

NOTICE OF ORDINARY MEETING

10 AUGUST 2021



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: J Abbott, G Arnott, C Doohan, G Dunkley, K Jordan, P Le Mottee, J Nell, S Smith, S Tucker.

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Council Chambers
Followed by:	Ordinary Meeting	Council Chambers

Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act 1998, you are advised that all discussion held during the Open Council meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present should withhold from making public comments about another individual without seeking the consent of that individual in the first instance. Should you have any questions concerning the privacy of individuals at the meeting, please speak with the Governance Section Manager or the General Manager prior to the meeting.

Please be aware that Council webcasts its Open Council meetings via its website. All persons should refrain from making any defamatory remarks. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

For the safety and wellbeing of the public, no signs, placards or other props made from material other than paper will be permitted in the Council Chamber. No material should be larger than A3 in size.

Food and beverages are not permitted in the Council Chamber.

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4. AGREEMENT WITH COMMUNITY ASSOCIATION DP270468 -
LAGOONS ESTATE, NELSON BAY

BUSINESS

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes Ordinary Meeting of 27 July 2021.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
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- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes the Principles for Local Government for all NSW Councils.

The object of the principles for councils is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

Guiding principles for Council

1. Exercise of functions generally

The following general principles apply to the exercise of functions by Council. Council should:

- (a) provide strong and effective representation, leadership, planning and decision-making.
- (b) carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) work with others to secure appropriate services for local community needs.
- (h) act fairly, ethically and without bias in the interests of the local community.
- (i) be responsible employers and provide a consultative and supportive working environment for staff.

2. Decision-making

The following principles apply to decision-making by Council (subject to any other applicable law). Council should:

- (a) recognise diverse local community needs and interests.
- (b) consider social justice principles.
- (c) consider the long term and cumulative effects of actions on future generations.
- (d) consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3. Community participation

Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management

The following principles of sound financial management apply to Council. Council should:

- (a) spend responsible and sustainable, aligning general revenue and expenses.
- (b) invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

Integrated planning and reporting principles that apply to Council

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Council. Council should:

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.
- (c) develop activities, and prioritise actions, to work towards the strategic goals.
- (d) ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) regularly review and evaluate progress towards achieving strategic goals.
- (f) maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) collaborate with others to maximise achievement of strategic goals.
- (h) manage risks to the local community or area or to the council effectively and proactively.
- (i) make appropriate evidence-based adaptations to meet changing needs and circumstances.

PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 focus areas:

OUR COMMUNITY – Port Stephens is a thriving and strong community respecting diversity and heritage.

OUR PLACE – Port Stephens is a liveable place supporting local economic growth.

OUR ENVIRONMENT – Port Stephens' environment is clean and green, protected and enhanced.

OUR COUNCIL – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on 9 principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

MEETING PROCEDURES SUMMARY

Starting time – All meetings must commence within 30 minutes of the advertised time.

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

Pecuniary – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

Non-Pecuniary – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

Confirm the Minutes – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

Public Access – Each speaker has 5 minutes to address Council with no more than 2 for and 2 against the subject.

Motions and Amendments

Moving Recommendations – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

Amendments – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

Seconding Amendments – When moving an amendment, it must be seconded or it lapses.

Incorporating Amendments – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

Voting Order – When voting on a matter the order is as follows:

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in the order they were moved)
3. Motion

NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.

Voting – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

Closed Session – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

Procedural Motion – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

Points of Order – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

1. There has been any non-compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
 - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
 - b) Assaults or threatens to assault another Councillor or person present at the meeting.
 - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
 - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.
 - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

Declarations of Conflict of Interest – Definitions

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 or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

Non Pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the PORT STEPHENS COUNCIL

to be held on the _____ day of _____ 20__

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Mayor/Councillor's signature _____

Date _____

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is _____

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: 21/205046

EDRMS NO: PSC2015-01024

ASSISTANCE FOR LOCAL BUSINESSES

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Recognises the impact on business across Port Stephens from the COVID-19 lockdowns across Greater Sydney.
- 2) Advocates to State and Federal Governments for financial support for business in regional NSW.
- 3) Ensures ongoing support to connect local business with Service NSW and other agencies.
- 4) Reinstates the Port Stephens Shop Local Program to encourage local purchasing.
- 5) Fast tracks payments to local business to assist with cash flow.
- 6) Increases local procurement across Council.
- 7) Provides support for those in financial hardship through deferring payments or extending payment terms.
- 8) Supports Destination Port Stephens in the development of campaigns which encourage residents to explore their own backyard.

BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY AND ENVIRONMENT SECTION MANAGER & TIM HAZELL, FINANCIAL SERVICES SECTION MANAGER

BACKGROUND

Tourism is a major contributor to the Port Stephens economy generating an estimated output of \$434 billion and providing jobs for more than 2,000 local residents. (Replan July 2021).

Greater Sydney accounts for more than 50% of all visitors to the LGA and the impacts of the current lockdowns on the Port Stephens economy cannot be underestimated.

During the 2020 COVID-19 lockdowns, Council implemented a number of measures to support residents and business. In response to these new lockdowns, Council will reinstate existing initiatives and implement new strategies.

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In partnership with Destination Port Stephens, Council will support programs to encourage local visitors to explore their own backyard whilst ensuring marketing strategies are in place to maximise recovery once restrictions are lifted.

Council will also lead discussions with business operators and ensure they are connected with the relevant agency support, communicate opportunities for hardship support and encourage local procurement both within Council and the across the greater Port Stephens business community.

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		

ATTACHMENTS

Nil.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 21/211553
EDRMS NO: PSC2020-000043

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (g) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Capital Works Contribution - 437 Hunter Street, Newcastle**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 21/211555
EDRMS NO: PSC2011-00189

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Rental Arrears Write Off**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 3

FILE NO: 21/211561
EDRMS NO: PSC2020-02248

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely **Purchase of property - Lemon Tree Passage**.
 - 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.
-

ITEM NO. 4

FILE NO: 21/211569
EDRMS NO: PSC2007-0025

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 4 on the Ordinary agenda namely **Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay**.
 - 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.
-

COUNCIL REPORTS

ITEM NO. 1**FILE NO: 21/171312
EDRMS NO: PSC2005-3072****DEDICATION AS PUBLIC ROAD OF PART LOT 491 DP 27846 - 18C CROMARTY ROAD, SOLDIERS POINT****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the survey plan dedicating a section of an existing and constructed road as a dedicated Public Road upon registration of the Plan of Road Opening over Lot 491 DP 27846.
- 2) Authorise the Mayor and General Manager to affix the Seal to the Plan of Road Opening and any other documents required by NSW Land Registry Services.

BACKGROUND

The purpose of this report is to recommend Council approve and endorse a survey plan dedicating a section of Elk Street, Soldiers Point shown by blue hatching on **(ATTACHMENT 1)**, currently constructed over a public reserve, as Public Road. Registration of the Plan of Road Opening **(ATTACHMENT 2)** over Lot 491 DP27846, also known as 18C Cromarty Road, Soldiers Point will formalise this constructed road corridor to allow access to the property frontages for Lots 1-3 DP 1267302, Lots 1-2 DP 511578 and public access to Pearson Park. The Plan of Road Opening is to be dedicated under the Roads Act 1993 S.9 (1).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

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Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal and risk implications around the use of part of the property as informal public road, namely Council's liability in the event of a traffic accident on non-dedicated public road. There are no known policy implications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without dedication as Public Road Council may be liable in the event of an accident.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are considered to be no social implications relating to these recommendations.

The economic implications are the reduction in liability to Council by dedicating part of the public reserve as Public Road. This also regularises property access to the residential lots that address this frontage.

There are considered to be no environmental implications relating to the current and continued use of the land as Public Road.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section. The purpose of the internal consultation was to determine if there was any objection to dedicating the land as Public Road.

The purpose of the external consultation provided the preferred mechanism and process as recommended in this report over the previous direction as discussed in the body of the report.

Internal

- Survey Team Leader.
- Strategic Property Coordinator.
- Assets Section Manager.

External

NSW Land Registry Services.

OPTIONS

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

ATTACHMENTS

- 1) Attachment 1 - Proposed Road Opening Location. [↓](#)
- 2) Attachment 2 - Plan of Proposed Road Opening. [↓](#)

COUNCILLORS ROOM

Nil.

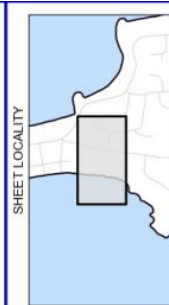
TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1
LOCATION.

ATTACHMENT 1 - PROPOSED ROAD OPENING

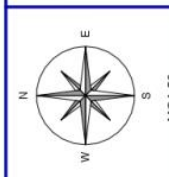
Proposed Road Opening



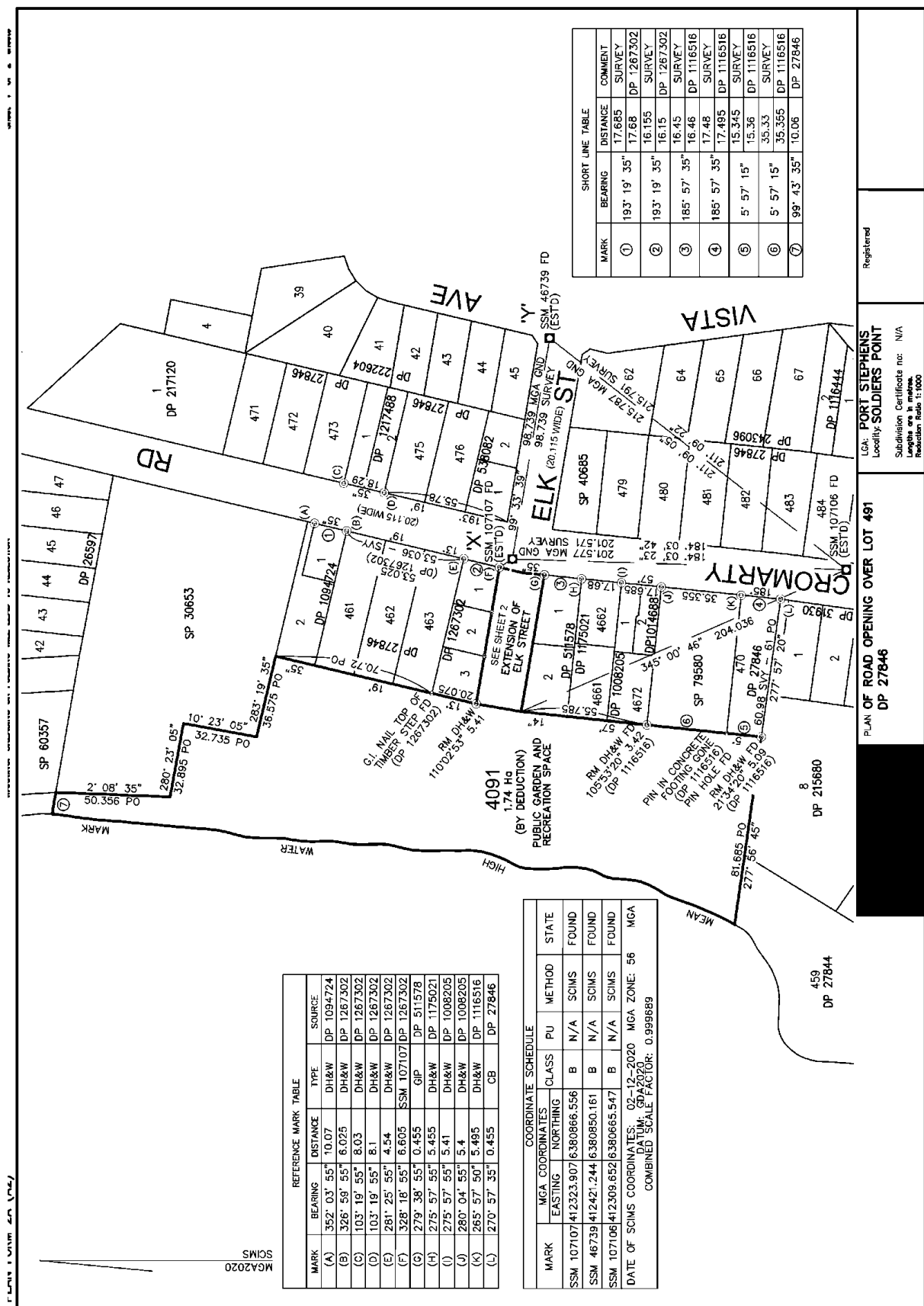
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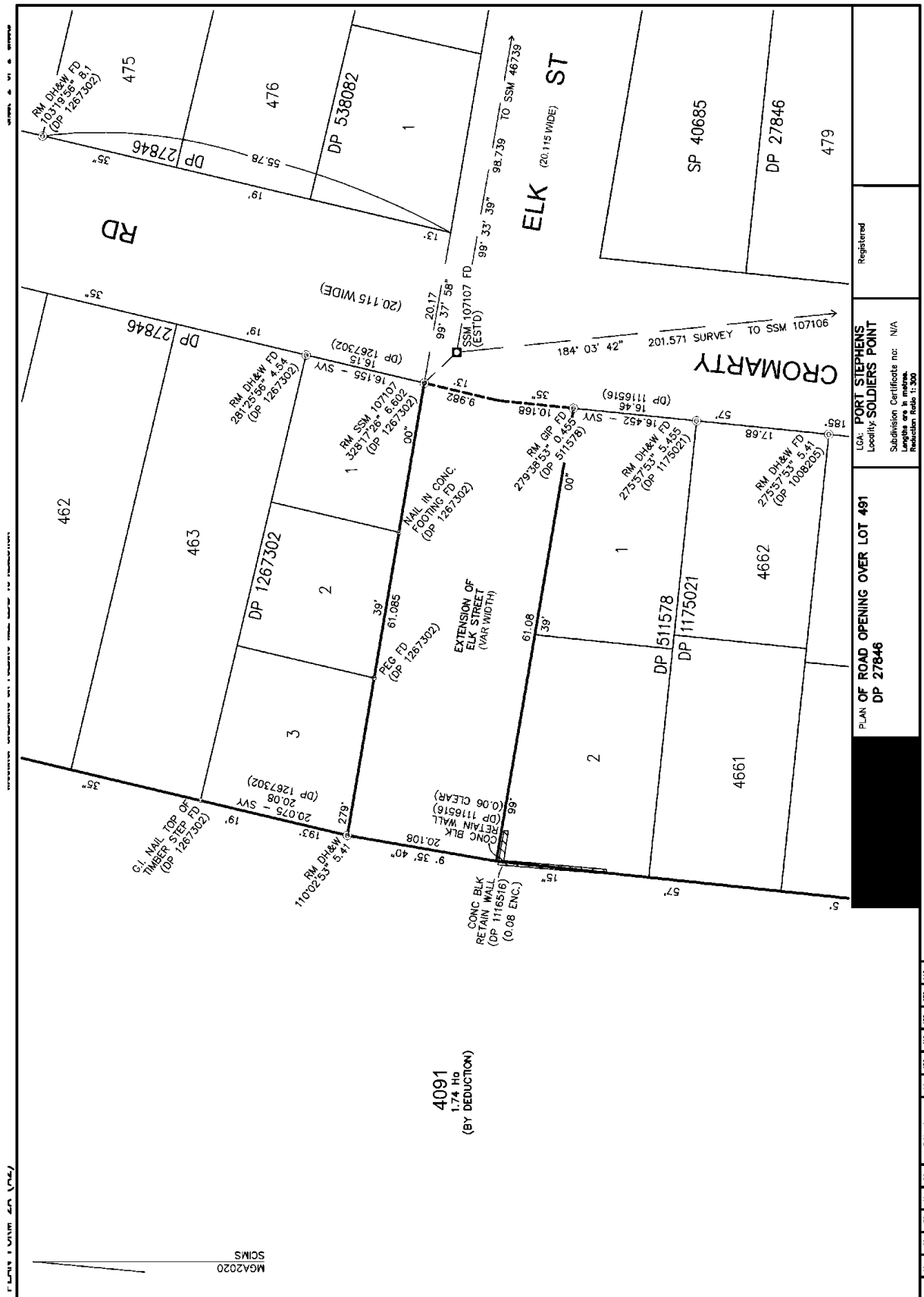


ATTACHMENT 2 - PLAN OF PROPOSED ROAD



ITEM 1 - ATTACHMENT 2

ATTACHMENT 2 - PLAN OF PROPOSED ROAD
OPENING.



ITEM NO. 2

**FILE NO: 20/193295
EDRMS NO: PSC2005-4245**

**NEW POLICY: BEACHSIDE HOLIDAY PARKS TERMS, RULES AND
CONDITIONS POLICY**

REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Beachside Holiday Parks Terms, Rules and Conditions Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Beachside Holiday Parks Terms, Rules and Conditions Policy on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted without a further report to Council.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place the draft Beachside Holiday Parks Terms, Rules and Conditions Policy (the policy) shown at **(ATTACHMENT 1)** on public exhibition.

The policy provides consistency and clarity for the process of applying and managing Beachside Holiday Parks (BSHP) terms and conditions relating to guest bookings, guest's onsite and holiday van owners (HVO) in keeping with relevant industry practice.

The nature of our business requires a suite of documents that can be communicated clearly to guests and other stakeholders at the beginning of our business relationship and enforced when required to uphold our reputation and good business practice.

These documents include BSHP's Terms and Conditions which outlines a range of booking information including payments, arrival information and expected guest behaviour. The BSHP Park Rules provides more details about how guests ensure they stay safe and enjoy their holiday and the BSHP Cancellation Conditions clearly outlines monies that are non-refundable should guests need to cancel their booking.

The general principles of these documents are based on fairness, equity and safety and benchmarked against leading industry associations.

Greater clarity in Council's position on application of the terms and conditions will assist with the small number of occasions where higher level deliberation is required.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications with the adoption of this proposed policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal implications associated with this recommendation as the practice followed is in keeping with industry standards.

In formalising these documents it will ensure that staff can confidently uphold best business practice and ensure guest safety at all times.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk to Council's reputation if Council is not consistent when enforcing our Terms and Conditions, Park Rules and Cancellation Conditions.	Low	Adopt the recommendations.	Yes
There is a risk to Park guests and HVOs if Park Rules are not followed.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section.

Internal

- Legal Services.
- The Executive Team has been consulted to seek management endorsement.

External

- Industry associations – CCIA (Caravan and Camping Industry Association).

In accordance with local government legislation the draft Beachside Holiday Parks Terms, Rules and Conditions Policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Draft Beachside Holiday Parks Terms, Rules and Conditions Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 DRAFT BEACHSIDE HOLIDAY PARKS TERMS, RULES AND CONDITIONS POLICY.

Policy



FILE NO: PSC2005-4245

TITLE: BEACHSIDE HOLIDAY PARKS TERMS, RULES & CONDITIONS POLICY

OWNER: HOLIDAY PARKS SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this policy is to outline Port Stephens Beachside Holiday Parks approach to the application of all terms and conditions relating to guest bookings, guest's onsite and holiday van owners (HVO). The policy relates to the management and upholding of Beachside Holiday Parks (BSHP) Terms and Conditions, Cancellation Conditions and Park Rules in keeping with relevant industry practice.

2. CONTEXT/BACKGROUND:

2.1 The nature of our business requires a suite of documents that can be communicated clearly to guests and other stakeholders at the beginning of our business relationship and enforced when required to uphold our reputation and good business practice.

2.2 These documents include Beachside Holiday Parks (BSHP) Terms and Conditions which outlines a range of booking information including payments, arrival information and expected guest behaviour. The BSHP Park Rules provides more details about how guests ensure they stay safe and enjoy their holiday and the BSHP Cancellation Conditions clearly outlines monies that are non-refundable should guests need to cancel their booking.

2.3 The general principles of these documents are based on fairness, equity and safety and benchmarked against leading industry associations.

3. SCOPE:

3.1 This policy provides guidance for all matters relating to guest bookings, booking cancellations and the expected behaviour of all guests and holiday van owners while staying at Beachside Holiday Parks. The development of these documents has been guided by industry standards and the key principles of good business practice, fairness and the overall enjoyment of all guests.

4. DEFINITIONS:

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

Policy

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ITEM 2 - ATTACHMENT 1 DRAFT BEACHSIDE HOLIDAY PARKS TERMS, RULES AND CONDITIONS POLICY.

Policy



Beachside Holiday Parks	Fingal Bay, Shoal Bay, Halifax, Thou Walla, Port Stephens Koala Sanctuary.
Guest	A person or persons who are staying onsite at one of our Beachside Holiday Parks.
Holiday Van Owner	Short term resident of Beachside Holiday Parks.
Leading Industry Associations	Caravan and Camping Industry Association.

5. STATEMENT:

5.1 Beachside Holiday Parks will carry out its responsibilities to administer the Terms and Conditions, Park Rules and Cancellation Conditions and ensure:

- a) All relevant policies and conditions are communicated clearly to all guests, holiday van owners and other stakeholders.
- a) Staff are consistent in their approach and understanding of all documents.
- b) All staff are capable of escalating relevant matters to senior managers for resolution.

5.2 A review of the Terms and Conditions, Park Rules and Cancellation Conditions will be undertaken annually in keeping with industry practice.

6. RESPONSIBILITIES:

6.1 The overall responsibility for the policy is with the Holiday Parks Section Manager with implementation primarily via the Beachside Holiday Parks Operations Manager and the Koala Sanctuary Manager.

6.2 The key position/s responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy include assistant managers, all customer service officers, sales and reservations officers, grounds team leaders and grounds officers.

7. RELATED DOCUMENTS:

- 7.1 Holiday Van Owners Standard Operating Procedures (PSC)
- 7.2 Holiday Van Owners Annual Occupancy Agreement (PSC)
- 7.3 Crown Lands Management Act 2016
- 7.4 Beachside Holiday Parks Plans of Management (PSC)
- 7.5 Local Government Act 1993
- 7.6 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Policy

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ITEM 2 - ATTACHMENT 1 DRAFT BEACHSIDE HOLIDAY PARKS TERMS, RULES AND CONDITIONS POLICY.

Policy



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EDRMS container No.	PSC2005-4245	EDRMS record No.	TBA
Audience	Council staff and the Community		
Process owner	Holiday Parks Section Manager		
Author	Holiday Parks Section Manager		
Review timeframe	3 years	Next review date	TBA
Adoption date	TBA		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	TBA	Holiday Parks Section Manager.	New Policy.	TBA

Policy

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ITEM NO. 3

**FILE NO: 21/170691
EDRMS NO: PSC2013-00406-048**

POLICY REVIEW: CORPORATE SPONSORSHIP POLICY

REPORT OF: JANELLE GARDNER - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Sponsorship Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Sponsorship Policy, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Corporate Sponsorship Policy dated 26 March 2019, (Minute No. 060) should no submissions be received. **(ATTACHMENT 2)**

BACKGROUND

The purpose of this report is to seek Council's endorsement for a draft Sponsorship Policy.

The draft Sponsorship Policy is intended to replace the Corporate Sponsorship Policy. The new policy will deliver a more integrated approach to how Council receives and distributes sponsorship.

The draft Sponsorship Policy sets out framework for both seeking and providing sponsorship by individuals, organisations and corporations external to Council. It also covers the provision of sponsorship by Council to external parties.

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

This may be the sponsorship of events and activities which increase visitation and visitor spend or the provision of financial or in kind support to enhance the provision of community services and facilities.

The draft policy provides a transparent framework into how Council will assess sponsorship requests (financial and non-financial) and how Council will promote the existence of sponsorship opportunities.

ORDINARY COUNCIL - 10 AUGUST 2021

The draft policy has been developed to align to the key principles of the Independent Commission Against Corruption (ICAC) Sponsorship in the Public Sector.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2021-2022
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 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 and facilities. This is a key mechanism for Council to drive economic, reputational and community benefit.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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 both internal and external stakeholders to ensure the draft policy aligns with corporate objectives.

Internal

Consultation has been undertaken with the Assets Section Manager, Community and Recreation Coordinator 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.

OPTIONS

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

ATTACHMENTS

- 1) Draft Sponsorship Policy. [↓](#)
- 2) Corporate Events Sponsorship Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406

TITLE: SPONSORSHIP POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 This policy provides clarity around the means in which Council distributes and receives sponsorship.
- 1.2 This policy will create transparency and accountability in the execution of Council sponsorship and will provide the framework to guide decisions regarding sponsorship.
- 1.3 This policy provides opportunity for Council to utilise alternatives to traditional funding sources to deliver benefits for the Port Stephens community and benefits to reputable organisations as the sponsor.

2. CONTEXT/BACKGROUND:

- 2.1 Sponsorship is a commercial arrangement by which a sponsor provides a financial or in-kind return for the right to be associated with a project or activity. Sponsorship can be provided by:
 - a) the corporate sector or private individuals in support of a public sector activity; or
 - b) the public sector in support of related and worthwhile private or public sector activities.
- 2.2 Sponsorship is not philanthropic. A sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.
- 2.3 Sponsorship enables Council to deliver and support a more diverse range of projects and activities which align to the community's vision of a great lifestyle in a treasured environment.
- 2.4 Sponsorship is an effective way for the private sector to support the Port Stephens community and enhance Council's service provision.
- 2.5 Sponsorship includes both the receipt and distribution of funds or in kind services and can be applied to events, infrastructure, activities and assets.
- 2.6 It is important that sponsorships meet community expectation while also supporting and promoting Council's key objectives. This policy ensures

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Policy

consistency in approach and effective outcomes for Council and the community.

- 2.7 Sponsorship should be advantageous to both Council and the Sponsor, 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:
- a) provides sponsorship to third parties (Council as sponsor); or
 - b) seeks or receives sponsorship from third parties for Council initiatives.
- 3.2 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 by the Local Government Act 1993, Section 356 and Council's grants and donations policy.

3.3 Sponsorship does not include:

- a) the selling of advertising space
- b) joint ventures
- c) consultants
- d) grants
- e) unconditional gifts, donations, bequests and endowments.

4. DEFINITIONS:

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

Sponsorship	Sponsorship is a commercial arrangement in which a sponsors provides a certain financial, or in-kind contributions in return for the right to be associated with a project or activity
Sponsor	A person or organisation that provides a financial or in-kind contribution for the right to be associated with a project or activity.
Financial assistance (grants and donations)	Other financial mechanisms provided by Council to organisations or individuals to support activities in line with Council's Community Strategic Plan. Such mechanism is provided in accordance with

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Policy



	Council's Grants and Donations Policy and Section 356 of the Local Government Act 1993.
Agreement	A signed agreement between Council and the Sponsor that details the commitments, benefit and costs associated with the sponsorship.
Contribution	Includes both monetary and in-kind contributions made in accordance with a sponsorship agreement.

5. STATEMENT:

- 5.1 Council is committed to entering into sponsorship agreements that offer agreed benefits to all parties. Council will only enter into a sponsorship agreement if it is satisfied that the agreement is in the best interests of the public. In determining if a sponsorship is in the public's interest, Council will consider:
 - a) the benefit to the public
 - b) any perceived conflict of interest
 - c) any impact to Council's ability to perform its regulatory role fully and impartially.
- 5.2 Sponsorship applicants' values and/or objectives must align with that of Council's.
- 5.3 The product of sponsors will not be explicitly endorsed by Council.
- 5.4 Sponsorship applications will be assessed against a predetermined criteria as outlined in the relevant guidelines.
- 5.5 The funding thresholds and corresponding benefit Sponsors will receive, are set out in the relevant Guidelines.
- 5.6 Benefits to be received by sponsors will not include, financial incentives or expedited services.
- 5.7 Council will not enter into a sponsorship agreement through a sponsorship broker or commercial agent until Council is satisfied that the sponsor is eligible in accordance with the criteria set out in the relevant Guidelines. Any commission arrangements are to be between the sponsor and the broker.
- 5.8 Council will consider actual or potential conflicts of interest with sponsors and manage accordingly. Where Council accepts a conflict, Council will record its decision making process and its strategy for managing the conflict.

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Policy



- 5.9 No employee of Council will personally benefit from a sponsorship and all sponsorship contributions will be payable to Council.
- 5.10 A written, legally binding sponsorship agreement will be prepared for each sponsorship arrangement.
- 5.11 Information pertaining to a sponsorship agreement may be:
 - a) maintained and filed for auditing
 - b) reported in Council's annual report
 - c) made available to the public on Council's website
- 5.12 Financial contributions made under a sponsorship agreement are payable in full prior to works commencing unless otherwise agreed by Council.
- 5.13 Council may accept financial contributions as a co-contribution to grant funded projects. Funds will be held by Council by way of bond.

6. RESPONSIBILITIES:

- 6.1 The Strategy and Environment Section Manager has overall responsibility for implementation of this policy.
- 6.2 All sponsorship agreements where the value of funding or in kind support to Council is more than \$50,000 or any sponsorship proposals involving naming rights must be authorised by the elected Council.
- 6.3 All other sponsorship agreements where Council is receiving sponsorship must be authorised by the General Manager.
- 6.4 All sponsorship agreements where Council is providing sponsorship must be authorised by the General Manager or Senior Officer commensurate with the significance of the agreement and in accordance with relevant delegations.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct.
- 7.2 Community and Recreation Infrastructure Sponsorship Guidelines.
- 7.3 Corporate Events Sponsorship Guidelines.
- 7.4 Grants & Donations Policy.
- 7.5 Local Government Act 1993.
- 7.6 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.
- 7.7 State Environmental Planning Policy (Infrastructure) 2007.

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EDRMS container No.	PSC2013-00406	EDRMS record No.	TBA
Audience	Event organisers, community organisations and the Port Stephens community.		
Process owner	Strategy and Environment Section Manager		
Author	Strategy and Environment Section Manager		
Review timeframe	3 years	Next review date	TBA
Adoption date	TBA		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	TBA	Strategy & Environment Section Manager.	New Policy.	TBA

Policy

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Policy



FILE NO: PSC2013-00406

TITLE: CORPORATE EVENTS SPONSORSHIP POLICY

POLICY OWNER: 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.

2. CONTEXT/BACKGROUND:

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

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Policy



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 and donations)	Other financial mechanisms provided by Council to organisations or individuals to support activities in line with Council's Community Strategic Plan. Such mechanism is provided in accordance with 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.
- 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.
- 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.

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Policy



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

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Policy



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.
- 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.

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Policy



- 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 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.
- 5.24 Sponsorships of the value of \$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 Strategy and Environment Section Manager.

Policy

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Policy



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 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 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 \$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.

Policy

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**CONTROLLED DOCUMENT INFORMATION:**

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EDRMS container No	PSC2013-00406	EDRMS record No	19/100283
Audience	Event organisers, community organisations and the Port Stephens community.		
Process owner	Strategy and Environment Section Manager		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	March 2021
Adoption date	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	<p>Transition into new template, with information from various sections of the existing policy used to craft new context/background and scope sections.</p> <p>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.</p>	276

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 & Environment Section and Tourism & 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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Policy



4	26 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 & Tourism come under Strategy & Environment due to the recent ADRI review.</p>	060
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Policy



			<p>5.22 - Deleted 'Communications' and added 'Strategy and Environment' as Economic Development & Tourism come under Strategy & 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 & Environment Section and Tourism & Events Unit, which is responsible for the majority of sponsorships in this dollar range. Deleted 'Communications' and added 'Strategy and Environment' as Economic Development & Tourism come under Strategy & Environment due to the recent ADRI review.</p>	
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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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Policy

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ITEM NO. 4**FILE NO: 17/209651
RM8 REF NO: PSC2017-01741****NEW POLICY - CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Closed Circuit Television (CCTV) in Public Places Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Closed Circuit Television (CCTV) in Public Places Policy, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place the draft Closed Circuit Television (CCTV) in Public Places Policy on public exhibition.

Council owns and operates a number of CCTV networks across the Local Government Area, including the town centres of Nelson Bay and Raymond Terrace. These were previously owned and managed by the Business Chamber and funded by grants. The network has been operating directly under statutory powers and following the 'NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television CCTV in Public Places'.

The attached policy seeks to provide a framework and a set of underlying principles to direct the operation and management of the CCTV network when observing public places. The requirements and policy statements relevant to the parts of Council's CCTV networks observing places, other than public places, are under the Workplace Surveillance Policy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional expenses incurred by Council as a result of adopting the draft Closed Circuit Television (CCTV) in Public Places Policy.

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

CCTV systems are subject to complex legislative requirements, guidelines and standards for their installation, operation and management. These include:

- Government Information (Public Access) Act 2009 (NSW).
- Local Government Act 1993 (NSW).
- Privacy and Personal Information Protection Act 1998 (NSW).
- Privacy and Personal Information Protection Regulation 2014 (NSW).
- Security Industry Act 1997 (NSW).
- Crimes Act 1900 (NSW).
- Workplace Surveillance Act 2005 (NSW).
- State Records Act 1998 (NSW).

In 2000, the NSW Government established guidelines around the installation and use of CCTV in public places. Revised in 2014, the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places was published to assist Council navigate the various acts by providing the policy framework and set of underlying principles.

Risk Management

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of inappropriate disclosure of CCTV system footage outside leading to a potential privacy breach.	Medium	Policy provisions stipulate that only law enforcement agencies may be issued footage. Standard Operating Procedure will be developed to reinforce this requirement.	Yes
There is a risk that the NSW Government may change the statutory requirements of owning	Medium	Monitor legislative changes and participate in any consultation periods.	Yes

or operating a CCTV network leading to potential additional cost or noncompliance.			
There is a risk that community expectation for broader CCTV network coverage leading to additional expense.	Low	Requests for additional CCTV network coverage expansion will be assessed in line with other priorities for Capital Expenditure.	Yes

SUSTAINABILITY IMPLICATIONS

The draft policy will provide a positive social and economic impact to our community by facilitating the Community Strategic Plan's strategic direction of a Thriving and Safe Place to Live.

Council's objectives for using CCTV are to reduce crime levels by deterring potential offenders, to reduce fear of crime, to increase perceptions of safety and to assist in the prosecution of offenders by providing Police with recorded material.

CONSULTATION

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

Internal

- Assets (Fleet Management and Civil Infrastructure Teams) as custodians and operators of the CCTV network.
- ICT as support for the CCTV network.
- Governance Section.
- Strategy and Environment Section.

External

NSW Police Force have been consulted with respect to establishing Standard Operating Procedures and Memorandums of Understanding between our organisations.

In accordance with local government legislation the draft Closed Circuit Television (CCTV) in Public Places Policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Closed Circuit Television (CCTV) in Public Places Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.

Policy



FILE NO: PSC2013-02870

TITLE: CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 This policy has been developed to provide a framework to assist Council in establishing and operating Closed Circuit Television (CCTV) in response to local community safety concerns in accordance with the aspirations of the Community Strategic Plan.

2. CONTEXT/BACKGROUND:

- 2.1 CCTV systems are subject to complex legislative requirements, guidelines and standards for their installation, operation and management. In 2000, the NSW Government established guidelines around the installation and use of CCTV in public places. Revised in 2014, these guidelines (NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places) provide the policy framework and following set of underlying principles to assist agencies considering the use and management of CCTV.
- 2.2 CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy. CCTV is not recommended as an isolated response to addressing crime in public place.
- 2.3 CCTV can bring benefits to the community through reduction in crime, which can lead to enhanced perceptions of safety in a particular area. CCTV programs that have the greatest impact on crime in a local area are those implemented as one of a suite of crime prevention measures as opposed to a stand-alone crime prevention intervention.

3. SCOPE:

- 3.1 This policy applies to the implementation, operation and management of CCTV installed on Council assets observing public places.
- 3.2 The implementation, operation and management of CCTV observing non-public places is addressed separately under the Workplace Surveillance Policy of the relevant workplace.

4. DEFINITIONS:

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

Policy

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Policy



CCTV

An initialisation meaning "closed circuit television". It is a system that transmits images within a closed system to a specific location. The CCTV system is made up of cameras, monitors, recorders, interconnecting hardware, software and support infrastructure.

5. STATEMENT:

- 5.1 Council's objectives for using CCTV are to reduce crime levels by deterring potential offenders, to reduce fear of crime, to increase perceptions of safety and to assist in the prosecution of offenders by providing Police with recorded material.
- 5.2 The implementation of CCTV must be part of an integrated, multi-agency approach to crime control and community safety.
- 5.3 Council will maintain and operate the CCTV schemes with due regard for the privacy and civil rights of individuals and the community.
- 5.4 Council will consult with communities when considering establishing or significantly expanding a public area CCTV schemes.
- 5.5 Council will develop and review procedures to cooperate and share information with the NSW Police Force.
- 5.6 Council will ensure that any record made as a result of surveillance will not be used or disclosed unless the disclosure is to a member or officer of a law enforcement agency (e.g. Police) for use in connection with the detection, investigation or prosecution of an offence or to avert an imminent threat of serious violence or of substantial damage to property.
- 5.7 Council will manage all complaints relating to CCTV systems in accordance with our Complaint Handling Policy.

6. RESPONSIBILITIES:

- 6.1 The following key positions within Council are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy:

Civil Assets Manager &
Fleet Management
Supervisor

- CCTV asset class owners, responsible to manage the lifecycle of the asset class.
- Ensure staff, contractors and consultants involved with CCTV are adequately trained and inducted into the policies and other applicable policies and procedures.
- Arrange compliance audits of public CCTV.

Civil Assets Manager,
Civil Infrastructure

- Oversee day to day management, maintenance and operation of the CCTV system.

Policy

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ITEM 4 - ATTACHMENT 1 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.



Policy

Engineer & Civil Infrastructure Officer	<ul style="list-style-type: none"> Develop, implement and on-going review of standards and standard operating procedures to ensure compliance. Responsible for CCTV footage viewing and download requests Financial budgeting for Public CCTV.
Governance Section Manager & Governance Officer	<ul style="list-style-type: none"> Provide advice on any on-going reviews of standards and standard operating procedures to ensure compliance. Responsible for CCTV GIPA requests. View footage for the GIPA requests.
Strategy & Environment Section Manager	<ul style="list-style-type: none"> Liaise with the NSW Police and the Business Community to determine CCTV needs. Develop and manage the MOU with the NSW Police.
ICT Maintenance & Support Coordinator	<ul style="list-style-type: none"> Assist with CCTV footage viewing and download requests.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council and Local Area Command CCTV Memorandum of Understanding (2021).
- 7.2 Port Stephens Council and Port Stephens Hunter Police District Memorandum of Understanding (2020).
- 7.3 NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) (2005).
- 7.4 Australian Standard AS 4806.1 – 2006, Closed circuit television (CCTV), Part 1: Management and operation.
- 7.5 Workplace Surveillance Policy.
- 7.6 Government Information (Public Access) Act 2009 (NSW).
- 7.7 Local Government Act 1993 (NSW).
- 7.8 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.9 Privacy and Personal Information Protection Regulation 2014 (NSW).
- 7.10 Security Industry Act 1997 (NSW).
- 7.11 Crimes Act 1900 (NSW).
- 7.12 Workplace Surveillance Act 2005 (NSW).
- 7.13 State Records Act 1998 (NSW).

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ITEM 4 - ATTACHMENT 1 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.

Policy



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EDRMS container No.	PSC2013-02870	EDRMS record No.	TBC
Audience	Staff		
Process owner	Assets Section Manager		
Author	Civil Assets Manager		
Review timeframe	3 years	Next review date	TBC
Adoption date	TBC		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1		Civil Asset Manager	First Version.	

Policy

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ITEM NO. 5**FILE NO: 21/205501
EDRMS NO: PSC2017-00180****BUDGET ITEMS ROLLOVERS/CARRIED FORWARD FROM 2020 - 2021****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the revotes from the 2020-2021 budget as detailed in **(ATTACHMENT 1)** and vote the necessary funds to meet expenditure.

BACKGROUND

The purpose of this report is to advise of the budget items from 2020-2021 that were not completed in that financial year and are proposed to be carried forward to 2021-2022 **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The works included in this report will be partially or wholly unexpended at the end of the 2020-2021 financial year, however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have little to no impact on Council's Long Term Financial Plan.

Council has traditionally had a number of projects that have been unable to be completed within the given financial year. The program **(ATTACHMENT 1)** is generally in line with this trend, but has been extended due to the cash flow implications caused by the COVID-19 pandemic.

The carried forward items have been factored into the new capital works program and a cash flow forecast has been amended to account for the extended program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2020-2021
Developer Contributions (\$7.11)	Yes		Budget from 2020-2021
External Grants	Yes		Budget from 2020-2021
Other	Yes		Budget from 2020-2021

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2005, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled. It must be noted that the figures listed in **(ATTACHMENT 1)** are indicative only. The report is before Council ahead of schedule as the resolution must be complete before Council enters caretaker mode.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

Internal

- Strategic Property Coordinator
- Asset Section Manager
- Community Services Section Manager
- Holiday Parks Section Manager
- Organisation Support Section Manager

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Budget Items Rollovers/ Carried Forward 2021 to 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.
Rollovers/Carried Forward – 2021 to 2022

CLASSIFICATION	DESCRIPTION	BUDGET ROLLOVER
Development	Depot relocation - capital work	5,986,853
Development	Major administration building refurb (funded by loan)	2,997,614
Development	Birubi Point aboriginal place tourism interchange - capital work	5,232,234
Development	Investment property improvements	96,516
Digital assets	Smart parking	58,611
Drainage	Flood pumps - upgrades Bourke street, Birubi Point, Thompson place	17,000
Drainage	Shire wide rehab of kips various - capital drainage	50,000
Drainage	Seabreeze Estate drainage - improvement works	329,133
Holiday parks	Holiday Parks - capital projects rollover	1,035,896
ICT	Enterprise risk system - capital	135,022
ICT	ICT improvement rollover	304,408
Mayoral	Mayoral funds rollover	4,485
Pathways	Shared spaces - street activation	478,549
Pathways	CPTIGS bus shelter projects	46,487
Pathways	Shared pathway – Avenue of the Allies, Tanilba Bay	516,651
Pathways	Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage	687,073
Pathways	Shared pathway – Medowie road (Ferodale road to South street) Medowie	603,320
Pathways	Shared pathway – Levee bank, Raymond Terrace	263,299
Pathways	Shared paths – Fern Bay	684,212
Pathways	CPTIGS 2019-2021 - capital works cycleway, paths & bus shelter construction	143,000
Pathways	Brandy Hill drive - pathway construction	57,112
Pathways	Salt Ash bike track	50,000
Pathways	Ancillary works - pathways – Shoal Bay foreshore, Shoal Bay	660,002
Plant	Plant - capital	2,131,758
Roads	Bus interchange – Seaham	43,416
Roads	Event signage Nelson Bay road, Nelson Bay	20,000
Roads	Local roads east - capital local roads reseal program	77,219
Roads	Swan Bay road- capital - Swan Bay road seg. 590-160	425,169
Roads	Swan Bay road- capital - Swan Bay road & Karuah road seg. 20/30 rehab & shoulder	11,491
Roads	Hinton road - capital - local roads capital upgrade works	23,572

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.

Roads	Newline road Raymond Terrace - safer roads grant - capital	579,069
Roads	Masonite road Tomago - blackspot - capital	25,179
Roads	Town centre improvements (including amenities) – Medowie	131,680
Roads	Road upgrade – Mustons road, Karuah	366,542
Roads	Town centre improvements (road upgrade and streetscape) – William street, Raymond Terrace	579,059
Roads	Road upgrades – Duns Creek road, Forest road	237,982
Roads	Lemon Tree Passage road roundabout beautification (Avenue of the Allies)	20,000
Roads	Nelson Bay road/Port Stephens drive roundabout entrance beautification	18,150
Roads	James road - seg 30 - capital	43,762
Roads	Lemon Tree Passage road, Salt Ash seg 60 - capital	365,459
Roads	Duns Creek road near Wallaby close, Duns Creek - blackspot - capital	48,264
Roads	Grahamstown road near Wade close, Medowie - blackspot - capital	110,336
Roads	Soldiers Point road near George road, Salamander Bay - blackspot - capital	55,509
Roads	River flat realignment - Carmichaels Creek corner towards Timbertops road - capital	51,611
Roads	School drive Tomago pavement rehabilitation - capital	200,899
Roads	Kula road - fixing local roads grant - capital	427,566
Roads	Newline road (Seaham end) - fixing local roads - capital	452,940
Roads	Future works program - minor jobs	145,018
Sport and recreation	Foreshore improvements - Conroy park, Corlette	12,488
Sport and recreation	Revetment work - Soldiers Point	1,005
Sport and recreation	Little Beach boat ramp upgrade - capital	1,612,943
Sport and recreation	Surf club amenities construction One Mile beach - capital work	40,000
Sport and recreation	Boyd oval clubhouse - new amenities building – capital	1,415,238
Sport and recreation	Amenities replacement - George reserve Salamander Bay	130,197
Sport and recreation	Amenities replacement - Little Beach, Nelson Bay	150,818
Sport and recreation	Tomaree sports complex amenities replacement – Salamander Bay	2,993,749
Sport and recreation	Amenities replacement – Longworth park, Karuah	5,607
Sport and recreation	Mallabula - soccer and athletics club amenities upgrade	200,000
Sport and recreation	Tilligerry aquatic centre - remediate balance tank membrane - capital	39,985
Sport and recreation	Tomaree aquatic centre - upgrades - capital	287,420
Sport and recreation	Lakeside leisure centre - upgrades - capital	271,799
Sport and recreation	Amenities/clubhouse upgrade – Stuart park, Hinton	1,261,101

ITEM 5 - ATTACHMENT 1 BUDGET ITEMS ROLLOVERS/ CARRIED FORWARD 2021 TO 2022.

Sport and recreation	Lakeside leisure centre - rehab leisure pool tank and pool hall upgrades	180,000
Sport and recreation	Williamstown hall - replace switchboard and lighting	28,800
Sport and recreation	Shoal Bay west amenities - replacement	7,667
Sport and recreation	Lakeside leisure centre - 50m heat pump replacement	126,807
Sport and recreation	Medowie sport and community facility memorial	41,326
Sport and recreation	Bettles park amenities	160,000
Sport and recreation	Lakeside sports complex amenities 2 - roof upgrade	69,066
Sport and recreation	Soldiers Point ap interpretive signage and audio	27,319
Sport and recreation	Mallabula - skate park relocation & upgrade	182,459
Sport and recreation	Peace park Tanilba Bay - reserve improvement barbecue installation	27,136
Sport and recreation	Boyd oval - playground replacement	35,000
Sport and recreation	Seaham park - replace soft fall surround with a kids bike track - playground	8,939
Sport and recreation	Little Beach accessibility upgrade - capital work	75,000
Sport and recreation	Robinson reserve Anna Bay redevelopment - capital work	2,227
Sport and recreation	Bagnalls beach west - replacement - capital	50,598
Sport and recreation	Mallabula sports complex - light tower replacement	19,314
Sport and recreation	Tree works Karuah & Raymond Terrace	29,662
Sport and recreation	King Park irrigation	48,600
Sport and recreation	Mallabula - tennis court expansion	117,150
Sport and recreation	Nelson Bay tennis - fencing and retaining wall replacement	124,013
Sport and recreation	Spencer park Soldiers Point playground and amenities - capital	85,286
Sport and recreation	Mallabula sports complex playground update - capital	223,023
Sport and recreation	Robinson reserve skate park stage 2	154,483
Sport and recreation	George reserve playground	45,025
Sport and recreation	Henderson park shade sail	89,946
Sport and recreation	Bettles park play ground	120,000
Ward	Ward funds rollover	26,209
Waste	Waste capital improvements	381,962
	Total	37,938,494

ITEM NO. 6**FILE NO: 21/205502
EDRMS NO: PSC2017-00180****2020-2021 GENERAL PURPOSE FINANCIAL REPORTS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2020-2021 General Purpose Financial Reports for audit.
- 2) Sign the statement of the General Purpose Financial Reports as shown at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to advise Council that the draft General Purpose Financial Reports for the period ended 30 June 2021 will be prepared in accordance with the relevant legislation and the audit will commence on 6 September 2021. The draft General Purpose Financial Reports will be referred to audit in the interim.

Due to the timing of Council entering caretaker mode and subsequent Council elections, this report has been brought forward of its usual timeframe.

To ensure that legislative requirements are upheld and compliance is met, the current elected Council and management must sign the statement to confirm that the General Purpose Financial Reports will be prepared in accordance with all applicable regulations.

Under Section 413 of the Local Government Act 1993 (NSW) Council is required to submit with the General Purpose Financial Reports, a statement by the Mayor, Councillor and management as to its opinion on the reports **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The 2020-2021 General Purpose Financial Reports will be prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

ORDINARY COUNCIL - 10 AUGUST 2021

All revenues for 2020-2021 will be recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period will be recognised.

Provision will be made for all unpaid creditors.

Funds received for specific purposes but not expended during the period will be identified as either an external or internal restriction.

All known assets of Council will be recognised and brought to account.

All known assets acquired during the period will be recognised at actual cost, or at fair value in line with fair value accounting for assets.

All known liabilities incurred during the period will be recognised at actual or committed cost.

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

Signing of the statement giving Council's opinion on the impending financial reports will comply with Section 413 of the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to sign the statement for the General Purpose Financial Reports will result in non-compliance with legislation leading to potential reputational and financial loss.	Low	Accept the recommendations and sign the statement on the General Purpose Financial Reports.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

No consultation is required as this is a statement by Council and management that the General Purpose Financial Reports will be prepared in accordance with applicable regulations.

Internal

Nil.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Statement by Council and management. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2021

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 July 2021.

[Ryan Palmer](#)

Mayor

27 July 2021

Councillor

27 July 2021

[Wayne Wallis](#)

General Manager

27 July 2021

[Tim Hazell](#)

Responsible Accounting Officer

27 July 2021

ITEM NO. 7

**FILE NO: 21/203267
EDRMS NO: PSC2014-01123**

COMMUNITY FUNDING PROGRAM

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate 1 Councillor from each ward for the Local Strengthening Grants assessment panel.

BACKGROUND

The purpose of this report is nominate 1 Councillor from each ward for the Local Strengthening Grants assessment panel.

At its meeting of 13 July 2021 (Minute No. 172) **(ATTACHMENT 1)** Council endorsed the Community Funding Program and the assessment panel membership of the Local Strengthening Grant. The program is scheduled to be open for submissions during August and September 2021 with a report to endorse the funding listed for 26 October 2021.

The assessment process for the Local Strengthening Grant includes assessment by a panel of Councillors (1 representative from each ward), the Mayor and two Council staff. The assessment process is carried out in accordance with Council's Community Funding Guidelines.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Partnerships	Assist community service providers to effectively deliver services in the region.

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

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

Funding is also distributed in accordance with the Corporate Events Sponsorship Policy and the Grants and Donations Policy.

Risk	Risk Ranking	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 recommendation.	Yes
There is a risk that the delivery of grants is delayed resulting in a loss of reputation.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social and economic outcomes for the Port Stephens community through opportunities to generate social reconnection and business growth and employment.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section and Strategy and Environment Sections.

Internal

None required.

External

None required.

OPTIONS

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

ATTACHMENTS

- 1) Ordinary Council Meeting Minutes - 13 July 2021. [↓](#)

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

MINUTES ORDINARY COUNCIL - 13 JULY 2021**ITEM NO. 9****FILE NO: 21/146191
EDRMS NO: PSC2014-01123****COMMUNITY FUNDING PROGRAM**

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the ongoing Community Funding Program as detailed in the report **(TABLE 2)**.
- 2) Endorse the Local Strengthening Grants assessment panel membership including the Mayor, 1 Councillor from each ward and Council staff.
- 3) Nominate 1 Councillor from each ward for the Local Strengthening Grants assessment panel.

**ORDINARY COUNCIL MEETING - 13 JULY 2021
MOTION**

172	Councillor Chris Doohan Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Endorse the ongoing Community Funding Program as detailed in the report (TABLE 2).2) Endorse the Local Strengthening Grants assessment panel membership including the Mayor, 1 Councillor from each ward and Council staff.3) Nominate 1 Councillor from each ward for the Local Strengthening Grants assessment panel in the new term of Council.
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The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the ongoing Community Funding Program in accordance with Council's Community Funding Guidelines.

ITEM 7 - ATTACHMENT 1 ORDINARY COUNCIL MEETING MINUTES - 13 JULY 2021.**MINUTES ORDINARY COUNCIL - 13 JULY 2021**

In response to community and economic impacts from the COVID-19 pandemic, Council ran an altered grants program in 2020/2021 as a key initiative within the Restart Port Stephens Plan.

The 2020/2021 program was delivered across 2 targeted streams. A total of \$138,200.00 was allocated to 27 projects as shown in **(TABLE 1)**.

TABLE 1

Fund	Applicants	Recipients	Total Funded
Vibrant Spaces Fund	38	13	\$72,000
Community Support Fund	28	14	\$66,200
TOTAL	66	27	\$138,200

Council staff have reviewed the 2020/2021 program and identified a range of benefits of the altered program and opportunities for improvement, including:

- greater strategic alignment
- increased applications by almost 50%
- greater diversity of applications
- streamlined process for the applicant
- better mix of grant funds tailored to different needs.

The proposed new ongoing Community Funding Program seeks to improve on the 2020/2021 altered grants program and evolve it to respond to the changing community needs into the future. The proposed program is outlined in **(TABLE 2)**.

Through Council's Sponsorship Policy, a range of other programs are funded including Community Event Development Fund, Evening Economy Fund and My Incredible Place Micro Grants.

TABLE 2

Fund	Details	Amount	Frequency
Vibrant Spaces Fund	Funding for projects increasing vibrancy of our town centres and public spaces.	\$60,000	2 rounds per year
Local Strengthening Grants (Formally Community Support Fund)	Support community organisations, groups and clubs that support wellbeing in our community – up to \$6,000	\$73,000	2 rounds per year
Port Stephens Aboriginal Projects Fund	Funding for projects that empower local Aboriginal people – up to \$3,000	\$35,000	Open all year round
	TOTAL	\$168,000	

ITEM 7 - ATTACHMENT 1 ORDINARY COUNCIL MEETING MINUTES - 13 JULY 2021.

MINUTES ORDINARY COUNCIL - 13 JULY 2021

The assessment process for the Local Strengthening Grant includes assessment by a panel of Councillors (one representative from each ward), the Mayor and two Council staff. The assessment process is carried out in accordance with Council's Community Funding Guidelines.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Assist community service providers to effectively deliver services in the region.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$168,000	From recurrent grant and Economic Development and Tourism budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Funding is also distributed in accordance with the Corporate Events Sponsorship Policy and the Grants and Donations Policy.

Risk	Risk Ranking	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

MINUTES ORDINARY COUNCIL - 13 JULY 2021

There is a risk that the delivery of grants is delayed resulting in a loss of reputation.	Low	Adopt the recommendations.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social and economic outcomes for the Port Stephens community through opportunities to generate social reconnection and business growth and employment.

CONSULTATIONInternal

Consultation with key stakeholders has been undertaken by the Economic Development and Tourism and the Community Development and Engagement Teams.

External

Consultation was undertaken with the following external Committees:

- Aboriginal Strategic Committee
- Strategic Arts Committee

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

ITEM NO. 8

**FILE NO: 21/205615
EDRMS NO: PSC2005-3177**

KIRRANG DRIVE, MEDOWIE SHARED PATHWAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the outcome of preliminary investigations into the Kirrang Drive, Medowie shared pathway project.
- 2) Endorse further investigations to understand the financial requirements and options to accelerate the delivery of the Kirrang Drive, Medowie shared pathway project and receive a report on the outcome of these investigations.

BACKGROUND

The purpose of this report is to present the outcome of preliminary investigations into the Kirrang Drive, Medowie shared pathway and endorse further investigations to understand the financial requirements and options to accelerate the delivery of the project. The outcome of these further investigations will be reported to Council when an estimate and preliminary design have been prepared.

Council resolved at its Meeting on 22 June 2021, as shown in **(ATTACHMENT 1)**, to receive an update report on this matter.

The Port Stephens' Pathways Plan was adopted in 2016, and is a collection of maps that shows existing footpaths and shared paths throughout Port Stephens and identifies locations for future pathway construction. The current revision of the Pathways Plan does not feature any prioritisation of identified pathways, but is a useful tool in identifying pathways to consider funding through local infrastructure contributions and other external funding. The Kirrang Drive shared pathway was identified in the Pathways Plan for future construction.

There are significant constraints, challenges and complexities in various locations along the route of the proposed Kirrang Drive shared pathway that need to be further investigated such as the topography, landscape, environmental conditions, location of services, potential property acquisitions, road realignment/widening, and drainage and flooding considerations. These constraints, limitations, challenges and requirements need to be better understood through site investigations and conceptual design to enable an indicative cost estimate to be prepared and appreciate the financial requirements to deliver the project.

Having a more accurate understanding of the financial requirements of the Kirrang Drive shared pathway will enable Council staff to investigate options to fund an accelerated delivery of the project and the potential impact this may have on other already funded projects. Funding options including the Local Infrastructure Contributions Plan, Capital Works Program and grant sources will be investigated.

The outcome of these further investigations into the financial requirements of the Kirrang Drive shared pathway project and options to accelerate the delivery of the project will be reported to Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

A preliminary conceptual design will be required to determine indicative cost estimates and understand the project's financial requirements. It is anticipated that the cost to undertake site investigations, prepare a preliminary concept design and an indicative cost estimate will be in the range of 10% to 15% of the total cost.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		A portion of the funds to undertake the preliminary conceptual design will need to be allocated from the existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		A portion of the funds (43%) to undertake the preliminary conceptual design may be drawn from the Local Infrastructure Contributions Plan.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the broader community will object to the reprioritisation of the subject project/deferral of other projects leading to damage to public image and reputation.	Low	Undertake any proposed change in infrastructure priority with the annual updates to the Local Infrastructure Contributions Plan and the Capital Works Program.	Yes
There is a risk that the strategic estimate of project costs may have under-estimated the project costs leading to underfunding of the project.	Low	Complete site specific investigation and conceptual design to identify project constraints/opportunities, and reduce uncertainty	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are clear social, economic and environmental benefits for providing shared pathways. Council's recent Place Census highlighted that residents highly valued pathways and would prefer an expansion of the existing network.

CONSULTATION

Consultation with key stakeholders will be undertaken by the Assets Section during further investigations.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Pathways Plan - Kirrang Drive, Medowie - 22 June 2021 [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

ITEM 8 - ATTACHMENT 1 NOTICE OF MOTION - PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE - 22 JUNE 2021**MINUTES ORDINARY COUNCIL - 22 JUNE 2021****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 21/157168****EDRMS NO: PSC2017-00019****PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE**

MAYOR: RYAN PALMER
COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Update the projects in the Pathways Plan seeking a priority for Kirrang Drive, Medowie into the Capital Works Program.

**ORDINARY COUNCIL MEETING - 22 JUNE 2021
MOTION**

156	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Update the projects in the Pathways Plan seeking a priority for Kirrang Drive, Medowie into the Capital Works Program.2) The outcome of this update be reported to the Council meeting of 27 July 2021, with the expectation that Kirrang Drive's proposed pathway will be brought forward from 2032 in light of the major safety concerns of the community.
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The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

The purpose of this report is provide information to this Notice of Motion.

The Port Stephens Council's Pathway Plan was adopted in 2016. The Pathway Plan shows existing and proposed pathways that, when completed, would allow the community and visitors to move between areas of interest such as town centres, schools, sporting areas, local shops and facilities to name a few. Increasing the pathway network not only helps remove vehicles off the road, but improves the health and wellbeing of the community.

ITEM 8 - ATTACHMENT 1 NOTICE OF MOTION - PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE - 22 JUNE 2021**MINUTES ORDINARY COUNCIL - 22 JUNE 2021**

Council's recent Place Census highlighted that residents highly valued pathways and would prefer an expansion of the existing network.

Kirrang Drive in Medowie is on the Council's Pathways Plan. Like many of the proposed missing links and new pathways, Kirrang Drive is currently unfunded. At the time of writing this Notice of Motion, the proposal has not been scoped or designed. As such, Council does not yet have a preliminary estimate or a source of funds to place this project in the Capital Works Program.

It is acknowledged that this connection is important to the residents of Medowie.

FINANCIAL/RESOURCE IMPLICATIONS

Preliminary concepts will be required to determine indicative estimates and the financial requirements.

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

ATTACHMENTS

Nil.

ITEM NO. 9**FILE NO: 21/205618
EDRMS NO: PSC2017-00180****355C COMMITTEES 2020 ANNUAL FINANCIAL SUMMARY**

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355c Committees Annual Financial Statements for the period 1 January 2020 to 31 December 2020.
- 2) Note that eligible 355c Committees have received the 2021 annual operating subsidy.

BACKGROUND

The purpose of this report is to receive the 355c Committees' Annual Financial Statements for 2020 and to note the disbursement of the 2021 annual operating subsidies to eligible 355c committees and sports councils.

For the period 1 January 2020 to 31 December 2020, a summary of the total opening balance (including investment accounts) and closing balance of all financial 355c committees is shown in **(ATTACHMENT 1)**. This summary also shows payment of the 2021 annual operating subsidy to eligible 355c committees and the retaining of funds for use by park and cemetery group operation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Diversity	Support volunteers to deliver appropriate community services.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the 27 committees as at 31 December 2020 was \$755,595.24, an increase of \$13,350.66 from 31 December 2019.

- 8 committees held over \$20,000 (total value of \$610,320.09).
- 4 committees held between \$10,000 and \$20,000 (total value of \$59,274.85).
- 7 committees held less than \$10,000 (total value \$38,624.18).
- 5 committees dissolved during the period and the bank account closed.

The use of committee funds should be in line with Council's strategic directions and be committed to the objectives of each committee's appendix to the 355c Committee Terms of Reference. A focus on maintenance, renewal and rehabilitation of facilities and reserves will ensure the long-term sustainability of these community assets.

Financial resources are available to support the establishment and operation of volunteer groups working in parks, reserves, natural areas and cemeteries. Their activities may include vegetation planting and management, mulching, weed control, facility maintenance and improvements, and initiatives to educate and enhance the experience of park and cemetery users.

Council's Assets Section works with committees and sports councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets. For example, in the 2020 calendar year, the following large investments by committees included:

Medowie Sports Council

\$3,000	Contribution to Medowie Athletics Club for new bubbler at Kindlebark Oval.
\$3,000	Contribution to Medowie Netball Club towards pressure cleaning at Ferodale Netball Courts.
\$2,200	Contribution to Medowie AFL Club installing shower cubicles at Ferodale Sports Complex.

Tilligerry Sports Council

\$1,000	Contributions towards wind breaker shade cloth at Tilligerry Tennis Courts.
\$8,403.76	Oversow Program league and soccer fields at Mallabula Sports Complex.

Tomaree Sports Council

\$8,700	Contribution towards Korora Oval Cricket Nets Installation.
\$4,012	Oversow Program for Tomaree No 1 Matchfield.
\$943.88	Contribution towards motorised roller door at Dick Burwell Oval.

West Ward Sports Council

\$72.73	Flowers for late Ellen Gordon, long term volunteer of the Raymond Terrace Tennis Club.
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Other

Other	
\$7,305	Installation Air Conditioning – Tanilba Foreshore Hall.
\$550	Upgrade hall locks – Tanilba Foreshore Hall.
\$5,400	Supply and installation 2 x shade shelters in Iluka Reserve– Boat Harbour 355c Volunteers.

ORDINARY COUNCIL - 10 AUGUST 2021

- \$2,700 Supply and installation shade shelter in Rookes Point Reserve – Mallabula Parks and Reserve Committee.
- \$8,000 Landscaping works Birubi Hall – Anna Bay Hall Committee.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	726,171.87	Funds held in individual bank accounts by 355c committees/sports councils as at 31/12/20

LEGAL, POLICY AND RISK IMPLICATIONS

Section 355c of the Local Government Act 1993 allows Council to delegate certain functions. A section 355c committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the committees belong to Council and the committee is responsible for the care and control of these funds. Funds administered by 355c committees must meet Council's standards of compliance, management and transparency. Committees are required to comply with standard record keeping practices, including submission of financial reporting requirements by due dates.

355c committees use a cash book style financial record keeping system. The cash book is completed monthly (or alternative if approved) and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

This system was developed in line with recommendations of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355c committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	<p>This risk will be reduced by ensuring Council is noted on individual committee bank account names and there are 2 Council staff as signatories/ authorised officers to committee accounts.</p> <p>The 355c Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds.</p> <p>Additional information has been provided to committees and is available on Council's website and includes meeting guidelines and templates, financial record keeping guide and purchasing guide.</p> <p>Financial training is also offered to relevant committee executive members.</p>	Yes
There is a risk that funds held in 355c committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community. A

community with a high rate of participation in community activities is an indicator of a well-functioning community.

Council utilises 355c committees to provide a link between Council and the community, and to assist in the management of facilities and delivery of community services and events. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

Volunteer park and cemetery groups are an avenue through which members of the community can come together to work on Council land and have meaningful engagement in their local community. The setup and management of these groups under Council enables volunteers to undertake activities in a safe and proficient manner, while being supported by Council and adhering to Council's requirements.

Committees and volunteer groups provide assistance often where funding is not available. Their activities are value adding with a large number of the facilities and services provided in the local government area enhanced through the direct involvement of volunteers.

The provision of financial support to Council's 355c committees and volunteer groups is provided within current resources. The annual operating subsidy is a direct budget item (\$90,000 in 2021-2022).

Volunteers operate under direction from Council staff to ensure their activities are performed in accordance with recognised environmental practices. Projects and activities relating to the environment are encouraged and supported and often provide long term benefits to the environment.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section to ensure the provision of relevant and accurate information.

Internal

- Senior Leadership Team.
- Finance Reporting Coordinator.
- Community and Recreation Coordinator.
- Volunteers Coordinator.
- F&S Senior Business Support Advisor.

External

- 355c committees and sports councils.

OPTIONS

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

ATTACHMENTS

- 1) Annual Financial Statement for Period 1 January 2020 to 31 December 2020. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 ANNUAL FINANCIAL STATEMENT FOR PERIOD 1 JANUARY 2020 TO 31 DECEMBER 2020.

ATTACHMENT 1

355c Committees Annual Financial Statement Summary - 1 January to 31 December 2020

	355c Committee	Opening Balance inc investments 01/01/2020	Closing balance inc investments 31/12/20	Annual Operating Subsidy July 2021
1.	Anna Bay/Birubi Hall Committee	\$ 14,504.26	\$ 23,633.43	\$1,000
2.	Boat Harbour Parks & Reserves Committee	\$ 6,593.38	-	NA
3.	Corlette Hall Committee	\$ 7,402.89	\$ 11,553.43	\$1,000
4.	Fern Bay Community Centre Committee	\$ 17,095.28	\$ 18,442.26	\$1,000
5.	Fingal Bay Parks & Reserves Committee	\$ 9,243.36	-	NA
6.	Hinton School of Arts Committee	\$ 5,225.55	\$ 5,244.87	\$1,000
7.	Karuah Community Hall Committee	\$ 13,816.90	\$ 8,115.10	\$1,000
8.	Lemon Tree Passage Old School Centre Committee	\$ 20,808.70	\$ 17,952.75	\$1,000
9.	Mallabula Community Centre Committee	\$ 33,759.57	\$ 37,818.70	\$1,000
10.	Mallabula Parks & Reserves Committee	\$ 5,952.95	-	NA
11.	Mambo Wanda Wetlands, Reserves & Landcare Committee	\$ 12,175.95	-	NA
12.	Medowie Community Centre Committee	\$ 32,425.96	\$ 26,421.57	\$1,000
13.	Medowie Sports Council	\$ 71,645.68	\$ 101,380.50	\$9,000
14.	Nelson Bay Australia Day Sub Committee	\$ 15,718.50	\$ 1,349.84	NA
15.	Nelson Bay Community Hall Committee	\$ 69,691.66	\$ 51,036.58	\$1,000
16.	Port Stephens Sister Cities Committee	\$ 10,673.13	\$ 11,326.41	\$1,000
17.	Raymond Terrace Parks, Reserves & Tidy Towns Committee	\$ 19,175.01	-	NA
18.	Raymond Terrace Senior Citizens Hall Committee	\$ 42,805.16	\$ 37,575.45	\$1,000
19.	Salt Ash Community Hall Committee	\$ 20,134.44	\$ 24,250.59	\$1,000
20.	Salt Ash Sports Ground Committee	\$ 2,294.95	\$ 3,070.48	\$1,000
21.	Seaham Park and Wetlands Committee	\$ 4,012.38	\$ 3,937.92	\$1,500
22.	Tanilba Foreshore Hall Committee	\$ 12,522.71	\$ 7,030.24	\$1,000
23.	Tilligerry Landcare Group	\$ 11,334.72	-	NA
24.	Tilligerry Sports Council	\$ 17,144.97	\$ 23,052.49	\$9,000
25.	Tomaree Sports Council	\$ 139,497.77	\$ 155,234.96	\$9,000
26.	West Ward Sports Council	\$ 108,649.69	\$ 129,915.82	\$18,000
27.	Williamstown Hall Committee	\$ 10,481.02	\$ 9,875.73	\$1,000
	Totals	\$ 755,595.24	\$ 726,171.87	\$61,500

**ITEM 9 - ATTACHMENT 1 ANNUAL FINANCIAL STATEMENT FOR PERIOD 1
JANUARY 2020 TO 31 DECEMBER 2020.**

Volunteer Group Operating Budget (Former subsidy payments now retained with Council)		
1.	Anna Bay Landcare Group	\$1,500
2.	Boat Harbour Volunteers Group	\$1,500
3.	Corlette Reserves and Landcare Group	\$1,500
4.	Fingal Bay Parks Group	\$1,500
5.	Fly Point Nature Reserve Group	\$1,500
6.	Gan Gan Lookout Group	\$1,500
7.	Karuah Landcare Group	\$1,500
8.	Lemon Tree Passage Parks Reserves and Landcare Group	\$1,500
9.	Mallabula Parks and Environment Group	\$1,500
10.	Mambo Wanda Wetlands Reserves and Landcare Group	\$1,500
11.	Medowie Tidy Towns Group	\$1,500
12.	Nelson Bay West Landcare Volunteers Group	\$1,500
13.	Raymond Terrace Parks and Tidy Towns Group	\$1,500
14.	Shoal Bay Landcare Group	\$1,500
15.	Shoal Bay West Landcare Group	\$1,500
16.	Soldiers Point – Salamander Bay Landcare Group	\$1,500
17.	Tanilba Foreshore Parks Group	\$1,500
18.	Tilligerry Landcare Group	\$1,500
19.	West Ward Cemeteries Group	\$1,500
Total		\$28,500

Notes

1. The Annual Operating Subsidy payments that previously would have been made to these former 355c committees is being retained by Council for use by the volunteer groups to undertake their projects and activities.

ITEM NO. 10

**FILE NO: 21/211871
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a. Mayoral funds - \$1500 donation to Shoal Bay Public School P&C towards the upgrading of the ANZAC garden and ceremony area.
 - b. Mayoral funds – \$10,000 donation to Tomaree Headland Heritage Group towards the investigation of the structure of a management trust and development of a masterplan.
 - c. Mayoral funds - \$1000 donation to Nelson Bay Diggers Bowls Club towards transportation costs when playing other clubs.
 - d. Mayoral funds - \$10,000 donation to Caring for our Port Stephens Youth (COPSY) towards counselling facilities and operating expenses for 2 rooms in Raymond Terrace.
 - e. East Ward funds – \$1000 donation to Nelson Bay Tennis Club towards the Nelson Bay Seniors Tennis Tournament.
 - f. East Ward funds – Cr Nell – Rapid Response - \$500 donation to Corlette Reserves & Landcare Group towards the cost of new signage at Roy Wood Reserve, Corlette.
 - g. West Ward funds – Cr Arnott – Rapid Response - \$500 donation to Port Stephens Family & Neighbourhood Services towards ongoing operational costs.
 - h. West Ward funds – Cr Arnott – Rapid Response - \$500 donation to Rotary Club of Raymond Terrace towards ongoing operational costs.
 - i. West Ward funds – Cr Jordan – Rapid Response - \$500 donation to Seaham Park and Wetlands 355c Committee towards seating for the bird observation hide at Torrence Street, Seaham.
 - j. West Ward funds – Cr Jordan – Rapid Response - \$500 donation to Seaham Park and Wetlands 355c Committee towards the installation of 2 replacement poles to provide a safety barrier near the top of the bank.

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.

ORDINARY COUNCIL - 10 AUGUST 2021

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

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

The requests for financial assistance are shown below:

MAYORAL FUNDS – Mayor Palmer

Shoal Bay Public School P&C Association	A group of community minded people, parents and citizens.	\$1500	Donation towards upgrade of ANZAC garden and ceremony area.
Tomaree Headland and Heritage Group	This group aims to progressively document, protect and promote the history and sustainability of the headland and to protect the Tomaree Lodge heritage buildings.	\$10,000	Donation towards the investigation of the structure of a management trust and development of a masterplan.
Nelson Bay Diggers Bowls Club	An intra club of the Nelson Bay Wests Diggers Group with 100 members, the majority of which are veterans.	\$1000	Donation towards transportation costs when playing other clubs.
Caring for our Port Stephens Youth (COPSY) Inc.	COPSY was established to evaluate possible services, advocate, facilitate and support an effective, sustainable and free counselling service for youth in Port Stephens.	\$10,000	Donation towards counselling facilities and operating expenses for 2 rooms in Raymond Terrace.

WARD FUNDS

Nelson Bay Tennis Club Inc.	A community sporting group whose mission it is to provide high quality tennis experiences for players of all ages and abilities.	\$1000	Donation towards Nelson Bay Seniors Tennis Tournament.
Corlette Reserves & Landcare Committee	A committee of community volunteers.	\$500	Donation towards new signage at Roy Wood Reserve, Corlette.
Port Stephens Family & Neighbourhood Services	Port Stephens Family and Neighbourhood Services is an incorporated not for profit organisation providing community services in the Port Stephens LGA	\$500	Donation towards ongoing operational costs.
Rotary Club of Raymond Terrace	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$500	Donation towards ongoing operational costs.
Seaham Park and Wetlands 355c Committee	This Committee assists Council with maintenance and improvements to Seaham Park and surrounding wetlands.	\$500	Donation towards seating for the bird observation hide at Torrence Street, Seaham.
Seaham Park and Wetlands 355c Committee	This Committee assists Council with maintenance and improvements to Seaham Park and surrounding wetlands.	\$500	Donation towards installation of 2 replacement poles at bird hide to provide a safety barrier near the top of the bank.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11**FILE NO: 21/203576
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 10 August 2021.

No:	Report Title	Page:
1	General Manager's Annual Performance Review 2020-2021	101
2	Quarterly Grants Update – 30 June 2021	103
3	June 2021 Cash and Investments	107
4	Questions on Notice/Questions with Notice	110
5	Council Meetings during Election Period	113
6	Elected Members Professional Development Report – April to June 2021 and Expense Report – 1 July 2020 to 30 June 2021	115
7	Designated Persons' Return	118
8	Council Resolutions	119
9	Council Resolutions as at 2 August 2021	131

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 21/205503
EDRMS NO: PSC2005-1318**

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2020-2021

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

BACKGROUND

The purpose of this report is to receive and note the outcome of the General Manager's Annual Performance Review 2020-2021, which has been signed by the Mayor and General Manager.

Council established a performance evaluation process for the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers issues pursuant to Sections 23A and 338 of the Local Government Act 1993. This includes the establishment of a Performance Evaluation Panel to review the General Manager's performance against the agreed criteria and to establish performance criteria for the next period.

The annual performance review summary is noted as **(ATTACHMENT 1)**.

ATTACHMENTS

- 1) General Manager's annual performance review summary. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1
REVIEW SUMMARY.

GENERAL MANAGER'S ANNUAL PERFORMANCE



PORT STEPHENS
COUNCIL

**GENERAL MANAGER'S
PERFORMANCE REVIEW**

2020-2021

Level	Definition
Satisfactory	<ul style="list-style-type: none"> Performance generally meets or exceeds standards or expectations. Attains all or nearly all of position objectives.
Needs Improvement	<ul style="list-style-type: none"> Fails to meet some performance standards or expectations and/or position accountabilities.
Unsatisfactory	<ul style="list-style-type: none"> Performance generally does not meet or is below standards or expectations. Fails to meet all or nearly all key position accountabilities.

	Median
Service Delivery	Satisfactory
Community Satisfaction	Satisfactory
Governance	Satisfactory
Risk Management	Satisfactory
Financial Sustainability	Satisfactory
Employee Engagement	Satisfactory
Infrastructure Backlog	Satisfactory
Major Projects	Satisfactory
Overall Performance	Satisfactory

ITEM NO. 2

FILE NO: 21/205504
EDRMS NO: PSC2017-00180

QUARTERLY GRANTS UPDATE - 30 JUNE 2021

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

BACKGROUND

The purpose of this report is to provide Council with a quarterly update on its Grants status.

ATTACHMENTS

- 1) Quarterly Grants Update Q4 - 30 June 2021. [↓](#)

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Quarterly Grants Status Summary				
1 April 2021 - 30 June 2021				
Successful				
Grant	Section / Department	Project Title	Project Summary	Value
ClubGrants Category 3 Infrastructure Grants 2020-21 - February	Assets - Community and Recreation	Mallabula Sports Complex Upgrade	The Mallabula Sports Complex upgrade will provide the community with a new synthetic tennis court with fencing and floodlighting, multisport court and essential renovations to the sports amenities building.	\$115,000
Regional Sport Facility Fund 2020-21 Round 1	Assets - Community and Recreation	Tomaree Sports Complex Masterplan Implementation	Project includes upgrades to change rooms, upgraded Elizabeth Waring Room, new pathways, shade, seating, signage.	\$262,127
Regional Sport Facility Fund 2020-21 Round 1	Assets - Community and Recreation	King Park Sports Complex Masterplan Implementation	Project includes upgrades to change rooms, function room, new pathways, landscaping, shade, seating, and signage.	\$842,330
Australian Cricket Infrastructure Fund 2020-21 - Round 2	Assets - Community and Recreation	Lakeside Complex Amenities No. 2 Amenities Upgrade	Upgrades to the changerooms including; stage 2 wayfinding signage and installation of cubicles with a supply of dressing room hooks.	\$29,600
Port Stephens Drive Koala Blackspot Project	Strategy and Environment - Natural Resources	Port Stephens Drive Koala Blackspot Project	Funding for mitigation works at a known koala vehicle-strike black spot within the Port Stephens local government area. Exclusion fence and culvert installation.	\$780,000
Regional NSW Planning Portal Grant	Development Assessment and Compliance - Business & Systems Administration	Planning Portal Transition Project	Integration of the Planning Portal to Authority.	\$50,000
NSW Heritage grants 2021-23 - Community Heritage Grants - Advisor	Strategy and Environment - Strategic Planning	Port Stephens Council Heritage Advisor	Port Stephens Council Heritage Advisor	\$12,000
Tourism Product Development Fund - Experience Enhancement	Holiday Parks - Koala Sanctuary	Nature Escapes at Port Stephens	Complete Refurbishments of existing one bedroom motel rooms to elevate the rating at PSKS.	\$150,000
				\$2,241,057

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Quarterly Grants Status Summary				
1 April 2021 - 30 June 2021				
Awaiting Outcome				
Grant	Section / Department	Project Title	Project Summary	Value
Regions Fund - Infrastructure Projects Stream - Round Five	Assets - Community & Recreation	Birubi Point Aboriginal Place Tourism Transport Interchange	A centralised coach parking and tourism operator hub that will provide toilet facilities, multilingual signage and retail opportunities.	\$4,024,787
Tourism Product Development Fund - Renew & Refresh	Strategy and Environment - Economic Development and Tourism	Port Stephens Visitor Information Centre Upgrade	Replace flooring and instal new artwork	\$10,000
Community Building Partnership Program (CBP) 2021	Assets - Community and Recreation	Kittyhawk Park, Raymond Terrace- New Playground & Park Furniture	New high quality playground that offers a variety of play opportunities with two picnic tables with shelters.	\$20,000
Community Building Partnership Program (CBP) 2021	Assets - Community and Recreation	Refurbishment of Raymond Terrace Outside of School Hours Care (OOSH)	Roof and gutter replacement, facia and carpentry repairs and a complete external paint of the building.	\$15,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Salamander Sports Complex Upgrade	Includes building upgrades with the installation of cubicles in the change rooms and field surface improvements.	\$230,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Lakeside Leisure Centre Playground and Shade Sail	Includes installation of a new playground and shade sail.	\$160,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Birubi SLSC Air-conditioning	Involves an upgrade of existing air-conditioning throughout Birubi Surf Life Saving Club	\$190,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Aliceton Reserve Playground and Amenities	Includes removal of existing playground and amenities at Memorial Park and installing a new playground and amenities at Aliceton Reserve, Karuah	\$350,000
Stronger Country Communities Fund Round 4	Assets - Community and Recreation	Fingal Bay Amenities Replacement	This project will replace amenities at Fingal Bay.	\$250,000
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Aquatic Weed Control	Through this program PSC and Crown lands work together to maintain waterways free from aquatic weeds, facilitating environmental social and economic outcomes.	\$35,344
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Bitou Bush	Funding will be used to engage a contractor to control Bitou bush on Crown Land.	\$17,739
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Chinese Violet	Funding will be used to engage a contractor to control Chinese violet on Crown Land.	\$25,759
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Lemon Tree Foreshore	Funding will be used to engage a contractor to control Ludwigia on Crown Land.	\$20,253

ITEM 2 - ATTACHMENT 1 QUARTERLY GRANTS UPDATE Q4 - 30 JUNE 2021.

Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Ludwigia	Funding will be used to engage a contractor to undertake restoration works on Crown Land that has significant environmental values.	\$27,596
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	One Mile Beach Weed Control and Revegetation	Funding will be used to engage a contractor to undertake restoration & planting works on Crown Land that has significant environmental values.	\$39,487
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Spiny Bur Grass and Mossman River Grass Control	Funding will be used to engage a contractor to treat Spiny Burr Grass and Mossman River Grass.	\$14,301
Crown Reserves Improvement Fund 2021-22	Strategy and Environment - Natural Resources	Fox Control in Anna Bay Koala Hub	To protect the Koala population within the Anna Bay Koala Hub.	\$18,000
Crown Reserves Improvement Fund 2021-22	Assets - Community and Recreation	Tanilba Foreshore Park Furniture	Replacement of park furniture along Tanilba Foreshore	\$35,000
Crown Reserves Improvement Fund 2021-22	Assets - Community and Recreation	Longworth Park BBQ	Replacement of Longworth Park BBQ	\$12,500
There were 4 unsuccessful grants to report for period 1 April 2021 to 30 June 2021				\$5,495,766

ITEM NO. 3

**FILE NO: 21/205505
EDRMS NO: PSC2017-00180**

JUNE 2021 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 30 June 2021.

ATTACHMENTS

- 1) June 2021 Cash and Investments. [↓](#)
- 2) June 2021 Cash Flow. [↓](#)

ITEM 3 - ATTACHMENT 1 JUNE 2021 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2021								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
JUDO BANK	CURVE	NR	TD	1.05%	343	4-Aug-21	900,000	900,000
JUDO BANK	CURVE	NR	TD	1.05%	337	4-Aug-21	300,000	300,000
MUTUAL BANK	MUTUAL	NR	TD	0.95%	351	18-Aug-21	300,000	300,000
JUDO BANK	FIIG	NR	TD	0.90%	181	31-Aug-21	700,000	700,000
AMP BANK	LAMINAR	BBB+	TD	0.80%	383	15-Sep-21	1,000,000	1,000,000
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	15-Oct-21	500,000	500,000
MACQUARIE BANK	LAMINAR	A	TD	0.70%	286	25-Oct-21	1,000,000	1,000,000
MUTUAL BANK	MUTUAL BANK	NR	TD	0.90%	159	27-Oct-21	700,000	700,000
AMP BANK	LAMINAR	BBB+	TD	0.75%	365	25-Nov-21	1,250,000	1,250,000
DEFENCE BANK	CURVE	BBB	TD	0.60%	367	6-Dec-21	600,000	600,000
AMP BANK	LAMINAR	BBB	TD	0.75%	371	8-Dec-21	550,000	550,000
AMP BANK	LAMINAR	BBB	TD	0.75%	376	15-Dec-21	350,000	350,000
JUDO BANK	LAMINAR	NR	TD	0.84%	385	22-Dec-21	350,000	350,000
JUDO BANK	LAMINAR	NR	TD	0.85%	383	22-Dec-21	550,000	550,000
NAB	LAMINAR	AA	TD	0.50%	386	23-Dec-21	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.60%	399	5-Jan-22	1,000,000	1,000,000
NAB	LAMINAR	AA	TD	0.50%	399	5-Jan-22	1,000,000	1,000,000
NAB	LAMINAR	AA	TD	0.50%	413	19-Jan-22	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	0.70%	391	19-Jan-22	750,000	750,000
MACQUARIE BANK	LAMINAR	A	TD	0.70%	385	1-Feb-22	1,000,000	1,000,000
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000
JUDO BANK	RIM	NR	TD	0.70%	294	12-Apr-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	539	25-May-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	550	7-Jun-22	600,000	600,000
MOVE BANK	RIM	NR	TD	0.65%	384	21-Jun-22	1,000,000	1,000,000
MOVE BANK	RIM	NR	TD	0.65%	391	28-Jun-22	500,000	500,000
JUDO BANK	RIM	NR	TD	0.75%	392	19-Jul-22	1,000,000	1,000,000
SUB TOTAL (\$)							23,150,000	23,150,000
MACQUARIE BANK (AT CALL)	LAMINAR	A+	AT CALL	0.35%			3,500,000	3,500,000
TCORP CASH FUND	TCORP	AAA					2,000,000	1,999,759
TCORP SHORT TERM INCOME FUND	TCORP	AAA					5,500,000	5,515,948
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					5,500,000	5,761,638
TCORP LONG TERM GROWTH FUND	TCORP	AAA					3,000,000	3,229,991
INVESTMENTS TOTAL (\$)							42,650,000	43,157,336
CASH AT BANK (\$)							4,857,075	4,857,075
TOTAL CASH AND INVESTMENTS (\$)							47,507,075	48,014,410
CASH AT BANK INTEREST RATE				0.20%				
BBSW FOR PREVIOUS 3 MONTHS				0.36%				
AVG. INVESTMENT RATE OF RETURN ON TDs				0.87%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE 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								

ITEM 3 - ATTACHMENT 2 JUNE 2021 CASH FLOW.



Cash flow analysis
30/06/2021

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020
Closing Cash and Investment 30 June 2021
Movement in cash

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities	141,663,738
Payments to suppliers & employees	(101,987,969)
Interest received	424,599
Interest paid	(470,665)
Total	39,629,703

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	6,774,556
Payments for Property, Plant & Equipment	(26,473,714)
Total	(19,699,157)

Financing Activities

Payment of loans	(3,287,905)
Receipt of new loans	-
Total	(3,287,905)

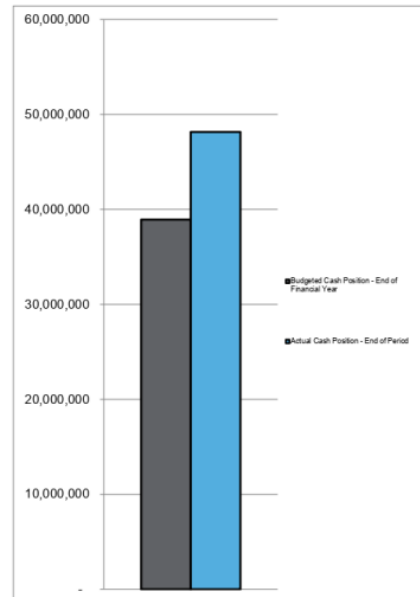
Total Cash Movement

Plus: Opening Cash and Investment 1 July 2020	31,502,431
Closing Cash and Investment 30 June 2021	48,145,073

Budgeted Cash Movement for the Financial Year	7,420,913
Plus Opening Cash and Investment 1 July 2020	31,502,431
Budgeted Cash and Investment Position 30 June 2021	38,923,344

In front / (behind) on budget	9,221,728
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Notes

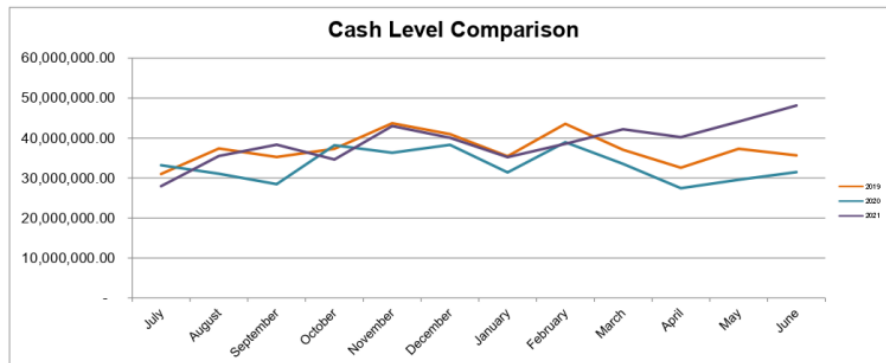


Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reason:
a) Receipt of capital grants in advance and state roads charges for \$5m
b) Unspent capital grants and contributions to be rolled over into the next financial year.

Significant future cash inflows expected in next few months include 2022 1st quarter rates, state roads program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: Little Beach boat ramp upgrade, Fingal Bay new amenities block, Shoal Bay Foreshore pathways works, Depot rebuild, Birubi Point aboriginal place tourism interchange, Foreshore drive upgrade, Lakeside leisure centre upgrades, Riverflat road realignment, School drive Tomago pavement rehabilitation, Nelson Bay tennis club, Tomaree sports complex amenities replacement, George Reserve amenities replacement and sundry plant.



ITEM NO. 4**FILE NO: 21/206344
EDRMS NO: PSC2021-02510****QUESTIONS ON NOTICE/QUESTIONS WITH NOTICE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide a response to Questions taken on or with Notice in accordance with the Code of Meeting Practice.

Item:	1
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure, including on staff, for corporate communications, through all media.
Response:	In 2020-2021 Council's total external advertising spend on all media was approximately \$256,000. Approximately \$148,000 was spent on staff wages involved in planning, designing and delivering all forms of communications through the media in 2020-2021.

Item:	2
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the Port Stephens Examiner.
Response:	In 2020-2021 Council spent approximately \$61,000 on advertising in the Port Stephens Examiner.

Item:	3
Councillor:	Cr Giacomo Arnott
Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the News of the Area.
Response:	In 2020-2021 Council did not spend any money on advertising in the News of the Area.

Item:	4
Councillor:	Cr Giacomo Arnott

ORDINARY COUNCIL - 10 AUGUST 2021

Date Received:	6 July 2021
Question with Notice:	Council's expenditure on advertising in the Newcastle Herald.
Response:	In 2020-2021 Council spent approximately \$3,000 on advertising in The Newcastle Herald.

Item:	5
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	On what dates were the 2018 and 2019 Mayoral Prayer functions? (14 September, 6 September)
	Friday 14 September 2018 and Friday 6 September 2019.

Item:	6
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Why isn't the 2021 Mayoral prayer function being held in September as usual?
Response:	The date was proposed by the community members who assist with arrangement of the prayer functions.

Item:	7
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Are elected representatives allowed to use the Council logo on event invitations occurring during the caretaker period?
Response:	The Council logo can be used by elected representatives during the caretaker period for official Council event invitations.

Item:	8
Councillor:	Cr Giacomo Arnott
Date Received:	13 July 2021
Question with Notice:	Why is the 2021 Mayoral prayer function being held during the caretaker period, with invitations featuring a Port Stephens Council logo on them?
Response:	This was the date proposed by the community members who assist with arrangement of the prayer functions. As per previous events, invitations were distributed with Council's logo as this is deemed a Council event.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5**FILE NO: 21/211663
EDRMS NO: A2004-0284****COUNCIL MEETINGS DURING ELECTION PERIOD**

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

BACKGROUND

The purpose of this report is to inform Council that ordinary meetings of Council scheduled to be held between the periods 1 August 2021 up to the declaration of the election poll will be cancelled as there will be no operational reports to be considered.

Council is required to meet at least 10 times each year between 1 July and 30 June. This requirement can be achieved with 2 meetings held in July 2021 and sufficient time for the incoming Council to meet a further 8 times between the declaration of the poll and June 2022.

The local government election caretaker period commences from 6 August 2021 and concludes on 5 September 2021. The NSW Electoral Commission has announced the declaration of the poll will occur between 21 to 23 September 2021. The timetable released by the NSWEC (at this point in time) for the period post the election is provided below:

- 27 July 2021 Lodgement of postal vote applications open
- 23 August 2021 Pre-poll voting period and iVote applications open
- 30 August 2021 Close of postal voting applications

- 3 September 2021 Close of pre-poll voting period
- 4 September 2021 Election day (8am–6pm)

- 17 September 2021 Return of completed postal vote certificates (6pm)

- 20 to 22 September 2021 Conduct of distribution of preferences

- 21 to 23 September 2021 Declaration of results

The first meeting of the incoming Council will be held in accordance with the current meeting cycle and any legislative requirements.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: 21/206320
EDRMS NO: PSC2017-00739**ELECTED MEMBERS PROFESSIONAL DEVELOPMENT REPORT - APRIL TO JUNE 2021 AND EXPENSE REPORT - 1 JULY 2020 TO 30 JUNE 2021**REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**BACKGROUND****Professional Development**

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period April to June 2021.

	Mayor Palmer	Cr Abbott	Cr Arnott	Cr Doochan	Cr Dunkley	Cr Jordan	Cr Le Mottee	Cr Nell	Cr Smith	Cr Tucker
LGNSW Destination & Visitor Economy Conference ¹					\$880		\$880		\$880	
Total	\$0	\$0	\$0	\$0	\$880	\$0	\$880	\$0	\$880	\$0

¹LGNSW – Local Government NSW

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 July 2020 to 30 June 2021 (**ATTACHMENT 1**).

The costs in the report are those incurred by the Elected Members that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total costs incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

1) Elected Members Expense Report 1 July 2020 to 30 June 2021. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 ELECTED MEMBERS EXPENSE REPORT 1 JULY 2020 TO 30 JUNE 2021.

Elected Members Expense Report 1 July 2020 to 30 June 2021												
		MAYOR R PALMER	CR J ABBOTT	CR G GARNOTT	CR C DOOHAN	CR G DUNKLEY	CR K JORDAN	CR P LE MOTTEE	CR J NELL	CR S SMITH	CR S TUCKER	TOTALS
Total Number of Council Meetings Attended (21 held)		19	14	21	16	17	14	19	20	19	18	
Total Number of Months Reimbursed during the period		10	10	0	10	12	8	9	11	9	12	
Description of Expenses	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$ 596	\$ 823						\$ 200			\$ 1,619
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												\$0.00
Councillor Intrastate Travel	\$7000 per year	\$ 102	\$ 740		\$ 666	\$ 2,012	\$ 835	\$ 968	\$ 553	\$ 2,382	\$ 2,727	\$ 10,985
Councillor Interstate Travel (out of NSW)	\$2000 per year											\$0.00
Councillor Internet	75% up to \$80 per month	\$ 622	\$ 665						\$ 351			\$ 1,638
Councillor Intrastate Accommodation		\$ 2,514				\$ 1,622		\$ 379	\$ 380	\$ 380		\$ 5,275
Councillor Interstate Accommodation												\$0.00
Councillor Conferences	\$3000 per year	\$ 1,310		\$ 61	\$ 61	\$ 1,327		\$ 132	\$ (147)	\$ 115		\$ 2,859
Councillor Training										\$ 68		\$ 68
Councillor Partners' Expenses	Mayor \$1800 per year Crs \$500 per year (excluding LONSW Annual Conference)	\$ 179			\$ 47	\$ 179			\$ 179	\$ 47		\$ 631
Councillor ICT Devices (including mobiles)	\$5000 per term	\$ 1,681	\$ 191			\$ 980	\$ 393				\$ 223	\$ 3,468
Councillor Stationery	\$300 per year		\$ 262						\$ 229		\$ 273	\$ 764
Councillor Awards/Ceremonies/Dinners		\$ 383	\$ 117	\$ 308	\$ 117	\$ 117	\$ 117	\$ 224	\$ 602	\$ 117	\$ 670	\$ 2,772
Councillor Carer's Expenses	\$2000 per year		\$ 1,828									\$ 1,828
Councillors Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile		\$ 162		\$ 1,173	\$ 1,354	\$ 1,197	\$ 1,425	\$ 322		\$ 1,182	\$ 6,815
Councillor Professional Development	\$15,000 per term	\$ 3,956	\$ 1,997	\$ 1,000	\$ 1,047	\$ 4,064	\$ 869	\$ 881	\$ 2,610	\$ 9,903	\$ 7,975	\$ 34,302
Councillor Allowances	Mayor \$84,400 pa Crs - \$24,320 pa	\$ 84,400	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 24,320	\$ 303,280
Total		\$ 95,743	\$ 31,105	\$ 25,669	\$ 27,431	\$ 35,975	\$ 27,731	\$ 28,329	\$ 29,599	\$ 37,332	\$ 37,370	\$ 376,304

ITEM NO. 7

**FILE NO: 21/206326
EDRMS NO: PSC2020-02093**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons' are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Senior Building Surveyor (PSC810)
- Building and Developer Relations Coordinator (PSC760)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 8

**FILE NO: 21/203510
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)
- 4) General Manager's Office report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
Action Sheets Report	Officer:	Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Crosdale, Timothy	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/12/2021	28/03/2018	
13		Crosdale, Timothy				18/66656
066						
26 Jul 2021						
Minister's consent obtained 23 June 2021. Acquisition to be gazetted in October 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/12/2021	29/05/2019	
6		Crosdale, Timothy				19/148388
110						
26 Jul 2021						
Governor's approval to issue Proposed Acquisition Notices (PANS) received. PANS issued 10 June 2021. Acquisition to be gazetted in October 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Crosdale, Timothy	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/12/2021		
7		Crosdale, Timothy				19/200498
169						
16 Jul 2021						
Matter on hold with AGL.						

ITEM 8 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets	Committee:	Date To: 13/07/2021
Report	Officer:	Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	28/02/2022		
2		Crosdale, Timothy				20/288489
199						
26 Jul 2021						
Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/04/2022	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
26 Jul 2021						
Objection withdrawn. Matter proceeding.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/12/2021	12/05/2021	
1		Crosdale, Timothy				21/123694
26 Jul 2021						
Consultation continues with Crown Lands to enable this proposed use.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Crosdale, Timothy	Proposed sale of Council owned land - Salamander Bay	30/12/2021		
1		Crosdale, Timothy				21/170138
158						
26 Jul 2021						
Matter progressing. Obtaining Request for Quotations from agents to market the property.						

ITEM 8 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Crosdale, Timothy	Proposed sale of Council owned land - Soldiers Point	30/12/2021		
1		Crosdale, Timothy				21/190429
182						
26 Jul 2021						
Sale progressing. Settlement will occur upon registration of the lots.						

ITEM 8 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Dog Noise Policy	16/08/2021	15/07/2021	
3		Peart, Steven				21/190429
15 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021 Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	POLICY REVIEW: Economic Development Policy	27/07/2021	15/07/2021	
4		Peart, Steven				21/190429
170						
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	Policy Review: Heritage Policy	27/07/2021		
5		Peart, Steven				21/190429
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Bemasconi, Steven	Community Funding Program	27/07/2021	15/07/2021	
9		Peart, Steven				21/190429
172						
20 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021 Reason: Community Grant guidelines are being finalised. Grants will open in September 2021.						

ITEM 8 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	27/07/2021		
3		Peart, Steven				21/190429
178						
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	27/07/2021		
4		Peart, Steven				21/190429
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Compliance Policy	16/08/2021		
2		Peart, Steven				21/190429
15 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021						
Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 26 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	31/08/2021	11/12/2019	
6		Kable, Gregory				19/388450
264						
26 Jul 2021						
Once the Capital Works Plan is adopted by Council, funds will be allocated to this project which will then commence.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	31/10/2021	11/12/2019	
7		Kable, Gregory				19/388450
265						
26 Jul 2021						
Waste Strategy is in final stages of development. Green waste options are included in the strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	1/12/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
26 Jul 2021						
Indoor Sports Facility has been included within Development Contributions Plan. Feasibility of project has been commenced however resources are being prioritised to scoping and delivery of Capital works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/07/2022		
2		Kable, Gregory				20/192934
139						
26 Jul 2021						
Council has undertaken a site review with National Parks as part of their footpath design assessment. It should be noted that National Parks are still in design phase of this project and at present Council has not allocated funds.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 26 July 2021	

Though options are being assessed for a funding source for this project.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/11/2020	Miles, Philip	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	1/12/2021		
11 261		Kable, Gregory				20/358525
26 Jul 2021 Newcastle Airport to submit DA modification. Legal Contracts have been drafted in preparation for DA modification approval.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		
3		Kable, Gregory				20/391301
26 Jul 2021 Awaiting completion of the associated Place Plans. Report to prepared and reported back to Council by the end of 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	5G Small Cell Technology Rollout in Port Stephens	31/12/2021		
3 006		Kable, Gregory				21/33235
26 Jul 2021 Discussions have commenced with Telstra.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 26 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Lamont, Brock	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	1/12/2021		
2012		Kable, Gregory				21/33235
26 Jul 2021 Report due diligence being undertaken. Resources are being prioritised to scoping and delivery of Capital Works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	FERN BAY SHARED PATHWAY	31/01/2022		
7017		Kable, Gregory				21/33235
26 Jul 2021 Currently Capital Works have stage 1 of the Fern Bay path scheduled for a July construction commencement. Stage 2 will proceed following the completion of the detailed design.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Lamont, Brock	Drainage at Vi Barnett Field in Raymond Terrace	30/09/2021		
12083		Kable, Gregory				21/96728
26 Jul 2021 Sewer upgrade works have been completed. Field repair works are underway. Further water quality testing will be undertaken.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 26 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Stewart, Adam	Drainage investigation - Lemon Tree Passage	1/12/2021	14/04/2021	
1 088		Kable, Gregory				21/96728
26 Jul 2021 Drainage investigation and property evaluation has commenced. Discussion with property owners is on going. Any future actions will be determined by Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/12/2021	26/05/2021	
2 126		Kable, Gregory				21/138820
26 Jul 2021 The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/12/2021	26/05/2021	
5 128		Kable, Gregory				21/138820
26 Jul 2021 This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/06/2021	Lamont, Brock	Sand Movement from Shoal Bay to Fly Point	31/12/2022	9/06/2021	
2 143		Kable, Gregory				21/156213
26 Jul 2021 Council shall apply for grants in accordance with associated criteria.						

ITEM 8 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 26 July 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Review of Dog Off Lead Areas - Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour	4/10/2021	23/06/2021	
5		Kable, Gregory				21/170138
26 Jul 2021 Staff currently updating mapping as per Council resolution. Staff preparing signage and other collateral as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Funding for Rock Revetment at Kangaroo Point, Soldiers Point	31/12/2021	23/06/2021	
2		Kable, Gregory				21/170138
155						
26 Jul 2021 Staff continue to identify grants suitable for works as described. Staff will prepare correspondence for Hunter Water seeking assistance with erosion issues.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gutsche, Tammy	POLICY REVIEW - COMMERCIAL OPERATORS POLICY	31/10/2021		
6		Kable, Gregory				21/190429
23 Jul 2021 Policy went live for Public Exhibition 21/07/2021 for 28 days, ending 17 August 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Stewart, Adam	Hydrogen and Electric Vehicles in Council's Fleet	31/12/2021		
2		Kable, Gregory				21/190429
177						
26 Jul 2021 Staff will investigate the future use of hydrogen and electric vehicles in its fleet, the needs of the community in regards to recharging stations and prepare a report for Council.						

ITEM 8 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 13/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 26 July 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Wickham, Tony	POLICY REVIEW: GRANTS AND DONATIONS	18/08/2021		
7		Wallis, Wayne				21/190429
19 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 18 Aug 202 Reason: Policy on public exhibition until 18 August 2021.						

ITEM NO. 9

**FILE NO: 21/206330
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS AS AT 2 AUGUST 2021

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)
- 4) General Manager's Office report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Crosdale, Timothy	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/12/2021	28/03/2018	
13		Crosdale, Timothy				18/66656
066						
30 Jul 2021						
Minister's consent obtained 23 June 2021. Acquisition to be gazetted in October 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/12/2021	29/05/2019	
6		Crosdale, Timothy				19/148388
110						
30 Jul 2021						
Governor's approval to issue Proposed Acquisition Notices (PANS) received. PANS issued 10 June 2021. Acquisition to be gazetted in October 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Crosdale, Timothy	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/12/2021		
7		Crosdale, Timothy				19/200498
169						
30 Jul 2021						
Matter on hold with AGL.						

ITEM 9 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	28/02/2022		
2		Crosdale, Timothy				20/288489
199						
30 Jul 2021						
Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/04/2022	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
30 Jul 2021						
Objection withdrawn. Matter proceeding.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/12/2021	12/05/2021	
1		Crosdale, Timothy				21/123694
30 Jul 2021						
Consultation continues with Crown Lands to enable this proposed use.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Crosdale, Timothy	Proposed sale of Council owned land - Salamander Bay	30/12/2021		
1		Crosdale, Timothy				21/170138
158						
30 Jul 2021						
Matter progressing. Obtaining Request for Quotations from agents to market the property.						

ITEM 9 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Dog Noise Policy	16/08/2021	15/07/2021	
3		Peart, Steven				21/190429
15 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021 Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	POLICY REVIEW: Economic Development Policy	27/07/2021	15/07/2021	
4		Peart, Steven				21/190429
170						
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	Policy Review: Heritage Policy	27/07/2021		
5		Peart, Steven				21/190429
15 Jul 2021 Policy is on Public Exhibition from 14/07/2021 until 11/08/2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Bernasconi, Steven	Community Funding Program	27/07/2021	15/07/2021	
9		Peart, Steven				21/190429
172						
20 Jul 2021 Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021 Reason: Community Grant guidelines are being finalised. Grants will open in September 2021						

ITEM 9 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	27/07/2021		
3		Pearl, Steven				21/190429
178						
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	27/07/2021		
4		Pearl, Steven				21/190429
19 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 27 Jul 2021						
Reason: Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Policy Review: Compliance Policy	16/08/2021		
2		Pearl, Steven				21/190429
15 Jul 2021						
Revised Target Date changed From: 27 Jul 2021 To: 16 Aug 2021						
Reason: Pursuant to Council Recommendation - the policy has been placed on public exhibition until 13/8/2021.						



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report		Printed: Monday, 2 August 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/07/2021	Gardner, Janelle	Draft Voluntary Planning Agreement - Kings Hill Development	27/08/2021	28/07/2021	
3		Peart, Steven				21/204573
193						
29 Jul 2021						
Revised Target Date changed From: 10 Aug 2021 To: 27 Aug 2021						
Reason: Draft Voluntary Planning Agreement (VPA) – Kingshill Development No 1 Pty Ltd and Kingshill Development No 2 Pty Ltd - is on Public Exhibition from 28 July 2021 to 25 August 2021.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	31/08/2021	11/12/2019	
6		Kable, Gregory				19/388450
264						
30 Jul 2021						
Contractor allocated and ready to commence once they are able to move out of a COVID lockdown area.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	31/10/2021	11/12/2019	
7		Kable, Gregory				19/388450
265						
30 Jul 2021						
Item to be discussed at Council Meeting 24 August 2021						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	1/12/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
30 Jul 2021						
Indoor Sports Facility has been included within Development Contributions Plan. Feasibility of project has been commenced however resources are being prioritised to scoping and delivery of Capital works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/07/2022		
2		Kable, Gregory				20/192934
139						
30 Jul 2021						
Council has undertaken a site review with National Parks as part of their footpath design assessment. It should be noted that National Parks are still in design phase of this project and at present Council has not allocated funds though options are being assessed for a funding source for this project.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/11/2020	Miles, Philip	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	1/12/2021		
11 261		Kable, Gregory				20/358525
30 Jul 2021 Newcastle Airport to submit DA modification. Legal Contracts have been drafted in preparation for DA modification approval.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		
3		Kable, Gregory				20/391301
30 Jul 2021 Awaiting completion of the associated Place Plans. Report to prepared and reported back to Council by the end of 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	5G Small Cell Technology Rollout in Port Stephens	31/12/2021		
3 006		Kable, Gregory				21/33235
30 Jul 2021 Discussions have commenced with Telstra.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Lamont, Brock	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	1/12/2021		
2 012		Kable, Gregory				21/33235
30 Jul 2021 Report due diligence being undertaken. Resources are being prioritised to scoping and delivery of Capital Works Program. Recruiting in Community and Recreation Assets to achieve full complement and report will be finalised by December 2021.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	FERN BAY SHARED PATHWAY	31/01/2022		
7 017		Kable, Gregory				21/33235
30 Jul 2021 Currently Capital Works have stage 1 of the Fern Bay path scheduled for a July construction commencement. Stage 2 will proceed following the completion of the detailed design.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Lamont, Brock	Drainage at Vi Barnett Field in Raymond Terrace	30/09/2021		
12 083		Kable, Gregory				21/96728
30 Jul 2021 Sewer upgrade works have been completed. Field repair works are underway. Further water quality testing will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Stewart, Adam	Drainage investigation - Lemon Tree Passage	1/12/2021	14/04/2021	
1 088		Kable, Gregory				21/96728
30 Jul 2021 Drainage investigation and property evaluation has commenced. Discussion with property owners is ongoing. Any future actions will be determined by Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/12/2021	26/05/2021	
2 126		Kable, Gregory				21/138820
30 Jul 2021 The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/12/2021	26/05/2021	
5 128		Kable, Gregory				21/138820
30 Jul 2021 This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/06/2021	Lamont, Brock	Sand Movement from Shoal Bay to Fly Point	31/12/2022	9/06/2021	
2 143		Kable, Gregory				21/156213
30 Jul 2021 Council shall apply for grants in accordance with associated criteria.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Review of Dog Off Lead Areas - Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour	4/10/2021	23/06/2021	
5		Kable, Gregory				21/170138
30 Jul 2021 Staff currently updating mapping as per Council resolution. Staff preparing signage and other collateral as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Lamont, Brock	Funding for Rock Revetment at Kangaroo Point, Soldiers Point	31/12/2021	23/06/2021	
2 155		Kable, Gregory				21/170138
30 Jul 2021 Staff continue to identify grants suitable for works as described. Staff will prepare correspondence for Hunter Water seeking assistance with erosion issues.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/06/2021	Stewart, Adam	PATHWAYS PLAN - KIRRANG DRIVE, MEDOWIE	13/08/2021		
3		Kable, Gregory				21/170138
156						
30 Jul 2021 Staff are currently reviewed the Pathway Plans and Capital Works Program. Report to be presented at the Council meeting on 10 August 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gutsche, Tammy	POLICY REVIEW - COMMERCIAL OPERATORS POLICY	31/10/2021		
6		Kable, Gregory				21/190429
30 Jul 2021 Policy went live for Public Exhibition 21/07/2021 for 28 days, ending 17 August 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Stewart, Adam	Hydrogen and Electric Vehicles in Council's Fleet	31/12/2021		
2		Kable, Gregory				21/190429
177						
30 Jul 2021 Staff will investigate the future use of hydrogen and electric vehicles in its fleet, the needs of the community in regards to recharging stations and prepare a report for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/07/2021	Maretich, John	Kirrang Drive, Medowie Shared Pathway	10/08/2021		
9		Kable, Gregory				21/204573
30 Jul 2021 Item not discussed at Council Meeting 27 July 2021. Item has been deferred to Council Meeting 10 August 2021.						

ITEM 9 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets Report	Printed: Monday, 2 August 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/07/2021	Gutsche, Tammy	355C COMMITTEES 2020 ANNUAL FINANCIAL SUMMARY	10/08/2021		
10		Kable, Gregory				21/204573
30 Jul 2021 Item not discussed at Council Meeting 27 July 2021. Item has been deferred to Council Meeting 10 August 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/07/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	10/08/2021		
4		Kable, Gregory				21/204573
30 Jul 2021 Item not discussed at Council Meeting 27 July 2021. Item has been deferred to Council Meeting 10 August 2021.						

ITEM 9 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 27/07/2021
	Officer:	
Action Sheets	Printed: Monday, 2 August 2021	
Report		

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Wickham, Tony	POLICY REVIEW: GRANTS AND DONATIONS	18/08/2021		
7		Wallis, Wayne				21/190429
30 Jul 2021						
Policy is on public exhibition until 18 August 2021.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/206342

EDRMS NO: PSC2017-00019

FERN BAY SUPERMARKET

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Requests the General Manager seek to work with supermarket operators to establish a supermarket in the Fern Bay area.

**BACKGROUND REPORT OF: STEVEN PEART – GROUP MANAGER
DEVELOPMENT SERVICES**

BACKGROUND

On 14 April 2020, Council adopted the Fern Bay and North Stockton Strategy (the Strategy), prepared in collaboration with the City of Newcastle. The Strategy considered the need for commercial and retail uses in the area and identified a new town centre at the Stockton Residential Centre and a neighbourhood supermarket to support residents in Fern Bay.

The Strategy was informed by an economic study that identified demand for additional retail floor space in the Fern Bay area and considered potential sites for development.

A planning proposal for 1 of the sites identified at 42 Fullerton Cove Road, Fullerton Cove is currently under assessment. The rezoning would enable the development of a neighbourhood supermarket, subject to development consent and a petition containing 634 signatures supporting the proposal was received during public access at Council's meeting on 26 November 2019. The applicant has recently been requested to provide further information on environmental constraints to support the progress of the planning proposal to public exhibition.

The State government is also considering future retail needs in the area as part of the Williamstown Special Activation Precinct.

In June 2021, Council staff met with a representative from Woolworths about local strategies and housing supply forecasts (including the Fern Bay and North Stockton Strategy). Council staff will continue to work with all stakeholders, including meeting with commercial operators such as Coles and Aldi, to support the future development of a supermarket in the Fern Bay area.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 21/206347****EDRMS NO: PSC2017-00019****AMENITIES DESIGN****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Reviews the existing amenities buildings replacement policy to adopt better design principles.
-

BACKGROUND REPORT OF: JOHN MARETICH, ASSET SECTION MANAGER**BACKGROUND**

Council currently manages 46 public amenities across the Port Stephens Local Government Area. These assets are in different stages of their lifecycle, with varying building condition and services provided in different locations. These assets are reported to Council as part of the Strategic Asset Management Plan and Integrated Plans.

As a result of the PS2020 program of works, a number of public amenities buildings have recently been replaced, and others due for replacement in FY2021-2022. As part of this accelerated replacement program, industry and local government benchmarking was completed to determine best practice and establish expandable but standardised public amenities designs. The current design has taken into account a number of factors including, but not limited to, market and industry trends, budget allowance, lifecycle management costs, environmental suitability, accessible design and the projected useful lifespan of the assets.

Should Council resolve to support this Notice of Motion, staff would be able to provide a report detailing the condition of existing assets, the current design principles applying to the recently completed upgrade projects and other options that may be explored for future capital works.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Staff to prepare report.
Reserve Funds	No		

ORDINARY COUNCIL - 10 AUGUST 2021

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 21/206350

EDRMS NO: PSC2017-00019

RECORDING OF COUNCILLOR VOTING

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Amend its Code of Meeting Practice to include a clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading: All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.
- 2) Amend its Code of Meeting Practice to remove clauses 11.6-11.9 and 11.13, per the recommendation from the Office of Local Government if clause 11.11 is included.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

Council adopted the current Code of Meeting Practice at its meeting of 28 May 2019.

The adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this Notice of Motion were optional clauses.

Rather than adopt clause 11.11 (as detailed in the Notice of Motion) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract from the adopted Code of Meeting Practice is shown below for clauses 11.6 to 11.9 and 11.13:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

ORDINARY COUNCIL - 10 AUGUST 2021

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The resulting outcome of the Notice of Motion, should it be adopted, would be for a division to be recorded for all Council resolutions.

Any amendment to the Code of Meeting Practice would require 28 days public exhibition, with a period of 42 days for submissions to be received.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 21/206353

EDRMS NO: PSC2017-00019

ADVERTISING IN THE EXAMINER

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Resumes advertising in the Port Stephens Examiner, of public notices, to the same degree and level as was the case prior to the “operational decision” to change Council’s advertising on 30 April 2020.

**BACKGROUND REPORT OF: STEVE BERNASCONI – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

The NSW Government made a series of regulatory changes in April 2020 including the removal of requirements for Council notices to be advertised in newspapers. It instead required relevant notices to be published on Council’s website.

Council has adopted this practice since this time.

In the financial year 2019-2020 Council spent approximately \$79,500 on advertising public notices in the Port Stephens Examiner. Following the change, in the financial year 2020-2021 Council spent approximately \$15,800 on advertising public notices in the Port Stephens Examiner.

The change in advertising public notices resulted in all current council notices being displayed on our public website. The public exhibition page is directly accessible from the homepage, and interested community members are able to have their say on the website.

Council also provides hard copies each week at all 3 libraries. Council posts hard copies and email PDF versions of public notices weekly to residents who advised that they can only access this information in these formats. Currently this includes 7 posted copies weekly and 17 emailed copies weekly.

Council continues to advertise events and activities as well as some legislated notices as needed in the local newspapers. In 2020-2021 we spent approximately \$61,000 on all forms of advertising in the Port Stephens Examiner.

ORDINARY COUNCIL - 10 AUGUST 2021

A resumption of advertising of public notices in the Port Stephens Examiner to levels similar to the 2019-2020 financial year would require a budget allocation of approximately \$120,500 p.a. based on revised advertising unit rates.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	\$104,700	Estimated increase in budget to resume weekly advertising of public notices in the Port Stephens Examiner.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: 21/206356

EDRMS NO: PSC2017-00019

SHADE SAIL AT ROBINSON RESERVE, ANNA BAY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the new skate park and playground at Robinson Reserve and the benefits it's bringing to the local community.
- 2) Notes that there is no shade sail over the playground to protect users of the playground from the elements.
- 3) Requests Council staff to prepare a report outlining the costs and specifications of a shade sail, to be installed as soon as possible heading into the warmer months.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

Port Stephens Council with funding support from the NSW State Government completed the upgrade of Robinson Reserve, Anna Bay in December 2020.

The upgrades have proved to be a great success with the provision of:

- a new play space with climbing equipment, swings and nature play
- outdoor fitness equipment
- a new skate park
- a new public toilet block
- a new picnic shelter with BBQ facilities
- an open lawn area for picnics, informal sports and events
- beach showers
- wayfinding and information signage, and
- a viewing area on the headland.

These improvements have not only increased public interest in this location, but have also attracted commercial and event interest in the site. This further confirms that the project has delivered a high level of recreational value to the Port Stephens community.

The prospect of a shade sail was investigated as part of the early design process. Due to its exposed location, Birubi Point is subject to high winds and a typical shade sail would not be suitable to deal with these conditions. More heavily engineered shade options were investigated however these were considered to significantly impact the available project budget.

Robinson Reserve is also located within the Birubi Point Aboriginal Place. As part of the project planning, due diligence was completed with registered Aboriginal parties to seek input and guidance on how Council could develop and improve this sensitive location. Issues were raised with excavation requirements for shade footings as well as the height of a shade structure as these were considered to have cultural and visual impacts upon the Aboriginal Place.

This led to the decision to provide shade through the planting of trees in strategic locations throughout the design. Successfully growing large trees in Robinson Reserve is a challenge for a variety of reasons including the coastal location, potential for high winds, high salinity and sandy soil. The option of procuring and transplanting mature trees into this location was considered but not pursued due to low likelihood of a mature tree surviving the transplantation process. The species of trees that were selected, when at their most mature, are expected to provide shade to the playground.

Should Council resolve to support this Notice of Motion, staff would be able to further investigate the feasibility of installing a shade sail at Robinson Reserve along with associated costs. Further consultation would be required with the registered Aboriginal parties associated with the Birubi Point Aboriginal Place. It is also noted that there is no funding currently allocated for these works as part of Council's 10 year forward works program.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 21/206358

EDRMS NO: PSC2017-00019

SOLDIERS POINT TRAFFIC MANAGEMENT STUDY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the increase in traffic in the Soldiers Point area and the impact that is having on locals.
- 2) Requests that staff prepare a traffic management study for the Little Salamander area and Soldiers Point.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that the traffic volume in the Soldiers Point area has increased over time, as has occurred in most other growth areas. It is noted that according to Council's existing traffic data records, traffic volumes have increased by an average of approximately 1.5% annually along the main traffic route, Soldiers Point Road, into the Soldiers Point area over the last 11 years. This compares to an average annual increase on Nelson Bay Road of approximately 3% over a similar timeframe and an annual increase of approximately 2.25% on the Pacific Highway at Tomago.

The preparation of a traffic and transport study which investigates the impact of growth and development in the Soldiers Point area will require the allocation of significant Council resources, appropriate funding and may take up to 12 months to undertake. At present there is no funding available to undertake a traffic study. To enable a traffic study to proceed would require a reallocation of funds from other projects. Based on traffic studies prepared recently or currently underway it is estimated that a budget of approximately \$40,000 would be required.

Should the Council resolve to support this Notice of Motion and make the necessary funding available, Council staff can commence the preparation of appropriate documentation to enable the study to be undertaken.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Will require reprioritisation of Traffic Engineering Projects.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 7

FILE NO: 21/206362

EDRMS NO: PSC2017-00019

KOALA PLAN OF MANAGEMENT

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) was prepared and endorsed in 2002.
- 2) Acknowledges the increased focus of the community on protecting local koalas, especially in light of devastating bushfires.
- 3) Agrees that Port Stephens CKPoM urgently needs to be reviewed and updated.
- 4) Requests that Council staff initiate the process to begin a review of the Port Stephens CKPoM.
- 5) That Council writes to the NSW Minister for Energy and the Environment to advocate for funding to support the review of the CKPoM.

BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) was prepared and endorsed in June 2002, in accordance with the NSW State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44).

The CKPoM aims “to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline.” The CKPoM also identifies a number of objectives and performance indicators and activates a steering group committee.

In addition to being the guiding document on Koala management across Port Stephens, the CKPoM provides the statutory framework in which development impacts are assessed. The CKPoM relies heavily on survey data and habitat mapping that was undertaken in 1998.

Since the adoption of the CKPoM in 2002, only one amendment or revision has been made, which was the Medowie-Tilligerry habitat mapping amendment in 2006.

Several legislative changes have also occurred since 2002, including the commencement of the NSW Biodiversity Conservation Act 2016 and numerous repeals and updates to the NSW Koala Habitat Protection SEPPs. This has impacted the ability to review or update the existing CKPoM and now requires the development of a new plan to align with the current SEPP.

Producing a new CKPoM is a lengthy (estimate 12 -24 months) and costly process which involves substantial field survey, habitat mapping, public consultation and approvals. Initial advice from the NSW Department of Primary Industries (DPIE) suggests that the cost to produce a new CkPOM is estimated at \$200,000.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	\$200,000	Council currently advocating to the NSW Government for financial support to develop a new CKPoM
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 8

FILE NO: 21/206364

EDRMS NO: PSC2017-00019

NELSON BAY PAID PARKING EXPENDITURE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges that \$800,000 has been raised through the Nelson Bay Smart Parking.
- 2) Requests a report from Council staff about when the funding from the Smart Parking will go into Public Domain Plan outcomes, as promised to the Community.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that Council's Smart Parking Scheme has returned approximately \$800,000 to Council over the last 12 months. The figures for the scheme will be released with Council's end of financial year statements.

The Smart Parking Infrastructure Program included in Council's Report of 12 May 2020 as shown in **(ATTACHMENT 1)** lists the projects to be funded from revenue generated by the parking scheme. The program of projects is a prioritised list of infrastructure works that initially target road safety and efficiency and then fund projects from the Nelson Bay Public Domain Plan.

The delivery of the Smart Parking Infrastructure Program commenced in the 2020-2021 financial year, with many projects and the smart parking scheme itself being forward funded from first year income. In accordance with the priorities and timeframes outlined in the Program, thus far, funds have been used to complete road safety improvements, line marking and about 9000 square metres of resurfacing works across the Nelson Bay town centre.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

- 1) Extract of Ordinary Council Meeting - 12 May 2020 - Smart [↓](#) Parking Infrastructure Program.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM NO. 7****FILE NO: 20/54702
EDRMS NO: PSC2019-05143****SMART PARKING INFRASTRUCTURE PROGRAM****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.
- 2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.
- 3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION****Councillor Jaimie Abbott
Councillor Glen Dunkley**

That Council:

- 1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.
- 2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.
- 3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ORDINARY COUNCIL MEETING - 12 MAY 2020****AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse and place on public exhibition the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.
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The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 12 MAY 2020**AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.3) Council invites public tenders, under S55(1) of the Local Government Act, for companies interested in providing smart parking technology (hardware and software) for the Nelson Bay area, to deliver the smart parking infrastructure. The usual tender process is to be followed.
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The amendment lapsed without a seconder.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.4) Council will develop, in consultation with the successful tenderer, a new policy section in the Privacy Management Plan, to deal with the identification, technological and tracking issues related to smart parking technology, and any associated privacy issues will be handled in the contract with the provider.
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse and place on public exhibition the establishment of a smart parking scheme, including paid parking, within the Tomaree Peninsula.
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ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

	<ol style="list-style-type: none">2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.
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Councillor Ken Jordan left the meeting at 7:33pm prior to voting.

Councillor Ken Jordan returned to the meeting at 7:34pm prior to voting.

The motion was lost.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council will develop, in consultation with the successful tenderer, a new policy section in the Privacy Management Plan, to deal with the identification, technological and tracking issues related to smart parking technology, and any associated privacy issues will be handled in the contract with the provider.</p>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre.2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre.
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ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

	3) Council invites public tenders, under S55(1) of the Local Government Act, for companies interested in providing smart parking technology (hardware and software) for the Nelson Bay area, to deliver the smart parking infrastructure. The usual tender process is to be followed and this motion is in place due to the \$600,000 cost and the issue of simply going into this tender without opening it up to the public.
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

071	Councillor Steve Tucker Councillor Paul Le Mottee It was resolved that the motion be put with no further amendments.
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The motion was carried.

**ORDINARY COUNCIL MEETING - 12 MAY 2020
MOTION**

072	Councillor Jaimie Abbott Councillor Glen Dunkley It was resolved that Council: 1) Endorse the establishment of a smart parking scheme, including paid parking, within the Nelson Bay town centre. 2) Endorse and place the parking permit scheme fees and charges on public exhibition that allows free parking for residents and rate payers of the Port Stephens Council, and workers within the Nelson Bay town centre. 3) Pursuant to Section 55(3)(i) of the Local Government Act 1993, endorse the General Manager to negotiate and sign agreements with Reino International Pty Limited (ABN 75 079 147 201& trading as Duncan Solutions), as the current incumbent supplier of smart parking hardware and software technology thereby providing a holistic framework and cost savings to Council, to deliver the smart parking infrastructure.
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The motion was carried.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****BACKGROUND**

The purpose of this report is to seek approval to deliver the Nelson Bay Smart Parking Infrastructure Program.

The Smart Parking Infrastructure Program is to assist in addressing the community's concerns with parking demand and supply in Nelson Bay, improved road safety and overall place activation. These concerns are particularly highlighted during the peak holiday period. This program will deliver on a list of projects (**ATTACHMENT 1**) that includes road upgrades and traffic redirection, increased parking spaces, smart parking sensors and digital signage.

The proposed Smart Parking Infrastructure Program addresses the Smart Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 (**ATTACHMENT 2**) relevant to Nelson Bay.

These proposed program projects are part of a long term vision for the development of Nelson Bay. Projects have been developed from the 2017 Nelson Bay Traffic and Parking Study, the 2019 Independent Nelson Bay Citizens Parking Panel's Report, the Nelson Bay Public Domain Plan and the outcomes of the community consultation summarised in the Smart Parking Change Community Engagement Report January 2020 (**ATTACHMENT 3**). Refer to (**ATTACHMENT 4**) for the Plan of Smart Parking Infrastructure Program.

The program projects are currently not funded and will require a source of funds to proceed. It is proposed to use the income generated from additional parking meters in the Nelson Bay CBD to fund the projects.

To ensure that residents and businesses are not adversely impacted by an increase in parking meters and the associated parking charges, it is proposed that Port Stephens Council local government area residents/ratepayers and Nelson Bay workers are exempt from paying parking fees in Nelson Bay. This exemption will be administered through Council with the use of smart parking technology.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The establishment of the Smart Parking Infrastructure to the Nelson Bay Town Centre will involve the upgrading of 24 existing meters from ticketed parking to metered parking. This change means that physical tickets will no longer be issued, but rather that the paid parking session will be linked to vehicle registration. This

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

change increases the reliability of the meters, and allows greater flexibility for customers to manage their parking remotely through technology.

Utilising the current incumbent supplier, Reino International Pty Limited (ABN 75 079 147 201) trading as Duncan Solutions, represents best value and cost savings to Council. This is evident in terms of duplication avoidance in hardware and software, avoids an integration package of work, and facilitates the reuse of existing infrastructure and provides cost savings associated with the procurement process. Benchmarking of costs within the industry confirms that the above approach represents best value to Council.

The meter upgrade will be supplemented by the installation of approximately 35 new parking meters covering all public on-street and off-street parking within the town centre, approximately 606 parking sensors within the town centre and foreshore areas, 4 digital sign boards and an enforcement package that includes vehicle mounted cameras and software/apps. The collective cost of the Smart Parking Infrastructure Package is estimated at approximately \$600,000.

Financial modelling forecasts that revenue from the parking meter expansion is sufficient to fund the proposed Smart Parking Infrastructure Program in the duration noted in **(ATTACHMENT 1)**. This financial modelling is based on the establishment of a free parking permit scheme for residents and rate payers of the Port Stephens local government area, and workers within the Nelson Bay town centre.

The forecast revenue generated per year from the Nelson Bay parking scheme is estimated at \$850,000 per annum, which includes a forecasted \$65,000 per annum reduction in existing revenue from foreshore meters under Council's control based upon the creation of the free parking permit scheme.

The modelling is principally based upon an extrapolation of the pre-existing COVID19 utilisation rates. While reduction factors have been included to provide a level of conservatism, these factors do not address the impact of the current NSW Government Public Health Orders, particularly concerning the restricting of gatherings and movement in NSW. Given the long term nature of the model, the relatively short duration of the restrictions it is considered a low risk that the long term revenue projections will not be realised.

The Smart Parking Infrastructure Program projects are currently listed within the draft Strategic Asset Management Plan (SAMP) 10 Works Plus Plan. Once the forecast parking meter revenue is realised these projects will be moved into the Capital Works Plan for delivery.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	600,000	Parking meter reserve and Crown parking reserve.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

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

LEGAL, POLICY AND RISK IMPLICATIONS

All current smart parking hardware and software technology on the Nelson Bay Foreshore has been supplied and supported by Council's current contractor. To ensure a holistic smart parking framework for the adjoining expanded area, it is recommended that the current supplier should be engaged without the normal tender process.

This approach is permissible under Section 55 (3)(i) of the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that forecast revenue is not realised leading to revenue estimations/capital work projections not being met.	Medium	Conservatism has been incorporated into the financial modelling. Additionally, track actual revenue compared to forecast revenue, and adjust capital expenditure accordingly.	Yes
There is a risk that the smart parking technology will not be embraced by the community leading to low usage or avoidance.	Medium	Ensure that user interfaces are intuitive and community education is included as part of the project delivery.	Yes
There is a risk that privately owned and operated parking meters are operated outside of the overall Nelson Bay Smart Parking Scheme leading to confusion and/or noncompliance.	Low	Monitoring of the private paid parking schemes to ensure that they are clearly identified by signage and/or other physical controls.	Yes

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

Risk	Risk <u>Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the collection, storage, and use of personal information associated with the smart parking scheme may be inappropriately used and/or disclosed.	High	Ensure the requirements of Council's Privacy Management Plan and the prevailing laws are strictly adhered to in system design and binding contracts with any external parties.	Yes

The parking charges are covered by the advertised and adopted schedule of fees and charges. The proposed fee exemptions will be managed through Council's annual Fees and Charges review.

SUSTAINABILITY IMPLICATIONS

The housings of the proposed parking meters are sleek and modern, and positively contribute to fulfilling the vision of the Nelson Bay Town Centre from the Nelson Bay Public Domain Plan. Another important feature of the meter design is the use of solar power.

The adverse social impact of the Nelson Bay Smart Parking package of works has been minimised through the establishment of the Free Parking Permit Scheme for residents and rate payers of the Port Stephens local government area, and workers within the Nelson Bay Town Centre. It should also be noted that the permit scheme will be extended to the existing foreshore meters.

It is anticipated that the Nelson Bay Smart Parking package of works will deliver a positive impact to the business community. The positive impact is predicted based upon the greater parking compliance, thus turn over, of town centre parking and implementation of parking availability sensors/apps. A downturn of town centre clientele is not anticipated to be significant with the provision of the free parking permit scheme.

CONSULTATION

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

Internal

- Financial Services Section – to validate the financial modelling and proposed procurement methodology.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020**

- Strategy and Environment Section – to ensure alignment with strategy documents, including the Nelson Bay and Foreshore Strategy, Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program Nelson Bay.
- Assets Section – Traffic and Asset Engineering to determine practicability and regulatory pathways for implementation.
- Rangers Team – To ensure enforceability and safety of compliance staff.
- Economic Development Team– to assist in place activation/events initiatives and assist in assessing the impacts of smart parking to businesses.
- Information Technology and Communication Team – to assist in optimising and assessing the integration requirements of smart parking into Council's existing systems.
- Communications/Community, Development and Engagement Teams – to assist in developing, implementing and reporting on the community engagement strategy.

External

Consultation has been undertaken over an extended period of time, and has included targeted and non-targeted general public consultation. The results of the consultation are detailed in the Nelson Bay Smart Parking Changes Engagement Report January 2020 (**ATTACHMENT 3**) and are summarised below.

Some of the key findings from this engagement included:

- a) Overwhelming support for the delivery of projects in Nelson Bay.
- b) General support for paid parking as long as there is an accompanying park free scheme.
- c) Concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.

OPTIONS

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

ATTACHMENTS

- 1) Smart Parking Infrastructure Program - Summary Sheet.
- 2) Minute No. 261, 10 December 2019.
- 3) Nelson Bay Smart Parking Engagement Report.
- 4) Plan of Smart Parking Infrastructure Program

**ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12
MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**

MINUTES ORDINARY COUNCIL - 12 MAY 2020

COUNCILLORS ROOM

- 1) Independent Nelson Bay Citizens Parking Panel's Report.
- 2) Nelson Bay Traffic and Parking Study.
- 3) Tomaree Residents and Ratepayers Association submission.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 1 SMART PARKING INFRASTRUCTURE PROGRAM - SUMMARY SHEET.

Smart Parking Infrastructure Program - Summary Sheet

#	Item	FY	Source of work
1	Review current town centre parking restriction for consistency and effectiveness	2021	Traffic/ Parking
2	Convert Yacaaba St and Stockton St to one way flow (Donald to Tomaree St)	2021	Traffic/ Parking
3	Donald Street East - Demolish existing structure.	2020	Traffic/ Parking
4	Donald Street East - New at-grade carpark. Design & construct at grade car parking	2020	Traffic/ Parking
5	Parking Meter expansion covering town centre	2021	Traffic/ Parking
6	Stockton/Tomaree Carpark (leased site) - design and construct at grade car parking	2021	Traffic/ Parking
7	Pavement mark all spaces within town centre	2021	Traffic/ Parking
8	Expansion of 40km/h high pedestrian area	2021	Traffic/ Parking
9	Update shared zone pavement marking and signage to reflect contemporary guidelines	2021	Traffic/ Parking
10	Sensors, apps and signage for parking management	2021	Traffic/ Parking
11	Upgrade existing parking meters to 'pay by plate'	2021	Traffic/ Parking
12	APEX Park/VIC - Formalise perimeter footpath, adjustment to pedestrian access ramps and widening stairs	2022	PDP
13	Convert existing Stockton Street traffic signals to allow pedestrian scramble and widen crossing;	2022	PDP
14	48A Stockton St and surrounding road verge. (AKA Worimi Park) - Design and Construct at grade parking	2023	Traffic/ Parking
15	Stockton Street - Large Vision	2025	PDP
16	Intersection Upgrade - Church Street with Donald Street	2025	Traffic/ Parking
17	Overflow parking - Tom Dwyer Memorial Oval	2026	Traffic/ Parking
18	Nelson Bay Wayfinding Signage Strategy	2026	Traffic/ Parking
19	Remove Stockton Street Stage	2027	PDP
20	Stockton St and Yacaaba Street - Complete missing footpath connections and improve pedestrian crossing amenities at Tomaree intersection;	2027	PDP
21	Improve signage and lighting to assist visitor wayfinding	2028	PDP
22	Eastern Foreshore - Implement wayfinding and interpretative signage;	2029	PDP
23	69 Victoria Parade (AKA Victoria Parade Reserve) - Design and Construct at grade parking	2030	Traffic/ Parking
24	Park and Ride – Investigation, design and construction, incl coach parking facilities.	2030	Traffic/ Parking
25	Eastern Foreshore - Upgrade and expand existing playground, provide shade canopies, and connecting footpaths	2031	PDP
26	Eastern Foreshore - BBQ Amenities and shelter	2031	PDP
27	Magnus Street Village Precinct - Large Vision Concept	2031	PDP

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 2 MINUTE NO. 261, 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****NOTICE OF MOTION****ITEM NO. 3****FILE NO: 19/378259
EDRMS NO: PSC2017-00019****SMART PARKING****MAYOR: RYAN PALMER****THAT COUNCIL:**

- 1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.
- 2) Continue community consultation in Nelson Bay around the installation of SMART Parking.
- 3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.
- 5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
- 6) Each precinct shall have its own reserve to managing funding.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

261	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.2) Continue community consultation in Nelson Bay around the installation of SMART Parking.3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
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ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 2 MINUTE NO. 261, 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

6) Each precinct shall have its own reserve to manage funding.

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

Smart parking schemes help to influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended primarily:

- a. to ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b. to provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c. to help manage the competition between short-medium term parking and all day parking
- d. to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them
- e. to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Roads & Maritime Services (RMS) concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters/machines and certain pavement marking are prescribed traffic control devices and therefore must go through the Local Traffic Committee before they can be installed. A review of the regulations and RMS guidelines confirm that Council may introduce a concurrent permit parking scheme which would allow permit holders to park without charge and/or time restrictions in relevant pay parking spaces.

The proposed smart parking scheme is supported by the Nelson Bay Strategy/Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program through recommendations of the Citizens Parking Panel. Additionally, the technical Traffic and Parking Studies parking studies and community consultation recommendations 9 and 15 - Parking in Nelson Bay: Engagement Report (AKA Independent Citizens Parking Panel Report).

9. Rationalise parking limits and times, with:

- a. a review of the different time zones (eg 5, 10, 15 minute parking zones) and of their location
- b. paid parking in certain areas/car parks
- c. permits/times for locals.

**ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12
MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM**

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 2 MINUTE NO. 261, 10 DECEMBER 2019.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

15. Investigate 'smart parking' opportunities, including but not limited to the following:

- a. Signage to include count of available spaces and direction/distance to
- b. Cameras linked to signage to identify and direct to available spaces
- c. Plate recognition to identify parking users, generate data, but also enable remote payment ie users (potentially only non-locals) are identified by a sensor as they enter the CBD and start paying a fee after a given number of hours (or straightaway depending on the time of the year)
- d. Technology linked to smartphones via applications
- e. Use Artificial Intelligence (drone parking).

Recommendations P3 and P5 in the Nelson Bay Traffic and Parking Study Update:

- P3 – Improve town centre off-street parking facilities
- P5 – Expand paid parking coverage.

The Birubi Headland and Shoal Bay CBD precinct/foreshore area will need further investigation to be reported back to Council.

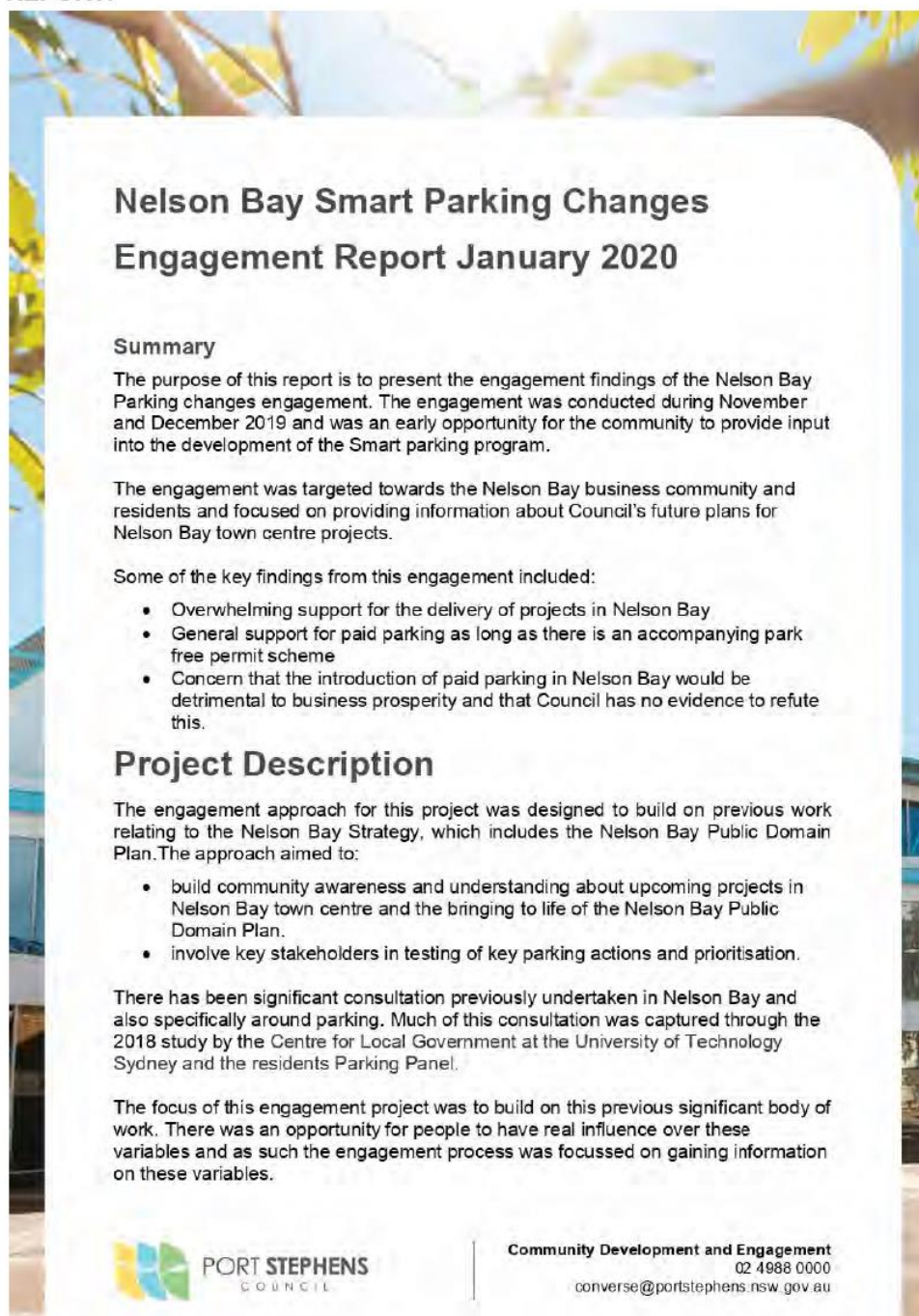
ATTACHMENTS

Nil.

ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.



ITEM 8 - ATTACHMENT 1 EXTRACT OF ORDINARY COUNCIL MEETING - 12 MAY 2020 - SMART PARKING INFRASTRUCTURE PROGRAM

MINUTES ORDINARY COUNCIL - 12 MAY 2020

ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT REPORT.

The timing of the consultation was scheduled to ensure that engagement findings would be used to inform the development of the parking policy in 2020.

Engagement Approach

How we consulted

The engagement was delivered through a mix of face to face and online activities and is summarised in Table 1 below:

Table 1

ACTIVITY	PURPOSE	REACH
Letterbox delivery and 'door step' discussions - Nelson Bay town centre businesses and resident Nov 2019	Inform and educate Build relationships	700 newsletters printed and delivered; 200 door step discussions with local business 5 follow up personal meetings with the Mayor and business owners/operators
Stakeholder Meeting – Tomaree Business Chamber Nov 2019	Inform and educate Gather feedback Build relationships	
Drop in session - Stockton Street Dec 2019	Inform and educate Gather feedback Build relationships	50-75 people took the opportunity to meet face to face with elected representatives and staff
Business Chamber Breakfast – Mayor presented Dec 2019	Inform and educate Build relationships	110 attendees
Online Survey Nov - Dec	Gather feedback	173 surveys complete
Dedicated Have your Say webpage	Inform and educate Build relationships	1,400 visitors to the website

Additionally, one submission was received from the Tomaree Residents and Ratepayers Association.



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Engagement Board (left) used at drop in session and Newsletter update (right) delivered to business and residents.

Promotion of activities

The primary method of promotion was through the letterbox drop. Social media was deliberately not used to ensure that the majority of the people who participated in the process were Nelson Bay local business owners and residents.

There will be opportunity for wider comment regarding the proposed parking changes when the draft policy is placed on formal public exhibition.

Key findings

Tomaree Business Chamber Meeting

Council staff met with the Tomaree Business Chamber president 4 December 2019 to talk through the proposed project and to ascertain the concerns of the business chamber.

The premise of the meeting was to discuss the parking changes including the extension of paid parking in Nelson Bay CBD and an accompanying park free scheme of which the variables of this scheme are to be determined through the process.

Key issues raised were:



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- problem of potential shoppers electing to shop at Salamander Bay due to paid parking. However, the different shopping experiences was considered a major factor in people visiting Nelson Bay especially during holiday periods
- It was believed that the introduction of a park free scheme with smart technology would help traders in Nelson Bay attract business during the non-peak times.
- the current zonings is messy and confusing and a review of the no parking and emergency vehicles zoned parking should be undertaken
- examples of similar systems from other councils would be beneficial
- lack of trust in Council that additional revenue raised would be spent in Nelson Bay

Potential parking options and changes discussed were:

- two/three hour free parking option for all people similar to shopping centres,
- dedicated paid spots for local businesses (especially those who leave and return regularly throughout a working day),
- lower rates for longer periods to cater for people going on extended tourist attractions such as whale cruises,
- park free scheme to include workers,

Letterbox delivery and 'door step' discussions

Mayor Ryan Palmer and Community Engagement staff delivered 700 Nelson Bay Next Update November 2019 newsletters on 7 December 2019. The newsletter was designed to introduce the project and invite people to learn more about the project. The key themes verbally introduced when speaking with business owners included:

1. Fast tracking projects to enliven Nelson Bay;
2. Introduction of a park free scheme with smart technology;
3. Invitation to come to drop in session or participate through online survey.

Some of the feedback received as part of the door step discussions with Nelson Bay business owners and operators included:

- Overwhelming support to fast track projects to enliven Nelson Bay,
- Any park free scheme should include workers,
- Concerns regarding loss of business to Salamander Bay as a result of extended paid parking,
- Concerns regarding whether the Donald Street East carpark demolition and reestablishment would be finished when promised.

Drop in session 6 December 2019

The drop in session held in Stockton Street on 6 December 2019 was attended by approximately 50-75 people. Two elected members including Mayor Ryan Palmer and Councillor Sarah Smith were in attendance. Staff from various sections of



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Council including Assets, Strategic Planning and Communications were in attendance to answer queries.

Boards together with a sticker dot voting system were used to mimic the online survey and comments using post it notes were encouraged to help explain and qualify the responses. A total of 53 votes were received on the different options.

The data collected from the boards has been collated with the reported survey findings and are presented in the next section of the report.

A total of 14 comments were also recorded at the session. The comments were grouped into common themes:

Eligibility of paid parking scheme

- Only tourists pay
- Workers should only have free parking on the outskirts of the town centre
- Tradespeople should have access to free parking as well

Location of paid parking scheme

- Parking for bay only not for Raymond Terrace etc
- No paid parking in CBD
- What about paid parking in Salamander Bay shopping centre
- What about other holiday areas e.g Shoal Bay, Birubi
- Leave areas for short term free parking e.g post office, newsagent 1/4 parking
- A license plate camera at entry points would make it easier for those with free parking would make it easier for residents

Timing of paid parking scheme

- Paid parking for long periods
- Peak and off peak parking rates
- Please make it free after 4pm for everyone
- First couple of hours free then pay
- Out of State school holidays not just NSW

Other common themes raised throughout the session included;

- Overwhelming support for the delivery of new projects in Nelson Bay
- General support for the need for paid parking as long as there was an accompany park free scheme which applied to the person in question.
- Concern that the introduction of paid parking in Nelson Bay would be detrimental to business and that Council had no evidence to refute this
- Concern over removal of Victoria Parade pedestrian overpass
- Lack of trust that additional revenue would actually go to Nelson Bay.



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Online Survey

The online survey was hosted on the project webpage and attracted 171 participants. The survey questions can be found at Attachment I.

The results of the 171 online surveys together with the responses from the face to face drop in session, as mentioned above, are shown in below.

Figure 1: Who do you think should be eligible for a park free scheme?

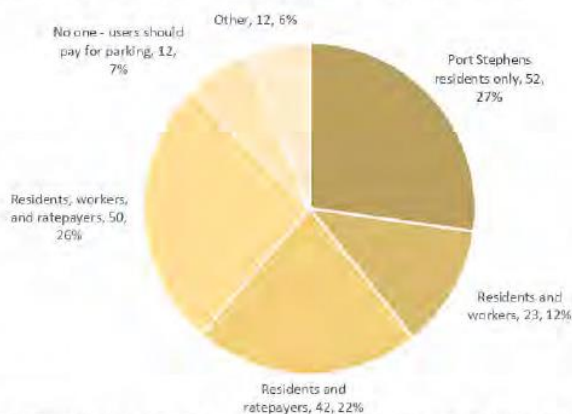


Figure 1 shows there is a little difference between three main options presented about who should be eligible for a park free scheme. The most popular scheme (27%) was that Port Stephens residents only park free scheme.

A total of 12 participants selected 'other'. A total of 6 comments were against the concept of paid parking all together. The remaining comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Paid parking should not be extended.
- Should all be free but different time periods, shorter on street, longer in off street parking areas.
- All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
- A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.



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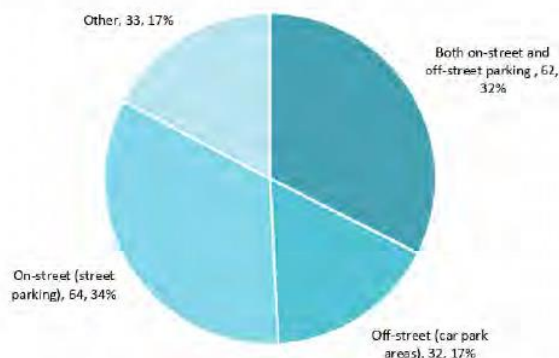
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- Residents and those with mobility passes

Figure 2: Where do you think paid parking should be extended to?



In Figure 2, the results were relatively even between the two options of extending paid parking to on-street parking (34%) and both on street and off-street parking (32%).

A total of 30 respondents selected 'other'. A total of 16 comments that were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Peak Holiday period only
- Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
- No one should have to pay for parking if they are shopping, dining, etc
- Paid parking should not be extended.
- Paid parking will push people away
- No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
- Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
- Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively



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Figure 3: When do you think paid parking should apply?

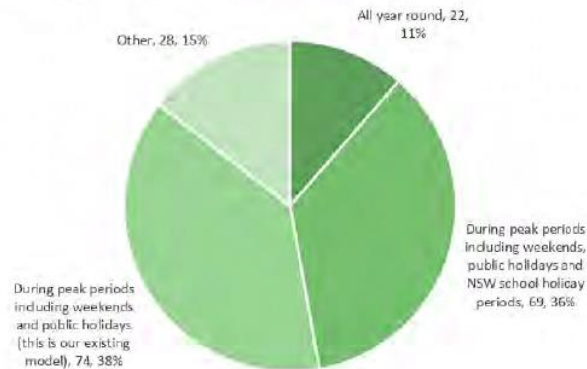


Figure 3

The results were relatively between the two options of applying paid parking 'During peak periods including weekends and public holidays (our existing model)' (38%) and 'During peak periods including weekends, public holidays and NSW school holiday periods' (36%).

A total of 28 respondents selected 'other'. The majority (16) of comments stated they were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

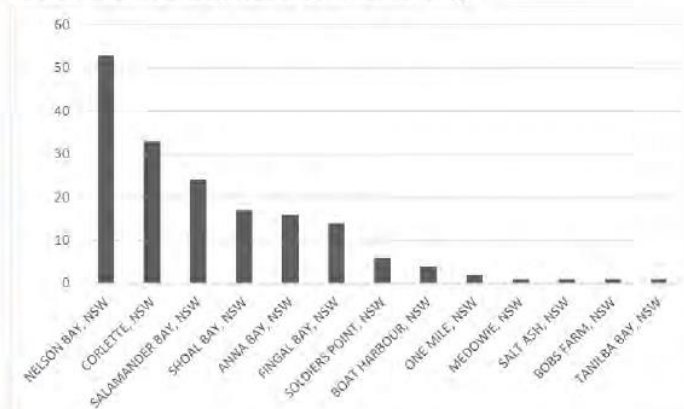
- Only during summer holidays
- Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
- Do not change the current arrangements.
- I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
- Why penalise people for wanting to stop in town and spend their money at local businesses?

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Figure 4 Respondents by suburb (online survey only)



The levels of participation were high considering that the engagement approach was targeted towards business owners and residents in the Nelson Bay CBD. Over 50% of the online responses from Nelson Bay and well over 85% from neighbouring suburbs.

Additional Submissions

A written submission was received by the Tomaree Ratepayers and Residents Association. The submission outlined a number of questions around the business case and evidence of similar schemes, risks to visitation, concerns around the engagement process and broader comment on Nelson Bay Public Domain plan actions.

Councillors have been provided with a copy of this submission.

Summary and key insights

The scope of the engagement around this project was highly defined. The concept of extending paid parking together with a park free scheme was considered the basis of the project. Using smart parking technology there are a lot of variables that could be included into this scheme which included eligibility, extent and timing.

Engagement approach

The majority of participants commented positively about the use of face to face engagement techniques (business door to door and drop in session). It was seen as a positive relationship building exercise and indication that Council was genuine in its intentions.



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Support for paid parking with residents free scheme

The introduction of paid parking was supported generally on the proviso residents were excluded. There was good support for the scheme to also include ratepayers and workers.

Impact of business

Participants expressed concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.



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ATTACHMENT II - Comments

Survey question 'Who do you think should be eligible for a park free scheme?'

Comments accessed via 'Other'

Optional question (12 responses, 159 skipped)

1. I worked at the marina when it was coins only. The machines didn't work, you couldn't get change. They'd ask us for change and get mad and walk away. This was mainly tourists walking away mad. It should be free for all.
2. Paid parking should not be extended.
3. Should all be free but different time periods, shorter on street, longer in off street parking areas.
4. All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
5. Port Stephens residents only with time limits
6. A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.
7. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Should also consider option of free parking only for local residents - residents from western parts of the LGA are effectively visitors
8. Should be free to everybody
9. Residents and those with mobility passes
10. Residents & Ratepayers ... on proof of same ... ratepayers are easy as they're on PSC's books. Permanent residents will prove with Drivers Lic. &/or utilities bills.
11. Parking should be free throughout Nelson Bay and along the foreshore
12. Everyone should have the right to free parking

Survey question 'Where do you think paid parking should be extended to?'

Comments accessed via 'Other'

Optional question (29 responses, 142 skipped)

1. PEAK HOLIDAY PERIOD ONLY
2. None
3. Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
4. Should be free to everyone all the time
5. No one should have to pay for parking if they are shopping, dining, etc
6. Paid parking should not be extended.
7. Paid parking is only a revenue raiser, was trialled in Penrith & failed dismally
8. Time based only
9. Paid parking will push people away
10. Off street car parks over three hours



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11. Extending Paid parking will drive people out of the Nelson Bay CBD to the Salamander Shopping Centre & to the various "villages" around The Bay. It will also be another step in NELSON Bay losing its "idyllic holiday village" feel & reputation .
12. I don't support paid parking in Nelson Bay. It will definitely discourage residents and tourists from stopping in the town centre and spending money there.
13. Don't extend paid parking. Rebuild a decent car park to replace the recently demolished one and provide more free parking on the perimeter of the CBD.
14. I think you will kill the retail sector with all paid parking. As I local I would not pay for parking on the waterfront if I just wanted to browse the waterfront shops or have a coffee. Pizazz left the waterfront section and it is better within the NB cbd
15. All areas with exemptions as per first answer [See above 5]
16. IT WILL TAKE BUSINESS AWAY FROM THE CENTRE
17. Free parking for residents
18. This is blatant revenue raising. It will kill the businesses as it has some in other areas. Build a [REDACTED] multi level car park and don't charge for street parking at all!!!
19. No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
20. Residents should be able to access free parking being as we are ratepayers
21. See above re a free beach shuttle to move visitors AND locals around in peak times. I have already submitted a survey but want THIS one to replace it as couldn't find how to offer suggestions the first time. [See above 6]
22. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
23. local shoppers will avoid Nelson Bay.
24. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
25. Definitely no charges. Can make a time limit but no fees.
26. Rebuild the multistorey carpark you've just knocked down (Surely it would have been cheaper to fix it. Sigh!)
27. Parking should be free throughout Nelson Bay and along the foreshore.
28. Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively.
29. Can't imagine that this would encourage people to the town centre, more likely detract them and send everyone to salamander bay shops. Certainly would detract locals, where are employees supposed to park?

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Survey question 'When do you think paid parking should apply?'

Comments accessed via 'Other'

Optional question (25 responses, 146 skipped)

1. Only during summer holidays
2. Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
3. If a park-free scheme is adopted for locals, then all year round
4. No
5. I do not agree with paid parking
6. Do not change the current arrangements.
7. Should never be applied
8. I believe paid parking will "kill" the Nelson bay CBD
9. never
10. Never
11. I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
12. Never. You have structured this questionnaire on the basis that we all want some form of paid parking in Nelson Bay CBD. Some of us can envision other alternatives. Council needs to broaden its scope.
13. Why penalise people for wanting to stop in town and spend their money at local businesses?
14. I disagree wholeheartedly with paid parking.
15. Never, we pay enough money just to have a car!
16. Third option above but local residents should be exempt from paid parking. The council controlled Woolworths should also have paid parking to prevent tourists parking all day while they go to the beach
17. Peak periods but NOT for residents - perhaps a ticket saying we are residents might help
18. Free parking weekends public hold for residents
19. Can't choose an option without more information on costs and benefits of each - there should be a costed business case
20. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
21. Should be free all year
22. What is best practice in other tourist locations? Some examples of where this has been implemented and how it is working would be ideal before making any final decisions.
23. At no time
24. As above [See Above 28].
25. I don't think paid parking is necessary, especially double the cost on weekends, when locals supposed to enjoy their own area. A free sticker should be issued with council rate payments.



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ITEM 7 - ATTACHMENT 4 PLAN OF SMART PARKING INFRASTRUCTURE PROGRAM

Smart Parking Infrastructure Program - Summary Sheet - March 2020



NOTICE OF MOTION

ITEM NO. 9

FILE NO: 21/206367

EDRMS NO: PSC2017-00019

NELSON BAY PAID PARKING HOURS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the recent decision to change the hours of paid parking in Nelson Bay.
 - 2) Thanks the Traffic Committee for delivering on the community's expectations and agreeing to the changes.
 - 3) Notes that during winter and especially during COVID lockdowns, visitors to the Tomaree Peninsula are fewer than usual.
 - 4) Requests that community and business consultation occur to determine whether the new hours are working and in line with community expectations.
-

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTION ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to acknowledge that Council has made changes to the hours of paid parking in Nelson Bay and supported by the Local Traffic Committee.

A review of the span of restricted parking hours was requested by both the community members and Nelson Bay businesses. A joint survey was undertaken by Council and the Tomaree Business Chamber and changes requested to reduce the time based parking restrictions from 7am to 7pm inclusive, to 8:30am to 5:30pm inclusive. The changes to the span of hours for time based parking restrictions in Nelson Bay Town Centre were completed in June 2021.

It is noted that patronage of the Smart parking scheme has been impacted by travel restrictions resulting from COVID-19, seasonal fluctuations as well as the wetter and cooler than usual 2020-21 summer.

Should the Council resolve to support this Notice of Motion, Council can consult with the community and Nelson Bay businesses to determine whether the change in the span of hours of the time based parking restrictions in Nelson Bay Town Centre is meeting the expectations of the community and businesses.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 10****FILE NO: 21/206372****EDRMS NO: PSC2017-00019****DWELLINGS IN HIGH HAZARD FLOODWAYS****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes the recent increase in requests to construct homes in high hazard floodways.
- 2) Notes the danger associated with these Development Applications for the proponents, emergency services, Councillors and staff.
- 3) Requests a report be prepared by Council staff for DCP or LEP changes that would make residential developments in high hazard floodways not permissible.

BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

Since 1 July 2019, Council has received 9 Development Applications to construct dwellings in high hazard floodways including:

DA Number	Location	Determination
16-2019-135-1	1 Swanreach Road, HINTON	Refused by Council.
16-2019-679-1	26 King Street, RAYMOND TERRACE	Approved by Council.
16-2020-302-1	814 Hinton Road, OSTERLEY	Refused by Council.
16-2020-357-1	918 Newline Road, EAGLETON	Deferred Commencement Issued by Council.
16-2020-589-1	828 Paterson Road, WOODVILLE	Refused by Council.
16-2020-757-1	186 Seaham Road, NELSON PLAINS	Approved with conditions.
16-2020-445-1	232 Seaham Road, NELSON PLAINS	Approved by Council.
16-2021-82-1	7 High Street, HINTON	Reported to 27 July 2021 Council meeting.
16-2021-451-1	2372 Nelson Bay Road, WILLIAMTOWN	Under assessment.

'High hazard floodway' is the highest category of flood risk and is determined on the basis of flood depth and/or velocity of flood waters in a particular location.

The Port Stephens Local Environmental Plan (LEP) adopts the NSW Government's mandatory Standard Instrument flood controls. The LEP flood controls require Council to be satisfied that the development is compatible with the flood hazard of the land and that it will not have a significant, adverse effect on flood behaviour. It should be noted these mandatory provisions are consistent across all councils and the State government does not enable councils to amend them.

The Port Stephens Development Control Plan 2014 (DCP) states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life, risk to property and the compatibility of development with the site specific flood hazard. The DCP does not support development that will result in an unnecessary risk to life or property. The DCP is consistent with Council's Floodplain Risk Management Policy which has been prepared in accordance with the State government's Floodplain Risk Management Manual.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 11

FILE NO: 21/206376

EDRMS NO: PSC2017-00019

PECUNIARY INTEREST RETURNS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that each Councillor must provide a yearly list of pecuniary interests to the Council.
- 2) Notes that at the moment, these documents are heavily redacted and provide no benefit to members of the community when viewing them.
- 3) Acknowledges that the voting public expect to be fully aware of any and all interests that their elected representatives have.
- 4) Agrees to publish all Councillor interests in full with no redactions.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

Elected representatives and designated persons are required to lodge a return disclosing their pecuniary interests within 3 months of either being elected to Council or being employed by Council, and then on an annual basis.

The Government Information (Public Access) Act 2009 (GIPA Act) classifies these returns as 'open access'. Open access information is required to be available on Council's website unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on Council. Overriding public interest against disclosure may include matters relating to privacy, commercial affairs, copyright or where there is a risk of harm if the information was released.

Under the GIPA Act, the principal officer (the General Manager) is responsible for ensuring Council meets its obligations under the GIPA Act. The authority under the Act is then delegated to staff to assess and determine accessing information applications and other compliance aspects of the GIPA Act, such as disclosure returns.

Council must not circumvent the legislative provisions of the GIPA Act by releasing information where another party may have a right to be consulted prior to release or have rights of review.

Council makes the annual returns for each councillor available in a redacted form in accordance with the provisions of the GIPA Act, the Information Privacy Commission's guidelines and relevant public interest considerations in favour and against disclosure.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 12

FILE NO: 21/206381

EDRMS NO: PSC2017-00019

ABSENCE FROM COUNCIL MEETINGS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the importance of elected representatives attending Council meetings.
- 2) Notes that from time to time, there are conferences or other events that may clash with Council meetings.
- 3) Agrees that permission to attend any conferences or events will be on the condition that no Council meetings are missed in order to attend.
- 4) Notes that the COVID Regulations currently allow attendance by video conference, which would be an acceptable attendance while physically at a conference or event.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

The Local Government (General) Regulation 2005 makes it mandatory for mayors and councillors to have access to an induction and ongoing professional development program.

In 2018, the Office of Local Government released the Councillor Induction and Professional Development Guideline (the Guideline). The Guideline has been developed to ensure mayors and councillors are aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act, and of the support their council should be providing to ensure they are able to effectively fulfil their roles.

There is an expectation that mayors and councillors will actively participate in ongoing professional development to build on their existing skills and experience to provide the best possible outcomes to the community.

The Local Government Act 1993 makes provision for mayors and councillors to be absent from a council meeting by lodging an apology or requesting leave of absence.

ORDINARY COUNCIL - 10 AUGUST 2021

There is no provision that would exclude mayors or councillors from attending other council business at the time of a scheduled council meeting.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 13****FILE NO: 21/206387****EDRMS NO: PSC2017-00019****ADDRESS OF COUNCIL LAND PROPOSED FOR SALE****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes that from time to time, Council land is proposed to be sold, which requires Council authorisation through a Council meeting.
 - 2) Notes that there is strong community interest in where the land is that is proposed to be sold.
 - 3) Acknowledges that in the interests of transparency, the address should be noted on every Council report where land is proposed to be sold.
 - 4) Directs the General Manager to ensure that an address visible to the public is provided for every report pertaining to the sale of Council land.
-

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

Reports seeking approval to sell Council owned land are submitted on confidential terms to protect the interests of prospective purchasers and to ensure a commercial advantage is not conferred on any person through obtaining early access to information.

Although it is Council's preference to withhold all details of a confidential transaction, the street address of the property proposed to be sold can be made visible on future Council reports pertaining to the sale of Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

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

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Source of Funds	Yes/No	Funding (\$)	Comment
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 14

FILE NO: 21/206391

EDRMS NO: PSC2017-00019

AGL EASEMENT, TOMAGO

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that at its 23 July 2019 Council meeting, Councillors approved the concept of an easement in favour of AGL to allow them to construct their gas peaking plant at Tomago.
- 2) Notes that as at 22 June 2021, these negotiations were "still ongoing".
- 3) Acknowledges that there is a broader energy debate which has led to the Federal Government committing to a gas peaking plant at Kurri Kurri.
- 4) Agrees that 2 years is an exceptionally long time to negotiate a small easement for gas pipelines and power lines.
- 5) Requests a staff report as soon as possible outlining why negotiations are taking so long, and a commitment to completing the negotiations by the end of 2021.

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

Council authorised the creation of 2 easements in stratum over and under Old Punt Road, Tomago to enable AGL to develop a new gas plant on its land at 1940 Pacific Highway, Tomago. The easements are required by AGL to house a gas pipeline under the road and electrical power lines over the road to service the proposed Newcastle Power Station project.

Old Punt Road is a major traffic thoroughfare linking the Tomago industrial area to the Pacific Highway. According to AGL's Traffic Impact Assessment, traffic flows along Old Punt Road are in the order of 4,600 vehicles per day (Seca Solution, October 2019). The corner of Old Punt Road and the Pacific Highway is the only place vehicles travelling north can turn right onto the highway and the intersection is widely used by both heavy and light vehicles for that purpose. In addition, it is understood that Transport for NSW plans for the M1 to Raymond Terrace Motorway will rely on the use of Old Punt Road as a key access to Tomago.

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The easements were negotiated in stratum to ensure construction and maintenance works do not impact on the surface of the road and traffic flow on Old Punt Road is not impacted at any time during or after construction.

After agreement to stratum easements was reached and the resolution obtained, AGL sought to include the surface of Old Punt Road in the easements and to specifically allow the surface of the road to be dug up for construction and maintenance purposes at AGL's discretion.

Negotiations halted late in 2020 and Council heard nothing further from AGL until recently when its representatives informed Council the Newcastle Power Station project has been put on pause pending a Final Investment Decision to be made. At this stage, there is no date nominated for that decision.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 15****FILE NO: 21/206395****EDRMS NO: PSC2018-01103****879 SWAN BAY ROAD, SWAN BAY****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges that there has been an outstanding compulsory acquisition at 879 Swan Bay Road, Swan Bay since 11 February 2020.
- 2) Notes that the application is currently with the Minister awaiting approval.
- 3) Writes to the Minister for Local Government, asking for an urgent approval in order to complete safety works on Swan Bay Road as promised to the community.

**BACKGROUND REPORT OF: TIM CROSDALE – GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

Approval to gazette the compulsory acquisition was received on 15 July 2021 and notification of the acquisition was published in the New South Wales Government Gazette on 16 July 2021.

In a compulsory acquisition, the acquiring authority gains the right to use the acquired land as at the date of gazettal.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 16

FILE NO: 21/206407

EDRMS NO: PSC2017-00019

RAYMOND TERRACE INDOOR SPORTS FACILITY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that on 25 February 2020, Council adopted a motion asking for a feasibility study for an indoor sports facility in Raymond Terrace.
- 2) Notes that years ago, the current indoor sports facility was taken over by Police on the agreement that once they were finished with it, it would return to community usage.
- 3) Acknowledges that this failed to occur.
- 4) Requests a staff report as soon as possible outlining where this project is up to, and why Raymond Terrace still doesn't have its indoor sports facility back.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

As noted in the original report to the 25 February 2020 Council meeting, the Greater Newcastle Metropolitan Plan identifies Raymond Terrace as a strategic centre and the northern gateway to the metropolitan plan area.

In regard to sport and recreation facilities, the plan identifies a 'metropolitan sport facility' located in Raymond Terrace. Action 12.4 of the plan states that 'the NSW Office of Sport will develop a Greater Newcastle sport and recreation facilities plan'. Council has been working with the NSW Office of Sport intermittently as they progress this action. Progress in this space has been limited due to the shifting priorities of the NSW Office of Sport. Indoor facilities formed part of this discussion however a draft plan is yet to be received by Council some 18 months later.

In terms of progress that has been made since the original Notice of Motion, staff have worked with the West Ward Sports Council to determine the size and scale of an indoor sports facility required to service the future population growth of Raymond Terrace and surrounds. This scope would see the delivery of a 4500m² two storey indoor sports and recreation centre with four basketball courts at a capital cost of \$22,754,000.

As a result of this, the Local Infrastructure Contributions Plan adopted by Council at the 23 February 2021 Council meeting includes the provision for KH18 – Raymond Terrace – Indoor Sports and Recreation Centre at 12% apportionment (\$2,730,480). This would require Council to secure \$20,023,520 from sources other than Development Contributions.

As noted in the original report to the 25 February 2020 Council meeting, staff recommend that a business case would need to be developed for this project. Council staff do not have the expertise to prepare such a business case and the funding required to engage a suitably qualified consultant has not been identified in forward budgets.

Council staff will continue to work with the NSW Office of Sport to understand the overarching strategic direction for Raymond Terrace relative to indoor sport and seek funding assistance for the development of a business case once parameters are confirmed.

In relation to the points 2 and 3 of the Notice of Motion, Port Stephens Council was approached by NSW Police in 2009 seeking office space for the housing of police staff whilst the Raymond Terrace Local Area Command at 55 William Street was being constructed. To support the delivery of the new command, Council reviewed facilities available to identify opportunities for leasing. Concurrent with this request, the former Raymond Terrace Leisure Centre (now the Raymond Terrace Library) was made available through the tenant (YMCA) relocating to Shops 15 and 16 of the Terrace Shopping Centre (now the Raymond Terrace PCYC).

With the facility made vacant, Council executed a lease for the former Raymond Terrace Leisure Centre to NSW Police from the 1 September 2009 to the 30 April 2011. This agreement was then extended to cater for the extended construction period with the official opening of the Raymond Terrace Local Area Command on 25 October 2011. Within the lease documentation, no commitment was made by either party to return the leisure facility to its former use. Council was returned the facility from NSW Police with the office improvements retained and subsequently converted the majority of the facility into the Raymond Terrace Library as currently exists.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Business case not funded.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 17

FILE NO: 21/206415

EDRMS NO: PSC2017-00019

RAYMOND TERRACE SEVEN DAY MAKEOVER

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the success of the seven day makeover program in Medowie and Anna Bay.
- 2) Notes that Raymond Terrace has works to William Street in the pipeline, to deliver on the Public Domain Plan.
- 3) Allocates \$50,000 from the NSW Government's Public Spaces Legacy Fund grant that is earmarked for stage 2 of William Street Works to a Seven Day Makeover, to be completed by the end of calendar year 2021.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

Port Stephens Council has completed two 7 Day Makeover events in recent times within the communities of Anna Bay and Medowie. These events were well supported and proved to be successful community building exercises.

In the Hunter Regional Plan 2036 hierarchy of centres within Port Stephens, Anna Bay and Medowie are classed as Centres of Local Significance. Raymond Terrace is classed as a strategic centre, being the northern gateway to the Lower Hunter and providing a wide range of services and employment.

As part of Council's approach to town centre improvement works, Centres of Local Significance are subject to Place Plan development and 7 Day Makeover style events. Strategic centres are subject to more transformative infrastructure and place planning in the form of a Public Domain Plan. To align with Raymond Terrace's status as a strategic centre, Council has recently adopted a Public Domain Plan for Raymond Terrace at the 23 February 2021 Council meeting. As a regional centre, the level of activity calls for designed streetscape improvements beyond what can be achieved through a 7 Day Makeover style event.

The grant funding received under the NSW Public Spaces Legacy Fund has been awarded based on a scope of works defined and costed as part of the grant application. Although there is scope to amend and modify the design elements, the

premise under which the grant was awarded was for Council delivered infrastructure improvements and not for community building events such as a 7 Day Makeover.

It is acknowledged the desire to involve the community in the upgrades to William Street and the broader Raymond Terrace area. In response, Council is able to capture community preferences and suggestions through the community engagement process. This has already occurred for the planned Stage 1 works in William Street with a great response from local businesses and key stakeholders. Staff have also begun collecting business and community feedback on what design elements are high priorities for residents and business to inform the Stage 2 works. This community engagement will increase as the project scope becomes more refined.

Should Council resolve to support this Notice of Motion, staff will be required to seek clarification from the grant body as to whether such an event could be funded through a modification of the grant scope. It is noted that a 7 Day Makeover style event could not be delivered within the requested timeframe due to the planned Stage 1 works in William Street and lead times required for organising a community building event.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Subject to grant body request.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 18****FILE NO: 21/206422****EDRMS NO: PSC2017-00019****OSTERLEY SUBURB SIGNS****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges the wonderful locals who live in Osterley.
 - 2) Notes that their suburb sign has been damaged for over 12 months with no fix or replacement despite multiple complaints to Council.
 - 3) Requests a replacement sign be fabricated and installed by the end of August 2021.
-

BACKGROUND REPORT OF: PETER MATWIJOW, PUBLIC DOMAIN AND SERVICES SECTION MANAGER**BACKGROUND**

Council installed Gateway and Suburb signage in early 2000 which was funded by a government grant. There is currently no funding allocated to Gateway and Suburb signage.

Some of this signage has faded or been damaged and removed. There are still some of these signs that are in a reasonable condition.

In relation to the Osterley Suburb, the sign itself is in a reasonable condition and the graffiti will be removed.

The timeline to manufacture and install a new sign of this nature is generally in the order of 2 months

FINANCIAL/RESOURCE IMPLICATIONS

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

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Source of Funds	Yes/No	Funding (\$)	Comment
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 19****FILE NO: 21/206435****EDRMS NO: PSC2017-00019****SHOP LOCAL****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Acknowledges our incredible local businesses and all of the work they do to supply and support people in our local area.
- 2) Notes that COVID has made life hard for many of our local businesses.
- 3) Directs Council's Communications Team to commence a social media campaign encouraging Port Stephens residents to shop local.
- 4) Reaffirms its commitment to prioritising local tenders for work initiated by Council.

BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY AND ENVIRONMENT SECTION MANAGER**BACKGROUND**

The current COVID-19 lockdowns across Greater Sydney and the Central Coast have negatively impacted business in Port Stephens.

Port Stephens Council is committed to supporting local business and is providing the following targeted support services during this time.

- Shop local campaign encouraging local residents to support business across Port Stephens.
- Business support services including online consultations with Service NSW, The Business Centre, Business Port Stephens and Destination Port Stephens.
- COVID safe collateral.
- Increased communications around local procurement and opportunities for Port Stephens business to provide services to Council.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,000	

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 20

FILE NO: 21/206439

EDRMS NO: PSC2017-00019

AUSTRALIA POST MAIL BOX, 14A WILLIAM STREET, RAYMOND TERRACE

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that there is an Australia Post box outside 14A William Street, Raymond Terrace.
- 2) Notes that it is difficult for elderly locals to access this box, as there is no accessible parking nearby.
- 3) Writes to the CEO of Australia Post, the Federal Minister for Communications, and Meryl Swanson MP, Member for Paterson, requesting their support and advocacy to have the box moved to the vicinity of the pedestrian crossing in front of Marketplace Raymond Terrace.

BACKGROUND REPORT OF: ANDREW BEHRENS – ACTING ASSETS SECTION MANAGER

BACKGROUND

An Australia Post mail box is located in the road reserve in front of 14A William Street, Raymond Terrace.

Time restricted angled street parking is available immediately adjacent the mail box and in its vicinity along both sides of William Street. There is no accessible parking space for mobility permit holders in the immediate vicinity of the mail box. The closest accessible parking space is adjacent the William Street pedestrian crossing which is approximately 60 m distant, in front of 24 William Street. Depending on the availability of parking spaces in the immediate vicinity of the mail box, access to the mail box may pose difficulties for mobility permit holders.

There may be opportunity for the mail box to be moved to a more convenient location for better access by mobility permit holders. Any such move would need to take into account a variety of factors such as compliance with the Disability Discrimination Act, NSW Road Rules (in regard to stopping near a postbox), Council's Stage 2 works for William Street which may include upgrade of the pedestrian crossing and installation of street furniture and other enhancements, and outcomes of community consultation.

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Should the Council resolve to support this Notice of Motion, Council staff can contact Australia Post and members of Parliament as required seeking support for the relocation of the mail box to an optimised location as part of Council's planned Stage 2 works within William Street.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 21

FILE NO: 21/206647

EDRMS NO: PSC2017-00019

SHOAL BAY SHADE STRUCTURES

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges community concern around the shade structures currently being installed at Shoal Bay along Shoal Bay Road.
- 2) Agrees to conduct an on-site meeting with senior Council staff and Councillors to discuss concerns with the structure.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide information for this Notice of Motion.

Council endorsed funding for the Shoal Bay Foreshore Upgrade works at the 27 August 2019 Council meeting. The works form part of the PS2020 community projects. These works were initially intended for delivery in 2020 but were delayed due to the COVID19 pandemic. Planning and delivery of these works was recommenced in late 2020 for delivery in winter 2021. The works are currently underway and will be completed in August 2021.

During the delivery phase of the works, adjoining residents contacted Council citing concerns with the foreshore upgrade, with particular reference to the park furniture and shelters being installed. Matters raised related to community consultation, visual impact and shelter design.

Council staff have responded to these residents detailing the community awareness and engagement activities undertaken since February 2020, the design methodology for the upgrade works and design details of the works under construction.

An on-site meeting with senior Council staff and concerned residents was held on 30 July 2021. Further on-site discussions with senior staff and relevant Councillors can be scheduled to discuss the concerns raised by the residents as required.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 22

FILE NO: 21/206670

EDRMS NO: PSC2017-00019

LGNSW MOTION

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Note that:
 - a) Councils in NSW have an important role in land use planning and development approval;
 - b) Councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;
 - c) in 2020 NSW Minister for Energy and Environment Matt Kean likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by councils;
 - d) in June 2021 the NSW Legislative Council voted to ban property developers from running for local councils; and
 - e) property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters;
- 2) Oppose those working as, or close associates of, property developers, running to be elected to Port Stephens Council (property developer and close associate are as defined in the Electoral Funding Act 2018); and
- 3) For Council to:
 - a) submit this motion in support of the adoption of a policy which prohibits property developers from holding office as local councillors in NSW to the LGNSW conference for consideration;
 - b) write to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and Independent NSW Members for Sydney, Wagga Wagga and Lake Macquarie seeking their commitment to support the Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021 which is currently before the parliament which seeks to prohibit property developers from holding office as local councillors in NSW.

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

At present, there is no legislative provision in New South Wales that prevents a property developer from nominating for Council.

A Notice of Motion is currently before the NSW Parliament to amend the Local Government Act 1993 to prevent property developers from being elected or appointed to, or hold or act in, a civic office and for related purposes. The Notice of Motion is not expected to be dealt with before September 2021.

A similar Notice of Motion was considered at the LGNSW conference in 2017, where the motion was lost.

For the purpose of Council's Notice of Motion, the following references and definitions are provided to assist Council in considering the item.

Section 53 of the Electoral Funding Act 2018 defines a property developer as:

"property developer" for the purposes of this Division -

- (a) an individual or a corporation if -
 - (i) the individual or a corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, and
 - (ii) in the course of that business -
 - (A) 1 relevant planning application has been made by or on behalf of the individual or corporation and is pending, or
 - (B) 3 or more relevant planning applications made by or on behalf of the individual or corporation have been determined within the preceding 7 years,
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a).

Note: If a person makes a political donation within 12 months before becoming a property developer, the person must pay double that amount to the State - see section 58(3).

- (2) Any activity engaged in by an individual or corporation for the dominant purpose of providing commercial premises at which the individual or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the individual or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.

A close associate is:

"close associate" of a corporation means each of the following:

- (a) a director or officer of the corporation or the spouse of such a director or officer,
- (b) a related body corporate of the corporation,
- (c) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person,
- (d) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security - the other stapled entity in relation to that stapled security,
- (e) if the corporation is a trustee, manager or responsible entity in relation to a trust - a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust),
- (f) in relation to a corporation that is a property developer referred to in subsection (1)(a) a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out.

"close associate" of an individual means each of the following:

- (a) the spouse of the individual,
- (b) in relation to an individual who is a property developer referred to in subsection (1)(a) a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out.

Section 274 of the Local Government Act 1993 defines who is qualified to hold civic office:

"A person is qualified to hold civic office if -

- (a) the person is entitled to be enrolled as an elector, and
- (b) the person is not disqualified from holding civic office by this Act, and
- (c) the person is not prevented from being elected to civic office by section 276(2)."

Section 275 of the Local Government Act 1993 defines when a person is disqualified from holding civic office:

"(1) A person is disqualified from holding civic office -

- (a) while disqualified from being an elector, or
- (a1) while a member of the Parliament of New South Wales, except as provided by subsections (5) and (7), or
- (b) while a judge of any court of the State or the Commonwealth, or
- (c) while serving a sentence (including a sentence the subject of an intensive correction order) for a serious indictable offence or any other offence, except a sentence imposed for a failure to pay a fine, or
- (d) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the regulations made for the purposes of section 748(3), or

- (e) if he or she is while holding that office, or has been within 7 years before nomination for election, election or appointment to the office, convicted in New South Wales of an offence that is punishable by imprisonment for 5 years or more, or convicted in another State or Territory, or under a law of the Commonwealth, of an offence that, if committed in New South Wales, would be an offence so punishable, or
- (e1) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the Election Funding, Expenditure and Disclosures Act 1981 or the Electoral Funding Act 2018 that is punishable by imprisonment for 2 years or more, or
- (f) while a surcharge, payable by the person under Part 5 of Chapter 13 and not paid within 6 months after it became payable, remains unpaid, or
- (g) while disqualified from holding a civic office under a provision of this Act or Part 4A of the Crimes Act 1900 (Corruptly receiving commissions and other corrupt practices), or
- (h) while disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001 of the Commonwealth.

(1A) If -

- (a) an order for suspension from civic office for misconduct is made (after the commencement of this subsection) against a person under this Act by the Departmental Chief Executive or the Civil and Administrative Tribunal on a referral from the Departmental Chief Executive, and
 - (b) it is the third or subsequent such order that has been made against the person (including orders made before the commencement of this subsection), the person is disqualified from holding civic office for 5 years after the date the order takes effect.
- (2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.
- (3) A person is not disqualified from holding a civic office only because, while holding the civic office, the person ceases to be a resident in the area, to own property in the area or to be an occupier or ratepaying lessee of rateable land in the area.
- (4) A person is taken not to be disqualified from holding civic office if the former Administrative Decisions Tribunal or the Civil and Administrative Tribunal, in proceedings under section 329, has refused to order the dismissal of the person in circumstances to which subsection (4) of that section applies.
- (5) If -
- (a) on the commencement of this subsection, a member of the Parliament of New South Wales is a councillor or mayor, or
 - (b) after the commencement of this subsection, a councillor or mayor becomes a member of the Parliament of New South Wales,
- the person is not disqualified from holding civic office because of subsection (1)(a1) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).
- (6) Subsection (5) does not apply where a councillor or mayor becomes a member of the Parliament of New South Wales after the commencement of that

subsection and within 12 months after last ceasing to be a member of that Parliament.

- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless -
- (a) the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election, or
- (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (5).

Note : If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.”

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 23

FILE NO: 21/206293

EDRMS NO: PSC2017-00019

PUBLIC ACCESS

COUNCILLOR: KEN JORDAN

THAT COUNCIL:

- 1) Changes the Public Access to remove the opportunity for questions. This will allow speakers to be limited to 5 minutes. This will allow for an accurate Council meeting start time.

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

The Model Code of Meeting Practice (the Model Code) was released by the Office of Local Government in 2018. The Model Code includes mandatory and non-mandatory clauses. The non-mandatory clauses are optional.

This Notice of Motion refers to the “Public Forums (Public Access)” provisions in the adopted Code of Meeting Practice (the Code). Council adopted the public access non-mandatory provisions in the Code of Meeting Practice in June 2020. An extract of the Code has been attached for reference.

Clause 4.12 states:

“Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.”

Clause 4.14 states:

“A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.”

Clause 4.15 states:

“Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.”

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The intent of these provisions is to facilitate a 'question and answer' forum, through the chairperson, rather than a platform for statements and/or comments on the subject topic. A speaker is not permitted to put questions to Council, Councillors or Council staff.

Given the public access forum is a non-mandatory provision in the Model Code, Council does have the ability to amend the provisions contained in clauses 4.1 to 4.23. If Council was of the mind to amend the Code of Meeting Practice at clause 4.14, consideration would need to be given to the impact of clause 4.17 as a result.

Any amendment to the Code would require public exhibition for a period of 28 days and allow a total of 42 days for submissions to be received. This requirement would need to be included in any resolution to amend the Code.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

- 1) Extract - Part 4 of the Code of Meeting Practice. [↓](#)

ITEM 23 - ATTACHMENT 1 EXTRACT - PART 4 OF THE CODE OF MEETING PRACTICE.**4 PUBLIC FORUMS (Public Access)**

- 4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.
- 4.2 Public forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12 noon on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The Mayor or their delegate may refuse an application to speak at a public forum. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting, with the total number of speakers at any one meeting being 12.
- 4.8 If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.10 Council may require approved speakers at the public forum to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 2pm the day of the public forum. The Mayor or their delegate may refuse to allow such material to be presented.

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- 4.11 The Mayor or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.
- 4.16 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.17 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.

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- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the Mayor or their delegate may refuse further applications from that person to speak at public forums for such a period as the Mayor or their delegate considers appropriate.
- 4.23 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.

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.