

# DRAFT

## MINUTES – 26 MARCH 2019



# 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 – 26 March 2019, commencing at 5.30pm.

**PRESENT:**

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

<b>052</b>	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>  It was resolved that the apology from Cr Glen Dunkley be received and noted.
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<b>053</b>	<b>Councillor Jaimie Abbott</b> <b>Councillor Chris Doohan</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 12 March 2019 be confirmed.
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**MINUTES ORDINARY COUNCIL - 26 MARCH 2019**

	There were no Declaration of Interest received.
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# MAYORAL MINUTES



**MAYORAL MINUTE**

**ITEM NO. 1**

**FILE NO: 19/79334  
EDRMS NO: PSC2015-01024**

**CONDOLENCE BOOK FOR THE PEOPLE OF CHRISTCHURCH, NEW ZEALAND**

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**THAT COUNCIL:**

- 1) On behalf of the wider Port Stephens community, express its deepest condolences for the victims of the devastating mass shootings that occurred in Christchurch, New Zealand on 15 March 2019 and convey our heartfelt sympathies for the families and friends coming to terms with their grief.
- 2) Place condolence books at the Administration Building and Council libraries to provide a means for our community to express their personal sorrow to the people of Christchurch, New Zealand.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>054</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) On behalf of the wider Port Stephens community, express its deepest condolences for the victims of the devastating mass shootings that occurred in Christchurch, New Zealand on 15 March 2019 and convey our heartfelt sympathies for the families and friends coming to terms with their grief.</li><li>2) Place condolence books at the Administration Building and Council libraries to provide a means for our community to express their personal sorrow to the people of Christchurch, New Zealand.</li></ol>
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Council observed a Minute silence as a mark of respect to the victims and their families.

**BACKGROUND**

On Friday 12 March 2019, 50 people were killed and dozens more injured in a mass shooting in Christchurch, New Zealand.

A condolence book will allow our community to show solidarity and support for our neighbours in New Zealand as they come to terms with this devastating event.

**ATTACHMENTS**

Nil.

**MAYORAL MINUTE**

**ITEM NO. 2**

**FILE NO: 19/96721  
EDRMS NO: PSC2015-01024**

**2019 NSW ELECTION**

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**THAT COUNCIL:**

- 1) Congratulate the Liberal-National Coalition on winning the 2019 NSW State election.
- 2) Acknowledge the major funding commitments the Liberal-National Coalition made to the community of Port Stephens throughout the election campaign, which includes:
  - \$20,000 to support the Love Seafood Festival;
  - \$105,000 for Port Stephens Koalas;
  - \$1.1M for Karuah Fire Station;
  - \$1.5M for Lemon Tree Passage Fire Station;
  - \$7M for a TAFE Campus in Nelson Bay;
  - \$188M for Fingal Bay Link Road;
  - \$205M for duplication of Nelson Bay Road from Bob's Farm to Anna Bay (in addition to \$70M previously committed);
  - Share of \$1B to transfer local roads across Port Stephens to the State;
  - Commitment for a Special Activation Precinct at Williamtown.
- 3) Reaffirm its ongoing support to work in partnership with the newly formed NSW government to implement its funding commitments to Port Stephens.
- 4) Congratulate Kate Washington, local Member for Port Stephens, on her re-election.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019**

**MOTION**

	<p><b>Mayor Ryan Palmer Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Congratulate the Liberal-National Coalition on winning the 2019 NSW State election.</li><li>2) Acknowledge the major funding commitments the Liberal-National Coalition made to the community of Port Stephens throughout the election campaign, which includes:</li></ol>
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## MINUTES ORDINARY COUNCIL - 26 MARCH 2019

	<ul style="list-style-type: none"><li>• \$20,000 to support the Love Seafood Festival;</li><li>• \$105,000 for Port Stephens Koalas;</li><li>• \$1.1M for Karuah Fire Station;</li><li>• \$1.5M for Lemon Tree Passage Police Station;</li><li>• \$7M for a TAFE Campus in Nelson Bay;</li><li>• \$188M for Fingal Bay Link Road;</li><li>• \$205M for duplication of Nelson Bay Road from Bob's Farm to Anna Bay (in addition to \$70M previously committed);</li><li>• Share of \$1B to transfer local roads across Port Stephens to the State;</li><li>• Commitment for a Special Activation Precinct at Williamtown.</li></ul> <p>3) Reaffirm its ongoing support to work in partnership with the newly formed NSW government to implement its funding commitments to Port Stephens.</p> <p>4) Congratulate Kate Washington, local Member for Port Stephens, on her re-election.</p>
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## ORDINARY COUNCIL MEETING - 26 MARCH 2019 AMENDMENT

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Congratulate the Liberal-National Coalition on winning the 2019 NSW State election.</li><li>2) Reaffirm its ongoing support to work in partnership with the newly formed NSW government to implement its funding commitments to Port Stephens.</li><li>3) Congratulate Kate Washington, local Member for Port Stephens, on her re-election.</li></ol>
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The amendment on being put became the motion, at which time a further amendment was moved.

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
AMENDMENT**

<b>055</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Congratulate the Liberal-National Coalition on winning the 2019 NSW State election.</li><li>2) Reaffirm its ongoing support to work in partnership with the newly formed NSW government to implement its funding commitments to Port Stephens.</li><li>3) Congratulate Kate Washington, local Member for Port Stephens, on her re-election, and re-affirm Council's ongoing commitment to working with Ms Washington as our elected representative in the NSW Parliament.</li></ol>
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The amendment on being put became the motion which was carried.

**BACKGROUND**

The purpose of this report is to congratulate the Liberal-National Coalition following the recent 2019 NSW State election and reaffirm Council's ongoing support to work with the newly formed NSW Government to deliver infrastructure and services to the community of Port Stephens.

Council also wishes to acknowledge the significant funding commitments made to Port Stephens during the election campaign.

**ATTACHMENTS**

Nil.

# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 19/68823  
EDRMS NO: A2004-0790

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely ***Sale of Proposed Lot 1, 795 Medowie Road, Medowie.***
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019**  
**MOTION**

<b>056</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 0 on the Ordinary agenda namely <b><i>Sale of Proposed Lot 1, 795 Medowie Road, Medowie.</i></b></li><li>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"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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# COUNCIL REPORTS



**ITEM NO. 1**

**FILE NO: 19/28309  
EDRMS NO: 16-2018-554-2**

**MODIFICATION APPLICATION NO. 16-2018-554-2 - 65 KULA ROAD, MEDOWIE  
(LOT 252 DP 2555278)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse modification application No. 16-2018-554-2 which seeks to waive the development contributions applicable to an approved secondary dwelling (manufactured home), at 65 Kula Road, Medowie (LOT: 252 DP: 255278) for the reasons contained in **(ATTACHMENT 3)**.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>057</b>	<p><b>Councillor Steve Tucker Councillor Chris Doohan</b></p> <p>It was resolved that Council refuse modification application No. 16-2018-554-2 which seeks to waive the development contributions applicable to an approved secondary dwelling (manufactured home), at 65 Kula Road, Medowie (LOT: 252 DP: 255278) for the reasons contained in <b>(ATTACHMENT 3)</b>.</p>
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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: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to present Section 4.55(1A) Modification Application (MOD) No. 16-2018-554-2 to Council for determination. The modification application is being reported to Council as the applicant is seeking to delete condition No. 4 of development consent No.16-2018-554-1, which relates to the payment of section

7.11 development contributions. The waiving of development contributions falls outside the delegation of Council staff.

The subject MOD relates to land located at 65 Kula Road, Medowie, legally identified as LOT: 252 DP: 255278 (the 'subject site'). A locality plan is provided at **(ATTACHMENT 1)**.

### Proposal

The applicant seeks approval to delete Condition No. 4 of development consent No.16-2018-554-1. Condition No.4 relates to the requirement to pay development contributions (as detailed further below). As such, the proposed modification effectively seeks that Council waive the applicable development contributions payable in respect of the approved development.

### Development Application No. 16-2018-554-1 ('Original Consent')

Development Application (DA) No.16-2018-554-1 was approved by Council staff under delegation on 15 October 2018. The consent granted approval to a single storey secondary dwelling (manufactured home) containing two bedrooms, open living and dining area, kitchen, bathroom and deck, subject to conditions of consent.

Condition No. 4 of development consent No.16-2018-554-1 provides that a monetary contribution of \$8,957 is payable to Council prior to the issue of the Section 68(1) *Local Government Act 1993* approval to install the manufactured dwelling. The monetary contribution was imposed in accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and the Port Stephens Council Development Contributions Plan (PSC Contributions Plan).

It is noted that in accordance with Section 2.1 of the PSC Contributions Plan that a discounted contribution rate applies for secondary dwellings, due to a recognition that this type of development has a reduced impact on the provision of infrastructure and services than a typical dwelling house. The discounted rate has been applied to secondary dwellings approved in Port Stephens since 2007.

### Key Issues

The key issues considered with the MOD are outlined in detail within this report. A detailed assessment of the MOD is contained at **(ATTACHMENT 2)**.

### Non-compliance with Port Stephens Development Contributions Plan 2007

The key issues arising from the assessment of the MOD is the non-compliance with the PSC Contributions Plan which imposes a requirement for the imposition of monetary contributions for certain types of development, including secondary dwellings, in order to fund the provision of local infrastructure and facilities.

The applicant has justified their request on the basis that the approved secondary dwelling shall be used to accommodate ageing relatives who require care due to medical reasons. A letter has been provided from a medical practitioner outlining the relatives' medical history and supporting the relatives increasing need for care. The applicant's relatives currently reside in a manufactured home on another site. The applicant proposes to relocate this manufactured home onto the subject site in order to facilitate the development and ongoing care of the applicant's relatives. In addition, the applicant has advised that the payment of contribution fees is unachievable due to financial hardship and consequently the development would not proceed if the development contribution fees are not waived.

As the proposed modification results in a variation to the PSC Contributions Plan, and is effectively seeking for Council to waive the applicable development contributions that apply to the development, the MOD was referred to Council's internal Section 7.11 Analysis Team for consideration. Following a review of the MOD the Section 7.11 Analysis Team determined that the applicant's request to waive the development contributions could not be supported, as there are no provisions in the PSC Contributions Plan to waive contributions.

Notwithstanding, the approved secondary dwelling (manufactured home) will increase the number of residents in the locality which will place a greater demand upon infrastructure, public amenities and services. A 50% discount has been applied to the development contributions imposed on the original consent (DA No.16-2018-554-1) in accordance with Section 2.2.4 of the PSC Contributions Plan. The discounted contribution rate applicable under the PSC Contributions Plan is considered reasonable and caters for housing affordability whilst ensuring that sufficient funding is available to Council in order to provide necessary infrastructure and services.

In addition, it is noted that whilst the applicant intends to utilise the secondary dwelling (manufactured home) for the care of relatives and requests that contributions be waived on this basis, there is nothing which would prevent the applicant from on-selling the property at a later date.

### Conclusion

The proposed modification is inconsistent with the following relevant legislation and policies:

- Section 7.11 of the *Environmental Planning and Assessment Act 1979*.
- Port Stephens Council Development Contributions Plan (PSC Contributions Plan).

The key issues arising through the assessment in respect to the modification application have been addressed within the detailed assessment report contained at **(ATTACHMENT 2)**. As the proposal fails to satisfy the above stated legislation and policies it has been recommended for refusal in accordance with the reasons contained within **(ATTACHMENT 3)**.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Should Council resolve to approve the modification there will be financial implications as contributions to the value of \$8,957 will be forfeited which would otherwise have been available of fund the provision of infrastructure and services.

In addition, Council's determination of the modification could potentially be challenged in the Land and Environment Court. Defending Council's determination would have financial implications.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		In the event that the application is approved, contributions to the value of \$8,957 will be forfeited which would otherwise have been available to fund the provision of infrastructure and services.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is inconsistent with the PSC Contributions Plan. A detailed assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is included as **(ATTACHMENT 2)**.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the approval of the application will undermine the provisions of Councils s7.11 Contributions Plan. Further, Council will be financially liable for the provision of infrastructure and facilities required to service the development.	Medium	Refuse the application as recommended.	Yes
There is a risk that the applicant may appeal the determination.	Low	Refuse the application as recommended.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The approved secondary dwelling (manufactured home) will provide for additional housing in the area, and results in an intensification of the use of the site. Accordingly, Council will need to deliver additional facilities and services in order to provide for the future residents of the site. Council's Contributions Plan ensures that development contributions are received from approved developments in order to help fund the provision of these required services and facilities. Accordingly, a condition of consent levying the applicable contributions was imposed on the original development consent (No.16-2018-554-1).

The proposed modification seeks to waive the \$8,957.00 development contribution. The reasons provided by the applicant to support the waiving of the development contributions does not sufficiently justify the modification sought. In the event that the application is approved, this may result in a funding shortfall for the provision of future infrastructure and facilities the cost of which would ultimately be borne by Council.

**CONSULTATION**

Internal

During the assessment of the MOD consultation was undertaken with the internal technical staff including; Development Contributions Officer; and the Section 7.11 Analysis Team. The application was not supported by internal staff or Council's Section 7.11 Analysis Team. The internal referral comments were considered as part of the detailed assessment contained at **(ATTACHMENT 2)** and informed the reasons for refusal contained at **(ATTACHMENT 3)**.

External

The proposed modification was not referred to any external agencies for comment.

Public Consultation

The application was not required to be exhibited in accordance with Council's notification policy as outlined in Chapter A of the Port Stephens Development Control Plan 2014.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Reasons for Refusal.

**COUNCILLORS ROOM**

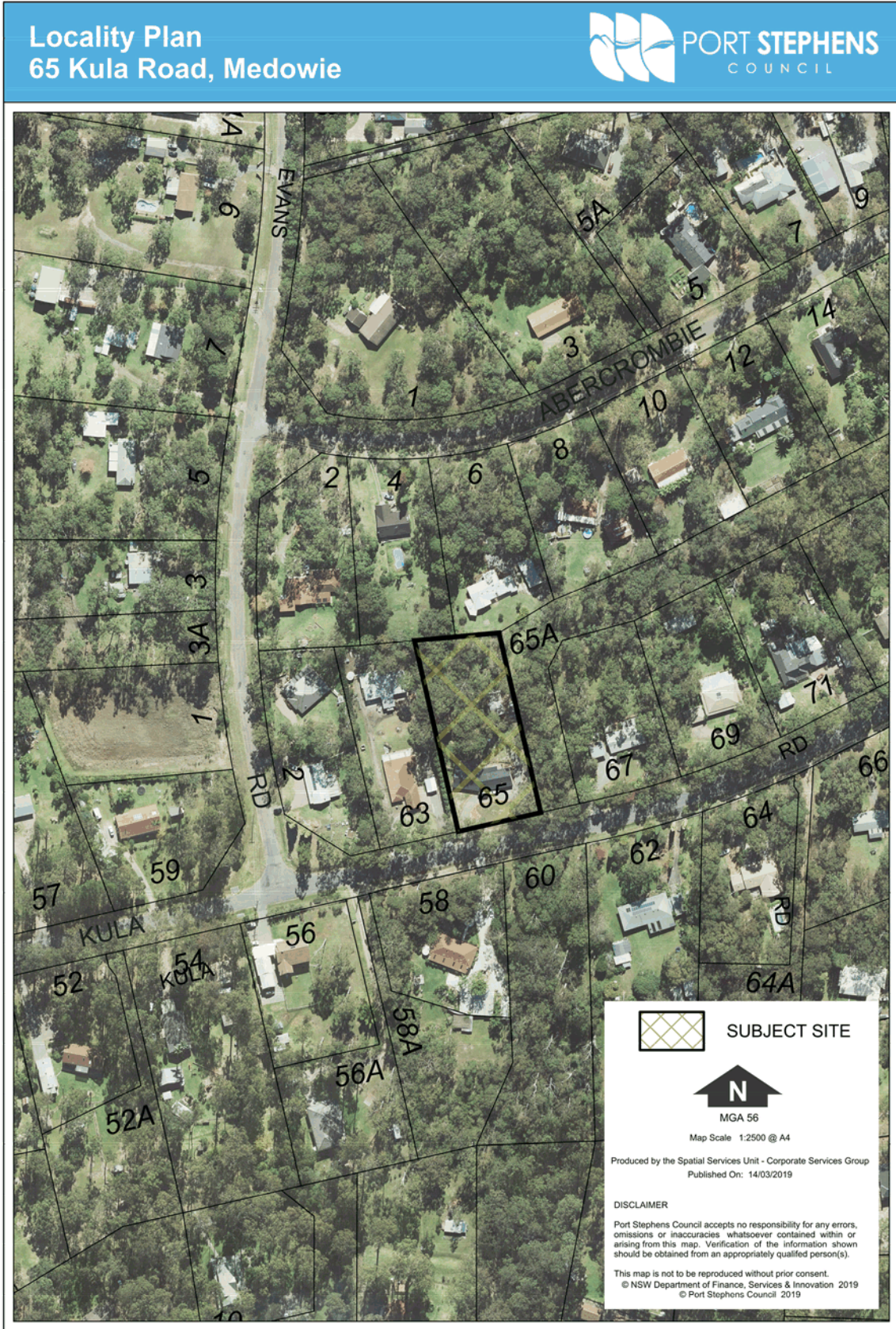
Nil.

**TABLED DOCUMENTS**

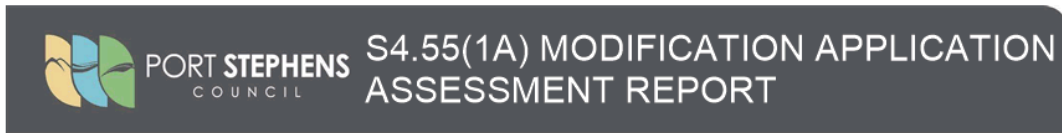
Nil.



ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**



**APPLICATION DETAILS**

<b>Modification Application Number</b>	16-2018-554-2
<b>Development Description</b>	Secondary dwelling (manufactured home)
<b>Modification Description</b>	S4.55 1(A) Modification to Secondary Dwelling (Manufactured Home) - Remove Section 7.11 Contributions (Condition 4)
<b>Applicant</b>	MR D J KELLY
<b>Date of Lodgement</b>	07/12/2018

**Modification Proposal**

The application proposes to remove Condition No. 4 of development consent 16-2018-554-1. Condition No. 4 relates to the payment of Section 7.11 contribution fees. The original consent requires the payment of \$8,957.00 prior to the issue of the Section 68(1) of the Local Government Act 1993 to install a manufactured dwelling.

The applicant noted the following reasons to support the removal of development contribution:

- The intent of the proposal is to provide aged care accommodation for the applicants relatives.
- The proposed manufactured home exists currently on another site which the applicant's relatives reside in. The proposal would relocate the home to the subject site, so that the relatives could be cared for by other family members while maintaining a sense of independence by living in their own home and familiar surroundings.
- A letter has been provided from a medical practitioner supporting the relatives increasing need for care.
- The payment of contribution fees is unachievable for the applicant due to financial hardship and consequently the development would not proceed.

The conditions of consent proposed to be modified have been discussed in further detail below.



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2018-554-2

**PROPERTY DETAILS**

<b>Property Address</b>	65 Kula Road MEDOWIE
<b>Lot and DP</b>	LOT: 252 DP: 255278
<b>Zoning</b>	R5 LARGE LOT RESIDENTIAL
<b>Site Constraints That Affect The Modification</b>	Nil.

**ASSESSMENT SUMMARY**

<b>Designated Development</b>	The application is not designated development
<b>Integrated Development</b>	The application does not require additional approvals listed under s.4.46 of the EP&A Act
<b>Concurrence</b>	The application does not require the concurrence of another body

**Internal Referrals**

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

**Development Contributions Officer** – Council’s Development Contributions officer reviewed the proposed modification and as the proposal results in the waiving of contributions recommended that the matter be referred to Council’s Section 7.11 Analysis Team.

**Section 7.11 Analysis Team** – The proposal has been assessed by the Section 7.11 Analysis Team. The Analysis Team did not support the proposed waiver of contribution fees for the following reason:

- The Port Stephens Development Contributions plan does not allow for a waiver of levies and therefore the request cannot be approved.

**External Referrals**

The proposed modification was not referred to any external agencies.

**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)**

**S4.55(1A)(a) – Minimal Environmental Impact**

The proposed modification does not entail any changes to the built form or configuration of the development or the manner in which the development will be carried out. Therefore, no additional environmental impacts are to occur as a result of the proposal. The proposal does not require further assessment under local or state planning policies or guidelines.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2018-554-2

**S4.55(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development due to no physical changes being proposed. The modification relates to the waiving of Section 7.11 contribution fees only. On this basis, the application is considered substantially the same.

**S4.55(1A)(c) – Notification**

The application was not required to be notified in accordance with Councils Development Control Plan.

**S4.55(1A)(d) – Submissions**

There were no submissions received relating to the proposed modification. The modification application did not require notification.

**S4.55(3) – Matters for Consideration Under S4.15**

The proposed modification for the reduction in section 7.11 fees is not supported on its merits when considered in accordance with s.4.15 matters for consideration as:

- a) A waiver of s7.11 levies cannot be justified under Section 7.11 of *the Environmental Planning and Assessment Act 1979* as the Port Stephens Development Contributions plan does not allow for a waiver of levies. The waiver in the levies is therefore not supported; and
- a) An increase of demand for services will occur as a result of the approved development onsite and now results in the construction of an additional dwelling. Subsequently, the s7.11 levies imposed under DA 16-2018-554-1 are considered to be reasonable. Accordingly, the proposed modification is contrary to the public interest.

ITEM 1 - ATTACHMENT 3 RECOMMENDED REASONS FOR REFUSAL.



RECOMMENDED REASONS FOR REFUSAL

REASONS FOR REFUSAL

1. The proposed modification is inconsistent with the Port Stephens Section 7.11 Development Contributions Plan 2007 and Section 7.11(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') (s.4.15(1)(a)(i) EP&A Act 1979).
2. The proposed modification is contrary to the public interest (s.4.15 (1)(e) EP&A Act 1979).

**ITEM NO. 2**

**FILE NO: 19/62267  
EDRMS NO: A2004-0984**

**NEW CODE OF CONDUCT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Code of Conduct adopted on 28 August 2018, Minute No.271 **(TABLED DOCUMENT 1)** and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
- 2) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018, **(TABLED DOCUMENT 2 AND 3)**.
- 3) Continue with the panel conduct reviewers appointed on 26 September 2017 shown at **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Revoke the Code of Conduct adopted on 28 August 2018, Minute No.271 <b>(TABLED DOCUMENT 1)</b> and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.</li><li>2) Amend 8.21 of the draft code of conduct, to insert: i) For the Mayor or a Councillor, if a social media interaction may be a breach of this section, a defence to a code of conduct complaint is available if such an interaction is made in the public interest and relates directly to their work as the Mayor or a Councillor.</li><li>3) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018, <b>(TABLED DOCUMENT 2 AND 3)</b>.</li><li>3) Continue with the panel conduct reviewers appointed on 26 September 2017 shown at <b>(ATTACHMENT 1)</b>.</li></ol>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Revoke the Code of Conduct adopted on 28 August 2018, Minute No.271 (<b>TABLED DOCUMENT 1</b>) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.</li><li>2) Remove clause 8.21 b), c) and d) of the Code of Conduct</li><li>3) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018, (<b>TABLED DOCUMENT 2 AND 3</b>).</li><li>3) Continue with the panel conduct reviewers appointed on 26 September 2017 shown at (<b>ATTACHMENT 1</b>).</li></ol>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>058</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Revoke the Code of Conduct adopted on 28 August 2018, Minute No.271 (<b>TABLED DOCUMENT 1</b>) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.</li><li>2) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018, (<b>TABLED DOCUMENT 2 AND 3</b>).</li><li>3) Continue with the panel conduct reviewers appointed on 26 September 2017 shown at (<b>ATTACHMENT 1</b>).</li></ol>
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Cr Arnott requested his vote be recorded against the motion.

**BACKGROUND**

The purpose of this report is to provide the new Code of Conduct (the 'Code') and Procedures for the Administration of the Model Code of Conduct for Local Councils in

NSW 2018 (the 'Procedures'), to Council for consideration. The new Code is in accordance with the prescribed Model Code of Conduct.

The amendments to the *Local Government Act 1993* (the 'Act') in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* (Phase 1 amendments) provided for a new Model Code of Conduct for all Local Councils in NSW.

In December 2018, the Office of Local Government (OLG) released the new Model Code of Conduct and the revised Procedures. Council must adopt a new Code of Conduct and the Procedures by 14 June 2019. Council may also include supplementary information in the Code without diluting the requirements of the Model Code of Conduct. Should Council not adopt the Code by this date, the Model Code of Conduct will apply.

The changes to the Code consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources; the pecuniary interest provisions from the Act and the Regulations and the model Code of Conduct. By bringing all ethical standards into one document Council officials will have a better understanding of the compliance requirements.

In addition to the pecuniary interest changes, a number of other key changes have occurred:

- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records.
- New rules governing the acceptance of gifts – including mandatory reporting.
- New ongoing disclosure requirements for Councillors and designated persons' requiring disclosure of new interests in returns of interests within three months of becoming aware of them.
- Councillors and designated persons' will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.
- The definition of what is considered a code of conduct complaint has changed.
- The Mayor and General Manager can elect to delegate their functions under the Procedures to another staff member or a person external to Council.
- Centralise the management of code of conduct complaints through a joint organisation or shared arrangement.
- Manage inappropriate release of information about a code of conduct complaint by members of the public.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide strong civic leadership and government regulations.

**FINANCIAL/RESOURCE IMPLICATIONS**

The financial and resource implications are covered under the existing budget provisions.

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**

Council must adopt a new Code of Conduct and the Procedures by 14 June 2019.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> should the Code not be adopted by the due date.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications from the recommendations.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Governance Section.

Internal

- Consultation has occurred with the General Manager.

External

- The Code of Conduct and the Procedures are prescribed documents and do not require public consultation.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No. 225, 26 September 2017 - Panel of conduct reviewers.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Current Code of Conduct.
- 2) Draft Code of Conduct.
- 3) Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.



**ITEM 2 - ATTACHMENT 1      MINUTE NO. 225, 26 SEPTEMBER 2017 - PANEL OF CONDUCT REVIEWERS.**

**MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017**

**ITEM NO. 7**

**FILE NO: 17/159055  
RM8 REF NO: PSC2017-02433**

**APPOINTMENT OF CONDUCT REVIEWERS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the following companies and/or person/s as members of the Port Stephens Council panel of conduct reviewers for the term of this Council:
- Australian Workplace Training and Investigations
  - BAL Lawyers
  - BDO (Binder Dijker Otte) Australia
  - CT Management Group
  - Centium Group
  - Lambourne Partners
  - KordaMentha
  - Mediate Today
  - Nemesis Consultancy
  - Pinnacle Integrity
  - PFK Forensic and Risk
  - Quadrant Management Systems
  - Robert Ball
  - SWAAB Attorneys
  - TressCox Lawyers
  - Winton Consulting
  - Workplace Investigations
  - Workdynamic Australia

**ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017  
MOTION**

<b>225</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council adopt the following companies and/or person/s as members of the Port Stephens Council panel of conduct reviewers for the term of this Council:
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**MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017**

	<ul style="list-style-type: none"><li>• Australian Workplace Training and Investigations</li><li>• BAL Lawyers</li><li>• BDO (Binder Dijker Otte) Australia</li><li>• CT Management Group</li><li>• Centium Group</li><li>• Lambourne Partners</li><li>• KordaMentha</li><li>• Mediate Today</li><li>• Nemesis Consultancy</li><li>• Pinnacle Integrity</li><li>• PFK Forensic and Risk</li><li>• Quadrant Management Systems</li><li>• Robert Ball</li><li>• SWAAB Attorneys</li><li>• TressCox Lawyers</li><li>• Winton Consulting</li><li>• Workplace Investigations</li><li>• Workdynamic Australia</li></ul>
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**BACKGROUND**

The purpose of this report is to adopt the panel of conduct reviewers required under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

Part 3, clause 3.1 of the Procedures requires Council to establish a panel of conduct reviewers.

Strategic Services Australia Ltd (SSA) has recently finalised the current round of expression of interest and provided Council with the results. SSA has recommended the memberships as detailed below. There is no guarantee of engagement to any or all of the recommended conduct reviewers.

The eligibility criterion for membership on the conduct reviewers panel is shown at **(ATTACHMENT 1)**.

The following organisations/person/s are recommended for the panel of conduct reviewers for Port Stephens Council:

- Australian Workplace Training and Investigations
- BAL Lawyers
- BDO (Binder Dijker Otte) Australia
- CT Management Group

**ITEM 2 - ATTACHMENT 1      MINUTE NO. 225, 26 SEPTEMBER 2017 - PANEL OF CONDUCT REVIEWERS.**

**MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017**

- Centium Group
- Lambourne Partners
- KordaMentha
- Mediate Today
- Nemesis Consultancy
- Pinnacle Integrity
- PFK Forensic and Risk
- Quadrant Management Systems
- Robert Ball
- SWAAB Attorneys
- TressCox Lawyers
- Winton Consulting
- Workplace Investigations
- Workdynamic Australia

All candidates have met the eligibility criteria.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Conduct Review panel members will only be engaged as required under the provision of the Procedures. All costs will be incurred as per the costings provided in the EOIs for each member.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council is required to appoint a panel of conduct reviewers to be engaged as and when required under the Procedures.

**MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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, should it not adopt the report.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

Internal

- General Manager

External

- Expression of interest process.
- Strategic Services Australia Ltd.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Extract from the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

**COUNCILLORS ROOM**

Nil.

**MINUTES ORDINARY COUNCIL - 26 SEPTEMBER 2017**

**TABLED DOCUMENTS**

Nil.

**PART 3 ADMINISTRATIVE FRAMEWORK**

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations, or
    - ii) law, or
    - iii) public administration, or
    - iv) public sector ethics, or
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

**ITEM NO. 3**

**FILE NO: 19/31501  
EDRMS NO: A2004-0654**

**POLICY REVIEW - ECONOMIC DEVELOPMENT POLICY AND ECONOMIC DEVELOPMENT AND TOURISM STRATEGY**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER DEVELOPMENT SERVICES

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Economic Development Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Economic Development 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 Economic Development Policy dated 25 November 2014 (Minute No. 306) **(ATTACHMENT 2)**, should no submissions be received.
- 4) Endorse the draft Economic Development and Tourism Strategy shown at **(ATTACHMENT 3)**.
- 5) Place the Economic Development and Tourism Strategy, as amended on public exhibition for a period of 28 days and should no submissions be received, the Strategy be adopted as amended, without a further report to Council.
- 6) Revoke the Economic Development Strategy dated 30 October 2007 (Minute No.310), should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>059</b>	<p><b>Councillor John Nell Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Economic Development Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Economic Development 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.</li><li>3) Revoke the Economic Development Policy dated 25 November 2014 (Minute No. 306) <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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- |  |   |
|--|---|
|  | <p>4) Endorse the draft Economic Development and Tourism Strategy shown at <b>(ATTACHMENT 3)</b>.</p> <p>5) Place the Economic Development and Tourism Strategy, as amended on public exhibition for a period of 28 days and should no submissions be received, the Strategy be adopted as amended, without a further report to Council.</p> <p>6) Revoke the Economic Development Strategy dated 30 October 2007 (Minute No.310), should no submissions be received.</p> |
|--|---|

## **BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised draft Economic Development Policy (the draft 'Policy') and the draft Economic Development and Tourism Strategy (the draft 'Strategy') for public exhibition.

### Economic Development Policy

This Policy was adopted on 25 November 2014 (Minute No. 306) **(ATTACHMENT 2)**. The purpose of the Economic Development Policy is to outline Council's role in the delivery of economic development outcomes for Port Stephens. As part of the review of the Policy, a substantial re-write was required to reflect the future direction of Council in economic development as defined in Council's Community Strategic Plan and associated integrated planning and reporting (IP&R) documents.

This draft Policy **(ATTACHMENT 1)** outlines Council's role in the delivery of economic development outcomes across the local government area (LGA) and sets the framework for the development and implementation of the draft Economic Development and Tourism Strategy **(ATTACHMENT 3)**.

### Economic Development and Tourism Strategy

The draft Strategy outlines a three year focus on creating connections, building relationships and growing trust to support the development of a strong local economy. The draft Strategy clarifies Council's role in economic development and ensures the delivery of actions aimed at creating results that matter with a focus on the four strategic outcomes:

- Making business growth easier.
- Increasing overnight visitor spend.
- Attracting events that drive economic benefit.
- Creating people friendly and vibrant spaces.

The draft Strategy links directly to the draft Policy and will ensure the consistency in the delivery of key outcomes.



**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Strong Economy, Vibrant Businesses, Active Investment	Support sustainable business development in Port Stephens.

**FINANCIAL/RESOURCE IMPLICATIONS**

The draft Policy has no known financial or resource implications.

Implementation of the draft Strategy will be carried out within existing budgets and there are no known financial implications related to the adoption of the draft Strategy.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are positive legal, policy and risk implications in endorsing the draft Policy and draft Strategy as they show that Council is committed to economic development, tourism, events and place making across Port Stephens.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to an out of date Policy.	Low	Adopt the recommendations.	Yes

**MINUTES ORDINARY COUNCIL - 26 MARCH 2019**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to a Strategy that does not reflect the needs of residents, visitors and the community.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft Policy and draft Strategy support the growth of a strong and resilient local economy.

With an improved focus on key outcomes across business, tourism, events and place making, Council can help build capacity in the local business community, facilitate employment opportunities and increase the wellbeing of the resident population.

**CONSULTATION**

Consultation has been undertaken by the Economic Development and Tourism team with both internal and external stakeholders.

Internal

Consultation has been undertaken with the Strategy and Environment Section Manager and Strategic Planning Coordinator. The draft Policy and draft Strategy have been endorsed by the Executive Team.

The draft Strategy and associated actions have been reviewed internally and presented to Council at Two Way conversations on 17 March 2018 and via the Economic Development Advisory Panel (EDAP) in November 2018. Quarterly reports on the implementation of the draft Strategy will be provided to EDAP.

Participation and inclusion of the EDAP and key industry organisations in the development of the draft Strategy will strengthen relationships and create new partnerships to support Council's commitment to creating a vibrant and liveable place supporting economic growth.

External

Consultation has been undertaken with a broad range of business associations and groups including Destination Port Stephens and Tomaree Business Chamber. The draft Strategy aligns with Destination Port Stephens Strategic Plan, Destination Sydney Surround North Destination Management Plan and the Hunter Regional Economic Development Strategy.

The draft Policy and draft Strategy also align with the Hunter Regional Plan and Greater Newcastle Metropolitan Plan.

In accordance with local government legislation the draft Policy and draft Strategy will go on public exhibition for a period of 28 days.

Public Exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and will be available on Council's website.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Economic Development Policy.
- 2) Existing Economic Development Policy.
- 3) Draft Economic Development and Tourism Strategy.

**COUNCILLORS ROOM**

- 1) Economic Development Strategy 2007.

**TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** A2004-0654

**TITLE:** ECONOMIC DEVELOPMENT POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

**1. PURPOSE:**

1.1 Port Stephens Council is committed to leading an integrated and collaborative approach to the delivery of a vibrant and liveable place supporting economic growth. This policy outlines Council's role in delivering the following key outcomes:

- 1.1.1 Enabling business growth.
- 1.1.2 Attracting events to drive economic benefit.
- 1.1.3 Increasing overnight visitor spend.
- 1.1.4 Creating people friendly spaces.

**2. CONTEXT/BACKGROUND:**

2.1 Port Stephens is a significant economic hub and forms part of the Hunter Region, the largest regional economy in Australia. The Port Stephens' economy has a diverse industry and employment base built around our natural assets. Well established manufacturing, defence and aviation facilities together with access to markets in Sydney, the Hunter and the Port of Newcastle, are key strengths.

2.2 Location and access to transport infrastructure creates a strong competitive advantage for Port Stephens, with key linkages to national markets via the M1 Pacific Motorway, Pacific Highway Corridor and New England Highway. These transport networks support a robust manufacturing sector at Tomago leading in metals manufacturing, heavy engineering, and light industrial.

2.3 Newcastle Airport is located in Port Stephens and is well recognised as a major economic driver for the Hunter, with over 1.2 million passengers per year and international capability to increase visitation to the area.

2.4 This influence however, does not occur in isolation and key to the growth of the Port Stephens economy is the development of strong partnerships with business, State and Federal agencies, industry organisations and neighbouring Councils.

2.5 This Port Stephens Economic Development and Tourism Strategy 2019-2021 and associated actions aligns directly to this policy along with federal and state government strategies aimed at increasing regional economic development including:

Policy

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## Policy



- 2.5.1 Hunter Regional Plan.
- 2.5.2 Greater Newcastle Metropolitan Plan.
- 2.5.3 Hunter Regional Economic Development Strategy.
- 2.5.4 NSW Visitor Economy Industry Action Plan.
- 2.5.5 Destination Sydney Surrounds North Destination Management Plan.

### 3. SCOPE:

- 3.1 Port Stephens Council understands the critical role it plays in the development of a strong and stable economy. The day to day role of council has a fundamental effect on the ability to attract investment and grow the local economy. Core functions include land use planning, procurement, public asset management, development application processing time, environmental management and the design of our public spaces.
- 3.2 Council will lead industry with a focused approach to the delivery of economic development outcomes, build capacity in the local business community, facilitate employment opportunities and increase the wellbeing of the resident population. In order to achieve this Council will:
  - 3.2.1 Implement the Economic Development and Tourism Strategy.
  - 3.2.2 Support the growth of business through evidence based decision making, advocacy and business networks with clear outcomes.
  - 3.2.3 Invest directly in local business initiatives.
  - 3.2.4 Provide ongoing financial and strategic support to Destination Port Stephens to allow the organisation to implement programs to grow overnight visitor spend.
  - 3.2.5 Coordinate the Economic Development Advisory Panel (EDAP).
  - 3.2.6 Work in partnership with key stakeholders to attract and deliver events, educate Council and the community on the value of events and seek funding to deliver events.
  - 3.2.7 Develop strategic plans to guide the sustainable growth of the visitor economy, encourage the development of high quality tourism product and experiences and build trust and understanding of the strategic value of the visitor economy.
  - 3.2.8 Build partnerships with Newcastle Airport, neighbouring councils and key stakeholders to deliver economic development outcomes.
  - 3.2.9 Promote placemaking processes and partnerships, activate public spaces and support a place-led approach to design and development.

### 4. DEFINITIONS:

Economic Development      Activity to enable sustainable growth, provides infrastructure and services, and directed at job retention and creation.

## Policy

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## Policy



**Place Management** A coordinated, place-based, multi-stakeholder approach to improve locations, harnessing the skills, experiences and resources of those in the private, public, and community sectors. This is a collaborative approach with the aim of making places better.

### 5. POLICY STATEMENT:

5.1 Port Stephens Council will build relationships, grow trust and create connections to support the development of a strong local economy with a focus on the following outcomes:

- 5.1.1 Make business growth easier.
- 5.1.2 Attract events that drive economic benefit.
- 5.1.3 Increase overnight visitor spend.
- 5.1.4 Create people friendly spaces.

### 6 POLICY RESPONSIBILITIES:

- 6.1 The Economic Development and Tourism unit is responsible for the development of a strategy aligned to this policy, monitoring, reviewing and providing advice on the policy across the organisation.
- 6.2 The EDAP will hold the Economic Development unit accountable for this delivery of this strategy objectives.

### 7 RELATED DOCUMENTS:

- 7.1 Port Stephens Community Strategic Plan
- 7.2 Port Stephens Economic Development and Tourism Strategy
- 7.3 Hunter Regional Plan
- 7.4 Greater Hunter Metropolitan Plan
- 7.5 Hunter Region Economic Development Strategy
- 7.6 Visitor Economy Industry Action Plan
- 7.7 Destination Sydney Surrounds North Destination Management Plan
- 7.8 Tourism Policy

### CONTROLLED DOCUMENT INFORMATION:

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## Policy

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Policy



<b>EDRMS container No</b>	A2004-0654	<b>EDRMS record No</b>	TBA
<b>Audience</b>	Council		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Economic Development and Tourism Coordinator		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	March 2021
<b>Adoption date</b>	25/11/2014		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	25/11/2014	Economic Development Manager	Original policy adopted by Council.	306
2	March 2019	Economic Development and Tourism Coordinator	Reviewed the previous Policy (Economic Development Policy), included numbering to each paragraph and updated the version control.  Substantial re-write of the Policy which necessitates replacing the existing Policy dated November 2014. Intent of existing Policy remains unchanged.	TBA

Policy

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**POLICY**

Adopted: 25/11/2014  
Minute No: 306  
Amended:  
Minute No:

**FILE NO:** A2004-0654/042  
**TITLE:** ECONOMIC DEVELOPMENT POLICY  
**RESPONSIBLE OFFICER:** ECONOMIC DEVELOPMENT MANAGER

**BACKGROUND**

Local Economic Development involves the implementation of a range of activities with the goal of building up the economic capacity of a local area to improve its economic future and the quality of life for all. Central to this concept is communities continually improving their investment climate and business enabling environment to enhance their competitiveness, create and retain jobs and improve incomes in the local area.

Local economic development is heavily influenced and shaped by the economic path that has led to an area's current economic position and characteristics. For Port Stephens this has resulted in a local economy that is clearly defined from a sectorial (manufacturing, government, defence and tourism), and locational perspective, with a strong sense of local initiative and development that takes advantage of the natural and locational assets of the LGA.

Council recognises that it is the private sector that remains the most significant contributor to local economic development via the development of business. Council's overarching role is to provide the appropriate environment to enable sustainable economic development by influencing the private sector's motivation to grow and generate profits – which can then create local economic development and employment opportunities.

The first Port Stephens Economic Development Strategy was launched in 2007 as the guiding document to shape the economic future of the area. The strategy set out a clear vision for the future of Port Stephens.

An Economic Development Unit (EDU) was created to deliver the strategy, with an Economic Development Advisory Panel (EDAP) also being assembled to ensure local business/community input was provided on local economic development issues.

Council recognises the valuable role local businesses plays in contributing to a sustainable region and has placed a high priority on proactive policies and actions to improve investment, employment and business performance across Port Stephens.



**ITEM 3 - ATTACHMENT 2 EXISTING ECONOMIC DEVELOPMENT POLICY.**

Typically local Government in Australia has focussed externally on local business support from an economic development team as their primary activity in the delivery of economic development services. This approach only partially captures a local government's responsibilities and potential to positively impact local economic development. This policy has Port Stephens Council moving to an internally-biased approach to economic development that identifies all services across Council that have a direct impact on local economic development.

**OBJECTIVE**

This Policy establishes a whole of council approach to the delivery of services that enhance Council's contribution to local economic development in the local government area (LGA) in an effort to create local employment opportunities and improve incomes in the local area.

There are 8 key service areas that have a direct economic development impact:

- 1) Civic Leadership and Governance;
- 2) Organisational Financial Sustainability;
- 3) Economic Development Program;
- 4) Land Use Planning;
- 5) Capital Works Delivery;
- 6) Development Planning;
- 7) Tourism and Events;
- 8) Property Development.

**PRINCIPLES**

Port Stephens Council is committed to the following service-delivery principles regarding local economic development:

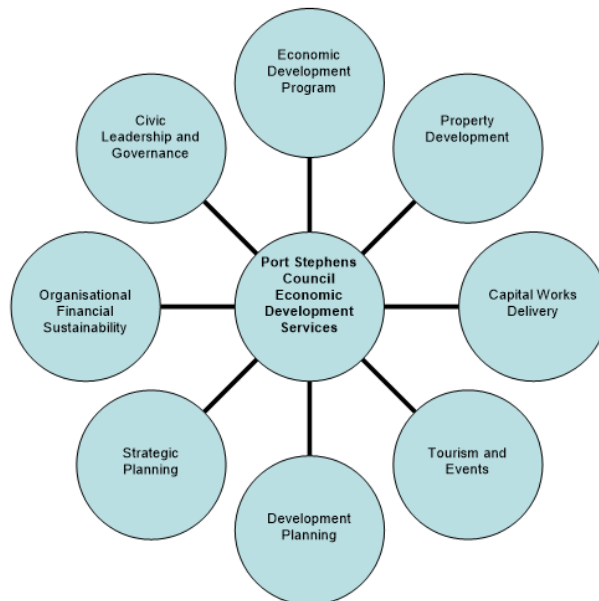
- 1) Civic Leadership and Governance – Council will have an Economic Development Policy that acknowledges a whole-of-council approach to local economic development and will use the business levy to foster economic development initiatives throughout the community.
- 2) Organisational Financial Sustainability – We will deliver an ongoing business improvement program to ensure a sustainable financial position that will provide us with the best ability to impact on local economic development through reinvestment in our community.
- 3) Economic Development Program – The EDU will manage local economic information, data, analysis and advice, local networking and learning opportunities, small business development and major industry support. The EDU will also take the lead in facilitating collaboration with other levels of government, regional organisations and local and regional business associations to facilitate and attract investment in the LGA.
- 4) Land Use Planning – Council's strategic land use planning will be informed by the latest data and trends and deliver plans to maintain staged growth and

**ITEM 3 - ATTACHMENT 2 EXISTING ECONOMIC DEVELOPMENT POLICY.**

development in the LGA. Where appropriate, specific controls will be incorporated into the strategic land use planning framework to encourage and facilitate local economic development. This will include a defined implementation schedule and process for measuring success.

- 5) **Development Planning** – Council will take a lead position by providing a positive business development environment, and we will manage our development assessment process via a focus on responsive customer service and efficient decision making.
- 6) **Capital Works Delivery** – Council acknowledges the role of infrastructure (roads, open space, sport and recreation/ leisure, community facilities, flood and drainage) in underpinning local economic development. Our financial sustainability principle will allow funds to be released for planned infrastructure works.
- 7) **Tourism and Events** – We will run the Port Stephens Visitor Centre and licence and sponsor events to capture visitor spend and further investment in our local community. We will strategically and financially support Destination Port Stephens to deliver the LGAs Destination Management Plan.
- 8) **Property Development** – As a significant property manager in the LGA, Council will undertake property development activities as a way to activate and contribute to local economic development in localities within Port Stephens.

Figure 1: Local Economic Development Services, Port Stephens Council



**POLICY STATEMENT**

Council has an all-of-organisation approach to economic development and will monitor and measure performance against the 8 identified service delivery areas and principles. The monitoring and measuring will be in relation to specific metrics designed to measure the effectiveness of Council's service delivery to provide a tangible measure of Council's impact on local economic development.

**RELATED POLICIES****National, State and Regional Policy Context**

NSW 2021  
NSW 2021 Hunter Regional Action Plan  
Regional Development Australia  
Indigenous Economic Development Strategy 2011-2018  
NSW Economic Development Framework  
State Infrastructure Strategy  
New Planning System  
Visitor Economy Action Plan  
Regional Industries Investment Fund  
Lower Hunter Regional Strategy  
Lower Hunter Regional Conservation Plan

**Local Policy Context**

Futures Strategy  
Integrated Strategic Plans  
Asset Management Plan  
Port Stephens Planning Strategy 2011  
DAREZ Business Park  
Commercial and Industrial Land Strategy 2008  
Town Centre Strategic Plans

- Nelson Bay
- Anna Bay
- Medowie
- Karuah

**SUSTAINABILITY IMPLICATIONS**

Economists often define sustainability as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The whole of Council approach to the delivery of services which advance local economic development will ensure an overarching role that provides the appropriate environment to enable sustainable economic development.

**SOCIAL IMPLICATIONS**

Economic development can have positive social implications through promoting inclusive growth as investment occurs in the community. Economic development

**ITEM 3 - ATTACHMENT 2      EXISTING ECONOMIC DEVELOPMENT POLICY.**

can generate strong social outcomes on the standard-of-living of local residents. Primarily, positive economic development can lead to increased job growth and opportunities for the local resident workforce encouraging a strong sense of purpose and local participation in the community.

**ECONOMIC IMPLICATIONS**

The Port Stephens Economic Development Policy aligns with the long term Port Stephens Community Strategic Plan 2014-2024, within the Community Plan are five community goals, including Community Goal 4 'Our Economy' that states "Port Stephens has a sustainable and diversified economy". This Policy focuses on a whole of Council economic development approach to achieve this community goal.

**ENVIRONMENTAL IMPLICATIONS**

Council has a role to play in providing quality local infrastructure and stewardship of natural assets as part of Council's vision of a treasured environment. Access to reliable and high quality infrastructure along with a well-managed environment drives business growth and influences decisions about business locations.

**RELEVANT LEGISLATIVE PROVISIONS**

Broadly, NSW local councils have responsibilities under a wide range of state and commonwealth legislation and, while, there is no specific legislative provision that mandates the delivery of economic development services, Port Stephens Council has a business-rate-levy in place that is reported on annually.

Specific relevant legislation includes:

- Local Government Act 1993;
- Environmental Planning & Assessment Act 1979.

**IMPLEMENTATION RESPONSIBILITY**

Economic Development Manager.

**PROCESS OWNER**

Economic Development Manager.

**REVIEW DATE**

December 2016



**Contents**

- 2. About this Plan
- 3. About Port Stephens
- 4. Council's role in Economic Development
- 4. Challenges and opportunities for Port Stephens
- 6. Strategic alignment
- 9. Vision
- 9. Strategic outcomes
- 11. How will we get there?



## ABOUT THIS PLAN

Port Stephens Council is committed to leading an integrated and collaborative approach to the delivery of the community's focus of a liveable and vibrant place supporting local economic growth (Port Stephens Community Strategic Plan 2018-2021 - Focus Area Four).

Council's leadership is focused on creating results that help make Port Stephens a better place to live, work and play. To achieve these goals Council must work collaboratively with community, business and government.

By building relationships, creating connections and growing trust, we can create an environment that supports business growth, injects vibrancy into our communities and drives the visitor economy.

This strategy has been designed to provide a way forward to achieving positive outcomes over the next three years to 2021. Key priorities have been developed after consultation with the community and business which align with other key strategic documents aimed at creating economic growth across the region.

Council's Economic Development and Tourism Team will lead the implementation of this strategy in partnership with the Economic Development Advisory Panel (EDAP) and other key stakeholders with a focus on four key strategic outcomes:

- > Make business growth easier
- > Attract events that drive economic outcomes
- > Increase overnight visitor spend
- > Create people friendly spaces





## ABOUT PORT STEPHENS

Port Stephens is a significant economic hub and forms part of the Hunter Region, the largest regional economy in Australia. The Port Stephens' economy has a diverse industry and employment base built around the natural environment. Well established manufacturing, defence and aviation facilities together with access to markets in Sydney, the Hunter and the Port of Newcastle, are key strengths.

Port Stephens has a Gross Regional Product estimated at \$4.88 billion per annum and a population of 71,716. Port Stephens GRP accounts for 4.11% of the overall Hunter GDP. The major employment industries include manufacturing, public administration and safety, retail trade, and accommodation and food services, collectively employing 56% of the 27,346 people working in the area. The local economy includes over 4,544 actively trading businesses.

Location and access to transport infrastructure creates a strong competitive advantage for Port Stephens, with key linkages to national markets via the M1 Pacific Motorway, Pacific Highway Corridor and New England Highway. These transport networks support a robust manufacturing sector at Tomago leading in metals manufacturing, heavy engineering, and light industrial.

Newcastle Airport is located in Port Stephens and is well recognised as a major economic driver for the Hunter, with over 1.2 million passengers per year and emerging international capability to increase visitation to the area.



## COUNCIL'S ROLE IN ECONOMIC DEVELOPMENT

Port Stephens Council understands the critical role it plays in the development of a strong and stable economy. The day to day role of Council has a fundamental effect on the ability to attract investment and grow the local economy. These core functions include land use planning, procurement, public asset management, development application processing time, environmental management and the design of our public spaces.

This influence however, does not occur in isolation and key to the growth of the Port Stephens economy is the development of strong partnerships with business, State and Federal agencies, industry organisations and neighbouring councils.

Council understands the constraints and challenges faced in the delivery of economic development and tourism outcomes, particularly in terms of resourcing and influence.

Council will lead industry with a focused approach to the delivery of actions which create genuine change for business across Port Stephens. By sharpening our focus, Port Stephens Council will build capacity in the local business community, facilitate employment opportunities and increase the wellbeing of the resident population.



## CHALLENGES AND OPPORTUNITIES FOR PORT STEPHENS

The scope and diversity of the Port Stephens economy presents ongoing challenges for both Council and industry.

By understanding our challenges, we can prioritise opportunities to create proactive partnerships which support the development of a strong economy with a vibrant local business and active investment.

Council will focus efforts on those opportunities that provide the best return on investment across our community.

### Ageing Population

Between 2011 and 2016, the population of Port Stephens increased by 4,793 residents. Over 90% of this growth came from residents aged 55 and over. In contrast, the younger age cohorts showed either limited or negative growth over the same period. With 37% of the population of Port Stephens aged 55 plus (compared to the NSW average of 28%) opportunities need to be developed that harness the skills and engagement of this sector. As the population increases and continues to age, the demand for support services and Infrastructure is expected to increase providing an opportunity for employment in these industries.

Volunteering, mentoring and ambassador programs along with retraining will assist in growing a skilled labour force. The Hunter Research Foundation has identified that a key strategy for increasing the productivity of a region is increasing its workforce, specifically by engaging the 60+ cohort.



### Town Centre Revitalisation

Nelson Bay and Raymond Terrace are noted as Strategic Centres as part of the Greater Newcastle Metropolitan Plan and are well recognised as key locations in creating place-based solutions to economic growth. Currently, town centres tend to be dated and particularly in the case of Nelson Bay, impacted by the seasonality of the tourism sector.

Through the development and implementation of strategic masterplans, public domain plans and planning controls which advocate for consideration of the agreed character of a centre, Port Stephens will continue to attract new residents (including critical workforce), new business and increased visitation.

### Land Use Planning

Port Stephens contains a mix of rural land, town, villages and coastal areas that are major recreational, tourist and retirement destinations. In addition, Newcastle Airport has been identified as a regionally significant economic driver and a global gateway that provides capacity to support growth in defence and aerospace-related industries. Employment clusters in Tomago and Heatherbrae are also well located to capitalise on the road, sea and air trade routes that connect our region to global markets.

Whilst there may be development challenges in our local government area (e.g. flooding, aircraft noise, bushfire risk and more recently per- and polyfluoroalkyl substances (PFAS) contamination), creating opportunities to leverage the proximity to major global gateways, as well as the attractive and valuable natural environment and coastal and rural settings, can generate economic growth and diversity.

### Infrastructure

With the costs of asset maintenance increasing faster than the available source of funds, infrastructure across Port Stephens is not always meeting the needs of business, residents and visitors. Investment in infrastructure is critical to creating an environment that drives prosperity and growth. Partnerships with other levels of government are required to secure this investment and ensure that Port Stephens can leverage opportunities for business and residents.

From a visitor economy perspective, the ability to increase yield is constrained by the limited range of product at the "top end" of the market. Ongoing investment in the development of new quality products and experiences such as the Port Stephens Koala Sanctuary, Birubi Point Tourism Interchange and the Tomaree Sports Complex will drive economic output and attract new investment in Port Stephens.

### Labour Force and Employability

Port Stephens has a marginally higher unemployment rate of 4.7% (as of 2017) than the state average unemployment rate of 4.5%. In Port Stephens, 53.5% of those in the labour force work full-time, a lower rate than 59.2% for NSW and there are 33.6% who work part-time in Port Stephens, higher than 29.7% for NSW. The full-time/part-time ratio is likely a reflection of the older demographic and the prevalence of residents who are

transitioning to retirement through reduced work hours. While there may be an opportunity to attract future residents to higher-paying employment in the region, this may require a fundamental change in the traditional employment and economic base.

Improving tertiary learning opportunities in related industry sectors such as aged care, tourism and marine industries will both provide greater options to disadvantaged students and create support for emerging sectors.

### Industry Funding Models

For many years, Council has provided funding support to local business chambers, however, in line with the changing business environment, the traditional models of funding are no longer relevant. Port Stephens has a range of industry organisations and networking groups providing support services to business.

Council needs to determine how it can provide support to these organisations to ensure the best possible outcomes for all business in Port Stephens.

### Tourism

With visitation expected to increase by 1.9% per annum for domestic markets and 5.4% per annum for international markets (2016-17 to 2026-27 - TRA State and Territory Tourism Forecasts 2017), Port Stephens is ideally positioned to leverage this increasing demand and reduce seasonal fluctuations through the development of high quality tourism products and experiences that increase overnight visitor spend during low and shoulder periods.

### Digital Capacity

Port Stephens suffers from what is sometimes referred to as a 'brain drain' – which results in young, educated people leaving the area to pursue career and study options further afield. This has accentuated the ageing of the population in Port Stephens and in the future, will reduce the availability of the workforce across the LGA.

Developing innovative and relevant digital infrastructure to drive 'smart city' initiatives and build digital capacity across the LGA will be critical to the future economic prosperity of Port Stephens.

### Transport Connectivity

Whilst Newcastle Airport remains a key regional asset for Port Stephens, transport connectivity is less than optimal.

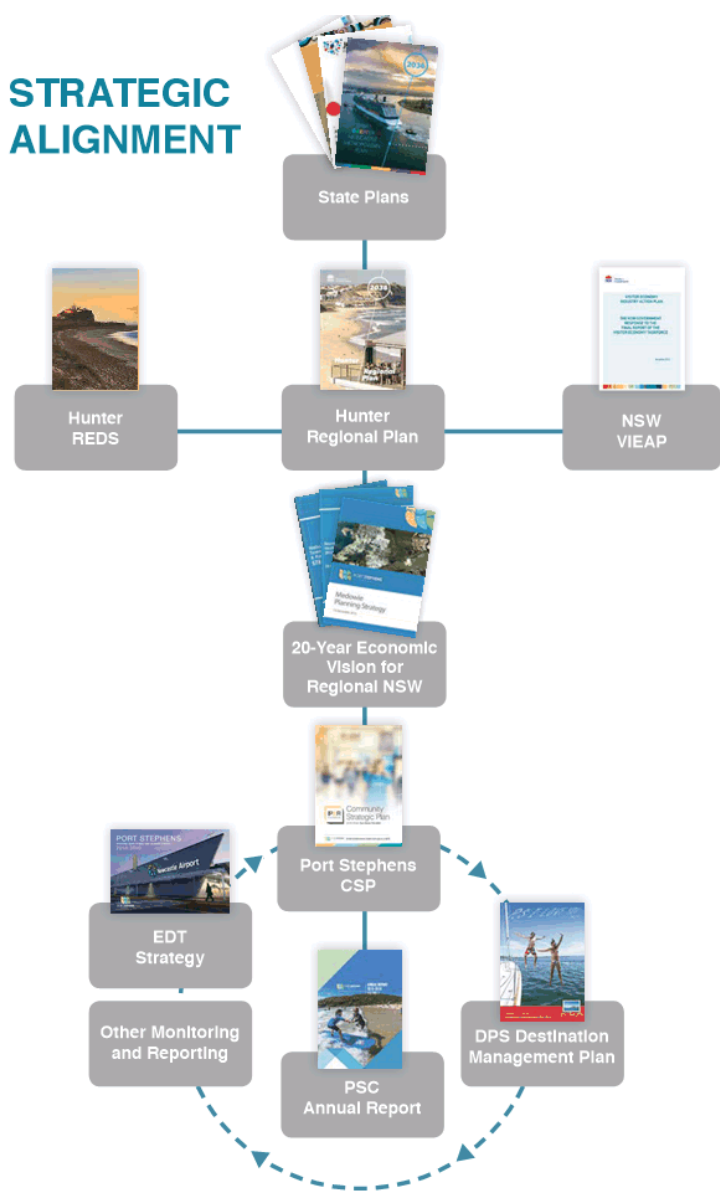
Strategies to increase pedestrian traffic within the town centres are ongoing, as are efforts to upgrade of the road from the Tomaree Peninsula to Newcastle, which is currently an hours drive in non-peak traffic.

Further upgrades to the M1 and further investment in the Newcastle Port Container Terminal will expand opportunities for international growth and distribution business in Port Stephens.



**ITEM 3 - ATTACHMENT 3 DRAFT ECONOMIC DEVELOPMENT AND TOURISM STRATEGY.**

**STRATEGIC ALIGNMENT**



### Hunter Regional Plan 2036

The Hunter Regional Plan 2036 guides the NSW Government's land use planning priorities over the next 20 years to achieve the stated vision of "the leading regional economy in Australia with a vibrant new metropolitan city at its heart". It acknowledges the importance of Greater Newcastle and sets the following regionally focused goals:

- > The leading regional economy in Australia
- > A biodiversity rich natural environment
- > Thriving communities
- > Greater housing choice and jobs

Regionally significant priorities for Port Stephens include:

- > Protecting the functioning of the Newcastle Airport, and supporting its growth; and
- > Maximising opportunities being created by growing international transport connections, which will make the valuable natural environment increasingly accessible to international tourists

More locally, the Hunter Regional Plan outlines priorities for the strategic centres of Raymond Terrace, Nelson Bay and Newcastle Airport/Williamstown (noting it as a Global Gateway) and a number of future housing and urban renewal opportunities across the Local Government Area.

### Greater Newcastle Metropolitan Plan – Economic Prospects to 2036

Commissioned by the Department of Planning and Environment to inform the inaugural Greater Newcastle Metropolitan Plan 2036, research shows the economy is likely to grow more strongly in the next 20 years than it did in the last two decades, supported by the right policy, and public and private investment to reach population targets.

Of significance to Port Stephens is a focus on higher value-added industries and growth in the services sector, including new initiatives to reinvigorate tourism and education. This plan also notes Newcastle Airport will require a significant shift from an origin airport to a destination airport, which in turn will require tourism infrastructure, including hotels and conference facilities to draw in business tourists.



### Hunter Regional Economic Development Strategy (REDS)

Port Stephens Council together with seven local Hunter Councils are working in collaboration with the NSW Government to develop a Regional Economic Development Strategy (REDS) for the Hunter. The REDS will be used to inform regional development policy and identify actions that can be undertaken to support economic growth and enable faster access to dedicated State funding, such as the Growing Local Economies Fund.

The REDS will consider the strategic context of the Hunter region; significant industries and activities; regional endowments; barriers, issues, constraints and threats; and opportunities for the Hunter.

This strategy is consistent with the outcomes and initiatives as outlined in the Hunter REDS.

### NSW Visitor Economy Plan

The NSW Government established the Visitor Economy Taskforce to consult with Industry and other stakeholders and to prepare a strategy to achieve the NSW Governments' 2020 target of doubling overnight visitor spend.

The recommendations and actions in the Visitor Economy Action Plan are those which the Taskforce has assessed as being key to accelerating overnight visitor expenditure to NSW.

The Plan nominates seven strategic imperatives:

- 1. Increase visitation
- 2. Grow physical capacity
- 3. Renew and revitalise NSW destinations
- 4. Improve the visitor experience
- 5. Increase visitor spend
- 6. Make NSW more competitive







*A vibrant and liveable place  
supporting local economic growth*

## OUR VISION

A vibrant and liveable place supporting local economic growth

### Purpose

Build relationships, grow trust and create connections to support the development of a strong local economy.

## STRATEGIC OUTCOMES

### Making business growth easier

Council has a key role in creating an environment where business can thrive. By fostering a business enabling environment, Council can facilitate the growth of innovative and successful business which are both strong and globally competitive.

With over 4,500 active businesses operating across Port Stephens, a major focus will be the delivery of opportunities for growth in existing business. We will provide the incentive, tools, strategies and support to foster diversity, growth, innovation and resilience across Port Stephens. Council will work to attract new investment through the development of a vibrant and attractive environment for business to establish and invest.

#### Key Priorities

- > Increase the capacity and competitiveness of business
- > Advocate for business
- > Facilitate evidence-based decision making
- > Support effective business networks which demonstrate clear outcomes
- > Coordinate the Economic Development Advisory Panel

### Increase overnight visitor spend

Port Stephens is recognised as one of the key regional tourism destinations in NSW and attracts a broad range of domestic and international visitor each year. Year ending September 2017, Port Stephens welcomed 2,170,700 domestic visitor nights, 723,500 day visitors and 198,600 international visitor nights. These visitors spent an estimated \$534 million (or almost \$1.5 million per day) across the LGA and directly employed approximately 2,221 people.

Port Stephens is a sophisticated tourism destination with established product. The popularity of the destination to both domestic and international visitors is directly tied to the unique natural environment of Port Stephens including the Worimi Conservation Lands, Tomaree National Park and the Port Stephens - Great Lakes Marine Park.

Supporting these natural assets this is an extensive range of tourism product and experiences such as whale and dolphin watching, surfing, quad bike riding, bushwalking, mountain biking, fishing and sailing. Accommodation across the destination ranges from holiday parks and self-contained units through to luxury beachfront homes and resorts.

Port Stephens Council recognizes the economic, environmental and social benefits that a vibrant and sustainable tourism industry provides through increased employment, investment, and infrastructure. Council is committed to the conservation of the natural assets on which the visitor economy depends whilst supporting investment in the development of quality tourism product and infrastructure development. These assets encourage overnight visitor spend, positively impact the visitor experience, promote awareness of Port Stephens and drive the construction of new facilities and infrastructure.

#### Key Priorities

- > Provide strategic and financial support to Destination Port Stephens
- > Develop strategic plans to guide the sustainable growth of the visitor economy
- > Build trust and understanding in the strategic value of the visitor economy
- > Build partnerships with Newcastle Airport, neighbouring councils and key stakeholders
- > Encourage development of high quality tourism products and experiences



### Attract events that drive economic benefit

Council's new leadership has identified events as a key opportunity for growth across the LGA, not only for the economic benefit they generate, but just as importantly for the connections and vibrancy they create across our community.

Events are well recognised as drivers of visitation and visitor spend and provide tourism, trade and investment opportunities for Port Stephens. Events can also be a driver of infrastructure development through increasing demand and provide an opportunity for Council to reinforce its brand, stimulate the economy and smooth seasonal fluctuations.

Over the past five years, Council has built a strong reputation as a regional event destination. The organisation has been focused on attracting and supporting events that align with our values and visions however, as more Councils recognise the economic benefits of events, attracting events becomes more competitive.

Council will continue to grow this sector and increase the benefits of events for business, residents and visitors across Port Stephens.

#### Key Priorities

- > Develop the Port Stephens Events Strategy
- > Increase the diversity and quality of cultural events
- > Educate Council and the community on the value of events
- > Work in partnership with key stakeholders to attract and deliver events
- > Seek increased funding and resourcing for events in Port Stephens

### Create people-friendly and vibrant spaces

Placemaking requires a collaborative approach to managing the issues, challenges and opportunities across Port Stephens. It requires ownership from both Council and the community to create vibrant spaces that provide the opportunity for a diverse range of experiences and activities. These unique spaces should reflect the culture and identity of each community and ultimately, contribute to the wellbeing of those that use the space.

To grow business, Council will create a more desirable place to live and work, through the development of high quality residential areas, improved town centres, adequate infrastructure and quality industrial areas and business parks.

Effective placemaking is a fundamental driver of economic growth. By connecting the key elements of live, work and play, Port Stephens will attract more residents, more workers, more visitors and ultimately, more investment.

#### Key Priorities

- > Promote a place-led approach to design and development
- > Activate our public spaces
- > Develop and use cultural themes to guide placemaking activities
- > Promote processes and partnerships that create placemaking outcomes
- > Expand "Nelson Bay Next" beyond Nelson Bay



## HOW WILL WE GET THERE?

STRATEGIC OUTCOMES	KEY PRIORITIES	MEASURES OF SUCCESS
We will make business growth easier	Increase the capacity and competitiveness of business	Increase in business networking opportunities CBD Occupancy audit Annual business survey feedback Improvements across key economic indicators
	Advocate for business	
	Facilitate evidence-based decision making	
	Support effective Business Networks which demonstrates clear outcomes	
	Coordinate the Economic Development Advisory Panel	
We will increase overnight visitor spend	Provide strategic and financial support to Destination Port Stephens	Development of the DPS Strategic Plan Increase in the economic output of the visitor economy Destination Port Stephens Funding Agreement Key Performance Indicators Secure ongoing funding for destination marketing
	Develop strategic plans to guide the sustainable growth of the visitor economy	
	Build trust and understanding in the value of the visitor economy	
	Build partnerships with Newcastle Airport, neighbouring councils and key stakeholders	
	Encourage investment in high quality tourism product and experiences	
We will attract events that drive economic growth	Develop the Port Stephens Events Strategy	Development of one new cultural event per year Increase in the economic impact of events Increase in funding for events in Port Stephens Development and implementation of Port Stephens Events Strategy
	Increase the diversity and quality of cultural events	
	Educate Council and the community on the value of events	
	Work in partnership with key stakeholders to attract and deliver events	
	Seek increased funding and resources for events in Port Stephens	
We will create people friendly spaces	Promote a place based - design led approach across Council and the community	Success of town centre implementation panels Expression of the Next brand Delivery and success of Vibrant Spaces Program Increase in public art and performance
	Activate our public spaces	
	Develop and use cultural themes to guide placemaking activities	
	Promote processes and partnerships that create place making outcomes	
	Expand "Nelson Bay Next" beyond Nelson Bay	



**PORT STEPHENS**  
COUNCIL

**Port Stephens Council**  
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116 Adelaide Street, Raymond Terrace NSW 2324

**For more details, please contact:**  
Economic Development and Tourism  
p | 02 4988 0255  
e | ed@portstephens.nsw.gov.au



**ITEM NO. 4**

**FILE NO: 19/64937  
EDRMS NO: PSC2013-00406**

**POLICY REVIEW - CORPORATE SPONSORSHIP POLICY**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER DEVELOPMENT SERVICES  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Corporate Events Sponsorship Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Corporate Events Sponsorship 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 Corporate Sponsorship Policy dated 27 September 2016 (Minute No. 276), should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>060</b>	<p><b>Councillor John Nell Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Corporate Events Sponsorship Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Corporate Events Sponsorship 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.</li><li>3) Revoke the Corporate Sponsorship Policy dated 27 September 2016 (Minute No. 276), should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised draft Corporate Events Sponsorship Policy (the draft 'Policy') for public exhibition.

This Policy was adopted on 8 December 2009 (Minute No. 410) and last reviewed on 27 September 2016 (Minute No.276). The purpose of the Policy is to enable Council

## MINUTES ORDINARY COUNCIL - 26 MARCH 2019

to take a proactive approach towards financial and information management related to seeking and providing sponsorship as a marketing and economic development tool.

Corporate sponsorship is a common business function across all industry sectors. In a Council setting, corporate sponsorship is the mechanism which allows Council to support initiatives with the potential to generate economic benefit as well as reputation benefit or community benefit for Port Stephens.

The draft Policy is also useful in clearly spelling out the framework used by Council when seeking support from third parties for its own initiatives, such as the sponsorship to support Australia Day celebrations or other Council related events.

The draft Policy provides a transparent framework into how Council assesses sponsorship requests (financial and non-financial) and how Council will promote the existence of sponsorship opportunities. It also spells out those funding initiatives that do not fall under the definition of corporate sponsorship, such as grants and donations, which are provided for through established legislation and other supported policies of Council.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Strong Economy, Vibrant Businesses, Active Investment	Support sustainable business development in Port Stephens.
Communication and engagement	Strengthen Council's reputation

### FINANCIAL/RESOURCE IMPLICATIONS

The draft Policy has no known financial or resource implications and all activity will continue to be carried out within existing budgets.

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 draft Policy provides an equitable framework through which Council can both sponsor community and commercial initiatives and also seek sponsorship for its own

activities. This is a key mechanism for Council to drive economic, reputational and community benefit.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may enter into sponsorship arrangements without a formal framework in place, leading to financial and reputation loss.	Low	Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft Policy provides the framework to ensure equitable and timely decisions are made by Council with regard to sponsorship arrangements while at the same time ensuring community expectations are met.

This draft Policy supports the key priorities of Council to ensure the development of a vibrant and liveable place supporting economic growth.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Economic Development and Tourism unit with both internal and external stakeholders to ensure the draft Policy aligns with corporate objectives.

#### Internal

Consultation has been undertaken with the Communications Section Manager and Strategy and Environment Section Manager. The draft Policy has been endorsed by the Executive Team.

#### External

In accordance with local government legislation the draft Policy will be placed on public exhibition for a period of 28 days.

Public exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and will be available on Council's website.

### **OPTIONS**

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

3) Reject the recommendations.

**ATTACHMENTS**

1) Draft Corporate Events Sponsorship Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

Policy



**FILE NO:** PSC2013-00406  
**TITLE:** CORPORATE **EVENTS** SPONSORSHIP POLICY  
**POLICY OWNER:** **COMMUNICATIONS STRATEGY AND ENVIRONMENT SECTION MANAGER**

**1. PURPOSE:**

1.1 This policy provides clarity around the means in which Council distributes and receives sponsorship, enabling Council to engage in corporate sponsorship arrangements. This policy will allow openness, transparency and accountability in the execution of Council sponsorship, and allows Council to take a proactive approach to providing sponsorship to create economic, social and reputational benefit for the Port Stephens community, as a marketing tool.

**2. CONTEXT/BACKGROUND:**

2.1 Corporate sponsorship is a key marketing economic development function of Port Stephens Council and links directly to the Economic Development Policy. Through its sponsorship program, Council sponsors initiatives and events through the provision of financial and in-kind support, as well as seeking sponsorship from business for those Council programs which offer direct community benefit.

2.2 It is important that sponsorships meet community expectations while also supporting and promoting the organisations key objectives. This policy ensures consistency in approach and effective outcomes for the organisation and the community.

2.3 Sponsorship should be advantageous to both parties, however Council must ensure sponsorship agreements do not compromise or bring into question the integrity of Council operations.

**3. SCOPE:**

3.1 This policy provides a framework through which Council enters into sponsorship arrangements. Particularly, it applies when Council:

- 3.1.1 provides sponsorship to third parties (Council as sponsor); or
- 3.1.2 seeks sponsorship from third parties for Council initiatives.

3.2 Sponsorship is a form of advertising Council as an organisation for branding or reputation related return on investment, rather than providing conditional funding to persons in order to exercise Council's functions. As a result, sponsorship is not considered to be financial

Policy

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ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

Policy



assistance under the Local Government Act 1993, but is a key marketing function of Council as an organisation.

3.3 As a result, this policy does not apply to other forms of financial assistance, including grants, donations, and loans, in all their various forms. Such arrangements are governed under Council's Grants and Donations Policy.

**4. DEFINITIONS:**

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

Sponsorship	A commercial relationship between Council and a third party (organisation, group or individual), governed by written agreement. Sponsorship involves provision of financial or non-financial (in-kind) support in return for mutually agreed economic, cultural, community or reputational benefits.
Financial assistance (grants, <b>and</b> donations, loans)	Other financial mechanisms provided by Council to organisations or individuals to support activities in line with Council's Community Strategic Plan. <b>Such mechanism is provided in accordance with</b> <del>include grants, donations and loans, provided under the cover of s356 of the Local Government Act 1993 and</del> Council's Grants and Donations Policy.

**5. POLICY STATEMENT:**

5.1 Port Stephens Council is committed to entering into sponsorships that offer mutually agreed benefit to all parties as well as benefits to the wider community. Sponsorship can take the form of Council providing or seeking sponsorship from a third party of money, goods or services.

5.2 Criteria for providing sponsorship (Council as sponsor):

All sponsorship applications are considered on a case-by-case basis. To be eligible to apply to Council for financial or in-kind sponsorship, the following criteria must be met:

- 5.2.1. Applications must be submitted to Council more than 28 days out from the event or initiative that is the subject of the sponsorship application. ~~Applications received less than 28 days out from the event or initiative will not be considered;~~
- 5.2.2. In the event of a sponsorship application from a group or organisation, the group or organisation must be legally registered or constituted and not part of Council.
- 5.2.3. Council may, at its discretion, enter into fixed-term, multi-year sponsorship agreements with suitable organisations for proven events or initiatives.

Policy

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ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

Policy



- 5.2.4. In the event of a sponsorship application from a group or organisation, it is preferable that the group or organisation be based in or operate from within the Port Stephens LGA. However, applications from outside of the LGA may also be considered.
- 5.2.5. In the event of a sponsorship application from an individual, the individual must reside within the Port Stephens LGA.
- 5.3 One or more of the following should be demonstrated in support of the sponsorship application:
- 5.3.1. Economic benefit to the community. This could be in terms of increased visitation, increased economic activity by way of visitor spend, overnight accommodation take up, or increased consumption or promotion of local products.
- 5.3.2. Economic and social benefit to the community. Support for place making and place activation programs to drive economic benefit and increase the wellbeing of residents.
- 5.3.3. Reputational return to Council. Branding opportunity to raise the profile of the Council should be evident and quantified. This could be in terms of inclusion in event promotions, signage and advertising, or by allowing Council involvement in the event (through speeches from elected officials, provision of community engagement opportunities, or other clearly defined opportunities) which allows Council the opportunity to strengthen its ties to the community.
- 5.3.4. Reputational return to the Port Stephens area. Promotional opportunity for the Port Stephens area should be evident and quantified. This may be through an event or initiative's core purpose (such as tourism, food, wine, agribusiness, clean environment etc), or through the provision of opportunities for local providers to be involved in the sponsored event or initiative.
- 5.3.5. Provision of legacy infrastructure. In some cases, delivery of major events will necessitate the implementation of hard infrastructure (community facilities or ancillary services) on public land. Works may be conducted by Council or by event or initiative organisers, with approval from Council. In such cases, sponsorship applications should include detail of infrastructure needs and their long term community benefits.
- 5.4 Criteria for seeking sponsorship (Sponsorship of Council initiatives):
- 5.5 Council must ensure a consistent and strategic approach is applied when seeking financial or in-kind sponsorships to assist in the staging of its promotions and activities.
- 5.6 Opportunities to sponsor a Council activity must be advertised and clearly communicated to the public through an Expression of Interest (EOI) process. If an overwhelming reason exists not to undertake an EOI process (ie demanding timeframes or availability of relevant sponsors) this must be first approved by the relevant Group Manager and the

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Policy



Communications and Strategy and Environment Section Manager prior to entering any agreement.

5.7 EOI's will be evaluated against the following criteria:

- 5.7.1. Is the business/organisation offering sponsorship which the Council wishes to be identified with i.e. will not bring the Council into disrepute?
- 5.7.2. Is there a risk that a public perception could be formed that an individual/business has received favourable treatment due to its sponsorship?
- 5.7.3. Would the donation signify to the community a religious or political bias?

5.8 Benefits supplied to sponsors will be determined by:

- 5.8.1. The value of the sponsorship in dollar terms.
- 5.8.2. The length of the sponsorship.
- 5.8.3. The type of event related assets, services, function or program being sponsored.

5.9 All arrangements must be finalised in writing prior to implementation or exchange of money or receipt of sponsorship benefits.

5.10 The following is a list of the types of benefits that may be offered by Council when developing a sponsorship package:

- 5.10.1. Acknowledgement of the sponsor, via the inclusion of sponsor branding in promotional material associated with the event or initiative.
- 5.10.2. Allowing display signage and other promotional material on behalf of the sponsor at selected Council events or facilities associated with the sponsorship.
- 5.10.3. Where appropriate, invitation to sponsor officials to participate in formal proceedings as part of the event or initiative.
- 5.10.4. Reference to the sponsor in official media releases issued by Council promoting the event/activity.

5.11 Sponsorship Partners

5.12 Council will only enter into sponsorship agreements with reputable organisations or groups. The public image, products or services of sponsorship partners must be consistent with the values, goals and policies of Port Stephens Council.

5.13 Any organisation or group that has the potential to involve Council in controversial issues, or expose the Council to adverse criticism will not be considered for sponsorship or as a sponsor.

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- 5.14 No sponsorship arrangements will be entered into which impose or imply conditions that would limit, or appear to limit Council's ability to carry out its functions fully and impartially.
- 5.15 No Councillor or employee, or members of their families, are to receive personal benefit from the sponsorship.
- 5.16 Should a Councillor or employee perceive a potential conflict of interest in dealing with a sponsor on Council's behalf, that potential conflict of interest is to be declared to the General Manager.
- 5.17 Sponsorship agreements
- 5.18 All sponsorship agreements must be subject to a written contract and conditions will be fully described in a written agreement which clearly sets out:
- 5.18.1. The term of the sponsorship and any conditions regarding renewal.
  - 5.18.2. The benefits available to Council and the sponsor.
  - 5.18.3. Financial accountability requirements.
  - 5.18.4. The scope of uses which the sponsor can make of the sponsorship arrangement including brand marks, logos, use of Council's name etc.
  - 5.18.5. Provision for termination or suspension of the agreement.
- 5.19 Written agreements must include a statement that Council's functions will continue to be carried out fully and impartially, notwithstanding the existence of a sponsorship arrangement.
- 5.20 The agreement will include a statement to the effect that any attempted influence of Council's regulatory functions will result in an automatic review and/or termination of the sponsorship arrangement.
- 5.21 Approval of sponsorship
- 5.22 Sponsorships to the value of up to \$20,000 (financial and in-kind value) may be approved by the Communications **Strategy and Environment** Section Manager on receipt of a recommendation from the Section Manager and Group Manager of the business unit proposing the sponsorship.
- 5.23 Sponsorships of the value of between \$20,001 to \$40,000 (financial and in-kind value) may be approved by the General Manager on receipt of a recommendation from the Section Manager and Group Manager of the business unit proposing the sponsorship.

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ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

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5.24 Sponsorships of the value of \$20,001 ~~\$20,001~~ \$40,001 or more (financial and in-kind value) can only be approved by Council resolution. In such cases, the Council report and recommendation is the responsibility of the section manager of the business unit proposing the sponsorship. Prior to making a recommendation to Council, consultation must occur with the relevant group manager and the Communications **Strategy and Environment** Section Manager.

5.25 All sponsorship agreements must be signed by the General Manager.

5.26 Monitoring and evaluation

5.27 Metrics for evaluation should be established with the sponsor before the activity and should align with the terms included in the sponsorship agreement.

5.28 Groups or individuals who receive Council sponsorship are required to provide a financial report detailing how the sponsorship was spent at the conclusion of each sponsored event. This is in order to allow Council to accurately and transparently report upon its sponsorship activities.

5.29 A written evaluation must be completed by the relevant Council officer rating the performance of the sponsorship activity and adherence to the agreement. These evaluations will form part of the assessment for future sponsorship.

**6. POLICY RESPONSIBILITIES:**

6.1 The Communications **Strategy and Environment** Section Manager has overall responsibility for implementation of this policy.

6.2 Applications for sponsorship may be received and coordinated at coordinator level, if relevant to their roles at Council. In all cases, consultation with the relevant section and group manager, as well as the Communications **Strategy and Environment** Section Manager, must occur prior to agreement being entered into.

6.3 The relevant section manager is responsible for reporting sponsorship requests of over \$20,001 ~~\$20,001~~ \$40,001 to Council for endorsement.

**7 RELATED DOCUMENTS:**

7.1 Port Stephens Council Code of Conduct.

7.2 Grants & Donations Policy.

7.3 *Local Government Act 1993.*

7.4 *Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship*; Independent Commission Against Corruption (ICAC), May 2006.

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<b>EDRMS container No</b>	PSC2013-00406	<b>EDRMS record No</b>	16/460067
<b>Audience</b>	Event organisers, community organisations and the Port Stephens community.		
<b>Process owner</b>	Communications <b>Strategy and Environment</b> Section Manager		
<b>Author</b>	Communications <b>Strategy and Environment</b> Section Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	<b>March 2021</b>
<b>Adoption date</b>	08/12/2009		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	08/12/2009	Communications & Customer Relations Manager	First version	410
2	13/08/2013	Economic Development & Communications Section Manager	First revision of policy. Increased detail around provision of mutually agreed benefits.	219
3	27/9/2016	Communications Section Manager	Transition into new template, with information from various sections of the existing policy used to craft new context/background and scope sections.  Provision, in the scope section, of clarity around sponsorship's role as a marketing and advertising function of Council, as opposed to financial assistance under the <i>Local Government Act 1993</i> . This distinction was a key outcome of the review into Grants, Donations and Sponsorships conducted during 2015.	276

**ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.**

Policy



			<p>An increase of the dollar amount per sponsorship (from \$10,000 to \$20,000 cash and in-kind) which can be approved without requiring Council endorsement. This is another improvement to come out of the review into Grants, Donations and Sponsorships and was implemented into the policy following consultation with the Strategy &amp; Environment Section and Tourism &amp; Events Unit, which is responsible for the majority of sponsorships in this dollar range.</p> <p>General copy and content editing consisting of small, non-material edits throughout the document.</p>
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ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

Policy



4	March 2019	Strategy and Environment Section Manager	<p>Updated to new template to include paragraph numbering.</p> <p>Rename the Policy 'Corporate Sponsorship Policy' to 'Corporate Events Sponsorship Policy' to reflect the intent of this Policy.</p> <p>1.1 - Deleted 'as a marketing tool' and added 'links to create economic, social and reputational benefit for the Port Stephens community.'</p> <p>2.1-Deleted the word 'marketing' and added 'Economic Development' and added 'and links directly to the Economic Development Policy.'</p> <p>4.1 - Deleted the word 'loans' and deleted 'include grants, donations and loans, provided under the cover of s356 of the <i>Local Government Act 1993</i> and.'</p> <p>5.2.1- Deleted 'Applications received less than 28 days out from the event or initiative will not be considered.'</p> <p>5.3.2- Added in the second dot point 'Economic and social benefit to the community. Support for place making and place activation programs to drive economic benefit and increase the wellbeing of residents.'</p> <p>5.6- Deleted 'Communications' and added 'Strategy and Environment' as Economic Development &amp; Tourism come under Strategy &amp; Environment due to the recent ADRI review.</p>	TBA
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**ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.**

Policy



			<p>5.22 - Deleted 'Communications' and added 'Strategy and Environment' as Economic Development &amp; Tourism come under Strategy &amp; Environment due to the recent ADRI review.</p> <p>5.23 – Inserted new paragraph 'Sponsorships of the value of between \$20,001 to \$40,000 may be approved by the General Manager on receipt of a recommendation from the Section Manager and Group Manager of the business unit proposing the sponsorship.</p> <p>5.24- Increase in the sponsorship value of '\$40,001 or more' which can only be approved by Council resolution. This is another improvement to come out of the review into Grants, Donations and Sponsorships and was implemented into the policy following consultation with the Strategy &amp; Environment Section and Tourism &amp; Events Unit, which is responsible for the majority of sponsorships in this dollar range. Deleted 'Communications' and added 'Strategy and Environment' as Economic Development &amp; Tourism come under Strategy &amp; Environment due to the recent ADRI review.</p>	
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ITEM 4 - ATTACHMENT 1 DRAFT CORPORATE EVENTS SPONSORSHIP POLICY.

Policy



			<p>6.1- Deleted 'Communications' and added 'Strategy and Environment'.</p> <p>6.2- Deleted 'Communications' and added 'Strategy and Environment'.</p> <p>6.3 - Changed the figure from \$20,001 to '\$40,001' due to the increase.</p> <p>Version Control updated. Deleted 'Communications' and added 'Strategy and Environment Section Manager' as Process Owner.</p>	
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**ITEM NO. 5**

**FILE NO: 19/42809  
EDRMS NO: PSC2019-00384**

**POLICY REVIEW - COMMERCIAL OPERATORS POLICY**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION  
MANAGER  
GROUP: FACILITIES & SERVICES

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**.RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Commercial Operators Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Commercial Operators 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 Commercial Operators Policy dated 10 November 2015 Min. No. 342 **(ATTACHMENT 2)**, the Events Policy dated 24 March 2015 Min. No. 055 **(ATTACHMENT 3)**, the Markets Policy dated 8 December 2015 Min. No. 389 **(ATTACHMENT 4)** and the Mobile Food Vehicle Policy dated 22 November 2016 Min. No. 340 **(ATTACHMENT 5)** should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>061</b>	<p><b>Councillor Chris Doohan Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Commercial Operators Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Commercial Operators 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.</li><li>3) Revoke the Commercial Operators Policy dated 10 November 2015 Min. No. 342 <b>(ATTACHMENT 2)</b>, the Events Policy dated 24 March 2015 Min. No. 055 <b>(ATTACHMENT 3)</b>, the Markets Policy dated 8 December 2015 Min. No. 389 <b>(ATTACHMENT 4)</b> and the Mobile Food Vehicle Policy dated 22 November 2016 Min. No. 340 <b>(ATTACHMENT 5)</b> should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to endorse the public exhibition of the revised Commercial Operators Policy (the ‘Policy’). The revised Policy is designed to replace the currently endorsed version of the Commercial Operators Policy plus three further policies that serve similar functions, namely the Markets Policy, Events Policy and Mobile Food Vehicle Policy.

The revised Policy aims to encourage a diversity of users on Council owned and managed land to create vibrant and active places for all people to enjoy a great lifestyle.

The following table provides a summary of the changes and outcomes relating to the amalgamation of the existing policies that will be captured by the revised Commercial Operators Policy:

Existing Policy	Changes under the revised Commercial Operators Policy.	Customer outcomes.
Markets Policy	Markets of more than four per year will be assessed and managed as commercial operators.	<ul style="list-style-type: none"> <li>• Security of tenure (up to five years).</li> <li>• Reduced administration.</li> <li>• Reduced fees and charges.</li> <li>• Support small business growth.</li> <li>• Increase appeal to high quality market operators.</li> <li>• Improved assessment process which takes into consideration quality of markets and impact on local business.</li> <li>• Manage use of key sites.</li> </ul>
	Markets of four or less per year will be assessed as a temporary event.	<ul style="list-style-type: none"> <li>• Encourages markets as part of major events.</li> <li>• Ensures effective risk management and compliance with intermittent market operators.</li> </ul>

**MINUTES ORDINARY COUNCIL - 26 MARCH 2019**

Existing Policy	Changes under the revised Commercial Operators Policy.	Customer outcomes.
Mobile Food Vehicle Policy	Mobile food retailers will be assessed as commercial operators.	<ul style="list-style-type: none"> <li>Streamlined application process.</li> <li>Opportunity to attract new operators.</li> <li>Support small business growth.</li> <li>Improved assessment process which takes into consideration quality of operators and impact on local business.</li> </ul>
	All mobile food vendor licensing will be managed through one section of Council (Community Services Section).	<ul style="list-style-type: none"> <li>Reduced administration.</li> <li>More effective risk management processes.</li> <li>Security of tenure (up to five years).</li> </ul>
Commercial Operators Policy	Provision for trial agreements.	<ul style="list-style-type: none"> <li>Allow short term use of commercial sites to trial new business ideas for viability.</li> </ul>
	Addition of not for profit guidelines and process.	<ul style="list-style-type: none"> <li>Charities and not for profit organisations can be assessed equitably.</li> </ul>
Events Policy	Intention and delivery of Events policy was captured in the Tourism Policy adopted 110717 (Min.165). Events policy is now redundant with the inclusion of "temporary events" in the revised Commercial Operators Policy.	<ul style="list-style-type: none"> <li>Rescind the Events policy.</li> </ul>

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Provide recreational and leisure services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications from adopting the recommendations. All revenue from licence fees is used to offset the cost of maintaining public open space and the subsequent cost to ratepayers.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
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 impediments from adopting the recommendations.

Any activity on Council land classified as Community Land requires formal approval as per the *Local Government Act 1993*, Section 47 and 47A.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not having a Commercial Operators Policy may result in unapproved activities being undertaken on Council land resulting in safety, legal, financial, environmental and reputation damage.	Medium	Adopt the recommendations.	Yes
There is a risk that not having a Commercial Operators Policy may result in conflict between prospective operators and the general community resulting in safety and reputation damage.	Low	Adopt the recommendations.	Yes

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not having a Commercial Operators Policy may result in lengthy decision making processes when assessing requests for use of Council land resulting in added costs to small business and reputation damage to Council.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations creates opportunities for people to participate in fun, healthy, educational and creative activities on Council owned and managed land. Managing the allocation of foreshores and park areas needs to be carefully considered through this policy as these areas attract large numbers of people at peak times and the interaction between passive users and commercial operators has the potential to create conflict.

The local economy benefits from this Policy because small to medium enterprises are able to access Council owned and managed land and conduct their business at reasonable rates for their customers.

This Policy, its guidelines and conditions in standard lease and licences ensures that environmental constraints at any given site are fully considered and managed.

**CONSULTATION**

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

The objectives of the consultation has been to ensure all stakeholders are included in the review of the Policy and to provide initial feedback on working drafts of the Policy prior to public exhibition.

Internal

- Executive Team.
- Strategy and Environment Section - Economic Development and Tourism Team.
- Assets Section – Community and Recreation Assets Team.
- Public Domain and Services Section – Parks Team.

- Property Services Section – Commercial Investments Team.
- Governance Section – Legal Services Team.
- Development Assessment and Compliance Section – Environmental Health and Compliance Team.

#### External

Existing licenced commercial operators and market operators have been contacted to provide feedback on the revised policy prior to its public exhibition. Initial feedback has been focused on fees payable under the Policy and the process around renewal of existing licences.

In accordance with local government legislation the draft Commercial Operators Policy will go on public exhibition from 4 April to 2 May 2019 for 28 days.

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Revised Commercial Operators Policy.
- 2) Current Commercial Operators Policy.
- 3) Current Events Policy.
- 4) Current Markets Policy.
- 5) Current Mobile Food Vehicle Policy.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2019-00384  
**TITLE:** COMMERCIAL OPERATORS POLICY  
**POLICY OWNER:** COMMUNITY SERVICES SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of the Commercial Operators Policy is to confirm Council's approach to commercial activities on Council owned and managed land.
- 1.2 The policy aims to achieve well managed commercial operations that create vibrant public spaces, promote community participation and connections, improve the visitor experience and grow the Port Stephens economy.
- 1.3 The policy also provides the framework for a streamlined process for managing the use of Council owned or managed land by private business, markets, events and mobile food/retailers.

**2. CONTEXT/BACKGROUND:**

- 2.2 Port Stephens has a diverse range of open space including parks, sports fields, foreshores, beaches, and bushland reserves. These open spaces are well suited to a wide range of passive and active uses and, as these open spaces have become more popular, demand has risen for the use of Council owned and managed land to conduct commercial operations.
- 2.3 By ensuring a consistent approach to the approval and management of commercial activities on Council owned or managed land, Council can facilitate the economic and social benefits across the community whilst also ensuring a diversity of quality product complimentary to each location.
- 2.4 The policy aims to achieve well managed commercial operations that create vibrant public spaces, promote community participation and connections, improve the visitor experience and grow the Port Stephens economy.

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## Policy



### 3. SCOPE:

- 3.1 The Commercial Operators Policy applies to the management of Commercial Operations within the Port Stephens Council local government area. The total open space deemed suitable for these activities is 490 hectares of Port Stephens Councils total open space provision (refer to Table 1).
- 3.2 Commercial Operations include both land and water based activities ranging from events, markets, mobile food/retailers, including but not limited to personal and group fitness classes, bicycle hire, surf schools, watercraft hire and lessons in watercraft use and sport adventure activities.
- 3.3 Approval to issue a licence under the Commercial Operators Policy does not negate the need for nor is intended as a substitute for development consent under the *Environmental Planning and Assessment Act 1979*, where required.
- 3.4 Licensed activities involving the retail sale of food and drink products are required to comply with the relevant legislative provisions of the *NSW Food Act 2003*, the *Australia/NSW Zealand Food Standard Codes* and related guidelines and policies, where required.
- 3.5 The Commercial Operators Policy does not apply to commercial operations on land that is not owned or managed by Council. Commercial operations on land that is not owned or managed by Council may require other development approvals.
- 3.6 The policy does not apply to the following activities that may be subject to separate approval processes:
- 3.6.1 Commercial activities subject to a lease arrangement;
  - 3.6.2 Commercial use of community halls;
  - 3.6.3 Commercial use of sporting facility buildings;
  - 3.6.4 Commercial activities on land that is not owned or managed by Council;
  - 3.6.5 Activities not considered to be a commercial activity.

## Policy

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Policy



**4. DEFINITIONS:**

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

<b>Commercial operator</b>	A person or entity that intends to conduct an activity for profit or personal gain on Council owned and managed land.
<b>Commercial operators licence</b>	A contract to operate across and or on Council owned and managed land.
<b>Council owned and managed land</b>	Land that is owned or managed by Port Stephens Council, including Crown Land where Council is the corporate trust manager.
<b>Land based activity</b>	Activities that are conducted on Council owned and managed land. Examples of land based activities include, but are not limited to: personal fitness trainers, group fitness, hiring of bicycles, dog obedience schools, mobile food/retailers, markets and events.
<b>Water based activity</b>	Activities that are conducted mostly in waterways but require access to the waterway from Council owned and managed land. Examples of water based activities include but are not limited to; learn to surf schools, hire of water craft, lessons in water craft use, sport adventure activities, mobile food/retailers, events.
<b>Mobile Food/Retail Operator</b>	A Company or individual that operates a mobile food or other retail vehicle, cart or stall.
<b>Mobile Food/Retail Vehicle</b>	All mobile vans, mobile trailers, carts or maritime vessels (whether registered or not) used for the purpose of selling any article of food or merchandise on Councils owned and managed land.
<b>Ongoing Markets</b>	A regularly scheduled outlet for the sale of goods and services at the same or regular location with the majority of goods and services provided by the producer, grower, craftperson or service person ( <i>in excess of four times per year</i> ).
<b>Temporary Markets</b>	A temporary outlet for the sale of goods and services at the same or regular location with the majority of goods and services provided by the producer, grower, craftperson or service person ( <i>up to four times per year</i> ).

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Policy



<b>Temporary Events</b>	A temporary one off or annual activity on Council owned and managed land.
<b>Not For Profit Operations</b>	A Company or individual that operates a business on a cost recovery basis and does not make a profit.
<b>Licensing terms and conditions</b>	This includes guidelines, processes and other internal documents used by Council staff in the assessment and approval of Commercial Operator licence applications.

**5. POLICY STATEMENT:**

- 5.1 Port Stephens Council will support and facilitate commercial operations on Council owned or managed land that provide economic and community benefit, enhance the local culture and ensure the safety of residents and visitors. In order to achieve this Council will:
  - 5.1.1 Permit the use of Council owned and managed land for commercial operations that meet the purpose of the land as defined in the Local Environment Plan, any Plan of Management for the land, the *Crown Lands Management Act 2016*, the *Local Government Act 1993* and the licensing terms and conditions of any specific site.
  - 5.1.2 Encourage commercial operations on Council owned and managed land that provide economic, social and environmental benefit.
  - 5.1.3 Ensure Council owned and managed land is used in a safe manner.
  - 5.1.4 Permit 5 year licenses for the use of Council owned and managed land by approved commercial operators ensuring security of tenure for approved Commercial Operators. Accordingly, those Commercial Operators shall be offered a 5 year licence term for any new licence subject to all requirements of the *Local Government Act 1993* and the *Crown Lands Management Act 2016*.
  - 5.1.5 At Councils sole discretion permit short term licenses for the use of Council owned and managed land by approved commercial operators.
  - 5.1.6 Commit to implementing and keeping current terms and conditions that ensure that occupiers of licenced sites do not cause nuisance to neighbours and other stakeholders.
  - 5.1.7 Assess and apportion licence fees that are determined by market demand and the Setting of Fees and Charges Management Directive.
  - 5.1.8 Provide locations suitable for site specific commercial operations as listed in Table 1.
  - 5.1.9 As required, Council may initiate a process to identify supplementary sites for land and water based commercial operations to activate a particular location.

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Policy



**Table 1: Council owned and managed land that may be licensed for site specific commercial operations, excluding temporary events and temporary markets(operating less then 4 times per year). Mobile food/retail operator sites will be assessed upon application.**

Suburb	Location	Lot / DP	Number of Sites	
			Land Based Activities	Water Based Activities
Anna Bay	Birubi Beach	Lot 7325, DP 1156724	2	1
Anna Bay	Robinson Reserve	Lot 7325, DP 1156724	2	0
Boat Harbour	Boat Harbour Beach Reserve	Lot 7324, DP 1205289	1	1
Corlette	Bagnall Beach Reserve, corner of Sandy Point Road and Pantowarra Street (A)	Lot 540, DP 823768	1	0
Corlette	Bagnall Beach Foreshore Reserve, adjacent corner of Pantowarra Street (B)	Lot 540, DP 823768	0	1
Corlette	Roy Wood	Lot 356, DP 27845	0	1
Corlette	Conroy Park	Lot 256, DP 27048	1	1
Fingal Bay	Fingal Bay Foreshore Reserve	Lot 475, DP 728127	2	0
Fingal Bay	Fingal Bay Oval	Lot 418, DP 257378	2	0
Fingal Bay	Fingal Beach (A)	Lot 475, DP 728127	1	2
Fingal Bay	Fingal Beach Boat ramp end(B)	Lot 475, DP 728127	1	1

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Fisherman's Bay	Fisherman's Bay Park	Lot 278, DP 753204	1	0
Hinton	Hinton Foreshore Reserve	Lot 26, DP 109540	1	1
Hinton	Stuart Park	Lot 1, DP 915417	2	0
Karuah	Aliceton Reserve	Lot 61, DP 24364	2	0
Karuah	Lionel Morton Oval	Lot 153, DP 753196	1	0
Karuah	Longworth Park	Lot 710 DP 1050943	1	0
Karuah	Memorial Park Boat Ramp	Lot 710 DP 1050943	1	0
Lemon Tree Passage	Kooindah Park	LOT:PT 93 DP 217567	3	0
Mallabula	Caswell Reserve	Lot 93, DP 11392	0	1
Mallabula	Mallabula Sports Complex	Lot 398, DP 1142139	4	0
Medowie	Boyd Oval	Lot 1, DP 408155	2	0
Medowie	Coachwood Drive Reserve	Lot 37, DP 807956	1	0
Medowie	Ferodale Sports Park	Lot 22, DP 1021843	2	0
Medowie	Kindlebark Oval	Lot 59 DP 730472 LOT:129 DP 710216	2	0
Medowie	Yulong Oval	Lot 49, DP 249781	2	0
Nelson Bay	Apex Park	PLT 154, DP753204	2	0
Nelson Bay	Bill Strong Oval,	Lot 101, DP 1175980	2	0
Nelson Bay	Dutchman's Beach Reserve	Lot 7318, DP1138620	3	0

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Nelson Bay	Dutchman's Beach Foreshore	Lot 7318, DP1138620	0	2
Nelson Bay	Fly Point Reserve	Lot 101, DP 1175980	3	0
Nelson Bay	Little Beach Reserve	Lot 101, DP 1175980	1	0
Nelson Bay	Neil Carroll Park	Lot 101, DP 1175980	2	0
Nelson Bay	Nelson Bay Foreshore adjacent to the Nelson Bay public wharf amenities (A)	Lot 550,559, DP 1033413	1	0
Nelson Bay	Nelson Bay Foreshore adjacent Nelson Bay Kiosk and carpark (B)	Lot 550 559, DP 1033413	0	1
Nelson Bay	Nelson Bay Foreshore, Victoria Parade adjacent Fly Point amenities (C)	Lot 550,559 DP 1033413	0	1
Nelson Bay	Tomaree Sports Complex	Lot 1, DP 1136350	4	0
Nelson Bay	Tom O Dwyer Oval	Lot 402, DP 753204	1	0
Nelson Bay	Yaccaba St	Lot 1, 2, DP1236311	1	0
One Mile	One Mile Beach	Lot 7311, DP 1120641	1	1
Raymond Terrace	Alton Park Reserve	Lot 61, DP 24364	1	0
Raymond Terrace	Boomerang Park	Lot 1, DP 1018979	3	0
Raymond Terrace	Bettles Park		1	0
Raymond Terrace	Fitzgerald Bridge Boat Ramp area	Lot 131, DP 1120122	0	1

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Raymond Terrace	King Park Sports Complex	Lot 1, DP 733011 Lot 131, DP 1120122	3	0
Raymond Terrace	Lakeside Reserve 2	Lot 261, DP 263821	1	0
Raymond Terrace	Lakeside Reserve 3	Lot 116, DP 262378	1	0
Raymond Terrace	Lakeside Sports Complex	Lot PT2, DP 502401	2	0
Raymond Terrace	Ross Walbridge Reserve	Lot 1, DP 115898	2	0
Raymond Terrace	Riverside Park	Lot 7005, DP 94774	1	0
Raymond Terrace	Vi Barnett Oval	Lot 131, DP 1120122	1	0
Salamander Bay	Bagnall Beach Road Detention Basin	Lot 5072, DP 841259	1	0
Salamander Bay	George's Reserve	Lot 1, DP 852661	0	1
Salamander Bay	Joe Redman Reserve	Lot 356, DP 27845	1	0
Salamander Bay	Korora Oval	Lot 541, DP 27274	3	0
Salamander Bay	Roy Wood Reserve	Lot 356, DP 27946	1	1
Salamander Bay	Salamander Sports Complex	Lot 1, DP 1117732	2	0
Seaham	Brandon Park	Lot 11, DP 26452	2	0
Seaham	Seaham Park	Lot 1, DP 758899	3	0
Shoal Bay	Shoal Bay Foreshore - Boat Ramp (A)	Lot 7022,7023 DP 1126832	0	1

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Shoal Bay	Shoal Bay Foreshore Adjacent public wharf (B)	Lot; 7022,7023 DP 1126832	0	1
Shoal Bay	Shoal Bay Foreshore Beach Road adjacent to Harbourside Haven (C)	Lot; 7022,7023 DP 1126832	0	1
Shoal Bay	Shoal Bay Foreshore intersection of Harwood Avenue and Beach Road (D)	Lot: 7022,7023 DP 1126832	0	1
Shoal Bay	Marrungbangbaa Reserve	Lot 7305, DP 1130568	1	1
Soldiers Point	Everitt Park	Lot 322, DP 636840	1	0
Tanilba Bay	Forster Park	Lot: 7322 DP 1154060	0	1
Tanilba Bay	Peace Park	Lot 1, DP 265326	0	1
Taylors Beach	Taylors Beach Foreshore	Lot 637, DP 27626	0	1
Wallalong	Bowthorne Park	Lot 1, DP 703382	1	0

**6. POLICY RESPONSIBILITIES:**

- 6.1 Overall review and evaluation of this policy lies with the Community Services Section Manager.
- 6.2 Key areas for implementation are delegated to the following positions:
  - 6.2.1 Contracts and Services Coordinator – implement the policy, review and update the Licensing Terms and Conditions and supporting documents relating to this policy; issuing of licence approvals under delegation; internal and external relationship management.

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## Policy



- 6.2.2 Economic Development and Tourism Coordinator – review and update the Temporary Events Assessment and Markets Guidelines and supporting documents relating to this policy; issue Temporary Events Licences and Market approvals under delegation.
- 6.2.3 Environmental Health and Compliance Coordinator – review and update the Mobile Food Operators Guideline and supporting documents relating to this policy. Issue permit in accordance with the requirements of the *NSW Food Act 2003* under delegation.
- 6.2.4 Property Officer Community Leasing – prepare and administer licence documentation.
- 6.2.5 Environmental Health and Compliance Coordinator, Economic Development and Tourism Coordinator, Community Development and Engagement Coordinator, Asset Coordinator, Parks Coordinator, Traffic Coordinator, Corporate Risk Team – provide advice on the implementation of the Policy relating to asset planning, traffic management and planning, scheduled improvements, liaison with Sports Councils, risk management, environmental health, safety and compliance requirements and liaison relating to the coordination of market and events and bookings on Council owned and managed land.

### 7. RELATED DOCUMENTS:

- 7.1 Setting of Fees and Charges Management Directive (PSC).
- 7.2 Commercial Operator Guideline (PSC).
- 7.3 Temporary Event /Market Guidelines (PSC).
- 7.4 Mobile Food Vehicle Guideline (PSC).
- 7.5 Not for Profit Guide (PSC).
- 7.6 Tourism Policy (PSC).
- 7.7 Advertising Signs Policy (PSC).
- 7.8 Alcohol in Parks and Reserves Policy (PSC).
- 7.9 Temporary Structures on Footways Policy (PSC).
- 7.10 Port Stephens Council Plans of Management for community land (PSC).
- 7.11 Land Environment Plan(LEP).
- 7.12 *Roads Act 1993 and Roads Regulation 2008.*
- 7.13 *Food Act 2003 and Food Regulation 2010.*
- 7.14 *Protection of the Environment and Operations Act, 1997.*
- 7.15 *Local Government Act 1993.*
- 7.16 *Crown Lands Management Act 2016.*
- 7.17 *Environmental Planning and Assessment Act 1979.*

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<b>EDRMS container No</b>	PSC2019-00384	<b>EDRMS record No</b>	001
<b>Audience</b>	Existing and potential commercial operators, Sports Councils; Parks and Reserves 355c Committees; local business associations and their members; Destination Port Stephens and their members.		
<b>Process owner</b>	Community Services Section Manager		
<b>Author</b>	Contracts and Services Coordinator		
<b>Review timeframe</b>	Every 2 years	<b>Next review date</b>	June 2021
<b>Adoption date</b>			

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	26 March 2019	Contracts and Services Coordinator	New policy to incorporate all commercial activity on council owned or managed land covering commercial operators, temporary events, markets and mobile food vendors.	

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## Policy



**FILE NO:** PSC2015-01929  
**TITLE:** COMMERCIAL OPERATORS POLICY  
**POLICY OWNER:** COMMUNITY SERVICES SECTION MANAGER

### **PURPOSE:**

The purpose of the Commercial Operators Policy ('Policy') is to establish a streamlined approach to the approval of Commercial Operators on Council owned and managed land. It aims to achieve well managed commercial operations that complement the other uses of the locations, adds value to the local tourism and fitness sector and minimises negative impacts on neighbouring property owners and other site users.

### **CONTEXT/BACKGROUND:**

Port Stephens has a diverse range of open space including parks, sports fields, foreshores, beaches, and bushland reserves. These open spaces are well suited to a wide range of passive and active recreation activities. As these open spaces have become more popular, a demand has arisen for the use of Council owned and managed land to conduct commercial operations specifically activities centred on tourism, education and healthy lifestyles. The total open space deemed suitable for these activities is 367 hectares or approximately 28% of Port Stephens Councils total open space provision (refer to Table 1).

### **SCOPE:**

The Commercial Operators Policy applies to the management of Commercial Operators on Council owned and managed land within the Port Stephens Council local government area.

Approval to issue a license or lease under the Commercial Operators Policy does not negate the need for nor is intended as a substitute for development consent under the *Environmental Planning and Assessment Act 1979*, where required.

The Commercial Operators Policy does not apply to commercial operations on land that is not owned or managed by Council. Commercial operations on land that is not owned or managed by Council may require other development approvals.

The Policy applies to land based activities and water based activities.

## Policy

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The Policy does not apply to the following activities that may be subject to separate approval processes:

- Commercial activities deemed to be an event;
- Commercial activities subject to a lease arrangement;
- Commercial use of community halls;
- Commercial use of sporting facility buildings;
- Markets on Council owned and managed land; and
- Activities not considered to be a commercial activity.

**DEFINITIONS:**

Commercial operator	A person or entity that intends to conduct an activity for profit or personal gain on Council owned and managed land.
Commercial operators licence	A contract to operate across and or on Council owned and managed land.
Council owned and managed land	Land that is owned or managed by Port Stephens Council, including Crown Land that Council is the corporate trust manager.
Event	An activity on Council owned and managed land that is defined in the Events Policy or any related policy.
Land based activity	Activities that are conducted on Council owned and managed land. Examples of land based activities include but are not limited to: personal fitness trainers, group fitness, hiring of bicycles and tricycles, dog obedience schools.
Licensing terms and conditions	This includes guidelines, processes and other internal documents used by Council staff in the assessment and approval of Commercial Operator licence applications.
Market	An activity on Council owned and managed land that is defined in the Community and Cultural Markets Policy or any related policy.
Water based activity	Activities that are conducted mostly in waterways but require access to the waterway from Council owned and managed land. Examples of water based activities include but are not limited to: dive sites, learn to surf schools, hire of water craft, lessons in water craft use, sport adventure activities.

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**POLICY STATEMENT:**

Council is committed to:

- 1) Permitting the use of Council owned and managed land for commercial operations that meet the purpose of the land as defined in the Local Environment Plan, any Plan of Management for the land, the *Crown Lands Act 1989*, the *Local Government Act 1993* and the licensing terms and conditions of any specific site;
- 2) Encouraging commercial operations on Council owned and managed land that encourages tourism, healthy lifestyles and education;
- 3) Ensuring Council owned and managed land is used in a safe manner;
- 4) Permitting 5 year licences for the use of Council owned and managed land by approved commercial operators;
- 5) Ensuring security of tenure for approved Commercial Operators. Accordingly, those Commercial Operators shall be offered a 5 year licence term for any new licence subject to all requirements of the *Local Government Act 1993* and the *Crown Lands Act 1989*;
- 6) Council is committed to implementing and keeping current terms and conditions that ensure that occupiers of licenced sites do not cause nuisance to neighbours and other stakeholders;
- 7) The assessment and apportioning of licence fees that are determined by market demand and the Setting of Fees and Charges Management Directive;
- 8) Providing the locations listed in Table 1 as locations that may be licensed for commercial operations.

**Table 1: Council owned and managed land that may be licensed for commercial operations.**

SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Anna Bay	Birubi Beach	Lot 7325, DP 1156724	2	1
Anna Bay	Robinson Reserve	Lot 7325, DP 1156724	1	0
Boat Harbour	Boat Harbour Beach Reserve	Lot 7324, DP 1205289	0	1

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SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Corlette	Bagnall Beach Reserve, corner of Sandy Point Road and Pantawarra Street (A)	Lot 540, DP 823768	1	0
Corlette	Bagnall Beach Foreshore Reserve, adjacent corner of Pantawarra Street (B)	Lot 540, DP 823768	0	1
Corlette	Conroy Park	Lot 256, DP 27048	1	0
Fingal Bay	Fingal Bay Foreshore Reserve	Lot 475, DP 728127	2	0
Fingal Bay	Fingal Bay Oval	Lot 418, DP 257378	2	0
Fingal Bay	Fingal Beach (A)	Lot 475, DP 728127	1	1
Fingal Bay	Fingal Beach Boat ramp end(B)	Lot 475, DP 728127	1	1
Fingal Bay	Tom O Dwyer Oval	Lot 402, DP 753204	1	0
Fisherman's Bay	Fisherman's Bay Park	Lot 278, DP 753204	1	0
Hinton	Hinton Foreshore Reserve	Lot 26, DP 109540	1	0
Hinton	Stuart Park	Lot 1, DP 915417	2	0
Karuah	Aliceton Reserve	Lot 61, DP 24364	2	0
Karuah	Lionel Morton Oval	Lot 153, DP 753196	1	0
Lemon Tree Passage	Koondah Park	LOT:PT 93 DP 217567	3	0
Mallabula	Caswell Reserve	Lot 93, DP 11392	0	1

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SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Mallabula	Mallabula Sports Complex	Lot 398, DP 1142139	4	0
Medowie	Boyd Oval	Lot 1, DP 408155	2	0
Medowie	Coachwood Drive Reserve	Lot 37, DP 807956	1	0
Medowie	Ferodale Sports Park	Lot 22, DP 1021843	2	0
Medowie	Kindlebark Oval	Lot 59 DP 730472 LOT:129 DP 710216	2	0
Medowie	Yulong Oval	Lot 49, DP 249781	2	0
Nelson Bay	Bill Strong Oval,	Lot 101, DP 1175980	2	0
Nelson Bay	Dutchman's Beach Reserve	Lot 7318, DP1138620	3	0
Nelson Bay	Dutchman's Beach Foreshore	Lot 7318, DP1138620	0	2
Nelson Bay	Fly Point Reserve	Lot 101, DP 1175980	3	0
Nelson Bay	Little Beach Reserve	Lot 101, DP 1175980	1	0
Nelson Bay	Neil Carroll Park	Lot 101, DP 1175980	2	0
Nelson Bay	Nelson Bay Foreshore adjacent to the Nelson Bay public wharf amenities (A)	Lot 550,559, DP 1033413	1	0
Nelson Bay	Nelson Bay Foreshore adjacent Nelson Bay Kiosk and carpark (B)	Lot 550 559, DP 1033413	0	1

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SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Nelson Bay	Nelson Bay Foreshore, Victoria Parade adjacent Fly Point amenities (C)	Lot 550,559 DP 1033413	0	1
Nelson Bay	Tomaree Sports Complex	Lot 1, DP 1136350	4	0
One Mile	One Mile Beach	Lot 7311, DP 1120641	1	1
Raymond Terrace	Alton Park Reserve	Lot 61, DP 24364	1	0
Raymond Terrace	Boomerang Park	Lot 1, DP 1018979	3	0
Raymond Terrace	Fitzgerald Bridge Boat Ramp area	Lot 131, DP 1120122	0	1
Raymond Terrace	King Park Sports Complex	Lot 1, DP 733011 Lot 131, DP 1120122	3	0
Raymond Terrace	Lakeside Reserve 2	Lot 261, DP 263821	1	0
Raymond Terrace	Lakeside Reserve 3	Lot 116, DP 262378	1	0
Raymond Terrace	Lakeside Sports Complex	Lot PT2, DP 502401	2	0
Raymond Terrace	Ross Walbridge Reserve	Lot 1, DP 115898	2	0
Raymond Terrace	Vi Barnett Oval	Lot 131, DP 1120122	1	0
Salamander Bay	Bagnall Beach Road Detention Basin	Lot 5072, DP 841259	1	0
Salamander Bay	George's Reserve	Lot 1, DP 852661	0	1

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SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Salamander Bay	Joe Redman Reserve	Lot 356, DP 27845	1	0
Salamander Bay	Korora Oval	Lot 541, DP 27274	3	0
Salamander Bay	Roy Wood Reserve	Lot 356, DP 27946	0	1
Salamander Bay	Salamander Sports Complex	Lot 1, DP 1117732	2	0
Seaham	Brandon Park	Lot 11, DP 26452	2	0
Seaham	Seaham Park	Lot 1, DP 758899	3	0
Shoal Bay	Shoal Bay Foreshore - Boat Ramp (A)	Lot 7022,7023 DP 1126832	0	1
Shoal Bay	Shoal Bay Foreshore Adjacent public wharf (B)	Lot; 7022,7023 DP 1126832	0	1
Shoal Bay	Shoal Bay Foreshore Beach Road adjacent to Harbourside Haven (C)	Lot; 7022,7023 DP 1126832	0	1
Shoal Bay	Shoal Bay Foreshore intersection of Harwood Avenue and Beach Road (D)	Lot: 7022,7023 DP 1126832	0	1
Soldiers Point	Everitt Park	Lot 322, DP 636840	1	0
Tanilba Bay	Forster Park	Lot: 7322 DP 1154060	0	1
Tanilba Bay	Peace Park	Lot 1, DP 265326	0	1
Taylors Beach	Taylors Beach Foreshore	Lot 637, DP 27626	0	1

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SUBURB	LOCATION	Lot/DP	NUMBER OF SITES	
			Land based activities	Water based activities
Wallalong	Bowthorne Park	Lot 1, DP 703382	1	0

**POLICY RESPONSIBILITIES:**

Overall review and evaluation of this policy lies with the Community Services Section Manager.

Key areas for implementation are delegated to the following positions:

- 1) Contracts and Services Coordinator – implement the policy, review and update the Licensing Terms and Conditions and supporting documents relating to this policy; issuing of licence approvals under delegation; internal and external relationship management;
- 2) Property Officer Community Leasing – prepare and administer licence documentation;
- 3) Community and Recreation Assets Coordinator and the Parks and Programs Coordinator – provide advice on the implementation of the policy, asset planning and scheduled improvements, liaison with Sports Councils;
- 4) Events and Tourism Coordinator – liaison relating to coordination of events and markets bookings on Council owned and managed land.

**RELATED DOCUMENTS:**

- 1) Setting of Fees and Charges Management Directive (PSC)
- 2) Events Policy (PSC)
- 3) Event Guidelines (PSC)
- 4) Advertising signs Policy (PSC)
- 5) Alcohol in Parks and Reserves Policy (PSC)
- 6) Temporary Structures on Footways Policy (PSC)
- 7) Port Stephens Council Plans of Management for community land (PSC)
- 8) *Local Government Act 1993 (NSW)*
- 9) *Crown Lands Act 1989 (NSW)*

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<b>TRIM container No</b>	PSC2015-01929	<b>TRIM record No</b>	001
<b>Audience</b>	Existing and potential commercial operators, Sports Councils; Parks and Reserves 355c Committees; local business associations and their members; Destination Port Stephens and their members.		
<b>Process owner</b>	Contracts and Services Coordinator		
<b>Author</b>	Contracts and Services Coordinator		
<b>Review timeframe</b>	Every 4 years	<b>Next review date</b>	June 2019
<b>Adoption date</b>			

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	28/8/07	Recreation Services Manager	Commercial Operators Policy	236
2	26/3/13	Community & Recreation Services Section Manager	Policy for the Use of Council Reserves for Commercial Fitness Groups and Personal Trainers.	73
3.1	28/7/15	Community Services Section Manager	Draft Commercial Operators Policy for Public Exhibition	221

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3.2	27/10/15	Community Services Section Manager	<p>Draft Commercial Operators Policy – Post Exhibition Period.</p> <p>Two submissions were received and focused on amendments to the draft policy to include:</p> <ol style="list-style-type: none"> <li>1. More areas for surfing schools at all Council managed surf beaches.</li> </ol> <p>This is not supported based on the small areas of beach actually managed by Council and the potential for beach user and operator conflict with flagged swimming areas, and other surf craft using these areas.</p> <ol style="list-style-type: none"> <li>2. The first right of refusal for existing licencees.</li> </ol> <p>The first right of refusal statement has now been deleted and the draft policy now offers the approved commercial operator an increase from 2 to a total licence term of 5 years.</p> <p>The Scope was amended to clarify the that the Policy does not negate the need for nor is intended as a substitute for development consent under the <i>Environmental Planning and Assessment Act 1979</i>, where required.</p>	
3.3	10/11/15	Community Services Section Manager	Draft Commercial Operators Policy adopted by Council.	342

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Issue Date: 10/11/2015

Printed: 29/05/2015

Review Date: 30/06/2019

Page: 11 of 11



**POLICY**

Adopted: 24<sup>th</sup> March 2015

Minute No: 055

Amended:

Minute No:

**FILE NO: PSC2015-01072**

**TITLE: EVENTS POLICY**

**RESPONSIBLE OFFICER: TOURISM & EVENTS COORDINATOR**

**BACKGROUND**

Port Stephens Council (Council) recognises the economic and social benefits that events provide the community. Not only do events provide a benefit to the local community, businesses and visitors, Council also recognises the important role it plays in ensuring these events are conducted in a safe and environmentally sustainable way.

The development of the viable and prosperous events industry is important to the long term sustainability of the Port Stephens economy and as such requires clear framework and guidelines to manage the assessment, approval and delivery of events in the region.

**OBJECTIVE**

The objective of this policy is to state Council's position around the attraction, facilitation and delivery of events held on Council owned and managed land, and to provide a framework of key principles used to guide decision making.

**PRINCIPLES**

The following principles will guide our consideration and decision making around the facilitation of appropriate events across the local government area.

- 1) Council's approach to the assessment, approval and delivery of events on Council owned and managed land will reflect its vision of ensuring 'A great lifestyle in a treasured environment' for the community as a whole.
- 2) Events are recognised for the valuable contribution they make to the vibrancy and culture of the Port Stephens community.
- 3) The use of public space for events is balanced against the community's right to access to parks and open space for the purposes of recreation.

**ITEM 5 - ATTACHMENT 3 CURRENT EVENTS POLICY.**

- 4) Council encourages events that offer the potential to showcase Port Stephens as a tourism destination, or the potential to encourage economic growth for and through tourism.
- 5) Council encourages events that offer the potential to activate communities across the wider local government area, or to grow local businesses and industries.
- 6) Council encourages events that support the development of the Port Stephens community, that build the capacity of people, that foster local talent, or recognise artistic and cultural strengths evident within the local government area.
- 7) Event approvals are provided on a per-event basis. Multi-year or recurring events may require separate approval prior to each event being held.
- 8) Events are approved on the proviso they do not negatively or adversely affect existing local traders, core users of sporting facilities, or other planned or approved events as judged by the Council.
- 9) Council's support for events is strategic in nature with procurement of events only undertaken where there is considered at net benefit to Council.
- 10) Council will actively seek to attract events outside of the peak tourist season (December – February) in an effort to support existing industry and develop year-long visitor and tourist product throughout the community.
- 11) Council reserves the right to support low impact events run by community or not for profit groups through the application of a special fee-free category.
- 12) Council will assess event applications in accordance with these principles and the criteria set out in its Event Guidelines.

**POLICY STATEMENT**

Port Stephens Council will actively pursue and facilitate events that provide economic and community benefit, enhance our local culture and ensure the safety of people and place. The success of this policy will be measured by the number of events approved per annum, the economic benefit provided, the reduction (or elimination) in the incidence of non-compliant events.

This policy applies to all outdoor events in Port Stephens whether they are public or privately managed. It applies to all applications from bodies or individuals (external to Council) for events held on Council owned and managed outdoor space and public reserves, with the exception of the following:

- Community sporting club activities (competition games, training, gala days & presentation days) at sporting facilities, or casual sporting use of sportsgrounds consistent with the purpose of the facility (governed by and defined within the Sports Facility User Agreements)
- Activities deemed as commercial operations (e.g. Personal trainers)
- Regular Markets
- Footway Dining
- Busking, collections, raffles or other fundraising activities
- Events that exceed 52 days in one calendar year

**ITEM 5 - ATTACHMENT 3 CURRENT EVENTS POLICY.****RELATED POLICIES**

- Community and Cultural Markets Policy
- Advertising signs Policy
- Alcohol in Parks and Reserves Policy
- Mobile Food Vending Vehicle Policy
- Temporary Structures on Footways Policy
- Corporate Sponsorship Policy
- Sports Ground Generic Plan of Management
- Pricing Policy
- Event and Activity Procedure

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Well managed events are an important part of the development of vibrant, sustainable local communities, contributing to the community social fabric.

**ECONOMIC IMPLICATIONS**

The attraction, procurement and facilitation of events has become an important way for Council to support and encourage local economic development, leading to infrastructure and facility improvements. Events held on sporting facilities have also historically provided an income stream to Council's sports councils which is diverted through the sports councils for investment back into those facilities. This practice will continue under this policy via cooperation between the sports councils, Tourism & Events, and Community & Recreation units.

**ENVIRONMENTAL IMPLICATIONS**

Poorly managed events can result in significant environmental harm. Council has an important role in identifying opportunities, providing support and resources to ensure events are conducted in a safe and environmentally sustainable way.

**RELEVANT LEGISLATIVE PROVISIONS**

- Port Stephens Local Environmental Plan 2013
- Local Government Act 1993
- Roads Act 1993
- Food Act 2010

**IMPLEMENTATION RESPONSIBILITY**

Tourism and Event Coordinator

**PROCESS OWNER**

Communications Section Manager

**REVIEW DATE**

March 2017

**ITEM 5 - ATTACHMENT 4 CURRENT MARKETS POLICY.**

## Policy

**FILE NO: PSC2015-01866****TITLE: MARKETS POLICY****POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER****PURPOSE:**

The purpose of this policy is to establish an approach to the approval of markets and the level of commitment it requires from Market Operators to achieve quality markets. It aims to achieve well-managed markets that complement the offerings of local businesses.

**CONTEXT/BACKGROUND:**

Port Stephens Council (Council) recognises the benefit that markets provide the community. Well-managed markets are an important part of the development of vibrant and sustainable local communities.

Council has held a policy position on markets since 1993. The approach to markets over these years has been to enable community groups to run monthly craft and cultural markets on Council owned and managed land. Since these early times though, the demand for Council owned and managed land has increased and the standards for community health, safety and environmental controls have changed.

The intent of this policy is to clearly define how Council will continue to approve markets that complement the local businesses, support the visitor economy and provide diverse social opportunities.

**SCOPE:**

1. The Markets Policy applies to Ongoing Markets on Council owned and managed land within the Port Stephens Council local government area. Ongoing Markets are classified as markets that operate more than four occasions in a calendar year.
2. Markets that are not covered by this policy include:
  - 2.1. Markets that are part of an event;
    - 2.1.1. Markets that are part of an event are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
  - 2.2. Temporary Markets that operate up to four occasions within a calendar year;

## Policy

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Issue Date: 08/12/2015

Printed: 13/08/2015

Review Date: 01/06/2019

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ITEM 5 - ATTACHMENT 4 CURRENT MARKETS POLICY.

Policy



- 2.2.1. Temporary markets are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
- 2.3. Markets on land that is not Council owned or managed land;
- 2.3.1. The Markets Policy does not apply to markets on land that is not owned or managed by Council. Markets on land that is not owned or managed by Council may require other development approvals.

**DEFINITIONS:**

Council Land	Land that is owned or managed by Council.
Event	A planned (public or private) activity held on publicly owned or managed land requiring formal assessment and approval.
Event Approval	Formal approval granted by Council for an event or temporary market.
Event Advisory Group	A group comprising a minimum of three Council representatives with relevant knowledge of outdoor events and trading. It may engage additional members to provide expert advice on specific site and issues.
Event and Activity Assessment Guidelines	Includes guidelines, processes and other internal documents used by Council staff in the assessment and approval of event applications and market applications.
Market Approval	Formal approval granted by Council for a market to begin operation.
Market Operator	The individual or group who intend to operate the market and who will enter into an agreement with Council for use of the site.
Market Proposal	A detailed document describing the layout, management and preliminary operational plans for a market. The Market Proposal is submitted after a Market Application has been given in principal support to finalise approval.
Market Application	An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market.
Ongoing Market	A regularly scheduled outlet for the sale of goods and services at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person.

Policy

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**ITEM 5 - ATTACHMENT 4 CURRENT MARKETS POLICY.****Policy**

Priority Locations	A site that may be activated as required if deemed necessary or appropriate by Council.
Temporary Market	A market that operates up to 4 times within a calendar year.

**POLICY STATEMENT:**

Council is committed to:

1. Supporting quality markets that demonstrate capacity to meet community needs, strengthen the local economy and complement the offerings of local businesses;
2. Ensuring a consistent assessment framework including an equitable fee structure for the approval of Market Proposals and Market Applications;
3. Markets that minimise the impact on the environment, local residents and nearby businesses;
4. Market sites being well maintained by Market Operators;
5. Markets that ensure community health and well-being;
6. Assessing applications for markets based on this policy and the criteria set out in the Events and Activity Assessment Guidelines;
7. Approving Ongoing Markets at the following locations:
  - 7.1. Karuah, Longworth Park – Lot 7010 / DP 1050943,
  - 7.2. Lemon Tree Passage, Henderson Park – Lot 93 / DP 217567,
  - 7.3. Nelson Bay, Apex Park – Lot 7145 / DP 1063859 and Lot 155 / DP 753204,
  - 7.4. Nelson Bay, Neil Carrol Park – Lot 101 / DP 1175980,
  - 7.5. Nelson Bay, Tomaree Sports Complex – Lot 1 / DP 1136350,
  - 7.6. Nelson Bay, Town Centre – various lots,
  - 7.7. Raymond Terrace, Riverside Park – Lot 7005 / DP 94774,
  - 7.8. Raymond Terrace, Bettles Park – Lot 1 / DP 1093118.
8. Approving Ongoing Markets at Priority Locations;
- 8.1. From time to time Council may initiate a process to identify suitable markets for locations that require activation;
9. A one year moratorium from the commencement date of this policy on the terms and conditions of all current markets on Council owned and managed land, after which these markets shall be assessed and approved under this policy and the Event and Activity Assessment Guidelines; and

**Policy**

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ITEM 5 - ATTACHMENT 4 CURRENT MARKETS POLICY.

Policy



10. Ensuring security of tenure for approved Market Operators. Accordingly, those Market Operators shall be offered the first right of refusal for any new licence subject to all requirements of the *Local Government Act 1993*, the *Crown Lands Act 1989* and the assessment criteria set out in Council's Event and Activity Assessment Guidelines.

**POLICY RESPONSIBILITIES:**

Overall review and evaluation of this policy lies with the Communications Section Manager.

Key areas for implementation are delegated to the following positions:

- Tourism and Event Coordinator – implement the policy, review and update the Events and Activity Assessment Guidelines and supporting documents relating to this policy; issuing of market approvals under delegation; Internal and external relationship management.
- Community and Recreation Assets Coordinator – provides advice on the implementation of the policy.
- Tourism & Events Team: Operational implementation of the policy and associated documentation.

**RELATED DOCUMENTS:**

- 1) Events Policy (PSC2015-01072)
- 2) Setting of Fees and Charges Management Directive
- 3) Port Stephens Local Environment Plan 2013
- 4) Local Government Act 1993
- 5) Food Act 2003
- 6) Advertising Signs Policy
- 7) Alcohol in Parks and Reserves Policy
- 8) Mobile Food Vending Vehicle Policy 2014
- 9) Temporary Structures on Footways Policy
- 10) Port Stephens Foreshores Generic Plan of Management
- 11) Port Stephens General Community Use Generic Plan of Management
- 12) Port Stephens Natural Areas Generic Plan of Management
- 13) Port Stephens Urban Parks Generic Plan of Management
- 14) Port Stephens Sportsgrounds Generic Plan of Management
- 15) Port Stephens Council Event and Activity Assessment Guidelines

Policy

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<b>TRIM container No</b>	PSC2015-01866	<b>TRIM record No</b>	001
<b>Audience</b>	Existing and potential Market Operators; Event Operators; local business associations and their members; Destination Port Stephens and its members, Tomaree Sports Council.		
<b>Process owner</b>	Tourism and Events Coordinator.		
<b>Author</b>	Tourism and Events Coordinator. Community Services Section Manager.		
<b>Review timeframe</b>	Every four years	<b>Next review date</b>	December 2019.
<b>Adoption date</b>	08/12/2015		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	18/11/1997	Community Services Section Manager.	Regulate markets and fairs for Port Stephens.	1362
2.0	22/09/2015	Tourism and Events Coordinator. Community Services Section Manager.	To replace the existing out dated policy which has been superseded by the Event and Activity Assessment Guidelines developed as part of the Events Policy.	293
3.0	08/12/2015	Community Services Section Manager.	Amended document post public exhibition - addition of Bettles Park for approved market location.	389

Policy

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Policy



**FILE NO:** PSC2013-00406  
**TITLE:** MOBILE FOOD VEHICLE POLICY  
**POLICY OWNER:** MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

**PURPOSE:**

The purpose of this policy is to provide a framework in which mobile food vehicles may safely operate within the Port Stephens Local Government Area without impact on land-based businesses.

**CONTEXT/BACKGROUND:**

Mobile food vehicles and street vending has become common practice in today's experience of commercial and tourist destinations, often filling a need in the market that is otherwise not met by existing retail and service offerings.

Mobile food vehicles are not normally subject to development approval as they fall outside the *Environmental Planning and Assessment Act 1979*. However, this type of business needs to be regulated as they are serving food to the public similar to traditional land based food outlets. Many mobile food vehicles park in locations that at times may create a hazard for pedestrians and traffic. Due to the nature of mobile food vehicles, there is the need for a strong policy that provides for food safety, pedestrian and traffic safety.

This policy does not relate to permanent land based food vans that may be subject of a development application under the *Environmental Planning and Assessment Act 1979*. The policy does however place a number of operational restrictions on mobile food businesses to afford a level of protection to the viability of land based food businesses and to ensure that both types of businesses can mutually co-exist.

**SCOPE:**

This policy captures all mobile food vehicles whether self propelled or not that operate within the LGA for the purpose of selling food. It includes vehicles designed to perform complex food preparation, single step/simple food preparation or the sale of only pre-packaged foods. The policy is relevant to land, air or water based vehicles. The policy does not capture food vending machines (land-based) or food transport vehicles licenced through the NSW Food Authority.

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Policy



**DEFINITIONS:**

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

<b>Mobile Food Vehicle</b>	All food vending vans, mobile trailers, carts and maritime vessels (whether registered or not) used for the purpose of selling any article of food on a public reserve or within public or private property.
<b>Mobile Food Vendor</b>	A company or individual that operates a mobile food vehicle
<b>Development Application</b>	A formal request for permission to carry out a development under the Environmental Assessment and Planning Act, 1979.
<b>Approved Vehicle</b>	A mobile food vehicle holding an approval currently in-force with PSC or another local Council.
<b>Council</b>	Port Stephens Council
<b>LGA</b>	Local Government Area
<b>Sell</b>	As defined in the <i>Food Act 2003</i> – "Sell" includes: (a) barter, offer or attempt to sell, or (b) receive for sale, or (c) have in possession for sale, or (d) display for sale, or (e) cause or permit to be sold or offered for sale, or (f) send, forward or deliver for sale, or (g) dispose of by any method for valuable consideration, or (h) dispose of to an agent for sale on consignment, or (i) provide under a contract of service, or (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or (k) dispose of by way of raffle, lottery or other game of chance, or (l) offer as a prize or reward, or (m) give away for the purpose of advertisement or in furtherance of trade or business, or (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration

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Policy



- of an inclusive charge for the food supplied and the accommodation, service or entertainment, or
- (o) supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the Health Services Act 1997) or inmates in correctional centres (within the meaning of the Crimes (Administration of Sentences) Act 1999), or
  - (p) sell for the purpose of resale.

**POLICY STATEMENT:**

This policy will provide a consistent and equitable framework for all matters relating to the approval, operation and construction of mobile food vehicles within Port Stephens Local Government Area. It will allow mobile food vehicles to operate legitimately in those locations where the policy permits without significant impact on land based food businesses. Applicants are advised to read and familiarise themselves with the policy prior to making a formal application.

**POLICY RESPONSIBILITIES:**

- 1) The Environmental Health team are responsible for implementing, monitoring, evaluating, reviewing and providing advice on the policy.

**RELATED DOCUMENTS:**

- 1) *Local Government Act 1993 and Local Government (General) Regulation 2005.*
- 2) *Food Act 2003 and Food Regulation 2015.*
- 3) *Environmental Planning and Assessment Act 1979.*
- 4) FSANZ Food Standards Codes.
- 5) *Roads Act 1993 and Roads Regulation 2008.*
- 6) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Subdivision 27A – Mobile food and drink outlets),
- 7) Guidelines for mobile food vending vehicles, NSW Food Authority, NSW/FA/FI055/1302.
- 8) PSC Commercial Operators Policy, PSC2015-01929.

**CONTROLLED DOCUMENT INFORMATION:**

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Policy



<b>RM8 container No</b>	PSC2013-00406	<b>RM8 record No</b>	
<b>Audience</b>	Existing and potential commercial food operators		
<b>Process owner</b>	Section Manager Development Assessment and Compliance		
<b>Author</b>	Coordinator Environmental Health and Compliance		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	November 2018
<b>Adoption date</b>	22 November 2016		

**VERSION HISTORY:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Details</b>	<b>Minute No.</b>
V1	22/11/2011	Coordinator Environmental Health and Compliance	Mobile Food Vending Policy,	396
V2	26/8/2014	Coordinator Environmental Health and Compliance	Mobile Food Vending Policy.	225
V2.1	22/11/2016	Coordinator Environmental Health and Compliance	Mobile Food Vehicle Policy updated to new template.	340

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Issue Date: 22/11/2011

Printed: 22/11/2016

Review Date: 22/11/2016

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**ITEM NO. 6**

**FILE NO: 19/60954  
RM8 REF NO: A2004-0984**

**POLICY REVIEW: GIFTS AND BENEFITS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Gifts and Benefits Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Gifts and Benefits 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 Gifts and Benefits Policy dated 24 October 2017, Minute No. 258 should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>062</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Gifts and Benefits Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Gifts and Benefits 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.</li><li>3) Revoke the Gifts and Benefits Policy dated 24 October 2017, Minute No. 258 should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Gifts and Benefits Policy (the 'Policy') shown at **(ATTACHMENT 1)**.

The Policy has been reviewed as a result of the introduction of the new Model Code of Conduct. The Policy is to support the Code of Conduct in the management of gifts and benefits provided to council officials, and to set a framework of when it is acceptable to accept a gift or benefit in the capacity of a council official.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Manage the civic leadership and governance functions of Council.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the Policy is within the existing 2018-2019 Budget.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

All council officials are bound by the adopted Code of Conduct, and it is considered good practice to have a policy framework in place to manage of gifts and benefits.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without a clear policy framework, there may be potential for a breach of the Code of Conduct.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Internal

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

External

Public exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and be available from Council's website.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Gifts and Benefits Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** A2004-0984  
**TITLE:** GIFTS AND BENEFITS POLICY  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of this Policy is to ensure that all Port Stephens Council officials are aware of and adhere to the obligations of a Council official under the adopted Port Stephens Council Code of Conduct, in particular, to gifts and benefits.
- 1.2 The Policy will clearly define the behaviour required as a Council official. It will also provide a transparent and accountable process with regard to gifts and benefits that promotes confidence in the good governance of Port Stephens Council.

**2. CONTEXT/BACKGROUND:**

- 2.1 Port Stephens Council and its Council officials are required to adhere to the requirements of the model Code of Conduct published by the Office of Local Government. Council has adopted the model Code of Conduct with a number of enhancements, which are not inconsistent with the provisions of the model Code of Conduct.
- 2.2 This Policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials.

**3. SCOPE:**

- 3.1 This Policy applies to all Council officials. Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind, is attempting to gain favourable treatment from a Council official or the Council.
- 3.2 Council officials must ensure that all reasonable steps are taken to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

~~Only gifts and benefits that fall within the definition of token or nominal value may be accepted under the Code and this policy.~~

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Policy



3.3 A gift or benefit does not include:

- a) a political donation for the purposes of the *Electoral Funding Act 2018*;
- b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them;
- c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
- d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
  - i) the discussion of official business;
  - ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops;
  - iii) conferences;
  - iv) Council functions or events;
  - v) social functions organised by groups, such as Council committees and community organisations.

~~Gifts and benefits that have more than a token value must not be accepted and they include, but not limited to, tickets to major sporting events (such as State or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.~~

3.4 A Council official must not:

- a) seek or accept a bribe or other improper inducement;
- b) seek gifts or benefits of any kind;
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
- d) accept any gift or benefit of more than token value;
- e) accept an offer of cash or a cash-like gift, regardless of the amount;
- f) subject to clause 6.7 of the Code of Conduct (Code), accept any gift or benefit of more than token value as defined by clause 6.9 of the Code;
- g) accept an offer of cash or a cash-like gift as defined by clause 6.13 of the Code, regardless of the amount;
- h) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser;

Policy

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## Policy



- i) personally benefit from reward points programs when purchasing on behalf of the Council.
- 3.5 Where a Council official receives a gift or benefit of any value other than referred to in clause 3.3 of this Policy, it must be promptly disclosed to Council in accordance with the Code of Conduct.
- 3.6 Where a gift or benefit of more than token value cannot reasonable be refused or returned, it must be surrendered to Council.
- 3.7 A Council official may accept a gift or benefit of taken value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
  - a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50;
  - b) gifts of alcohol that do not exceed a value of \$50;
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
  - d) prizes or awards that do not exceed \$50 in value.
- 3.7 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) of the Code and, subject to clause 6.7 of the Code, must not be accepted.
- 3.8 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 3.9 Where a Council official accepts a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 3.10 The value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

## Policy

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Policy



~~Where a Council official receives a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.~~

~~A Council official that receives a gift or prize as a result of entering a competition, being involved in a purchasing scheme, or attending a conference while engaging in official duties must surrender the gift or prize to Council.~~

- 3.11 A Council official must never accept money as a gift, it is to be refused and reported immediately to the General Manager, the relevant Group Manager, Governance **Section** Manager or the Mayor where the bribe relates to the General Manager.
- 3.12 Any Council official offered any type of bribe in an effort to gain favourable treatment, must report the incident to the General Manager, Governance **Section** Manager or the Mayor where the bribe relates to the General Manager. All such situations will be reported to the ICAC and/or the NSW Police.
- 3.13 All reported gifts and benefits will be recorded in Council's Gifts and Benefits Register.

**4. DEFINITIONS:**

Benefit	May include, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged a fee, or access to a private spectator box at a sporting or entertainment event.
Bribes	Gift or benefits given to specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
Cash-like gift	<del>Includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.</del> includes but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.
Code	Code of Conduct.
Council	Port Stephens Council.
Council official	Mayor, Councillors, General Manager, Council employees, administrators, Council committee members, delegates of Council (volunteers) and contractors of Port Stephens Council.

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Gift	May include, but is not limited to, items such as cash or cash-like gift, alcohol, clothes, products to tickets to a sporting or entertainment event.
Hospitality	Means the provision of a meal, refreshments to other forms of entertainment.
ICAC	Independent Commission Against Corruption.
Immediate family	Ordinarily means grandparents, parents, spouses, partners, children or siblings.
<del>Token/nominal value gifts</del>	<del>token gifts and benefits include:</del> <ul style="list-style-type: none"> <li><del>a) free or subsidised meals, beverages or refreshments provided in conjunction with:</del> <ul style="list-style-type: none"> <li><del>i) the discussion of official business;</del></li> <li><del>ii) Council work related events such as training, education sessions, workshops;</del></li> <li><del>iii) conferences;</del></li> <li><del>iv) Council functions or events;</del></li> <li><del>v) social functions organised by groups, such as council committees and community organisations.</del></li> </ul> </li> <li><del>b) invitations to and attendance at local social, cultural or sporting events;</del></li> <li><del>c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);</del></li> <li><del>d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;</del></li> <li><del>e) prizes of token value.</del></li> </ul>

**5. POLICY STATEMENT:**

- 5.1 Council is committed to open and transparent government, in particular, ensuring that Council is free from any reputation damage concerning gifts, benefits or bribes.
- 5.2 All Council officials must adhere to the requirements of the Code of Conduct and this Policy. Any departure from the Code or this Policy will result in consideration of the matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

**6. POLICY RESPONSIBILITIES:**

- 6.1 All Council officials are required to comply with this Policy. The Executive Team and section managers will be responsible for day to day management of compliance within their areas.

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## Policy



6.2 The Governance **Section** Manager will monitor, evaluate, review and provide advice on this Policy.

### 7. RELATED DOCUMENTS:

7.1 *Local Government Act 1993.*

7.2 Port Stephens Council Code of Conduct, **as amended.**

7.3 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, **as amended.**

## Policy

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<b>EDRMS Container No:</b>	A2004-0984	<b>EDRMS Record No:</b>	
<b>Audience:</b>	Council officials		
<b>Process Owner:</b>	Governance <b>Section</b> Manager		
<b>Author:</b>	Governance <b>Section</b> Manager		
<b>Review Timeframe:</b>	Two years	<b>Next Scheduled Review Date:</b>	July 2019 <b>March 2021</b>
<b>Adoption date:</b>	25 August 2015		

**Version History**

Version	Date	Author	Details	Minute No.
1.0	25.8.2015	Governance Manager	New policy adopted by Council	256
1.1	24.10.2017	Governance Manager	Minor typographical correction. Updated the definition of a council official to include 'Port Stephens Council'	258

Policy

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Policy



1.2		Governance Section Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner to Governance Section Manager.</p> <p>After 3.2, delete the reference to token or nominal gifts.</p> <p>3.3 – new paragraph added.</p> <p>After 3.3, delete reference to sporting events.</p> <p>3.4 – add clauses f, g, h and i.</p> <p>3.5 to 3.10 – new paragraphs added.</p> <p>3.11 and 3.12 – update title to Governance Section Manager.</p> <p>4 – update ‘cash-like gift’ definition and delete ‘token/nominal value gifts’ definition.</p> <p>6.2 - updated Governance Section Manager title.</p> <p>7.2 and 7.3 –‘as amended’ added.</p>
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**ITEM NO. 7**

**FILE NO: 19/60995  
RM8 REF NO: PSC2011-02442**

**POLICY REVIEW - WORKING TOGETHER AND PROVISION OF INFORMATION POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Working Together and Provision of Information Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the Working Together and Provision of Information Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Working Together and Provision of Information Policy dated 13 February 2018, Minute No. 017, should no submissions be received.
- 

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>063</b>	<p><b>Councillor Jaimie Abbott Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Working Together and Provision of Information Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Working Together and Provision of Information Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Working Together and Provision of Information Policy dated 13 February 2018, Minute No. 017, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Working Together and Provision of Information Policy (the 'Policy') shown at **(ATTACHMENT 1)**.

The Policy has been reviewed as a result of the introduction of the new Model Code of Conduct. The Policy seeks to provide Council officials with clarity in respect to their respective obligations and responsibilities in dealing with each other. The Policy only relates to interaction and provision of information between Council officials.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Manage the civic leadership and governance functions of Council.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the Policy are within the existing 2018-2019 budget.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Policy has been development to meet be requirements of the Office of Local Government and the Code of Conduct.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council official may interaction inappropriate without a policy framework in place.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

**CONSULTATION**

Internal

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

External

Public exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and be available from Council's website.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Working Together and Provision of Information Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ITEM 7 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

Policy



**FILE NO:** PSC2011-02442  
**TITLE:** WORKING TOGETHER AND PROVISION OF INFORMATION  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 This policy seeks to provide Council officials with clarity in respect to their respective obligations and responsibilities in dealing with each other.
- 1.2 It is recognised that interaction between Council officials may in certain circumstances have the potential to lead to unacceptable behaviours, and it is necessary to document an understanding about what to do if this occurs.
- 1.3 Employees should be aware that the Mayor/Councillors are elected to represent the community, to provide community leadership and guidance, and to facilitate communication between the community and Council. Employees should provide assistance to the Mayor/Councillors in fulfilling their role in accordance with this Policy and the Code of Conduct.
- 1.4 The Mayor and Councillors should be aware that employees have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. The Mayor and Councillors should avoid placing employees in difficult positions with requests for information and action.

**2. CONTEXT/BACKGROUND:**

- 2.1 Council is committed to providing an environment where the Mayor, all Councillors, employees, contractors, volunteers and customers are treated with respect, dignity and courtesy. As such, we have the right to be in an environment that is free from unacceptable behaviours, and we all have a responsibility to ensure this happens.
- 2.2 To this end, the *Local Government Act 1993* and the Model Code of Conduct require appropriate interaction between Council officials. The Mayor, Councillors and Council staff have very different roles to play within Council.
- 2.3 The elected Council is responsible for policy making and strategic direction. The General Manager is responsible for the day to day administration of Council. Under the leadership of the General Manager, the Executive Team provides assistance to the General Manager in managing their respective areas of responsibility.

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ITEM 7 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

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- 2.4 This Policy is not intended to limit any statutory and common law rights of the Mayor and Councillors' access to information; nor to limit their obligations as elected officials, but to provide an appropriate framework to work within.
- 2.5 Council is committed to a community partnership.
3. **SCOPE:**
- 3.1 The Mayor and Councillors, as elected officials, will at times be involved in obtaining information from, make representations to, or facilitate communication with, Council staff on behalf of constituents.
- 3.2 The General Manager has nominated particular roles within Council, which the Mayor and Councillors are able to liaise directly with, to undertake their civic role. It is noted that Councillors are delegates on various committees such as 355 (c) Committees and as such will come into contact with staff other than those nominated. On such occasions, Councillors will be permitted to liaise with operational staff to assist with the operation of committees and groups, however contact should only be for the purpose of fulfilling committee obligations and not general operational matters.

Accessing Information by a Councillor

- 3.3 The Mayor or a Councillor will be provided with access to all relevant information relating to any matter before Council to ensure consideration can be given to any matter requiring a Council resolution. This will be conducted within the limits of the law such as, but not limited to, copyright and privacy legislation provisions.
- 3.4 The General Manager has the right to refuse access to any documents the Mayor or a Councillor requests to view or obtain a copy of. Some of the limitations of access to certain Council records will be due to:
- a) a record that has been provided on a confidential basis and has been explicitly marked 'confidential' or is confidential under the *Public Interests Disclosure Act 1994*, *Independent Commission Against Corruption (ICAC) Act 1988* or other legislation.
  - b) the General Manager has reason to believe that there may be a potential conflict of interest; or
  - c) access would violate the right to privacy of a particular individual/s.
- 3.5 If the General Manager refuses to allow the Mayor or a Councillor to inspect, or be provided with, a copy of a Council record, a written reason for the refusal will be provided.

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ITEM 7 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

Policy



- 3.6 If the Mayor or a Councillor seeks access to information outside their civic role, the request will be considered an application under the *Government Information (Public Access) Act 2009*.
- 3.7 If staff are unsure whether to provide the Mayor or a Councillor with information requested, or whether the request for action should proceed, staff should direct the matter to their Group Manager, the Public Officer or the General Manager for direction. Alternatively, the Mayor or the Councillor may be requested to direct their request through the General Manager's Office.
- 3.8 Should the Mayor or a Councillor be requested to direct their request through the General Manager's Office, the Mayor or a Councillor should not persist with their request through staff.

Mayor/Councillor requests

- 3.9 The Mayor and Councillors receive a large number of requests from residents seeking assistance of the Mayor/Councillors regarding a variety of Council functions. The Mayor and Councillors also at times seek further information on matters relating to their civic duties.
- 3.10 The Mayor and Councillors are able to lodge these requests verbally, by email, fax or in writing. All requests will be logged in the Councillor Request System (CRM). This enables the request to be tracked and actions recorded. Generally all requests should be directed to the ~~Executive Assistant-Councillor Support~~ **Senior Executive Assistant** to ensure the request is logged and forwarded to the appropriate staff for action. This Policy only extends to matters concerning the functions of an elected member where it is not covered by any other legislation and/or Council policy framework. Where the functions of an elected member is covered by other legislation and/or Council policy, the relevant legislation and/or Council policy will take precedence over this policy.
- 3.11 The Mayor and Councillors are responsible to ensure that they comply with any legislation that is imposed on Council such as (but not limited to) the *Local Government Act 1993*, the *Privacy & Personal Information Protection Act 1998* and *Copyright Act 1968* (Cth), *Government Information (Public Access) Act 2009* and *State Records Act 1998*.
- 3.12 Only those employees nominated by the General Manager shall provide information to the Mayor/Councillors.
- 3.13 Generally, the Mayor or Councillors seeking to meet with nominated staff do so by way of an appointment and should not expect that staff are readily available. The General Manager has the discretion to require the Mayor/Councillors to put requests in writing, or to lodge a Notice of Motion at a Council meeting.

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- 3.14 The Mayor and Councillors should generally lodge requests for information or advice in writing to enable a response by the General Manager or a nominated person. All requests will form part of Council's records and will be filed/stored in accordance with the *State Records Act 1998*.
- 3.15 Any request for information or advice that is refused, a reason for the refusal will be provided in writing. If the Mayor or a Councillor is concerned about the refusal to provide the information or advice, the Mayor or Councillor can raise the matter with the General Manager (or the Mayor if the General Manager refused to provide the information). If the Mayor or Councillor continues to be concerned after enquiries they should lodge a legal Notice of Motion at a Council meeting.
- 3.16 The Mayor and Councillors must not seek to direct Council staff in the performance of their duties. Should the Mayor or a Councillor behave in this manner the staff member should direct the Mayor or Councillor to the Group Manager or the General Manager.
- 3.17 No Council official should take advantage of their official position to improperly influence the Mayor, Councillors, Council staff or delegates in the performance of their public or professional duties.
- 3.18 The Mayor or Councillors should only enter staff only areas, by invitation or by prior arrangements for the purpose of official business.
- 3.19 A listing of employees nominated by the General Manager to communicate with the Mayor or Councillors will be maintained by the General Manager and a copy will be provided to the elected Council.
- 3.20 Acceptable behaviours:
- a) Treat everyone with respect, courtesy and dignity;
  - b) Open and balanced communications;
  - c) Respecting the roles of the other person;
  - d) Be inclusive on all matters;
  - e) Always seek to problem solve rather than placing blame.
- 3.21 Unacceptable behaviours:
- a) Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.

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- b) Council staff approaching Mayor/Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.
- c) Subject to clause 8.6 of Council's Code of Conduct, Council staff refusing to give information that is available to other Councillors, to a particular Councillor.
- d) Mayor/Councillors and administrators, who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council.
- e) Mayor/Councillors and administrators approaching members of local planning panels, or discussion on any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and Councillor has a right to be heard by the panel at the meeting.
- f) Mayor/Councillors and administrators being overbearing or threatening to Council staff.
- g) Council staff being overbearing or threatening to the Mayor/Councillors or administrators.
- h) Mayor/Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.
- i) Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- j) Council staff providing ad hoc advice to the Mayor/Councillors and administrators without recording or documenting the interaction, as they would if the advice was provided to a member of the community.
- k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.
- l) Mayor/Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings, unless permitted to do so by the Council's General Manager or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

- ~~Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.~~
- ~~Council staff approaching Mayor/Councillors and administrators to discuss individual staff matters and not broader industrial policy issues.~~
- ~~Council staff refusing to give information that is available to the Mayor or other Councillors to a particular Councillor.~~
- ~~Mayor/Councillors and administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.~~
- ~~Mayor/Councillors and administrators being overbearing or threatening to Council staff.~~
- ~~Mayor/Councillors and administrators making personal attacks on Council staff in a public forum.~~

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- ~~Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make. Council staff providing ad hoc advice to the Mayor or Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.~~
- ~~Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.~~
- ~~Mayor or Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.~~

*(Extract from the Code of Conduct)*

3.22 All reports of unacceptable behaviours will be dealt with in accordance with the Code of Conduct.

Access to Council Buildings

- 3.23 The Mayor and Councillors will be provided with 24 hour access to the Councillors room within the Administration Building. The Mayor will have 24 hour access to the Mayor's Office.
- 3.24 Mayor/Councillors will be provided with access to the Administration Building public areas during business hours. Mayor/Councillors will only be provided with access to staff areas during business hours and in the presence of a staff member.
- 3.25 Mayor/Councillors will only be provided with access to the Committee rooms and training room after hours where a staff member is present.

**4. DEFINITIONS:**

Act	<i>Local Government Act 1993.</i>
Council official	Is the mayor, elected councillor, council employee, contractor and volunteer.
Council staff/employee	An employee of Port Stephens Council performing duties in accordance with their role or under delegation.
Councillor	In accordance with section 232 (1) and (2) of the <i>Local Government Act 1993.</i>
Mayor	In accordance with section 226 of the <i>Local Government Act 1993.</i>

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ITEM 7 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

Policy



Record Is any document that is written or printed material, sound recording, plan, map film, photograph, storage device, model, painting, disc or any other form of document that is held by Port Stephens Council.

**5. POLICY STATEMENT:**

5.1 The objectives of this Policy are to:

- a) Provide a documented process on how the Mayor and Councillors can access Council records;
- b) Ensure the Mayor and Councillors received advice to assist in undertaking their civic duties in an orderly and regulated manner; and
- c) Ensure the Mayor and Councillors have access to all relevant Council employees necessary to assist with exercising their civic roles.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The General Manager, Group Managers and Section Managers are responsible for the implementation and compliance of the policy.
- 6.2 The Governance **Section** Manager is responsible for implementation, compliance, monitoring, evaluating, reviewing and providing advice on the policy.

**7. RELATED DOCUMENTS:**

- 7.1 *Local Government 1993*
- 7.2 *Government Information (Public Access) Act 2009*
- 7.3 *State Records Act 1998*
- 7.4 *Copyright Act 1968 (Cth)*
- 7.5 *Independent Commission Against Corruption Act 1988*
- 7.6 *Code of Conduct*

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<b>EDRMS container No</b>	PSC2011-02442	<b>EDRMS record No</b>	
<b>Audience</b>	Elected Council and Council employees.		
<b>Process owner</b>	Governance <b>Section</b> Manager		
<b>Author</b>	Governance <b>Section</b> Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	February 2020 March 2021
<b>Adoption date</b>	24 September 2013		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	24/09/2013	Executive Officer	Adopted by Council	275
2.0	23/09/2014	Executive Officer	Adopted by Council	242
3.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Minor wording amendments.	022
3.1	13/02/2018	Governance Manager	Minor administrative updates to clarify when the policy is applicable under Mayor/Councillor request section.	017

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**ITEM 7 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

Policy



Version	Date	Author	Details	Minute No.
3.2		Governance Section Manager.	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner. 3.3 – added 'but not limited to' and 'legislation' deleting 'provisions'. 3.10 – updated Councillor support title. 3.21 – updated unacceptable behaviours to reflect the new Code of Conduct. 6.2 – updated Section Manager title.	

Policy

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**ITEM NO. 8**

**FILE NO: 19/61324  
EDRMS NO: PSC2010-00008**

**POLICY REVIEW: COMPLAINTS HANDLING POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Complaint Handling Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Complaint Handling 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 Complaints Handling Policy dated 14 August 2018, Minute No. 248, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>064</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Complaint Handling Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Complaint Handling 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.</li><li>3) Revoke the Complaints Handling Policy dated 14 August 2018, Minute No. 248, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Complaint Handling Policy (the 'Policy') shown at **(ATTACHMENT 1)**. The Policy has been reviewed as a result of the introduction of the new Model Code of Conduct, in particular the change in definition of a code of conduct complaint under the associated procedures.

## MINUTES ORDINARY COUNCIL - 26 MARCH 2019

The Policy is based on the model complaint handling policy developed by the NSW Ombudsman. It provides a framework for complaint management across Council and introduces an opportunity for continuous improvement with Council's service delivery to the community.

The Policy is presented for Council's consideration.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

### FINANCIAL/RESOURCE IMPLICATIONS

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

### LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance, this Policy will assist Council in managing complaints with the view to improving service delivery.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate complaints management framework in place, Council would not be compliant.	Low	Adopt the recommendations.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Through openness, transparency and accountability, Council will be able to reduce the impact of complaints on Council resources and focus on provision of Council services.

Management of complaints can require a high level of Council resources. By reducing the number of complaints and by following the structured complaints system, Council will be able to focus resources into delivery of Council services.

## **CONSULTATION**

### Internal

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

### External

Public exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and be available from Council's website.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Complaint Handling Policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2010-00008  
**TITLE:** COMPLAINT HANDLING POLICY  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 This Policy is intended to ensure that we handle complaints fairly, efficiently and effectively. Port Stephens Council's complaint management system is intended to:
- a) enable us to respond to issues raised by people making complaints in a timely and cost-effective way;
  - b) boost public confidence in our administrative process;
  - c) provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.
- 1.2 This Policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

**2. CONTEXT/BACKGROUND:**

- 2.1 Council has had a Complaint Handling Policy for many years which have been in alignment with the NSW Ombudsman's model Complaint Handling Policy.
- 2.2 The model policy has been updated following a review of the Australia/New Zealand Standard: Guidelines for complaint management in organisations (AS/NZ 10002:2014).
- 2.3 The Policy provides an open and transparent process for the management of complaints at Council.
- 2.4 Council views a complaint as an opportunity to improve on service delivery when all circumstances have been considered.

**3. SCOPE:**

- 3.1 Port Stephens Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

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Policy



Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution.	<p>Report publicly on Port Stephens Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p> <p>Views a complaint as an opportunity for improved service delivery.</p>
Manager responsible for complaint handling	Establish and manage our complaint management system.	<p>Provide regular reports to the General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Port Stephens Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>

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Policy



Who	Commitment	How
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with Port Stephens Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Port Stephens Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Port Stephens Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints to resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

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Policy



3.2 Guiding principles.



3.3 Facilitate complaints

People focus

3.3.1. Port Stephens Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling. Such complaints provide Council with an opportunity for improved service delivery.

3.3.2. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame, in accordance with Council's Customer Service Charter.

3.3.3 People making complaints will be:

- a) provided with information about our complaint handling process;
- b) provided with multiples and accessible ways to make complaints; such as in person, by letter, email or through assistance by other parties including staff;
- c) listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate;
- d) provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

3.3.4 Port Stephens Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

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### Anonymous complaints

3.3.5 Port Stephens Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. It should be acknowledged that by making an anonymous complaint it may not be obvious to you what action Council has taken.

### Accessibility

3.3.6 Port Stephens Council will ensure that information about how and where complaints may be made to or about us is well publicised. Council will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

3.3.7 If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (eg advocate, family member, legal or community representative, member of Parliament, another organisation).

### No charge

**3.3.8** Complaining to Port Stephens Council is free.

## **3.4 Respond to complaints**

### Early resolution

3.4.1 Where possible, complaints will be resolved at first contact with Port Stephens Council.

### Responsiveness

3.4.2 Council will promptly acknowledge receipt of complaints.

3.4.3 Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

3.4.4 Port Stephens Council is committed to managing people's expectations, and will inform them as soon as possible of the following:

- a) The complaints process;

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## Policy



- b) The expected time frames for our actions;
- c) The progress of the complaint and reasons for any delay;
- d) Their likely involvement in the process;
- e) The possible or likely outcome of their complaint.

3.4.5 Council will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

3.4.6 Council will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

### Objectivity and fairness

3.4.7 Council will address each complaint with integrity and in an equitable, objective and unbiased manner.

3.4.8 Council will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

3.4.9 Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

### Responding flexibly

3.4.10 Council staff are empowered to resolve complaints promptly and with as little formality as possible, where appropriate. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

3.4.11 Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

### Confidentiality

3.4.12 Council protect the identity of people making complaints where this is practical and appropriate.

3.4.13 Personal information that identifies individuals will only be disclosed or used by the Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

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### 3.5 Manage the parties to a complaint

#### Complaints involving multiple agencies

- 3.5.1 Where a complaint involves multiple organisations, we will work with the other organisation/s where possible; to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.
- 3.5.2 Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.
- 3.5.3 Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.
- 3.5.4 Where our services are contracted out, Council expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of Council staff but also the actions of service providers.

#### Complaints involving multiple parties

- 3.5.5 When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

#### Empowerment of staff

- 3.5.6 All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.
- 3.5.7 Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

#### Managing unreasonable conduct by people making complaints

- 3.5.8 Council is committed to being accessible and responsive to all people who approach us 3.5.13 with feedback or complaints. At the same time our success depends on:

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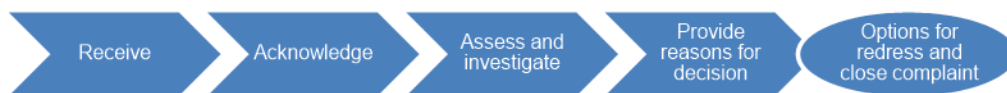
Policy



- a) Council's ability to do our work and perform our functions in the most effective and efficient way possible the health, safety and security of our staff, and Council's ability to allocate our resources fairly across all the complaints we receive.
- b) When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support Council staff to do the same in accordance with this policy.

3.5.9 For further information on managing unreasonable conduct by people making complaints, please refer to Council's Managing Unreasonable Complainant Conduct policy.

**3.6 Complaint management system**



Introduction

- 3.6.1 When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.
- 3.6.2 Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.
- 3.6.3 The five key stages in our complaint management system are set out below.

Receipt of complaints

- 3.6.4 Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information. Council will also assign a unique identifier to the complaint file.

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3.6.5 The record of the complaint will document:

- a) the contact information of the person making a complaint;
- b) issues raised by the person making a complaint and the outcome/s they want;
- c) any other relevant;
- d) any additional support the person making a complaint requires.

Acknowledgement of complaints

3.6.6 Council will acknowledge receipt of each complaint promptly, and preferably within seven (7) working days.

3.6.7 Consideration will be given to the most appropriate medium (eg email, letter) for communicating with the person making a complaint.

**3.7 Initial assessment and addressing of complaints**

Initial assessment

3.7.1 After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's control. Council will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

3.7.2 When determining how a complaint will be managed, Council will consider:

- a) how serious, complicated or urgent the complaint is;
- b) whether the complaint raises concerns about people's health and safety;
- c) how the person making the complaint is being affected;
- d) the risks involved if resolution of the complaint is delayed;
- e) whether a resolution requires the involvement of other organisations.

Addressing complaints

3.7.3 After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- a) Give the person making a complaint information or an explanation;
- b) Gather information from the product, person or area that the complaint is about, or investigate the claims made in the complaint.

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3.7.4 Council will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

Providing reasons for decisions

3.7.5 Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them:

- a) the outcome of the complaint and any action we took;
- b) the reason/s for our decision;
- c) the remedy or resolution/s that we have proposed or put in place;
- d) any options for review that may be available to the complainant, such as an internal review, external review or appeal.

3.7.6 If in the course of investigation, Council make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Closing the complaint, record keeping, redress and review

3.7.7 Council will keep comprehensive records about:

- a) how we managed the complaint;
- b) the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations;
- c) any outstanding actions that need to be followed up.

3.7.8 Council will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

Alternative avenues for dealing with complaints

3.7.9 Council will inform people who make complaints to or about us about any internal or external review options available to them (including, but not limited, to the NSW Ombudsman and/or the NSW Office of Local Government).

Policy

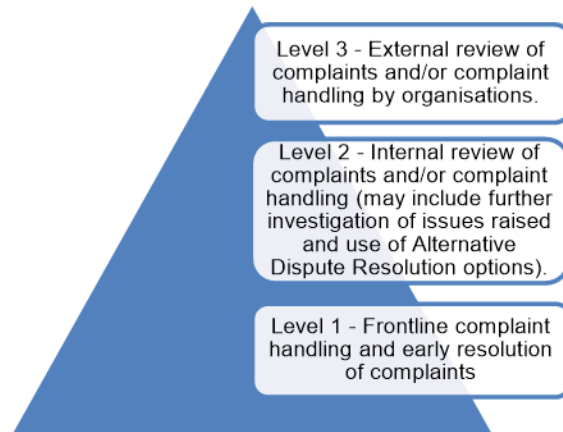
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Policy



**3.8 The three levels of complaint handling**



3.8.1 Council aims to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

3.8.2 Where this is not possible, Council may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- a) Assessment and possible investigation of the complaint and decision/s already made; and/or
- b) facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

3.8.3 Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision by the NSW Ombudsman.

**3.9 Accountability and learning**

Analysis and evaluation of complaints

3.9.1 Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Council currently uses two system; Records Management System and Customer Request Management system (CRM).

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## Policy



3.9.2 Regular reports will be run on:

- a) the number of complaints received;
- b) the outcome of complaints, including matters resolved at the frontline;
- c) issues arising from complaints;
- d) systemic issues identified;
- e) the number of requests we receive for internal and/or external review of our complaint handling.

3.9.3 Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

3.9.4 Both reports and their analysis will be provided to the General Manager and senior management for review.

### Monitoring of the complaint management system

3.9.5 Council will continually monitor our complaint management system to:

- a) ensure its effectiveness in responding to and resolving complaints;
- b) identify and correct deficiencies in the operation of the system;
- c) monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

### Continuous improvement

3.9.6 Council is committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- a) support the making and appropriate resolution of complaints;
- b) implement best practices in complaint handling;
- c) recognise and reward exemplary complaint handling by staff;
- d) regularly review the complaints management system and complaint data;
- e) implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

## 4. DEFINITIONS:

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

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Complaint	Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint covered by this Policy can be distinguished from: <ul style="list-style-type: none"> <li>a) staff grievances [see our grievance procedure];</li> <li>b) public interest disclosures made by our staff [see our internal reporting policy];</li> <li>c) code of conduct complaints [see our code of conduct for definition, otherwise the complaint may be covered by this policy];</li> <li>d) responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below];</li> <li>e) reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback'];</li> <li>f) service requests [see definition of 'service request' below];</li> <li>g) requests for information [see our access to information policy].</li> </ul>
Complaint management system	All policies, procedures, practices, staff, hardware and software used by Council the management of complaints.
Dispute	An unresolved complaint escalated either within or outside of our organisation.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Policy	A statement or instruction that sets out how we should fulfil our vision, mission and goals.
Procedure/process	A statement or instruction that sets out how our policies will be implemented and by whom.
Public interest disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> .

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## Policy



### Service request

Service request includes:

- a) requests for approval;
- b) requests for action;
- c) routine inquiries about the organisation's business;
- d) requests for the provision of services and assistance;
- e) reports of failure to comply with laws regulated by the organisation;
- f) requests for explanation of policies, procedures and decisions.

### 5. POLICY STATEMENT:

- 5.1 This Policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.
- 5.2 Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

### 6. POLICY RESPONSIBILITIES:

- 6.1 General Manager, Group Managers and Section Managers are responsible for implementing and complying with this Policy.
- 6.2 Governance **Section** Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

### 7. RELATED DOCUMENTS:

- 7.1 *Local Government Act 1993*
- 7.2 *Public Interest Disclosure Act 1994*
- 7.3 *Ombudsman Act 1974*
- 7.4 *Independent Commission Against Corruption 1988*
- 7.5 *Government Information (Public Access) Act 2009*
- 7.6 Code of Conduct
- 7.7 NSW Ombudsman - Managing Unreasonable Complainant Conduct Practice Manual

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<b>EDRMS container No</b>	PSC2010-00008	<b>EDRMS record No</b>	
<b>Audience</b>	Port Stephens community and Council employees		
<b>Process owner</b>	Governance <b>Section</b> Manager		
<b>Author</b>	Governance <b>Section</b> Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	July 2020 <b>March 2021</b>
<b>Adoption date</b>	12 July 2016		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	16/02/1999	Assistant General Manager	Adopted by Council	069
2.0	14/12/2010	Executive Officer	Adopted by Council	410
3.0	09/04/2013	Executive Officer	Adopted by Council	088
4.0	12/07/2016	Governance Manager	A major re-drafting in line with the model complaint handling policy of the NSW Ombudsman. Transferred into the new policy template and corporate branding.	209

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4.1	14/08/2018	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated version control. 3.9.2 – replaced RM8 with Records Management System	248
4.2		Governance Section Manager	Reviewed policy and updated version control. Policy owner title updated. 1.1, 3.3.2, 3.4.4, 3.5.8, 3.6.5, 3.7.2, 3.7.3, 3.7.5, 3.7.7, 3.8.2, 3.9.2, 3.9.5, 3.9.6, 4.1 Definition – 'complaint' and 'service request' – all dot points removed and replaced with alpha listing for ease of reference. Included numbering at 3.3.6. 3.5.13 – deleted numbering. 4.1 – Definition 'Complaint' c) updated. 6.2 – Governance Section Manager title updated.	

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**ITEM NO. 9**

**FILE NO: 19/61540  
RM8 REF NO: A2004-0195**

**POLICY REVIEW: PECUNIARY INTEREST RETURNS - LODGEMENT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Pecuniary Interest Returns – Lodgement Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Pecuniary Interest Returns – Lodgement Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Pecuniary Interest Returns – Lodgement Policy dated 22 May 2018, Minute No. 135, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>065</b>	<p><b>Councillor Sarah Smith Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Pecuniary Interest Returns – Lodgement Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Pecuniary Interest Returns – Lodgement Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Pecuniary Interest Returns – Lodgement Policy dated 22 May 2018, Minute No. 135, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Pecuniary Interest Returns – Lodgement Policy (the 'Policy') shown at **(ATTACHMENT 1)**.

The Policy has been reviewed as a result of the introduction of the new Model Code of Conduct. The Policy provides a framework for management and compliance with the Code of Conduct.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Manage the civic leadership and governance functions of Council.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

As part of good governance this Policy will assist Council in managing returns lodged under the Code of Conduct, for councillors and designated persons'.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Internal

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

External

Public exhibition will take place in the Port Stephens Examiner, Council's library network, at the Administration Building and be available from Council's website.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Pecuniary Interest Returns - Lodgement Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 9 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY.

Policy



**FILE NO:** A2004-0195  
**TITLE:** PECUNIARY INTEREST RETURNS - LODGEMENT  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

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

**2. CONTEXT/BACKGROUND:**

- 2.1 The *Local Government Act 1993* requires the Mayor, Councillors and designated persons to make a disclosure within three months of being elected to Council or commencing with Council. Following this period an annual disclosure is also required to be made after June 30 each year and before September 30 of the same year.
- 2.1 The Code of Conduct has been updated following a review of the *Local Government Act 1993*, and the pecuniary interest provisions have been incorporated into the Code of Conduct which requires the Mayor, Councillors and designated persons to:
- a) make a disclosure within three months of being elected to Council or becoming a designated person, and
  - b) make an annual disclosure after June 30 each year and before September 30 of the same year, and
  - c) keep the return up to date and ensure changes are made within three months of becoming aware of the changes.

**3. SCOPE:**

- 3.1 In May each year a report will be submitted to Council to confirm the list of listing the Mayor, Councillors and designated persons.
- 3.2 Mayor/Councillors and designated persons will be provided with an information brochure, copy of previous return and an original pecuniary interest form by the 15 July of each year.

Policy

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ITEM 9 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY.

Policy



- 3.3 The information brochure should include:
- a) Responsibilities of Councillors and designated persons under the Act;
  - b) Information required on the pecuniary interest form;
  - c) Acceptable method of completing the pecuniary interest form;
  - d) Responsibilities of staff processing the forms;
  - e) Due date;
  - f) Consequences of late returns.
- 3.4 Monthly reminders to be sent to designated persons if they have not forwarded their returns – including a final reminder on or around 23 September.
- 3.5 All returns should be lodged with the General Manager or Executive Administration Coordinator no later than on 30 September of each year.
- 3.6 Upon receipt of returns the Executive Administration Coordinator will:
- a) Provide written receipt to the Mayor/Councillor or designated person and a copy filing in the records management system (EDRMS).
  - b) Check the return to ensure that it has been completed (to best of your knowledge) particularly that it has been dated and signed.
  - c) Executive Administration Coordinator to complete the date the return was received.
  - d) File the return in the Pecuniary Interest Register.
  - e) Store the Pecuniary Interest Register in the strong room for safe keeping.
- 3.7 Under no circumstances is a third party (for example a staff member) to complete pecuniary interest returns on behalf of a the Mayor/Councillor or a designated person.
- 3.8 Should the Mayor/Councillors or designated persons require a computer print out of their property or properties they should formally request the Executive Administration Coordinator to provide a computer printout of property/s owned in the local government area. Once the computer property print out is obtained, the computer print out should be transcribed by the Mayor/Councillor or designated person onto the form or onto an attachment (other than Council's original computer print out).
- 3.9 Forms are to be made available from the General Manager's Office from 30 June each year.
- 3.10 All lodged returns are to be tabled at the first Council meeting after 30 September together with a report identifying any failures to lodge.
- 3.11 Report to the Office of Local Government any person who fails to lodge a Return required by the due date. Section 449.

Policy

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ITEM 9 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -  
LODGEMENT POLICY.

Policy



4. DEFINITIONS:

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

Act	Local Government Act 1993.
Code of Conduct	Port Stephens Council Code of Conduct.
Councillor	A councillor of Port Stephens.
Designated person	An employee, volunteer, contractor of Port Stephens Council.
Mayor	The Mayor of Port Stephens Council.
Pecuniary interest	Is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

5. POLICY STATEMENT:

5.1 The objectives of this Policy are to:

- a) inform the Mayor, Councillors and all designated persons of their responsibilities under the Act;
- b) provide transparency for the community;
- c) assist the Mayor, Councillors and all designated persons to identify potential areas of conflict of interest.

6. POLICY RESPONSIBILITIES:

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

7. RELATED DOCUMENTS:

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

Policy

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**ITEM 9 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS - LODGEMENT POLICY.**

Policy



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<b>EDRMS container No</b>	A2004-0195	<b>EDRMS record No</b>	
<b>Audience</b>	Mayor, Councillors and designated persons.		
<b>Process owner</b>	Governance Section Manager.		
<b>Author</b>	Governance Section Manager.		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	April 2020 February 2021
<b>Adoption date</b>	11 February 2014		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	09/05/1995	Assistant General Manager	Adopted by Council.	185
2.0	19/10/2004	Governance Officer	Adopted by Council.	375
3.0	11/02/2014	Executive Officer	Adopted by Council.	018
4.0	10/05/2016	Governance Manager	Transfer policy into the new policy template.	119

Policy

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ITEM 9 - ATTACHMENT 1 REVISED PECUNIARY INTEREST RETURNS -  
 LODGEMENT POLICY.

Policy



5.0	22/05/2018	Governance Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>1.1 – included to the name of the policy.</p> <p>3.5 – removed reference to timing.</p> <p>3.6.1 – replaced the wording (RM8) with (EDRMS).</p> <p>3.11 - replaced the wording 'Division of Local Government' with 'Office of Local Government'.</p>	135
6.0		Governance Section Manager	<p>Reviewed the policy and version control:</p> <p>Policy owner updated to Governance Section Manager.</p> <p>1.1 – updated to remove reference to the Local Government Act and replace with Code of Conduct.</p> <p>1.2 – removed Chapter 14 reference and included Code of Conduct.</p> <p>2.1 – Deleted and replaced with a new paragraph and included a), b) and c).</p> <p>3.1 – updated to include Mayor and Councillors.</p> <p>3.2, 3.6, 3.7, 3.8 – updated to include the Mayor.</p> <p>3.3 and 3.6 – bullet points replace with alpha listing.</p> <p>3.11 – removed section 449 and inserted 'the due date'.</p> <p>4.1 – updated to include Code of Conduct, Councillor and Mayor.</p> <p>6.1 – updated title to Governance Section Manager.</p>	

Policy

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**ITEM NO. 10**

**FILE NO: 19/50430  
EDRMS NO: PSC2017-00180**

**DRAFT FEES AND CHARGES 2019-2020 SCHEDULE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the draft Fees and Charges 2019-2020 schedule shown at **(TABLED DOCUMENT 1)**.
  - 2) Place the draft Fees and Charges 2019-2020 schedule on public exhibition for a period of 28 days and should no submissions be received, be adopted without a further report to Council.
- 

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>066</b>	<p><b>Councillor Steve Tucker Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt the draft Fees and Charges 2019-2020 schedule shown at <b>(TABLED DOCUMENT 1)</b>.</li><li>2) Place the draft Fees and Charges 2019-2020 schedule on public exhibition for a period of 28 days and should no submissions be received, be adopted without a further report to Council.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the draft Fees and Charges 2019-2020 schedule. Following Council's endorsement the schedule will be placed on public exhibition for a period of 28 days.

The objective of the schedule is to outline costs involved with the purchase or lease of Council owned or led facilities and/or services. Any additions/deletions that have been applied to the schedule are noted on page 9.

Unless the draft Fees and Charges schedule is exhibited for 28 days and subsequently adopted by Council before 30 June each year, Council is unable to charge for those facilities or services for which it sets fees under section 608 of the *Local Government Act 1993*.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maximise non-rate revenue and investment to support Council services.

**FINANCIAL/RESOURCE IMPLICATIONS**

Adoption of the schedule will be within existing budget allocations.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The exhibition of the draft Fees and Charges 2019-2020 schedule complies with the requirements of section 610F of the *Local Government Act 1993*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council does not adopt the draft Fees and Charges 2019-2020 schedule which would result in financial and reputation loss.	Low	Accept the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft Fees and Charges 2019-2020 schedule has been developed in accordance with Council's Pricing Policy, and has full regard to cost recovery being dependant on the users' ability to pay.

**Pricing methods**

Fees and charges made by Council will be calculated according to the pricing structures as outlined below. Full cost pricing will apply to all of Council's fees and charges, except in the circumstances outlined in the alternative pricing structures.

**Full cost pricing**

Council will recover all direct and indirect costs of the service (including on-costs, overheads and depreciation of assets employed).

**Partial cost pricing**

Council will recover less than the full cost (as defined above).

**Statutory pricing**

The price of this service is determined by legislation and dependent on that price, Council may or may not recover its full costs, but has no discretion to do so.

**Market pricing**

The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service).

This pricing structure should apply in cases where the service is in competition with that provided by another council, agency or commercial provider and there is consequent pressure to set a price that will attract adequate usage of the service.

**Free (zero priced)**

Some services may be provided free of charge and the whole cost determined as a community service obligation and may fall within the class of a public good. This price structure may be used where the services provide a broad community benefit; and/or it is impractical or inconceivable to charge for the service on a user basis.

**CONSULTATION**

Consultation with key stakeholders will be undertaken by the Financial Services Section via public exhibition.

Internal

Each Section within Council was invited to review and provide feedback on the draft Fees and Charges 2019-2020 schedule.

External

In accordance with local government legislation the draft Fees and Charges 2019-2020 schedule will go on public exhibition for 28 days, from 27 March 2019 to 24 April 2019.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Draft Fees and Charges 2019-2020.

**ITEM NO. 11**

**FILE NO: 19/51059  
EDRMS NO: PSC2005-3899**

**MEDOWIE COMMUNITY PRE-SCHOOL BOUNDARY ADJUSTMENT AND LOT CONSOLIDATION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the General Manager to proceed and finalise the boundary adjustment and lot consolidation of Community Land at Medowie for the lease of land for the Medowie Community Pre-school at 42 Kindlebark Drive, Medowie.
- 2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>067</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Authorise the General Manager to proceed and finalise the boundary adjustment and lot consolidation of Community Land at Medowie for the lease of land for the Medowie Community Pre-school at 42 Kindlebark Drive, Medowie.</li><li>2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend for Council to complete a boundary adjustment and lot consolidation of Community land at Medowie for the purpose of a ground lease of the land occupied by the Medowie Community Pre-school (**ATTACHMENT 1**). The existing lot boundaries are shown within **ATTACHMENT 2**.

The site is situated at 42 Kindlebark Drive, Medowie and the extent of operations is not clearly defined by the lot boundaries. Survey work has been undertaken to establish an adjusted boundary which will correctly cover the extent of pre-school operations to allow for ground lease negotiation. The opportunity has also been taken

**MINUTES ORDINARY COUNCIL - 26 MARCH 2019**

to consolidate multiple parcels of land which form Kindlebark Oval (Lot 59 DP 730472, Lot 129 DP 710216 and Lot 52 DP 833110). Council resolved to carry out this project at the Council Meeting of 11 July 2017 Min. No. 179 (**ATTACHMENT 3**).

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The boundary adjustment will allow for the negotiation of a ground only lease with the pre-school operators. This lease would include terms and conditions that will make the operators responsible for ongoing building maintenance and management. Council will generate income from the ground only lease and will be relieved of the current maintenance liability.

The approximate total cost, excluding staff time is \$8,800.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
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, policy or risk implications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the boundary adjustment is not completed that the ground lease of land cannot be completed.	Low	Complete the registration of the boundary adjustment and lot consolidation.	Yes



**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The project will have positive social and economic implications by reducing operational costs to both the pre-school operators and Council. The project will not have environmental implications.

**CONSULTATION**

Internal

Consultation with internal stakeholders has occurred with the Councillors being informed as an action from the original Notice of Motion and Council's Survey team being briefed on the intent of the boundary adjustment.

External

Consultation with external stakeholders has occurred with the Medowie pre-school operators being informed on the progress of the project since the initial Notice of Motion.

**OPTIONS**

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

**ATTACHMENTS**

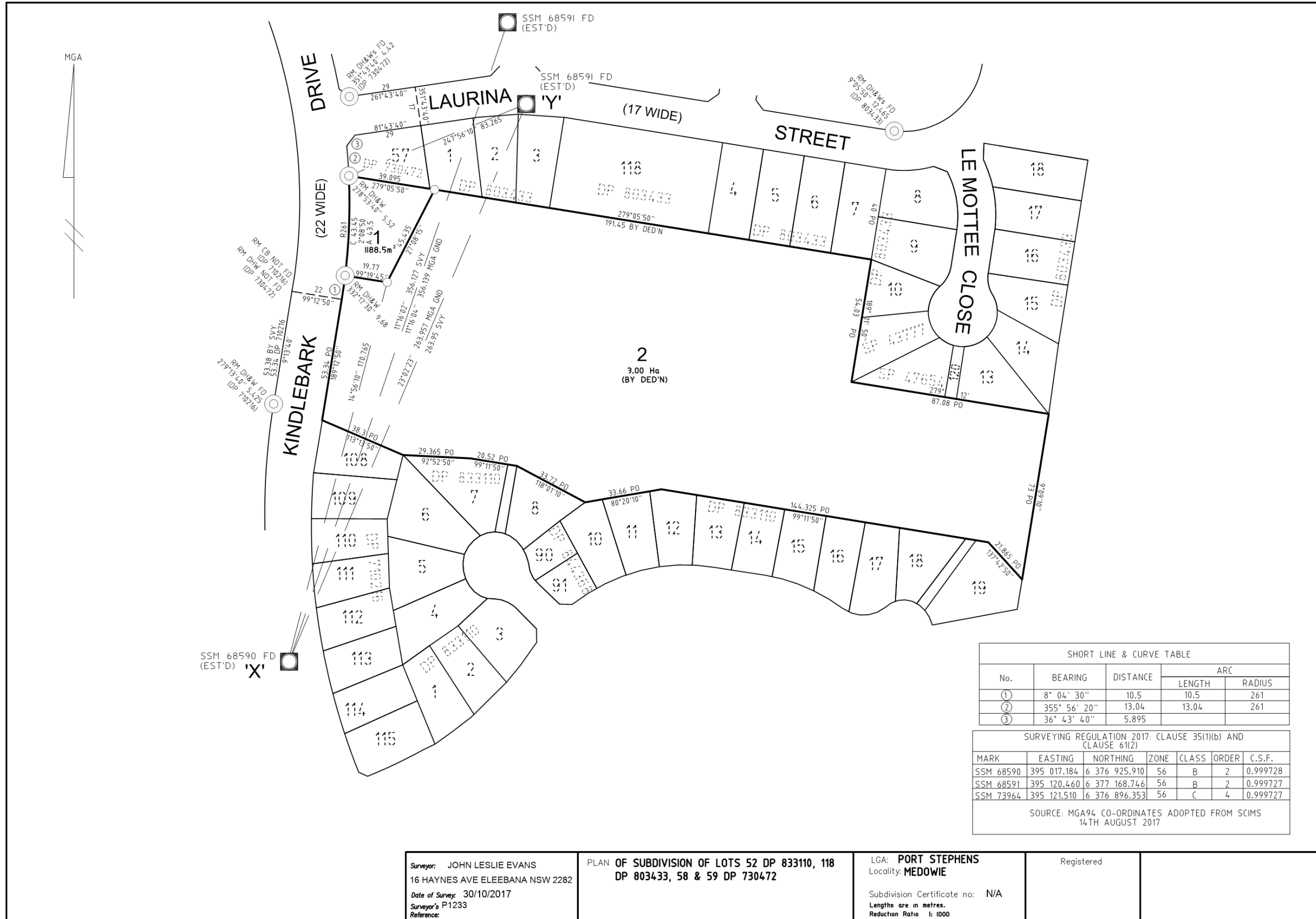
- 1) Plan of Subdivision.
- 2) Existing Lot Boundaries
- 3) Notice of Motion 11 July 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



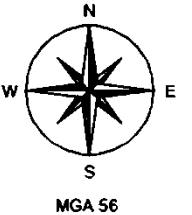
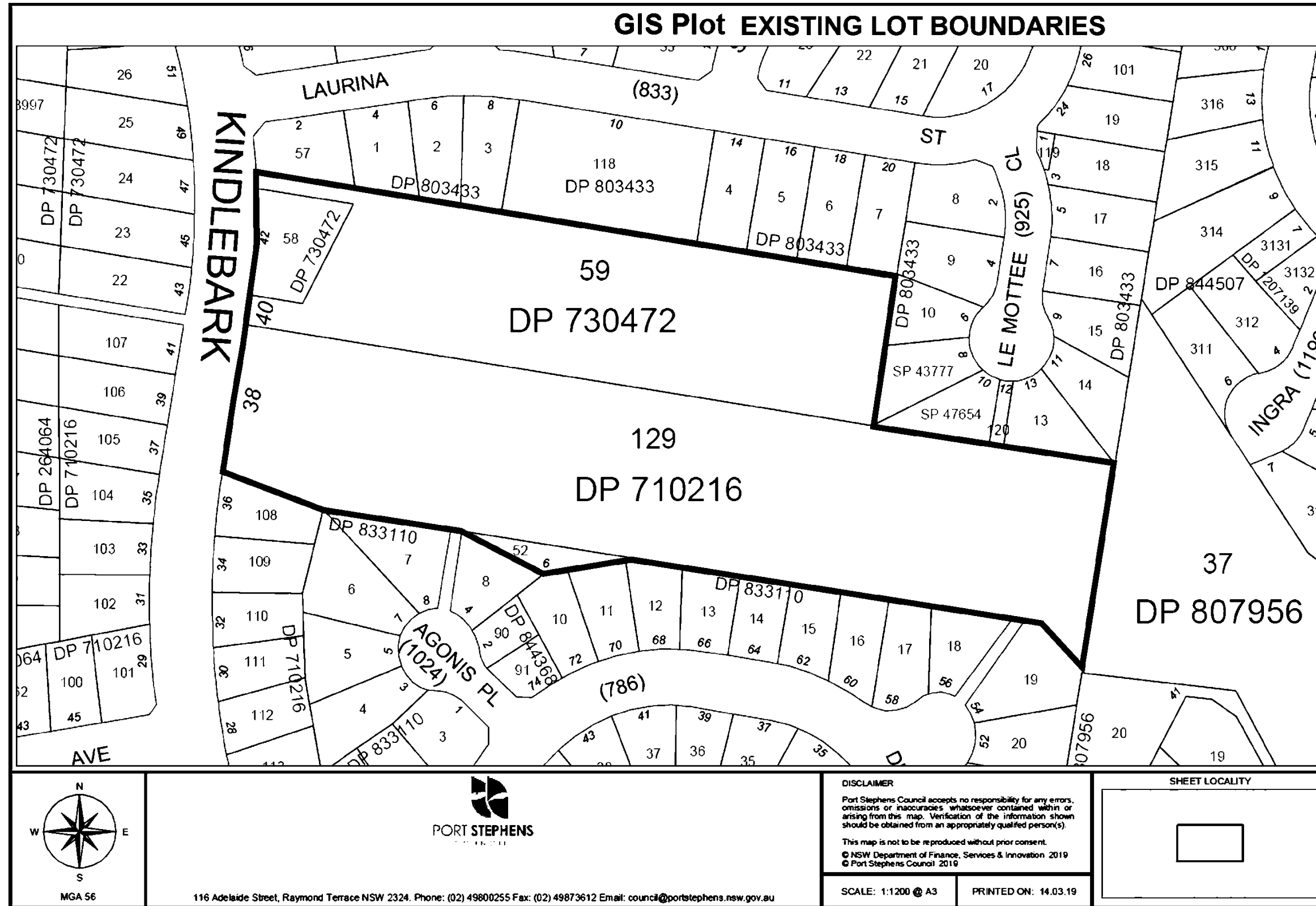
SHORT LINE & CURVE TABLE				
No.	BEARING	DISTANCE	ARC	
			LENGTH	RADIUS
①	8° 04' 30"	10.5	10.5	261
②	355° 56' 20"	13.04	13.04	261
③	36° 43' 40"	5.895		

SURVEYING REGULATION 2017: CLAUSE 35(1)(b) AND CLAUSE 61(2)						
MARK	EASTING	NORTHING	ZONE	CLASS	ORDER	C.S.F.
SSM 68590	395 017.184	6 376 925.910	56	B	2	0.999728
SSM 68591	395 120.460	6 377 168.746	56	B	2	0.999727
SSM 73964	395 121.510	6 376 896.353	56	C	4	0.999727

SOURCE: MGA94 CO-ORDINATES ADOPTED FROM SCIMS 14TH AUGUST 2017

Surveyor: JOHN LESLIE EVANS 16 HAYNES AVE ELEEBANA NSW 2282 Date of Survey: 30/10/2017 Surveyor's P1233 Reference:	PLAN OF SUBDIVISION OF LOTS 52 DP 833110, 118 DP 803433, 58 & 59 DP 730472	LGA: PORT STEPHENS Locality: MEDOWIE Subdivision Certificate no: N/A Lengths are in metres. Reduction Ratio 1: 1000	Registered
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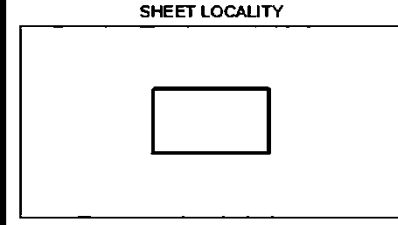
10	20	30	40	50	Table of mm	90	100	110	120	130	140
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**MINUTES ORDINARY COUNCIL - 11 JULY 2017**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 17/123273**

**RM8 REF NO: PSC2017-00019**

**MEDOWIE COMMUNITY PRESCHOOL**

**COUNCILLOR: CHRIS DOOHAN**

**THAT COUNCIL:**

- 1) Fund the preparation and lodgement of a development application to subdivide 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) to create one lot to encompass the building and playground areas of the preschool facility which enables a ground lease to be negotiated with Medowie Community Preschool Incorporated (ABN 366 477 688 40) and therefore remove the need for the current licence agreement.

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Councillor Peter Kafer left the meeting at 8:13pm in open Council and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 11 JULY 2017  
MOTION**

<b>179</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Fund the preparation and lodgement of a development application to subdivide 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) to create one lot to encompass the building and playground areas of the preschool facility which enables a ground lease to be negotiated with Medowie Community Preschool Incorporated (ABN 366 477 688 40) and therefore remove the need for the current licence agreement.</li><li>2) Refund all back payments of lease fees for the original lease agreement.</li></ol>
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**MINUTES ORDINARY COUNCIL - 11 JULY 2017**

**BACKGROUND REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER**

**BACKGROUND**

Council owns the land and improvements on 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) known as Medowie Community Preschool. The land is classified as community land and Lot 58 is managed in the Urban Parks Generic Plan of Management. Lot 59 is not included in any current plan of management.

Council executed a licence agreement with Medowie Community Preschool Incorporated (ABN 366 477 688 40) on 17 May 2017. The licence is a 10 year agreement with an option to renew for a further 10 years in favour of Medowie Community Preschool Incorporated.

Preparation and lodgement of a development application for a subdivision of this nature is estimated to cost approximately \$5,000. This includes survey, legal costs, DA fees and lodgement with Land and Property Information.

The negotiation of a ground only lease will result in a new lease arrangement which, if generally under the terms and conditions of the current licence agreement, will be required to be registered on title. The cost of this is approximately \$300. Valuation and legal costs of creating the ground lease will cost approximately \$3,500.

The Medowie Community Preschool has confirmed that it is agreeable to taking full ownership of all current and future improvements on the land for the duration of a ground only lease.

The approximate total cost, excluding staff time is \$8,800.

**ATTACHMENTS**

Nil.

**ITEM NO. 12**

**FILE NO: 19/78952  
RM8 REF NO: PSC2017-00739**

**MATTER ARISING - COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) That Council give consideration to the Matter Arising of 12 March 2019 as stated in the report below.

---

**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>068</b>	<p><b>Councillor Giacomo Arnott Mayor Ryan Palmer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1. Express its frustration that the NSW State Government is yet again forcing requirements onto councils without providing funding to meet those requirements.</li><li>2. Write to Local Government NSW, requesting assistance with this matter and asking for a campaign to be conducted encouraging the NSW State Government to provide funds to assist councils in meeting these new requirements.</li><li>3. Write to the Minister for Local Government, requesting an immediate transfer of funds, and ongoing, equal to the expected cost of meeting these requirements for all Councillors and the Mayor.</li><li>4. That a motion be submitted to the annual Local Government Conference requesting that the NSW State Government fund the ongoing Councillor professional development costs.</li></ol>
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**BACKGROUND**

The purpose of this report is to allow Council's consideration of a Matter Arising concerning the introduction of a councillor induction and professional development program, which was moved at the Council meeting, held on 12 March 2019. The Matter Arising, shown below, was deferred to this meeting of Council.

## MINUTES ORDINARY COUNCIL - 26 MARCH 2019

"That Council:

1. Express its frustration that the NSW State Government is yet again forcing requirements onto councils without providing funding to meet those requirements.
2. Write to Local Government NSW, requesting assistance with this matter and asking for a campaign to be conducted encouraging the NSW State Government to provide funds to assist councils in meeting these new requirements.
3. Write to the Minister for Local Government, requesting an immediate transfer of funds, and ongoing, equal to the expected cost of meeting these requirements for all Councillors and the Mayor."

Due to the short timeframe associated with the business paper deadline, a Supplementary Information Report will be provided to Council prior to the meeting. This will enable research to be undertaken to provide Council with the professional development, conference and training costs of neighbouring councils as a comparison.

### COMMUNITY STRATEGIC PLAN

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

### FINANCIAL/RESOURCE IMPLICATIONS

Financial and resource implications associated with the Matter Arising are included in the existing budget.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to comply with the Regulation and any guidelines issued by the OLG. In this regard the Councillor Induction and Professional Development Guidelines is relevant.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> , the Regulations and the OLG should it not comply with all requirements associated with the program.	Low	Endorse the implementation of a Councillor Induction and Professional Development policy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Internal

General Manager.

External

Council will research professional development costs of neighbouring councils as part of the Supplementary Information Report.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 13**

**FILE NO: 19/74477  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**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. Hunter Region Botanic Gardens – Mayoral Funds - \$937.80 donation towards the refund of DA fees for the construction of an orchid growing area.

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>069</b>	<p><b>Councillor Chris Doohan Councillor Giacomo Arnott</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayoral Funds to Hunter Region Botanic Gardens – Mayoral Funds - \$937.80 donation towards the refund of DA fees for the construction of an orchid growing area.</p>
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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 gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the 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.

<b>MINUTES ORDINARY COUNCIL - 26 MARCH 2019</b>
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Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

**WEST WARD – Councillors Arnott, Jordan and Le Mottee**

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**CENTRAL WARD – Councillors Doohan, Smith and Tucker**

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**EAST WARD – Councillors Abbott, Dunkley and Nell**

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**MAYORAL FUNDS – Mayor Palmer**

Hunter Region Botanic Gardens.	A public not for profit company of volunteers established to manage the preserved natural bushland known as the Hunter Region Botanic Gardens.	\$937.80	Donation towards the refund of DA fees for the construction of an Orchid growing area.
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**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

**MINUTES ORDINARY COUNCIL - 26 MARCH 2019**

Source of Funds	Yes/No	Funding (\$)	Comment
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. 14**

**FILE NO: 19/68800  
EDRMS NO: PSC2017-00015**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 26 March 2019.

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**No: Report Title Page:**

1	January 2019 Cash and Investments	187
2	February 2019 Cash and Investments	191
3	Notice of Intent to Cancel 23 April 2019 Ordinary Council Meeting	194

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>070</b>	<p><b>Councillor Steve Tucker Councillor Ken Jordan</b></p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 March 2019.</p> <hr/> <p><b>No: Report Title Page:</b></p> <table><tr><td>1</td><td>January 2019 Cash and Investments</td><td></td></tr><tr><td>2</td><td>February 2019 Cash and Investments</td><td></td></tr><tr><td>3</td><td>NOTICE OF INTENT TO CANCEL 23 APRIL 2019 ORDINARY COUNCIL MEETING</td><td></td></tr></table>	1	January 2019 Cash and Investments		2	February 2019 Cash and Investments		3	NOTICE OF INTENT TO CANCEL 23 APRIL 2019 ORDINARY COUNCIL MEETING	
1	January 2019 Cash and Investments									
2	February 2019 Cash and Investments									
3	NOTICE OF INTENT TO CANCEL 23 APRIL 2019 ORDINARY COUNCIL MEETING									

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 19/53786  
EDRMS NO: PSC2006-6531**

**JANUARY 2019 CASH AND INVESTMENTS**

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 January 2019.

**ATTACHMENTS**

- 1) Cash and Investments - January 2019.
- 2) Cashflow Report - January 2019.



**CASH AND INVESTMENTS HELD AS AT 31 JANUARY 2019**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
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
BANANA COAST CREDIT UNION	RIM	NR	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	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>33,300,000</b>	<b>33,300,000</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>33,300,000</b>	<b>33,300,000</b>
<b>CASH AT BANK (\$)</b>							<b>1,166,296</b>	<b>1,166,296</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>34,466,296</b>	<b>34,466,296</b>
CASH AT BANK INTEREST RATE				1.75%				
BBSW FOR PREVIOUS 3 MONTHS				2.07%				
AVG. INVESTMENT RATE OF RETURN				2.87%				
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								

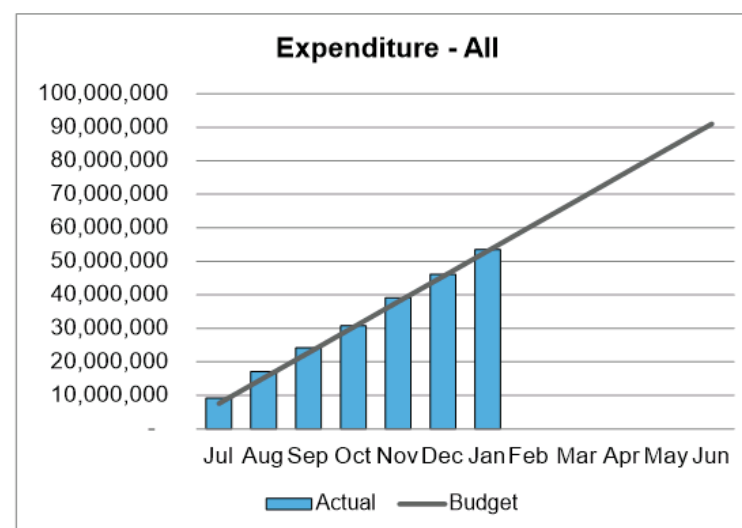
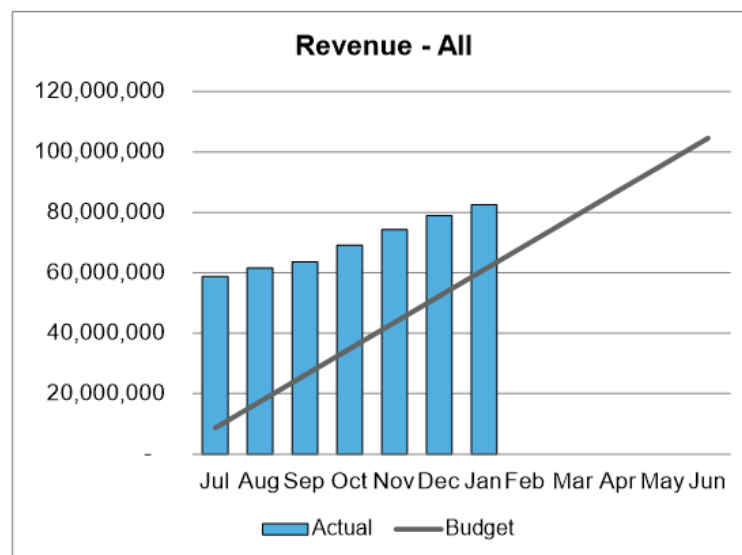


**Income/Expenditure  
31/01/2019**

	Revised Budget	Actual to Date	% to Budget	Target	Notes
<b>Revenue</b>				58%	
Corporate Services (AZ)	-64,231,765	-55,885,294	87%		
Development Services (CZ)	-5,428,647	-3,358,720	62%		
Facilities and Services (DZ)	-34,723,357	-23,270,860	67%		
General Manager's Office (FZ)	-232,500	-50,646	22%		
<b>Revenue Total</b>	<b>-104,616,269</b>	<b>-82,565,520</b>	<b>79%</b>		<b>1</b>
<b>Expenditure</b>					
Corporate Services (AZ)	22,277,036	15,647,649	70%		
Development Services (CZ)	13,134,465	7,261,578	55%		
Facilities and Services (DZ)	52,919,093	28,862,939	55%		
General Manager's Office (FZ)	2,702,600	1,760,901	65%		
<b>Expenditure Total</b>	<b>91,033,194</b>	<b>53,533,067</b>	<b>59%</b>		<b>1</b>

**Notes**

- 1 Revenue and expenditure is before capital and depreciation. When compared to the budget position at the same time last year operating revenue is 4% lower and expenditure is 1% higher than the same time last year.





**Cash flow analysis  
31/01/2019**

**CASHFLOW STATEMENT**

Opening Cash and Investment 1 July 2018  
Closing Cash and Investment 31 January 2019  
**Movement in cash**

**Movement in cash represented by:**

Operating Activities

Receipts from ratepayers, customers and government authorities	67,315,404
Payments to suppliers & employees	(56,275,654)
Interest received	661,512
Interest paid	(361,093)
<b>Total</b>	<b>11,241,516</b>

Investing Activities

Receipts from sale of Property, Plant & Equipment	1,437,229
Payments for Property, Plant & Equipment	(12,790,437)
<b>Total</b>	<b>(11,353,208)</b>

Financing Activities

Payment of loans	(3,175,850)
Receipt of new loans	2,750,000
<b>Total</b>	<b>(425,850)</b>

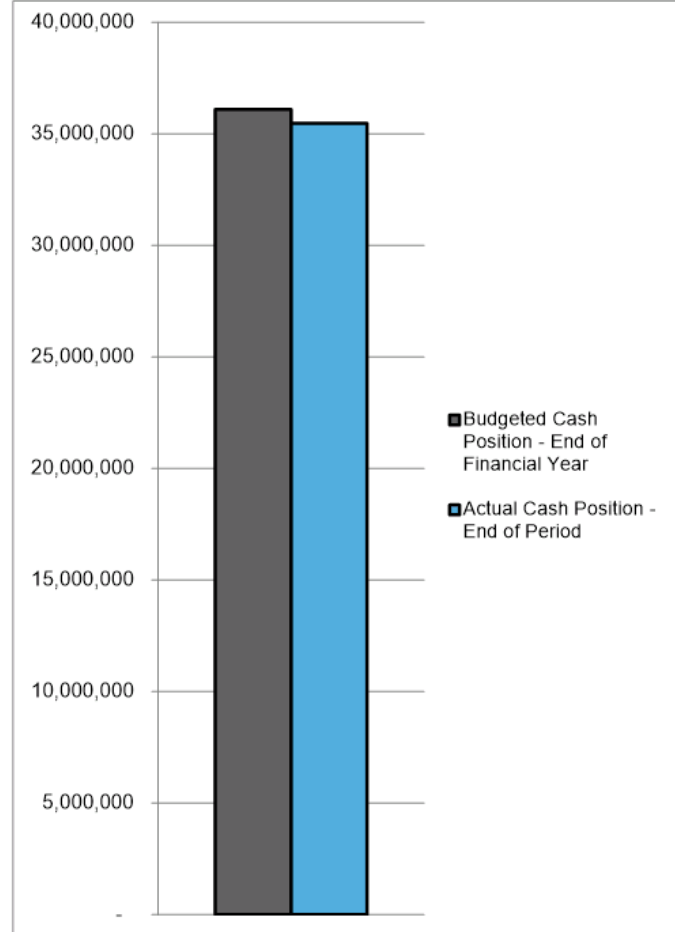
**Total Cash Movement**

	<b>(537,542)</b>
Plus: Opening Cash and Investment 1 July 2018	36,013,235
<b>Closing Cash and Investment 31 January 2019</b>	<b>35,475,693</b>

Budgeted Cash Movement for the Financial Year	83,765
Plus Opening Cash and Investment 1 July 2018	36,013,235
<b>Budgeted Cash and Investment Position 30 June 2019</b>	<b>36,097,000</b>

In front / (behind) on budget (621,307)

Notes

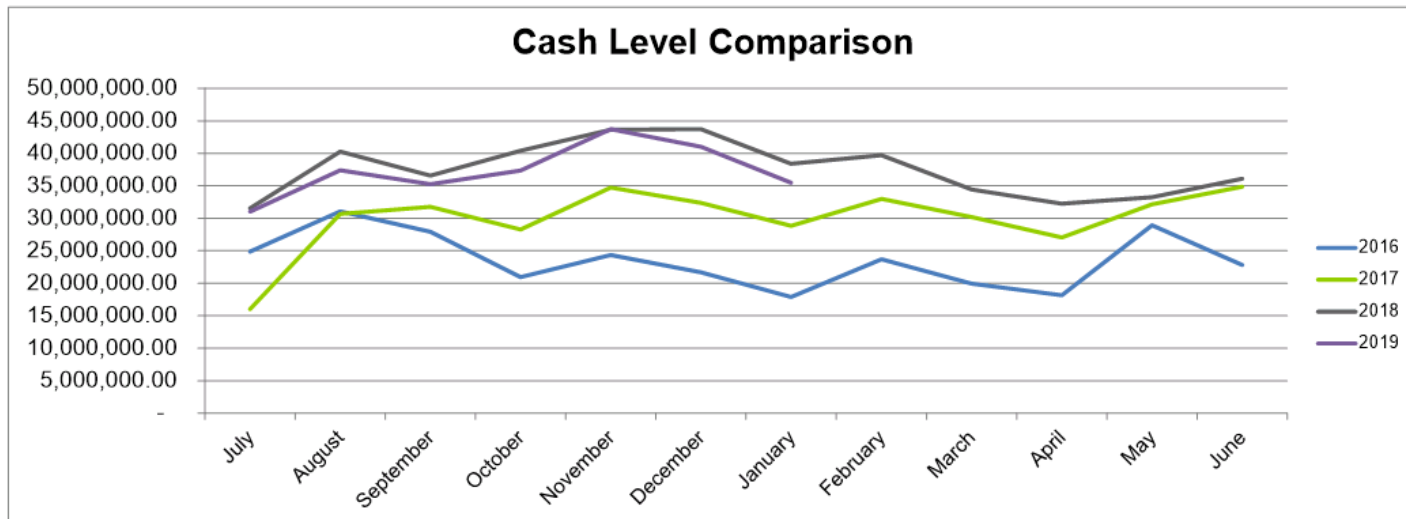


**Notes**

- 1 Council's cash position is down on the budgeted year end position by \$621K predominately due to the following reasons:
  - a) Council is owed approx \$1.36M from RMS under the State Roads program
  - b) New loans have been received during this month from GNAPL (\$2.75M) which was then used to put a deposit on land neighbouring the Newcastle Airport.
  - c) Timing of the creditors

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 3rd quarter rates.

Significant future cash outflows expected in next few months include: CCTV rollout program, Koala Sanctuary project, plant purchases and the desktop computer rollout.



**ITEM NO. 2**

**FILE NO: 19/59891  
EDRMS NO: PSC2006-6531**

**FEBRUARY 2019 CASH AND INVESTMENTS**

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 28 February 2019.

**ATTACHMENTS**

- 1) February 2019 - Cash and Investments.
- 2) February 2019 - Cashflow Report.

**CASH AND INVESTMENTS HELD AS AT 28 FEBRUARY 2019**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
COMMONWEALTH BANK	CBA	AA-	TD	2.63%	365	1-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
BANANA COAST CREDIT UNION	RIM	NR	TD	2.95%	376	9-Jul-19	800,000	800,000
AUSTRALIAN MILITARY BANK	FARQUHARSON	NR	TD	2.78%	146	24-Jul-19	500,000	500,000
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
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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	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Aug-20	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>35,800,000</b>	<b>35,800,000</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>35,800,000</b>	<b>35,800,000</b>
<b>CASH AT BANK (\$)</b>							<b>6,282,941</b>	<b>6,282,941</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>42,082,941</b>	<b>42,082,941</b>
CASH AT BANK INTEREST RATE				1.75%				
BBSW FOR PREVIOUS 3 MONTHS				2.07%				
AVG. INVESTMENT RATE OF RETURN				2.88%				
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								

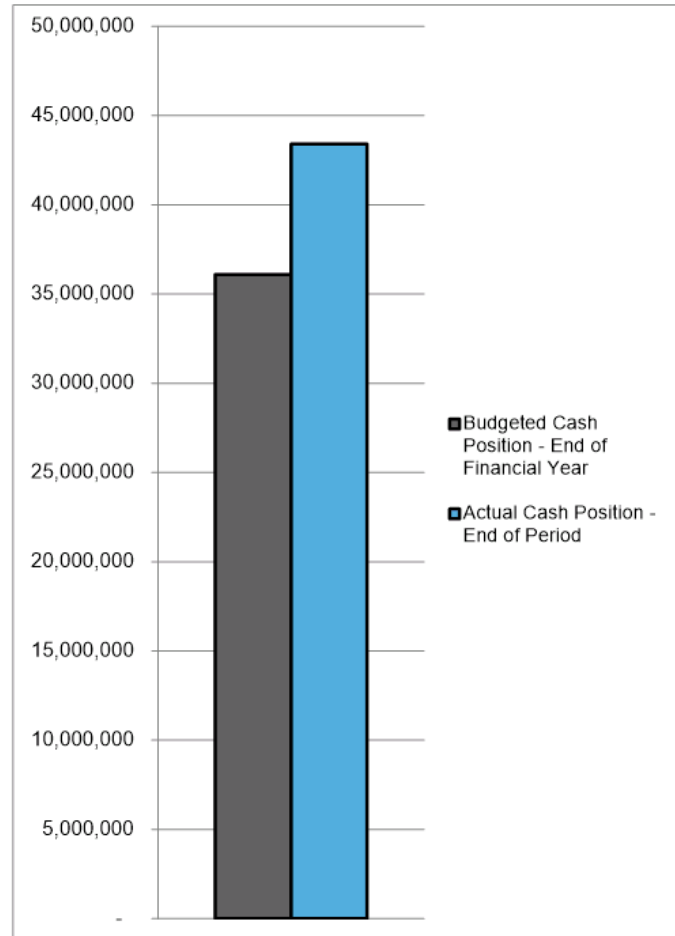


**Cash flow analysis  
28/02/2019**

**CASHFLOW STATEMENT**

Opening Cash and Investment 1 July 2018  
Closing Cash and Investment 28 February 2019  
**Movement in cash**

	YTD	Notes
Opening Cash and Investment 1 July 2018	36,013,235	
Closing Cash and Investment 28 February 2019	43,397,712	
<b>Movement in cash</b>	<b>7,384,477</b>	
<b>Movement in cash represented by:</b>		
<u>Operating Activities</u>		
Receipts from ratepayers, customers and government authorities	82,913,827	
Payments to suppliers & employees	(61,386,528)	
Interest received	686,838	
Interest paid	(378,708)	
<b>Total</b>	<b>21,849,250</b>	
<u>Investing Activities</u>		
Receipts from sale of Property, Plant & Equipment	1,437,229	
Payments for Property, Plant & Equipment	(14,255,079)	
<b>Total</b>	<b>(12,817,850)</b>	
<u>Financing Activities</u>		
Payment of loans	(4,396,923)	
Receipt of new loans	2,750,000	
<b>Total</b>	<b>(1,646,923)</b>	
<b>Total Cash Movement</b>	<b>7,384,477</b>	
Plus: Opening Cash and Investment 1 July 2018	36,013,235	
<b>Closing Cash and Investment 28 February 2019</b>	<b>43,397,712</b>	
Budgeted Cash Movement for the Financial Year	83,765	
Plus Opening Cash and Investment 1 July 2018	36,013,235	
<b>Budgeted Cash and Investment Position 30 June 2019</b>	<b>36,097,000</b>	
In front / (behind) on budget	7,300,712	1

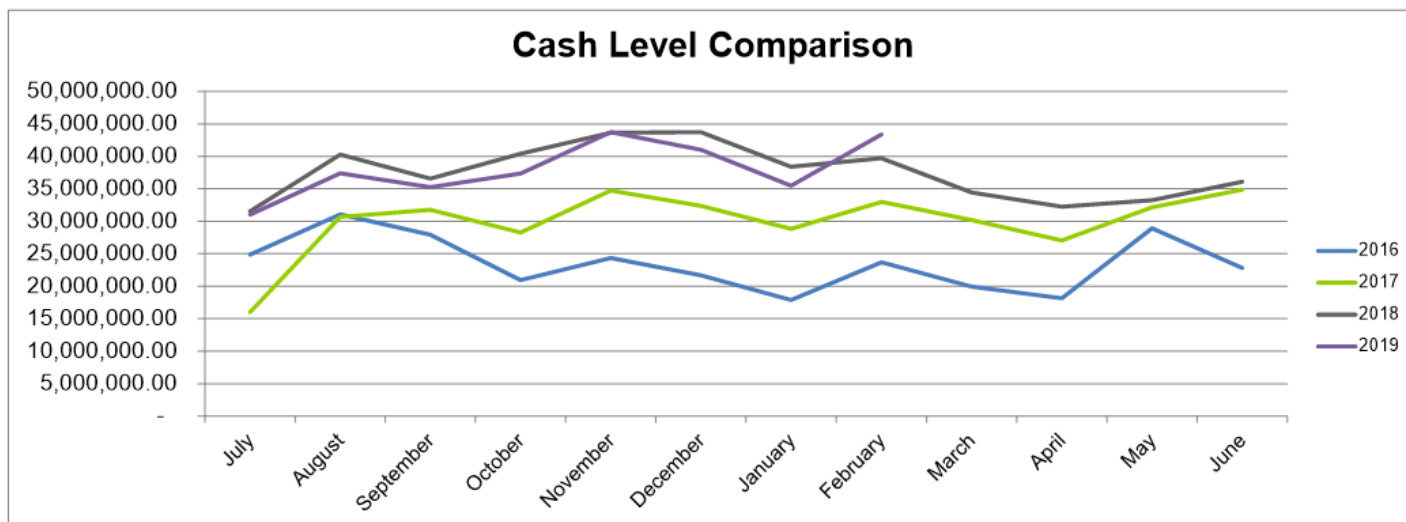


**Notes**

- 1 Council's cash position is up on the budgeted year end position by \$7.3M predominately due to the following reasons:
- a) The receipt of 3rd quarter rates which will fund various projects and services over the coming months.
  - b) Receipt of FAG grant this month
  - c) Receipt of various capital grants (\$1.36m) this month

Significant future cash inflows expected in next few months include fee for service charges from the State Roads program Easter holiday trade and 3rd quarter rates.

Significant future cash outflows expected in next few months include: CCTV rollout program, Koloa Sanctuary project, Ferodale Multipurpose Community, Centre, Karuah pontoon replacement and plant purchases.



**ITEM NO. 3**

**FILE NO: 19/68069  
EDRMS NO: PSC2017-00105**

**NOTICE OF INTENT TO CANCEL 23 APRIL 2019 ORDINARY COUNCIL MEETING**

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

**BACKGROUND**

The purpose of this report is to advise Council and the community of the intent to cancel the 23 April 2019 Ordinary Council meeting.

The 23 April 2019 Ordinary Council meeting falls between the Easter and ANZAC day holidays and there are no reports listed for Council consideration at this time.

The Ordinary Council meeting schedule on Council's website, will be updated to reflect this change.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# CONFIDENTIAL ITEMS

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

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

## ORDINARY COUNCIL MEETING – 26 MARCH 2019 MOTION

<b>071</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>  It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager  
Digital Marketing and Social Media Officer



**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: 19/44863  
EDRMS NO: A2004-0790**

**SALE OF PROPOSED LOT 1, 795 MEDOWIE ROAD, MEDOWIE**

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

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**ORDINARY COUNCIL MEETING - 26 MARCH 2019  
MOTION**

<b>072</b>	<p><b>Councillor John Nell Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the sale of proposed Lot 1, 795 Medowie Road, Medowie on the confidential terms and conditions disclosed in this report.</li><li>2) Authorises the Mayor and General Manager to affix the Council Seal and sign all documents necessary to exchange contracts and settle the sale.</li><li>3) Receive and note the information within the Supplementary Information report.</li></ol>
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**ORDINARY COUNCIL MEETING – 26 MARCH 2019  
MOTION**

<b>073</b>	<b>Councillor Steve Tucker</b> <b>Councillor Jaimie Abbott</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 6.41pm.