of the meeting will be a Councillor nominated by the Panel at their first meeting. The Strategic Planning Officer will take the Minutes each meeting.

Selection of Panel Members

Expressions of Interest for membership will be sought through advertising in the Port Stephens Examiner, Council's website and through social media platforms.

Selection of membership will be based on the following:

- Demonstrated knowledge of local issues.
- Demonstrated ability to represent broad community interests.
- Demonstrated commitment/availability to attend meetings.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.

All nominations received will be reported to Council for their consideration and final recommendation.

Frequency

The Panel will meet twice a year initially with ongoing frequency to be determined by the Panel. An Annual Report will be provided to Council on the outcomes of these meetings and the progress of the Strategy as a whole.

Governance

All members of the Panel are required to disclose any conflict of interest they may have or conflict of interest of any associated person. All conflicts of interest are to be managed in the public interest.

Any conflict of interests must be managed to uphold the probity of the panel's decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation. Should you disclose a conflict of interest you must remove yourself from the meeting and/or event.

Council's Code of Conduct applies to the activities associated with the Panel.

Media

All contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council's Public Relations and Marketing unit will use agreed protocols and procedures to guide all Panel members and to ensure that Council's Media Liaison Policy is followed.

Expected Outcomes

The expected outcomes of the Panel are as follows:

- Community engagement at key stages of the implementation.
- Community advice to assist Council making decisions concerning the future planning of Medowie.
- The implementation of a Strategy that has a high level of community input so that it is reflective of community needs.
- A Strategy that provides for the sustained growth of Medowie in a structured and balanced way.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.



**Nelson Bay Town Centre
and Foreshore –
Implementation Panel**

TERMS OF REFERENCE

Purpose

The Nelson Bay Town Centre and Foreshore Implementation Panel (the Panel) has been established to provide community advice to Council on the implementation of the adopted actions contained within the Nelson Bay Town Centre and Foreshore Delivery Program (the Delivery Program).

Objectives

The objectives of the Panel are as follows:

- To provide a forum to regularly report on progress and share information between Council and the community.
- To drive the implementation of the actions contained within the Delivery Program.

Terms of Reference

The Panel provides advice as requested by Council to assist the implementation of the Delivery Program. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating work to be carried out by Council.

Structure

The Panel will be made up of the following members:

- A Strategic Planning Officer.
- An Economic Development Officer.
- The Strategic Planning Coordinator.
- The Strategy and Environment Section Manager.
- The Community and Recreation Coordinator.
- The Civil Assets Planning Manager.
- All East Ward Councillors.
- The Mayor.
- Five community representatives (two from local businesses and three local residents) identified through a public nomination process.

The Strategic Planning Officer will administer the panel. The chair of the meeting will be a Councillor nominated by the Panel at their first meeting. The Strategic Planning Officer will take the Minutes each meeting.

Selection of Panel Members

Expressions of Interest for membership will be sought through advertising in the Port Stephens Examiner, Council's website and through social media platforms.

Selection of membership will be based on the following:

- Demonstrated knowledge of local issues.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.

- Demonstrated ability to represent broad community interests.
- Demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

Frequency

The Panel will meet twice a year initially with ongoing frequency to be determined by the Panel. An Annual Report will be provided to Council on the outcomes of these meetings and the progress of the Delivery Program as a whole.

Governance

All members of the Panel are required to disclose any conflict of interest they may have or conflict of interest of any associated person. All conflicts of interest are to be managed in the public interest.

Any conflict of interests must be managed to uphold the probity of the panel's decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation. Should you disclose a conflict of interest you must remove yourself from the meeting and/or event.

Council's Code of Conduct applies to the activities associated with the Panel.

Media

All contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council's Public Relations and Marketing unit will use agreed protocols and procedures to guide all Panel members and to ensure that Council's Media Liaison Policy is followed.

Expected Outcomes

The expected outcomes of the Panel are as follows:

- Community engagement at key stages of the implementation.
- Community advice to assist Council making decisions concerning the future planning of Nelson Bay Town Centre and Foreshore.
- The implementation of a Delivery Program that has a high level of community input so that it is reflective of community needs.
- A planning strategy and Delivery Program that provides for the sustained growth of Nelson Bay Town Centre and Foreshore in a structured and balanced way.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.



**Raymond Terrace and
Heatherbrae Strategy –
Implementation Panel**

TERMS OF REFERENCE

Purpose

The Raymond Terrace and Heatherbrae Implementation Panel (the Panel) has been established to provide community advice to Council on the implementation of the Raymond Terrace and Heatherbrae Strategy 2015-2031 (the Strategy).

Objectives

The objectives of the Panel are as follows:

- To provide a forum to regularly report on progress and share information between Council and the community.
- To drive the implementation of the actions contained within the Strategy.

Terms of Reference

The Panel provides advice as requested by Council to assist the implementation of the Strategy. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating work to be carried out by Council.

Structure

The Panel will be made up of the following members:

- A Strategic Planning Officer.
- An Economic Development Officer.
- The Strategic Planning Coordinator.
- The Strategy and Environment Section Manager.
- The Community and Recreation Coordinator.
- The Civil Assets Planning Manager.
- All West Ward Councillors.
- The Mayor.
- Five community representatives (two from local businesses and three local residents) identified through a public nomination process.

The Strategic Planning Officer will administer the panel. The chair of the meeting will be a Councillor nominated by the Panel at their first meeting. The Strategic Planning Officer will take the Minutes each meeting.

Selection of Panel Members

Expressions of Interest for membership will be sought through advertising in the Port Stephens Examiner, Council's website and through social media platforms.

Selection of membership will be based on the following:

- Demonstrated knowledge of local issues.
- Demonstrated ability to represent broad community interests.
- Demonstrated commitment/availability to attend meetings.

ITEM 1 - ATTACHMENT 1 IMPLEMENTATION PANELS TERMS OF REFERENCE.

All nominations received will be reported to Council for their consideration and final recommendation.

Frequency

The Panel will meet twice a year initially with ongoing frequency to be determined by the Panel. An Annual Report will be provided to Council on the outcomes of these meetings and the progress of the Strategy as a whole.

Governance

All members of the Panel are required to disclose any conflict of interest they may have or conflict of interest of any associated person. All conflicts of interest are to be managed in the public interest.

Any conflict of interests must be managed to uphold the probity of the panel's decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation. Should you disclose a conflict of interest you must remove yourself from the meeting and/or event.

Council's Code of Conduct applies to the activities associated with the Panel.

Media

All contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council's Public Relations and Marketing unit will use agreed protocols and procedures to guide all Panel members and to ensure that Council's Media Liaison Policy is followed.

Expected Outcomes

The expected outcomes of the Panel are as follows:

- Community engagement at key stages of the implementation.
- Community advice to assist Council making decisions concerning the future planning of Raymond Terrace and Heatherbrae.
- The implementation of a Strategy that has a high level of community input so that it is reflective of community needs.
- A Strategy that provides for the sustained growth of Raymond Terrace and Heatherbrae in a structured and balanced way.

MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018

Mayor Ryan Palmer returned to the meeting at 5.48pm and resumed the Chair.

ITEM NO. 2

FILE NO: 18/331473
EDRMS NO: PSC2018-02041

SERVICE REVIEW - STRATEGY AND ENVIRONMENT SECTION

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the changes to the Strategy and Environment Section service package, as outlined, to deliver the required levels of service to meet the organisations future needs.
-

ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018 MOTION

157	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council endorse the changes to the Strategy and Environment Section service package, as outlined, to deliver the required levels of service to meet the organisations future needs.</p>
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BACKGROUND

The purpose of this report is to endorse the service review of the Strategy and Environment Section.

The Strategy and Environment section exists as an internal and external service provider to support Council and the Community through the effective delivery of land use plans and strategies, and natural resource management.

As a result of the Strategy and Environment Section service review changes are recommended to elements of the service delivery model and staffing structure which will contribute to a more effective service delivery model.

These recommendations are to provide efficiencies in the delivery of services, minimise environmental and regulatory risk, and to address the increasing demand from our customers for land use planning and natural resource management.

The Strategy and Environment Section is made of two key business units, Strategic Planning and Natural Resources. The section comprises 24.6 EFT. Primary service delivery functions of the Strategic Planning unit include development, administering and monitoring of the following:

- Local Strategic Land Use Plans and Policies
- Local Environmental Plan (LEP) and Planning Proposals
- Development Control Plan (DCP)
- Planning Certificates under the *Environmental and Planning Assessment Act 1979* (EP&A Act)
- Developer Contributions
- Heritage
- Duty Planning and Strategic Planning
- Social Planning

Primary service delivery functions of the Natural Resource unit include development, administration and monitoring of the following:

- Ecological Referrals
- Tree Removal Permits
- Coastal Management
- Advice regarding relevant legislation
- Environmental Assessment
- Environmental Risk Management
- Bush Regeneration
- Threatened Species advice
- Environmental Policies and Strategies
- Environmental Education

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

In order to better respond to our customer needs a number of changes to the organisational structure in the Strategy and Environment Section are proposed.

The service review is proposing an increase in EFT by 0.4 EFT. An overall saving of \$94,031.00 per annum will be realised. The overall staffing changes proposed will result in a more effective way of meeting the needs of the organisation and the community.

MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018
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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

There are no legal or policy implications. The table below outlines the risks and proposed treatments.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that inadequate and/or failure to implement Councils environmental and land use planning policies, strategies, standards, controls, and guidelines may lead to poor environmental and land use planning outcomes, legal liability, less than desirable community perception of Council, or injury to persons.	Low	Implementation of a revised service delivery model that ensures current best practice in environmental and land use planning advice.	Within existing budget.

MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that environmental and land use planning decisions are made in reliance on incorrect data or other inputs (such as mapping). This can lead to poor environmental and planning outcomes, reputational risk, incorrect levies for developer contributions, and, particularly in the case of Planning Certificates, legal liability.	Low	Implementation of a revised service delivery model that ensures current best practice resourcing, data collection and analysis.	Within existing budget.
There is a risk that provision of poor quality or delayed land use planning or environmental advice, or services contribute to poor environmental or land use outcomes, legal liability, or a less than desirable community perception of Council.	Low	Implementation of a revised service delivery model that ensures current best practice controls are developed to reduce environmental and land use planning risk.	Within existing budget.
There is a risk of Industrial Relations disputes as a result of the proposed restructure.	Low	A significant consultation strategy was implemented throughout the service review with potentially affected parties and the Operational Development Section. This is consistent with the established service review process.	Within existing budget.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Strategy and Environment Section exists as an internal and external service provider to support Council and the Community through the effective delivery of land use plans and strategies, and natural resource management.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to obtain their feedback on the current services provided and future need.

Internal

As an internal and external service provider, levels of service were agreed to with Council's Senior Leadership Team. This ensures that the services provided and the projects delivered by the Strategy and Environment Section enable the organisation to deliver services valued by our organisation and the community in the best possible way. As part of the service review process, extensive consultation was undertaken, including with the Consultative Committee.

External

As an internal and external service provider external consultation is conducted as part of the Community Strategic Planning process. The proposed service changes are determined to improve the Strategy and Environment Section's ability to meet the expectations in the Community Strategic Plan.

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: 18/227618
EDRMS NO: PSC2018-03650

PORT STEPHENS COUNCIL ANNUAL REPORT 2017-2018

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Annual Report 2017-2018 (**TABLED DOCUMENTS 1 and 2**).
-

ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION

158	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council adopt the Annual Report 2017-2018 (TABLED DOCUMENTS 1 and 2), subject to the correction of section 1 b) under the Code of Conduct statistics on page 107, replacing '0' with '9'.
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BACKGROUND

The purpose of this report is to present to Council and the community the Annual Report 2017-2018. The Annual Report is in two volumes:

- Volume 1 (**TABLED DOCUMENT 1**) is the report of activities and operations of Council for the financial year to 30 June 2018, reporting on statutory requirements and Council's achievements in implementing its Delivery Program.
- Volume 2 (**TABLED DOCUMENT 2**) is the audited financial statements of Council to 30 June 2018.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong supportive business system for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

Volume 1 of the Annual Report contains a summary of Council's financial performance, capital expenditure and governance across the whole of Council's operations. As at 30 June 2018 Council achieved its organisational target of an underlying financial surplus and an employee engagement score of 70%.

Volume 2 of the Annual Report 2017-2018 contains the audited accounts of Council.

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

Section 428(1) of the *Local Government Act 1993* states:

"Within 5 months after the end of each year, a council must prepare a report (its annual report) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed."

Section 428(3):

"An Annual Report must be prepared in accordance with the guidelines under section 406."

Local Government (General) Regulation 2005:

Clause 217 refers to additional information for inclusion in the annual report.

Volume 1 of the Annual Report has been prepared in accordance with these sections of the Act and clause of the Regulation.

Section 428(4)(a) of the *Local Government Act 1993* states:

"An Annual Report must contain the following: a copy of the Council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting, published by the Department, as in force from time to time."

Volume 2 of the Annual Report 2017-2018 has been prepared in accordance with this section.

The Annual Financial Reports were adopted by Council on 13 November 2018.

Section 428(5):

"A copy of the Council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of a Council's annual report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on the Council's website".

Subject to adoption of the Annual Report by Council, Officers will place the Annual Report 2017-2018 on Council's website and in Council libraries and advise the Office of Local Government of same.

Circular No 18-28/26 September 2018/A567705 additionally outlines that:

- "Councils should ensure that they report performance against targets, outcomes, efficiency and cost effectiveness over time.
- Councils which held elections in 2017:
 - are exempt from the requirement under section 428A of the Act for a Council to include in its annual report a report as to the State of the Environment; and
 - are required to detail council's achievements in implementing the community strategic plan over the previous years in annual reports of the year in which an ordinary election of councillors is held (2020)."

Volume 1 of the Annual Report provides Council's performance against its six main result measures over time and reports on the outcomes of the Delivery Program for 2017-2018 including efficiencies in business operations, its ongoing service review program and financial sustainability since 2009.

Council is not required in the Annual Report 2017-2018 to report on Council's achievements in implementing the Community Strategic Plan, this is a future requirement as outlined in Circular 18-28. Achievements of the previous Community Strategic Plan were however included in the Annual Reports 2015-2016 and 2016-2017 via the End of Term reports.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to provide the Annual Report within the legislated timeframe could lead to financial and reputational loss.	Low	Council adopts the Annual Report 2017-2018 Volumes 1 and 2.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Annual Report 2017-2018 provides information on Council's performance and achievements across a range of social, economic and environmental factors, outlining the principal activities of Council which are based on the four pillars of sustainability. Council is committed to transparent reporting and accountability to our community.

Council is financially sustainable and fit for the future. Despite some challenges, Council has maintained its financial position in 2017-2018 while achieving the following:

- rates that are the lowest in the Lower Hunter region; and
- continuing to meet asset renewal targets and reduce overall infrastructure backlog, while improving service delivery to the community.

In 2017-2018 Council again exceeded the set targets for its six main result measures. These key result measures underpin everything that Council does, and by balancing these metrics Council ensures that:

- 'we deliver on what we say we're going to do';
- the community is satisfied with the level of service provided;
- the right practices and governance are in place;
- Council has an appropriate risk maturity;
- we have engaged employees who deliver on what we say we're going to do; and
- Council is financially sustainable.

These key result measures (metrics) are:

Service Delivery:

- Target: > 90% Integrated Plans delivered on time.
- Achievement: 97.5% of actions in the Operational Plan achieved.

Community Satisfaction

- Target: > 75%.
- Achievement: 85% overall community satisfaction score (Source: 2018 Community Satisfaction Survey).

Employee Engagement

- Target: > 65% employee engagement
- Achievement: 70% (Source: AON Hewitt)

Governance

- Target: > 90% Governance Health Check
- Achievement: 96.9%

Risk Management

- Target: > 65% Risk Management Maturity score
- Achievement: 83%

Financial Sustainability

- Target: underlying financial surplus
- Achievement: underlying financial surplus of \$1.078m

CONSULTATION

Compilation of the Annual Report 2017-2018 has occurred in consultation with the following key stakeholders:

Internal

- Executive Team and Executive Leadership Team.
- Section Managers.

Information was gathered across Council to compile the Annual Report 2017-2018.

External

- Office of Local Government.

If adopted by Council, the Annual Report 2017-2018 will be placed on Council's website, with the appropriate weblink advised to the Office of Local Government and hard copies distributed to Council's libraries and the State Library of New South Wales.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Port Stephens Council Annual Report 2017-2018 Volume 1.
- 2) Port Stephens Council Annual Report 2017-2018 Volume 2.

ITEM NO. 4

**FILE NO: 18/182370
EDRMS NO: T12-2018**

T12-2018 MEDOWIE SPORTS AND COMMUNITY FACILITY

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 4 on the Ordinary Council agenda namely T12-2018 Medowie Sports and Community Facility.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the T12-2018 Medowie Sports and Community Facility.
- 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 accept the tender submitted from Graph Builders Pty Ltd for the amount of \$5,043,649 for the construction of the Medowie Sports and Community Facility.
- 6) That the contract will commence on the mutual signing of the Letter of Agreement with an expected construction period of 10 months.

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

159	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council:
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MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018

- | | |
|--|--|
| | <ol style="list-style-type: none">1) Accept the tender submitted from Graph Builders Pty Ltd for the amount of \$5,043,649 for the construction of the Medowie Sports and Community Facility.2) That the contract will commence on the mutual signing of the Letter of Agreement with an expected construction period of 10 months. |
|--|--|

BACKGROUND

The purpose of this report is to recommend the acceptance of **Graph Builders Pty Ltd** (Graph Builders) for the construction of the Medowie Sports and Community Facility situated at 36 & 36A Ferodale Road, Medowie.

The work comprises the provision of all resources and materials required to construct a Community Facility as outlined in the Notice of Determination DA: 16-2015-852-1/16-2015-852-4.

In summary, this development consists of a new masonry and glazed community building, bowling green, car parking and playground. Details of the design are provided in the tender documents and specifications.

The tender was advertised for a period of five weeks closing on 27 May 2018. A total of seven submissions were received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

Submissions were received from:

- A & K MacKay Building Co Pty Ltd.
- Graph Builders Pty Ltd.
- J & J Killalea Constructions Pty Ltd.
- Michilis Pty Ltd.
- Pluim Commercial Contractors Pty Ltd.
- Scape Constructions.
- Telstra SNP Monitoring Pty Ltd.

The submission received from Telstra SNP Monitoring Pty Ltd was non-conforming and did not meet the tender specification as required of this tender.

Graph Builders provided the most competitive tender providing value for money for Council. They demonstrated a clear understanding of the project scope and specification, being fully compliant in their reply to the tender schedules.

This service provider has been used on previous projects for council with no known final quality issues and they have a strong portfolio and presence in the Hunter region. They have a strong reputation of delivering high quality projects of similar scale and nature to the Medowie Sports and Community Facility. Of particular note is their successful completion of the Wests New Lambton Bowling Club development.

Graph Builders timeframe of 10 months is practical for this project and demonstrates that they have the necessary resources and capacity to deliver this project. There is high confidence in this service provider's (based on their previous projects) focus on contract management and quality finishes.

Graph Builders have a strong reputation in the Hunter Region and are well renowned for producing high quality projects on time and on budget.

The nominated provisional sums for earthworks have been allowed for in this project. Final details of the earthworks will be clarified following the finalisation of independent geotechnical and structural engineering advice.

Assumptions and allowances in the tender submission relate directly to the provisional sums of the earthworks required. Other allowances identified in the tender submission are consistent with this type of project.

The minor non-conformances and alternative proposals submitted by Graph Builders have also been reviewed and will be considered. These items will be discussed with the service provider and are subject to approval by the Principal on award and commencement of the project.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	30
Commercial Terms	5
Relevant Experience	30
Capability	20
Timing & Work Plan	15
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The project is to be funded by the following:

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes	2,800,000	Developer contributions.
External Grants	No		
Other	Yes	3,500,000	External loan.

LEGAL, POLICY AND RISK IMPLICATIONS

This matter is being referred to Council for resolution as it is currently outside of accepted delegated authority levels for staff.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that community expectation for this project to proceed will not be met.	High	Award the tender.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development represents a multi-purpose sports and community facility located at Medowie. The project will improve Council's provision of high quality sporting and community facilities within this area, serving a wide number of users. This is expected to provide positive social impacts in relation to increasing community involvement and cohesion and will benefit the wider community.

CONSULTATION

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

Internal

- Community Services Section.
- Capital Works Section.

External

- Meadowie Sports Community.
- Councillors.
- Public consultation.

In accordance with local government legislation the tender was advertised by public advertisement for a minimum period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 18/309818
EDRMS NO: PSC2005-1592**

POLICY REVIEW - PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY

REPORT OF: ZOE PATTISON - BUSINESS SYSTEMS SUPPORT SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Public Access to Records after 30 Years policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Public Access to Records after 30 Years 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 Public Access to Records after 30 Years policy dated 25 October 2016 (Minute No. 314), should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

160	<p>Councillor John Nell Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Public Access to Records after 30 Years policy shown at (ATTACHMENT 1).2) Place the Public Access to Records after 30 Years 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 Public Access to Records after 30 Years policy dated 25 October 2016 (Minute No. 314), should no submissions be received.
------------	---

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Public Access to Records after 30 Years Policy. There have been no material changes made to this policy.

The purpose of this policy is to allow for the public to have greater access to records older than 30 years. This means the public are not required to request these records through a Government Information (Public Access) request.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong supportive business system for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

The Public Access to Records after 30 Years policy has no known financial or 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

The policy meets Council's requirement and is written in accordance with the *State Records Act 1998* and the *Government Information (Public Access) Act 2009*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's administrative processes remain outdated.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no known Social, Economic or Environmental Implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Business Systems Support Section. This included discussions between the Business Systems Support Manager, the Governance Manager as well as the Senior Records Team Leader.

Internal

- Governance Section Manager.
- Business Systems Support Section Manager.
- Group Manager Corporate Services.
- Senior Records Team Leader.

External

In accordance with local government legislation the draft Public Access to Records after 30 Years policy will go on public exhibition from 6 December 2018 to 3 January 2019 for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Public Access to Records after 30 Years Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1
30 YEARS POLICY.

REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



FILE NO: PSC2005-1592
TITLE: PUBLIC ACCESS TO RECORDS AFTER 30 YEARS
POLICY OWNER: BUSINESS SYSTEMS SUPPORT SECTION MANAGER

1. PURPOSE:

- 1.1 This policy allows for the public to have greater access to records older than 30 years. This means the public are not required to request these records through a Government Information (Public Access) request.

2. CONTEXT/BACKGROUND:

- 2.1 The *State Records Act 1998* promotes the principles of accountability and access by requiring public sector office(s), including local government Councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Councils will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the *State Records Act 1998*'.

3. SCOPE:

- 3.1 This policy relates to all person(s) who request either personal information or a record from Port Stephens Council that is deemed older than 30 years. A record is taken to be 30 years old, when 30 years have elapsed since it came into existence or since the original record of which it is a copy came into existence.
- 3.2 The fact that a record is not open to public access under this Act does not affect any entitlement to obtain access to information contained in the record under the *Government Information (Public Access) Act 2009*.

4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Disclose	Make information available and release or provide access to information.
Exercise	A function includes perform a duty.

Policy

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**ITEM 5 - ATTACHMENT 1
30 YEARS POLICY.****REVISED PUBLIC ACCESS TO RECORDS AFTER****Policy**

Person	Includes an agency, the government or another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.
Public Office	An office established or continued for a public purpose by or under the provisions of a legislative instrument.
Personal Information	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Record	Any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.
OPA	Open to Public Access.
CPA	Closed to Public Access.

5. POLICY STATEMENT

- 5.1 The policy is intended to outline the access provisions of the *State Records Act, 1998* and to explain the rights and obligations of Council and the public, under Part 6 of the Act.
- 5.2 Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 5.3 Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 5.4 Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will remain in force for the period (up to five years) specified in the direction and will be reviewed every five years.

Policy

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ITEM 5 - ATTACHMENT 1 REVISED PUBLIC ACCESS TO RECORDS AFTER
30 YEARS POLICY.

Policy



5.5 Application for access to records must be in writing, specifying that access be requested under s.54 of the *State Records Act* and detailing the records to which access is required.

5.6 No fee will be payable for Public Access requests.

5.7 Council will notify applicants of its access decision on their requested record/s in writing.

5.8 Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the *State Records Act 1998*.

5.9 A CPA direction does not affect an individual's entitlement to access a record under the *Government Information (Public Access) Act 2009*.

6. POLICY RESPONSIBILITIES:

6.1 Information Services Coordinator - Responsible for the implementation and review of this Policy.

7. RELATED DOCUMENTS

7.1 *State Records Act 1998* No 17 (Part 6).

7.2 *Government Information (Public Access) Act 2009*.

Policy

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ITEM 5 - ATTACHMENT 1
30 YEARS POLICY.

REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



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EDRMS container No	PSC2005-1592	EDRMS record No	16/419489 18/234045
Audience	Port Stephens community and Council employees		
Process owner	Business Systems Support Section Manager		
Author	Business Systems Support Section Manager		
Review timeframe	Two years	Next review date	25 October 2018 25 October 2020
Adoption date	16 May 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	16/5/2000	Information Services Coordinator		267
2.0	24/6/2003	Information Services Coordinator		245
3.0	24/7/2007	Information Services Coordinator		198
4.0	27/9/2011	Information Services Coordinator		344
5.0	14/10/2014	Information Services Coordinator		266

Policy

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ITEM 5 - ATTACHMENT 1
30 YEARS POLICY.

REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



6.0	21/09/2016	Information Services Coordinator	<p>Definition of scope, namely what constitutes which documents are available under the <i>State Records Act 1998</i> and the <i>Government Information (Public Access) Act 2009</i> inserted.</p> <p>Scope to include legislative direction for access to records under 30 years old (<i>Government Information (Public Access) Act 2009</i> inserted.</p> <p>The relevant legislation being <i>State Records Act 1998</i> No 17 current version for 15 January 2016 inserted.</p> <p>Formatted in accordance with PSC Policy template released May 2016.</p> <p>Note: no change in legislation since policy last reviewed in 2014.</p>	
7.0	25/10/2016	Information Services Coordinator	Adopted by Council.	314
8.0		Business Systems Support Section Manager	<p>No changes to Policy.</p> <p>Template updated to include numbering.</p> <p>Updated EDRMS reference number.</p>	

Policy

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ITEM NO. 6**FILE NO: 18/313495
EDRMS NO: PSC2012-01155****SERVICE REVIEW - OFFICE OF THE GROUP MANAGER FACILITIES AND SERVICES**

REPORT OF: GREGORY KABLE - FACILITIES AND SERVICES GROUP
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Facilities and Services Group Manager's Office service package as outlined, to deliver the required levels of service to meet the organisation's future needs.
-

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

161	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council endorse the Facilities and Services Group Manager's Office service package as outlined, to deliver the required levels of service to meet the organisation's future needs.
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BACKGROUND

The purpose of this report is to endorse the service package review undertaken within the Office of the Group Manager Facilities and Services.

Prior to 2009, the team was operating under a decentralised model. In early 2011 following a review over a period of time which comprised a number of workshops and some extensive consultation the decision to centralize and form an administration unit within the Facilities & Services Group was taken. This model allowed for the provision of a more streamlined approach relating to the overall delivery of administration support.

Since the commencement of the current Business Systems and Administration Coordinator in 2014, a number of discussions have been held with the administration team, both in a group and one-on-one setting, which also included further consultation with the Facilities and Services leadership team in order to get a better understanding of the following key items:

- Team structure and responsibilities.
- Interlinkages with the units/sections being supported.
- What works and what does not work.
- Gaps and opportunities for improvement.

In its current state, the Facilities and Services Administration team is operating in a centralised model reporting to the Business Systems and Administration Coordinator under the Facilities and Services Group Manager. The team's current structure, including the coordinator, consists of six and a half FTE's. In addition to the Facilities and Services Administration team, the Facilities and Services Office of the Group Manager also consists of the Facilities and Services Group Manager and his Executive Assistant.

The administration unit's key purpose is to provide a varied range of administrative and project-based support to enable the Facilities & Services group in delivering valuable services to the community. This is achieved by performing the following core activities:

- Filtering information in order to allow units to perform tasks that are only relevant to them.
- Ensuring applications are accurately completed and of acceptable quality prior to processing and registering information in the relevant registers and/or databases.
- Ensuring all unit-specific operational processes are performed accurately and processed within agreed timeframes.
- Assisting with the facilitation of business improvements relevant to the unit/section.
- Documenting and archiving information for accurate record keeping purposes.
- Ensuring that the procurement of goods and services and reconciliation of accounts applicable to the units/sections are processed according to Council procedures, policies and guidelines.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

An additional resource will be trialled within the Capital Works and Public Domain and Services Sections. This resource will allow coordinators to return to duties with an operational focus. Costs for this position will be covered within the existing budget.

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

There are no legal or policy implications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Failure to endorse these recommendations may lead to a return to a decentralised model which has proven inefficient in the past.	Medium	Endorse the recommendations to allow for the centralised model to continue.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There will be no social, economic and environmental implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Facilities & Services Office of the Group Manager Section. This consultation was undertaken all throughout the service review process.

Internal

- Perception analysis sessions were held with all four sections managers within the Facilities and Services Group. Facilities and Services Coordinators were also asked via email to complete the perception analysis form to get feedback and a better understanding of their respective unit's existing requirements and where an administration team can continue to provide value-adding support.
- Verbal discussions, both in a formal and informal setting, were also held with relevant key stakeholders within Council to ascertain the feasibility of the preferred recommendation.

External

- As an internal service provider external consultation was not required.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

**FILE NO: 18/250935
EDRMS NO: A2004-0984**

CODE OF CONDUCT: ANNUAL REPORTING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the annual reporting of Code of Conduct complaint statistics involving Mayor, Councillors and General Manager for the period of 1 September 2017 to 31 August 2018.
-

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

162	Councillor John Nell Councillor Chris Doohan It was resolved that Council receive and note the annual reporting of Code of Conduct complaint statistics involving Mayor, Councillors and General Manager for the period of 1 September 2017 to 31 August 2018.
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BACKGROUND

The purpose of this report is to provide code of conduct complaint statistics to Council for the reporting period 1 September 2017 to 31 August 2018, in accordance with Part 12 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

The statistics relate to complaints concerning the Mayor, Councillors and the General Manager, in accordance with Part 12 of the Procedures.

The statistics must be reported to Council within three months from the end of September each year.

The statistics are shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with the code of conduct complaints are within the existing budget and staff resource allocation.

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

Part 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) requires all complaints received concerning the Mayor, Councillors and the General Manager be reported to Council within three months of the end of September each year.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, and therefore in breach of the <i>Local Government Act 1993</i> , should a report not be provided to Council.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Code of Conduct Statistics - 1 September 2017 to 31 August 2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 CODE OF CONDUCT STATISTICS - 1 SEPTEMBER 2017 TO 31 AUGUST 2018.

Page 1 of 3

Model Code of Conduct Complaints Statistics Port Stephens Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	7
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	7
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	7
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	0
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
h	The number of finalised complaints investigated where there was found to be no breach	0
i	The number of finalised complaints investigated where there was found to be a breach	0
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are not yet finalised	0
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	2,400

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

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

ITEM NO. 8

**FILE NO: 18/360655
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 the respective Mayoral funds to the following:
 - a. Medowie Public School - Mayoral funds - \$250 donation towards end of year presentations.
 - b. Sailability NSW – Mayoral funds - \$250 donation towards Social Inclusion Week celebrations.
 - c. Caring for our Port Stephens Youth (COPSY Inc.) – Mayoral funds - \$1,500 donation towards rent for room at Salamander Bay Library.

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

163	<p>Councillor Chris Doohan Councillor Sarah Smith</p> <p>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:</p> <ol style="list-style-type: none">a. Medowie Public School - Mayoral funds - \$250 donation towards end of year presentations.b. Sailability NSW – Mayoral funds - \$250 donation towards Social Inclusion Week celebrations.c. Caring for our Port Stephens Youth (COPSY Inc.) – Mayoral funds - \$1,500 donation towards rent for room at Salamander Bay Library.
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BACKGROUND

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

MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018

Council's Policy provides the community, Mayor 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:

MAYORAL FUNDS – Mayor Palmer

Medowie Public School.	NSW State school.	\$250	Donation towards end of year presentations.
Sailability NSW.	An organisation that facilitates participation in sailing and boat usage at social, recreational and competitive levels on inland, estuary and ocean water, for people with disabilities regardless of age and level of disability.	\$250	Donation towards Social Inclusion Week celebrations.
Caring for our Port Stephens Youth (COPSY Inc).	A Community group whose purpose is to ensure the best possible, independent youth health and wellbeing service is available to satisfy the needs of the young people living in Port Stephens.	\$1,500	Donation towards rent for room at Salamander Bay Library.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

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 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: 18/352656
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 27 November 2018.

No:	Report Title	Page:
1	2018 NSW Coastal Conference 7-9 November Merimbula	62
2	Cash and Investments - October 2018	64
3	Designated Persons' Return	67

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

164	Councillor Chris Doohan Councillor John Nell It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 27 November 2018. No: Report Title: 1 Cash and Investments - October 2018. 2 2018 NSW Coastal Conference 7-9 November Merimbula. 3 Designated Persons' Return.
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INFORMATION PAPERS

ITEM NO. 1**FILE NO: 18/360185
EDRMS NO: PSC2017-02840****2018 NSW COASTAL CONFERENCE 7-9 NOVEMBER 2018 MERIMBULA****REPORT OF: JOHN NELL - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide Council with feedback on the 27th Annual NSW Coastal Conference held at the Club Sapphire Merimbula from 7-9 November 2018. The Conference theme of 'Time for Action' promoted the idea of action on coastal foreshore protection and maintenance works. The conference brought together over 250 delegates from a diverse range of fields, including: all aspects of coastal, estuarine and marine management, science and research, education, planning, policy and law and included representatives from government, the private sector, community groups and the public.

The talk by keynote speaker Sarah Barker, Special Counsel, MinterEllison on Climate Change was very encouraging. Big businesses, including insurance companies are all trying to deliver maximum profits for their shareholders and they have excellent risk management processes in place. The directors of these companies may not be vocal about who or what is the cause of global warming and rising sea levels, but they certainly take account of it in their risk management. In many ways, our politicians have lost the opportunity to be involved. The scientific literature may not be clear on the relationship between the frequency and strength of tropical cyclones, but the effect of the damage caused by a moderate increase in the sea level is enormous and the payout and premiums of insurance companies are very clear on the cost of rising sea levels.

It was interesting to note, that there is a lag time for the oceans to respond to global warming (Hansen, *et al.*, 2005). The mass of the oceans is around 500 times that of the atmosphere. The time that it takes for oceans to warm up is measured in decades. Due to the difficulty in quantifying the rate at which the warm upper layers of the ocean mix with the cooler deeper waters, there is significant variation in estimates of climate lag. However, it has been estimated, that the time required for the oceans global warming, may be around 40 years (Hansen, *et al.*, 2005). With 40 years between cause and effect, it means that sea level rises of the last decade are a result of what we were thoughtlessly putting into the air in the 1970s. It also means that the true impact of our emissions over the current last decade will not be felt until the 2050s. Insurance companies are aware of this; property owners are not.

Ms Barker also talked about the need for Councils to act on rising sea levels, as aggrieved property owners will seek damages from Councils, who did not act on the increasing dangers from the sea. Not only should Councils protect themselves about what is known about rising sea levels, but affected property owners and insurance

companies also expect Councils to act on what they should have known. When property owners submit a DA, they may not want to know about the need to raise the floor level, but once their house is flooded, because the Local Council didn't enforce their policy or worse didn't have a policy, aggrieved property owners will become instant experts on the danger of rising sea levels.

Reference

Hansen, J. *et al.*, 2005. Earth's Energy Imbalance: Confirmation and Implication. Science 308 (5727), 1431-1435.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 18/341434
EDRMS NO: PSC2006-6531**

CASH AND INVESTMENTS - OCTOBER 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 31 October 2018.

ATTACHMENTS

- 1) Cash and Investments - October 2018.
- 2) Cash Flow Analysis - October 2018.

CASH AND INVESTMENTS HELD AS AT 31 OCTOBER 2018

ISSUER	BROKER	RATING* DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS								
AMP BANK	RIM	A+	TD	2.75%	365	14-Nov-18	400,000	400,000
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
BANKWEST	BANKWEST	AA-	TD	2.75%	209	9-Jan-19	1,000,000	1,000,000
WESTPAC BANKING CORPORATION	WESTPAC	AA-	TD	2.64%	363	23-Jan-19	2,000,000	2,000,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.90%	245	4-Feb-19	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.63%	365	2-Mar-19	1,000,000	1,000,000
MYSTATE	FARQUHARSON	BBB	TD	2.80%	287	18-Mar-19	1,200,000	1,200,000
MYSTATE	CURVE	BBB	TD	2.83%	303	3-Apr-19	1,000,000	1,000,000
BANKWEST	BANKWEST	AA-	TD	2.78%	258	2-May-19	1,500,000	1,500,000
AMP BANK	RIM	A+	TD	2.75%	365	14-May-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	370	29-May-19	1,000,000	1,000,000
POLICE CREDIT UNION (SA)	RIM	NR	TD	2.90%	365	30-May-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	376	13-Jun-19	1,250,000	1,250,000
NATIONAL AUSTRALIA BANK	IMPERIUM	AA-	TD	2.80%	365	13-Jun-19	1,000,000	1,000,000
BANK OF US	RIM	BBB	TD	2.95%	365	22-Jun-19	1,000,000	1,000,000
ING	IMPERIUM	A-	TD	2.83%	368	25-Jun-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	3.00%	365	28-Jun-19	800,000	800,000
BANANACOAST	RIM	BBB	TD	2.95%	376	9-Jul-19	800,000	800,000
BANK OF US	CURVE	BBB	TD	2.90%	338	8-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	362	21-Aug-19	1,500,000	1,500,000
QBANK	FARQUHARSON	BBB	TD	2.90%	364	30-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	373	5-Sep-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.85%	384	18-Sep-19	1,500,000	1,500,000
ICBC	RIM	A	TD	2.84%	342	3-Oct-19	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	369	16-Oct-19	1,250,000	1,250,000
SOUTH WEST CREDIT UNION CO-OP	RIM	BBB	TD	2.90%	378	30-Oct-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
SUB TOTAL (\$)							32,400,000	32,400,000
INVESTMENTS TOTAL (\$)							32,400,000	32,400,000
CASH AT BANK (\$)							4,092,624	4,092,624
TOTAL CASH AND INVESTMENTS (\$)							36,492,624	36,492,624
CASH AT BANK INTEREST RATE				1.75%				
BBSW FOR PREVIOUS 3 MONTHS				2.02%				
AVG. INVESTMENT RATE OF RETURN				2.81%				
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 flow analysis 31/10/2018

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2018
Closing Cash and Investment 30 October 2018
Movement in cash

YTD	Notes
36,013,235	
37,344,694	
1,331,459	

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities
Payments to suppliers & employees
Interest received
Interest paid
Total

39,124,290
(29,882,918)
403,865
(229,900)
9,336,681

Investing Activities

Receipts from sale of Property, Plant & Equipment
Payments for Property, Plant & Equipment
Total

564,543
(7,060,477)
(6,495,934)

Financing Activities

Payment of loans
Receipt of new loans
Total

(1,509,289)
-
(1,509,289)

Total Cash Movement

Plus: Opening Cash and Investment 1 July 2018
Closing Cash and Investment 30 October 2018

1,331,459
36,013,235
37,344,694

Budgeted Cash Movement for the Financial Year

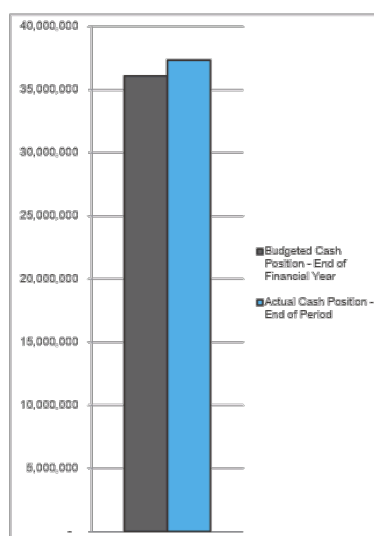
Plus Opening Cash and Investment 1 July 2018
Budgeted Cash and Investment Position 30 June 2019

83,765
36,013,235
36,097,000

In front / (behind) on budget

1,247,694

1

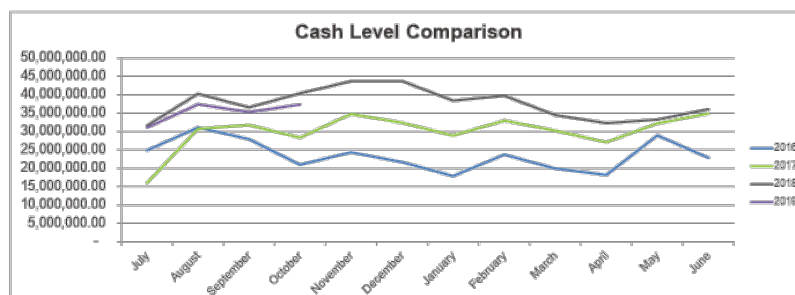


Notes

- 1 Council's cash position is up on the budgeted year end position by \$1.2M predominately due to the following reasons:
- a) Bookings are being taken for the holiday parks busy period.
 - b) Capital contributions have been higher than the anticipated budget

Significant future cash inflows expected in next few months include settlement proceeds from Salamander Way, fee for service charges from the State Roads program and various capital works grants that are currently underway.

Significant future cash outflows expected in next few months include: Holiday Park capital works program, Karuah Wharf, Plant purchases, CCTV rollout and Caswell Reserve works.



ITEM NO. 3

**FILE NO: 18/361064
EDRMS NO: PSC2018-01339**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

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

The following is a list of position/s who has submitted Return/s:

- Facilities Manager (PSC725).

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' returns.

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 – 27 NOVEMBER 2018 MOTION

165	Councillor Jaimie Abbott Councillor Chris Doohan It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communication Section Manager
Public Relations and Marketing Coordinator
Digital Marketing and Social Media Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 18/244506
EDRMS NO: PSC2014-03305**

**NEW LEASE OF 38 STOCKTON STREET, NELSON BAY FOR TEMPORARY
PUBLIC CAR PARKING**

**REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

166	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of Council to the lease documentation and any associated legal documentation including the Option lease, if exercised, in respect to the land legally described as Lot 781 and Lot 782 DP 802108 (ATTACHMENT 1).</p>
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 18/297716
EDRMS NO: PSC2005-4312**

LOT 424 - HALIFAX HOLIDAY PARK

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

**ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018
MOTION**

167	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council: 1) Note the legal advice provided by Local Government Legal. 2) Support the commencement of the Plan of Management process for Halifax Holiday Park, as required by and in accordance with the <i>Crown Land Management Act 2016</i> . 3) That a summary of the legal advice be made public.
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**ORDINARY COUNCIL MEETING – 27 NOVEMBER 2018
MOTION**

168	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 6.20pm.