

NOTICE OF ORDINARY MEETING

28 SEPTEMBER 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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1. PROPOSED PURCHASE OF LAND IN MEDOWIE

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 14 September 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.
- 10) General Manager's reports – if submitted.
- 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.

ORDINARY COUNCIL - 28 SEPTEMBER 2021

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.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 21/251022
EDRMS NO: PSC2019-00373

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed purchase of land in Medowie**.
 - 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.
-

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 21/190581
TRIM REF NO: PSC2021-02869**

DEPUTY MAYOR ELECTION

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the term of the Deputy Mayor.
- 2) Determine the method of voting to elect the Deputy Mayor.
- 3) General Manager or his delegate to conduct the election of the Deputy Mayor.

BACKGROUND

The purpose of this report is to elect the Deputy Mayor.

The election of the Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the Local Government Act 1993.

The General Manager has appointed Council's Governance Section Manager as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is 1 year. However, the term of the Deputy Mayor will be subject to the 2021 local government election date. The 2021 local government elections are to be held on 4 December 2021, therefore it is recommended that the term of the Deputy Mayor be for the period up to the 2021 local government election or subsequent dates, or 1 year, whichever occurs first.

Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is normally 4 years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor, which is funded from the Mayoral allowance.

NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by 2 or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated an election will take place.

DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a) Preferential Ballot.
- b) Ordinary Ballot.
- c) Open Voting.

STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

A time limit of 5 minutes per candidate will apply in accordance with Council's Code of Meeting Practice.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement under the Local Government Act 1993 to elect a deputy mayor.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of the Mayor Council would not have an elected representative to act as the Mayor.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 21/221029
EDRMS NO: PSC2013-00406**

POLICY REVIEW: HERITAGE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission **(ATTACHMENT 2)**.
- 2) Revoke the Heritage Policy dated 23 July 2019, (Minute No. 165).
- 3) Adopt the revised Heritage Policy at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Heritage Policy (policy) shown at **(ATTACHMENT 1)**.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

The policy provides an overarching commitment to recognise, protect, and promote Aboriginal and non-Aboriginal heritage.

The review of the policy results in no fundamental changes to the policy adopted in July 2019. There have been no major legislative changes that require a revised position of Council and all changes made are administrative corrections.

During public exhibition 1 submission was received **(ATTACHMENT 2)**. As a result of the submission, no changes have been made to the policy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Recognised Traditions and Lifestyles	Recognise and support the heritage of Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications as the policy will continue to be implemented as part of ongoing operations.

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 positive legal, policy and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have an up-to-date policy approach and may miss out on external grant funds.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy recognises the importance of heritage for Port Stephens and its communities, and acknowledges that cultural heritage can contribute to economic and tourism growth. The policy seeks to recognise, protect and promote heritage in the Port Stephens local government area.

CONSULTATION

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

Internal

Consultation has been undertaken with the Development Planning and Community Development and Engagement units and the Executive Team.

External

The Strategy and Environment Section consulted with members of Council's 355c Heritage Advisory Committee. The Committee supports the objectives of the policy.

In accordance with local government legislation, the revised policy was placed on public exhibition from 14 July 2021 to 11 August 2021. During public exhibition 1 submission was received (**ATTACHMENT 2**).

OPTIONS

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

ATTACHMENTS

- 1) Revised Heritage Policy. [↓](#)
- 2) Submission Table. [↓](#)

COUNCILLORS ROOM

- 1) Submission.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2016-02097

TITLE: HERITAGE POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of the Heritage Policy (the policy) is to state Port Stephens Council's commitment to ensuring systems are in place to assist in the recognition, protection, and promotion of Aboriginal and non-Aboriginal heritage in the Port Stephens Local Government Area (LGA).

2. CONTEXT/BACKGROUND:

- 2.1 Heritage is a key element of Australia's identity. It reflects our Aboriginal and non-Aboriginal spirit and ingenuity through our cultural, built and unique, living landscapes. Heritage is a legacy from our past, informing present and future operations generations.
- 2.2 The Port Stephens LGA encompasses a rich Aboriginal and non-Aboriginal history. It is the land of the Worimi people with the area being first noted by Europeans in May 1770. Considerable Aboriginal and non-Aboriginal terrestrial and maritime history has been documented in the region, ranging from a vibrant fishing industry, trade, and establishment of towns, villages and agricultural activity.
- 2.3 Port Stephens Council supports opportunities to retain local history in a way that positively influences social connections and place making in communities and also recognises the positive economic benefit gained from cultural heritage tourism.

3. SCOPE:

- 3.1 The policy is a commitment to:
- a) assist in the conservation, protection and interpretation of local and state heritage
 - b) recognise and respect heritage, both Aboriginal and non-Aboriginal
 - c) celebrate places, buildings, landscapes and stories of our local communities that provide a link to our nation's heritage
 - d) develop partnerships and provide initiatives that enable practical actions to protect and manage heritage places
 - e) establish consistent methods of managing heritage matters between Council and the community that are in line with local, State and Federal legislation

Policy

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Policy



- f) consult with relevant Aboriginal and non-Aboriginal communities. Engage with the diverse communities of Port Stephens to preserve and celebrate heritage.

- 3.2 This policy applies to land and infrastructure owned by Council or where Council has been appointed Crown land manager. It also recognises Council's role in supporting the preservation of significant heritage, including those privately owned, through Council's Local Environmental Plan.

4. DEFINITIONS:

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

Heritage: Places, buildings, landscapes and stories related to the history of our community.

5. STATEMENT:

- 5.1 Port Stephens Council supports heritage activities in the Port Stephens LGA. This includes the environmental heritage of Port Stephens, conserving heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects **and items, and Aboriginal** places of heritage significance.

6. RESPONSIBILITIES:

- 6.1 Executive Team: Leadership and strategic direction.
 6.2 Senior Leadership Team: Leadership through ensuring staff understanding of and compliance with provisions outlined in this policy and associated documentation.
 6.3 Strategy and Environment Section Manager: policy implementation and process owner.
 6.4 Development Assessment and Compliance Section Manager: Planning compliance.
 6.5 Civil Assets Manager: Asset Custodian.
 6.6 Heritage Advisor: Provide professional advice to Council.
 6.7 355c Heritage Advisory Committee: Provide community advice to Council.
 6.8 355c Aboriginal Strategic Committee: Provide community advice to Council.

7. RELATED DOCUMENTS:

- 7.1 ~~Port Stephens Heritage Signs and Trails Guidelines 2015.~~ **Port Stephens Signage Style Guide (2020) and Port Stephens Brand Identity Style Guide (2019).**
 7.2 Port Stephens Local Environmental Plan 2013.
 7.3 Port Stephens Development Control Plan 2014.

Policy

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Policy



- 7.4 Port Stephens Cultural Plan 2015-2018 Our incredible place; a strategy for events, the arts and culture in Port Stephens.
- 7.5 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth).
- 7.6 Environmental Planning and Assessment Act 1979 (NSW).
- 7.7 Environment Protection and Biodiversity Conservation Act 1999 (Cth).
- 7.8 Local Government Act 1993 (NSW).
- 7.9 National Parks and Wildlife Act 1974 (NSW).
- 7.10 Heritage Act 1977 (NSW).
- 7.11 Crown Land Management Act 2016 (NSW).
- 7.12 The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013.
- 7.13 Design Guide for Heritage 2019 (Heritage Council of NSW and Government Architect NSW).

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2016-02097	EDRMS record No.	49/274236 21/12604
Audience	Council Staff and the Community		
Process owner	Strategy and Environment Section Manager		
Author	Strategy and Environment Section Manager		
Review timeframe	3 years	Next review date	
Adoption date	25 March 2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	24/03/2015	Strategy and Environment Section Manager	N/A	056
2.0	11/04/2017	Strategy and Environment Section	Transfer to new corporate policy template.	086

Policy

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Policy



Version	Date	Author	Details	Minute No.
		Manager	<p>The policy purpose is a transfer of the objectives from Version 1.0.</p> <p>The policy scope is a transfer of the principles and part of the policy statement from Version 1.0.</p> <p>The policy responsibilities is a transfer of the implementation responsibility from Version 1.0.</p> <p>The policy responsibilities has been amended to include ELT, SLT and Development Assessment & Compliance Section Manager.</p> <p>The related documents section is a transfer of the relevant legislative provisions from Version 1.0.</p> <p>The related documents has been amended to include the Port Stephens Heritage Signs and Trails Guidelines 2015, Local Environmental Plan 2013, Draft Port Stephens Council Heritage Strategy, Development Control Plan 2013, Port Stephens Cultural Plan 2015-2018 and Crown Lands Act 1989</p>	
3.0	23/07/2019	Strategy and Environment Section Manager	<p>Reformatted the policy into the new policy template.</p> <p>1.1, 2.1, 2.2, 3.1(b), 3.1(f) and 3.2 - Administrative amendments to update references to legislation, other relevant documents, grammar, and align the policy with other Council policies.</p> <p>6.5 – Civil Assets Manager – listed</p>	165

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Policy



Version	Date	Author	Details	Minute No.
			<p>as 'Asset Custodian'.</p> <p>6.8 - Updated list of policy Responsibilities to include the function of Council's Aboriginal Strategic Committee in providing advice to Council.</p> <p>7.3, 7.5, 7.1 and 7.12- Updated list of Related Documents to relevant year.</p> <p>7.13 - Included the Design Guide for Heritage 2019 (published by the Government Architect NSW).</p>	
4.0		Strategy and Environment Section Manager	<p>Reformatted the policy into the new policy template.</p> <p>Minor corrections in spelling and grammar.</p> <p>Updated 7.1 by removing Port Stephens Heritage Signs and Trails Guidelines 2015. Included the Port Stephens Signage Style Guide (2020) and Port Stephens Brand Identity Style Guide (2019).</p> <p>Updated 7.4 with the current Our Incredible Place strategy.</p>	

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ITEM 2 - ATTACHMENT 2 SUBMISSION TABLE.

Policy Review: Heritage Policy submission

No.	Author of submission	Comment	Council response
1	Resident	The revised policy is prescriptive compared to previous versions and should be amended to be more inclusive of people from all backgrounds in Port Stephens.	As the revised policy already includes wording to reflect the broad diversity of heritage and cultural backgrounds in Port Stephens, including both Aboriginal and non-Aboriginal heritage, the policy has not been amended in response to the submission.

ITEM NO. 3

**FILE NO: 21/219341
EDRMS NO: PSC2013-00406-043**

POLICY REVIEW: DOG NOISE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submission **(ATTACHMENT 2)**.
- 2) Revoke the Dog Noise policy dated 8 October 2019 (Minute No. 182).
- 3) Adopt the revised Dog Noise policy shown at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Dog Noise Policy (policy) shown at **(ATTACHMENT 1)**.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

On 13 July 2021 Council endorsed the revised Dog Noise Policy for the purposes of public exhibition and invited submissions on the policy.

The Dog Noise Policy was originally adopted on 3 June 1997 and last reviewed on 8 October 2019.

The review of the Dog Noise Policy results in no fundamental changes to the policy adopted in 2019. There have been no major legislative changes that require a revised position of Council.

Council has an obligation to respond appropriately to customer complaints regarding barking dog noise under the relevant legislation. Prior to 2017 Council relied on the Companion Animals Act 1998 when dealing with dog noise complaints as a 'nuisance dog', but a lack of ability to achieve a result for the customer led to significant changes being made. A number of reviews have occurred since then with the key change being the utilisation of the Protection of the Environment Operations Act 1997 and the pursuit of dog noise matters as 'offensive noise'.

For the last 4 years the Dog Noise Policy and refined approach has been working well operationally.

During the exhibition period 1 submission was received (**ATTACHMENT 2**). As a result of the submission, no changes have been made to the revised policy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial/resource implications; however, repeated breaches or failure to adhere to legislative directions could result in fines being issued to the dog owners causing offensive noise.

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 positive legal, policy and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of making poor decisions as a result of an outdated policy.	High	Adopt recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy provides Council with an effective tool for dealing with noise complaints in relation to barking dogs. The policy seeks to protect neighbourhood amenity in a fair and equitable manner.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Compliance Team.

Internal

Consultation has been undertaken with the Ranger Team and the Executive Team.

External

The Ranger Services team consulted with other Councils of a similar size and demographic, community members and industry peers.

Council staff have previously presented the policy and approach at Regulatory Industry Workshops (state and national level) in which the methods have been well received.

In accordance with local government legislation, the revised Dog Noise Policy was placed on public exhibition for 28 days from 16 July 2021 to 13 August 2021.

OPTIONS

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

ATTACHMENTS

- 1) Revised Dog Noise Policy. [↓](#)
- 2) Submission Table. [↓](#)

COUNCILLORS ROOM

- 1) Submission.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406/043

TITLE: DOG NOISE POLICY

OWNER: DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide a formal framework for the management and regulation of barking dog noise complaints in the Port Stephens Local Government Area (LGA). The policy also provides an efficient and cost effective method of gathering the information and evidence required to resolve dog noise control issues.

2. CONTEXT/BACKGROUND:

- 2.1 The policy (formerly the Dog Noise Strategy) was first adopted by Council on 3 June 1997 and was most recently amended on 14 February 2017. 8 October 2019. When compared to the original strategy, the revised The policy sets out continues to provide Council operational staff with an improved, cost effective method of dealing with noise complaints in relation to barking dogs as well as enabling a sufficient amount of evidence to be obtained in dog noise control matters.
- 2.2 Dog Noise in the Port Stephens LGA is managed as 'offensive noise' under the Protection of the Environment Operations Act 1997 (POEO Act). The policy requires the submission of a barking dog diary ('the diary') from complainants within 7 days of the event to establish the validity of their complaints.
- 2.3 The diary and fact sheet attached to the policy assist the Ranger team in obtaining the critical evidence required to satisfy the 'offensive noise' legislative criteria.
- 2.4 Council is committed to resolving dog noise problems having regard to legislative requirements and can only do so when persons who lodge complaints about barking dogs provide the required level of information to support the complaint. An integral part of the investigation process includes persons lodging complaints being willing to provide evidence and appear as a witness if necessary.
- 2.5 The policy sets Port Stephens Council apart in terms of how other peer Council's manage nuisance dogs and provides a consistent and transparent approach.

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Policy



3. SCOPE:

- 3.1 The role of Council's Ranger team in the implementation of the policy is to manage barking dog complaints in the Port Stephens LGA where the complainants are able to provide evidence demonstrating the noise created is 'offensive noise' as defined by the ~~Protection of the Environment Operations~~ POEO Act 1997.

4. DEFINITIONS:

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

Nuisance Dog	A dog that makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
Offensive Noise	Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.
Repeated Barking	More than three episodes of five barks in one hour on multiple occasions during a 24 hour period. (Note – this is a guide for the assessing officer only and does not necessarily constitute offensive noise. A demonstrated impact needs to be identified).

5. STATEMENT:

- 5.1 Upon receipt of a first complaint about dog noise, Council staff will attempt to make contact with the dog owner and advise that a complaint has been received. The dog owner will be given ~~fourteen~~ 14 days to resolve the issue without further involvement from Council.
- 5.2. If the dog barking persists past the ~~fourteen~~ 14 day period described above, Council will request a Council approved diary and statement form to be completed by the complainant giving time and duration of barking. Complainants are encouraged to obtain audio recordings of noise episodes where possible, to accompany the diary.
- 5.3. On submitting the diary to Council an investigation will be carried out by the Ranger team and if the noise is deemed offensive via a supplementary method of verification which may include neighbour interviews, patrols, video and audio recordings, a Council officer will issue a Noise Abatement Direction to the owner of the dog. Once issued, the noise abatement direction will remain in force for ~~twenty-eight~~ 28 days.

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Policy

- 5.4 If further offensive noise is caused within the ~~twenty-eight~~ 28 day period described above the complainant will be requested to provide an additional diary and other methods of verification should be obtained where possible. If the evidence provided demonstrates the Noise Abatement Direction has been breached a Council Officer may issue infringements to the owner of the dog, accompanied by a new Noise Abatement Direction.
- 5.5 If the noise is not deemed offensive by Council staff at the conclusion of their investigation, the complainant will be advised accordingly and no further action will be taken.
- a) ~~5.5.1~~note – the above process will be repeated while ever the dog noise continues.
- b) ~~5.5.2~~ after the expiry of the ~~twenty-eight~~ 28 days Council staff may take the following action:
- 5.5.3.1 if multiple diaries and statements have been received and an offence is considered to be committed, issue a Prevention Notice under the ~~Protection of the Environment Operations~~ POEO Act 1997.
- 5.6. ~~5.5.2~~ if no further diaries are received the matter will be deemed to be resolved and no further action will be taken.
- 5.7. ~~6~~ The definition of 'offensive noise' is set out in the ~~Protection of the Environment Operations~~ POEO Act 1997. For the purposes of dog barking noise, it is accepted that dogs may bark for various reasons and this alone does not make the noise offensive. As a guide to dog barking noise interfering unreasonably with comfort or repose, the dog noise would need to meet ~~one~~ 1 or more of the following:
- a) ~~5.7.1~~ barking before 7am or after 8pm; or
- b) ~~5.7.2~~ repeated barking that interrupts normal home activity such as sleep, conversations, phone calls, watching television, study etc.
- 5.8 ~~7~~ Should additional complaints and completed diaries be received after a Prevention Notice has been issued, a decision will be made having consideration to Council's legal procedures policy as to further action.
- 5.9 ~~8~~ If the matter is not resolved following the above process Council may issue a Court Attendance Notice.

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Policy



6. RESPONSIBILITIES:

- 6.1 Coordinator Environmental Health and Compliance
- 6.2 Ranger Team Leader
- 6.3 Ranger Team.

7. RELATED DOCUMENTS:

- ~~7.1 Councils Local Companion Animals Management Plan.~~
- 7.1 Companion Animals Act 1998 (Nuisance Orders).
- 7.2 Protection of the Environment Operations Act 1997 (Prevention Notice, Noise Abatement Order).
- 7.3 Dog Noise Diary.
- 7.4 Dog Noise Fact Sheet.

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EDRMS container No.	PSC2013-00406/43	EDRMS record No.	21/124858
Audience			
Process owner	Development Assessment and Compliance Section Manager		
Author	Environmental Health and Compliance Coordinator		
Review timeframe	3 years	Next review date	xx xxxx 2024
Adoption date	3 June 1997		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	3/6/1997		Policy adopted by Council	1083
2	30/1/2001		Amended	016
3	19/10/2004		Amended	375
4	13/8/2013		Amended	216
5	14/02/2017	Coordinator Environmental Health and Compliance.	Changes to Policy and approach based on Protection of Environmental Operations Act offensive noise, rather than Companion Animals Act nuisance order. New noise diary and supplementary fact sheet. Provides for a robust yet effective way to manage noise.	008
6	8/10/2019	Coordinator Environmental Health and Compliance.	Updated to new template. Minor punctuation and grammatical changes made throughout. 2.2. Feedback from customers and an internal process review has led to the Policy now	182

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Policy



			<p>seeking that the complainant's diary be supplemented by one additional diary from another affected neighbour to assist in establishing validity of complaints. The onus of gathering the additional diary from another affected neighbour rests solely with the primary complainant.</p> <p>4.1. Definitions updated to include 'Continuous Barking'.</p> <p>5.1 Upon receipt of a first complaint about dog noise, Council staff will attempt to make contact with the dog owner and advise that a complaint has been received. The dog owner will be given fourteen days to resolve the issue without further involvement from Council.</p> <p>5.2. If the dog barking persists past the fourteen day period described above, Council will request a Council approved diary and statement form to be completed by the complainant giving time and duration of barking.</p> <p>5.3. On submitting the diary to Council an investigation will be carried out by the Ranger team and if the noise is deemed offensive via a supplementary method of verification which may include neighbour interviews, patrols, video and audio recordings, A Council officer will issue a Noise Abatement Direction to the owner of the dog. Once issued, the noise abatement direction will remain in force for twenty eight days.</p>	
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Policy



			<p>5.4 If further offensive noise is caused within the twenty eight days period described above the complainant will be requested to provide an additional diary and other methods of verification should be obtained where possible. If the evidence provided demonstrates the Noise Abatement Direction has been breached a Council Officer may issue infringements to the owner of the dog, accompanied by a new Noise Abatement Direction.</p> <p>5.5 If the noise is not deemed offensive by Council staff at the conclusion of their investigation, the complainant will be advised accordingly, and no further action will be taken</p> <p>5.5.3 If multiple diaries and statements have been received and an offence is considered to be committed, issue a Prevention Notice under the Protection of the Environment Operations Act 1997.</p> <p>5.6 If no further diaries are received the matter will be deemed to be resolved and no further action will be taken.</p>	
7		Coordinator Environmental Health and Compliance	<p>Revision of Policy, incorporation into new styling format and minor punctuation and grammar amendments throughout.</p> <p>2.1 Added – policy (formerly the Dog Noise Strategy)</p> <p>2.1 Added – When compared to the original strategy, the revised... continues...</p> <p>2.2 Added - within 7 days of the event.</p>	

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Policy



			7.1 Deleted - Councils Local Companion Animals Management Plan	
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ITEM 3 - ATTACHMENT 2 SUBMISSION TABLE.

Policy Review: Dog Noise Policy submissions

No.	Author of submission	Comment	Council response
1	Resident	I do not agree with a complainant having to complete the Dog Barking Diary to get action to stop dog/s from continually barking.	The use of the 'barking dog diary' as a tool to gather evidence has worked well for the past 4 years. The diary is a requirement to be able to take action on behalf of the complainant. It documents the time and duration of the barking and the impact that the barking has on the complainant. It is the most suitable and appropriate way to support a complainants claim. As a result of the submission, no changes have been made to the draft policy.

ITEM NO. 4

**FILE NO: 21/223607
EDRMS NO: PSC2013-00406-049**

POLICY REVIEW: ONSITE SEWAGE MANAGEMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Onsite Sewage Management Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Onsite Sewage Management Policy, as amended 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 Onsite Sewage Management Policy dated 26 November 2019, (Minute No.230) should no submissions be received.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Onsite Sewage Management Policy (policy) shown at **(ATTACHMENT 1)**.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

The Onsite Sewage Management Policy was originally adopted on 3 June 1997 and last reviewed on 26 November 2019.

The review of the Onsite Sewage Management Policy resulted in no fundamental changes to the policy adopted in 2019. There have been no major legislative changes that require a revised position of Council.

The revised policy continues to provide a formal framework for the management and regulation of on-site sewage systems in the Port Stephens local government area (LGA). The policy aim is to minimise any potential for environmental damage and risk to public health.

The regulation of on-site sewage management systems involves managing on-site sewage management systems (OSMS) that are not operating under a licence issued by the NSW Environment Protection Authority (EPA). Council does not regulate the 4 sewage treatment plants (STPs) operated by Hunter Water Corporation (HWC).

The Local Government Act and subordinate regulation are the key legislative instruments utilised for regulation of these systems. All owners and operators of functioning on-site sewage management systems are required to obtain an 'Approval to Operate' for each system. Additionally, the installation, alteration or construction of a system of sewage management is an activity that requires the prior approval of Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

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

There are positive legal, policy and risk implications in reviewing existing policies and determining the appropriateness and relevance of a policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not having an updated On-site Sewage Management Policy may result in Council making decisions not in line with current legislative provisions and best practice.	Medium	Adopt recommendations.	Yes

There is a risk that the environment and public health may be compromised from poorly operating on-site sewage management systems.	Medium	Adopt recommendations.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy will continue to provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the unsewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of the revised policy.

There are no additional costs associated with the implementation of the policy. The OSMS program is neutrally funded through collection of scheduled fees linked to the approval to operate (annual renewal) and applications for new installations. These fees are reviewed annually.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Compliance Team.

Internal

The internal stakeholders include the environmental health staff that will implement the policy on a day to day basis. The review included discussions with the applicable staff to ensure the policy was achieving what it was intended to do.

The Executive Team has also been consulted to seek management endorsement.

External

In accordance with local government legislation, the revised Onsite Sewage Management Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

1) Revised Onsite Sewage Management Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

Policy



FILE NO: PSC2013-00406-049

TITLE: ON-SITE SEWAGE MANAGEMENT POLICY

OWNER: DEVELOPMENT & COMPLIANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council with a formal framework for the management and regulation of on-site sewage systems in the Port Stephens local government area (LGA).

2. CONTEXT/BACKGROUND:

- 2.1 Within the Port Stephens LGA there are approximately 4800 on-site sewage management systems. The effective and successful management of domestic, commercial and industrial wastewater systems within the un-sewered areas of Port Stephens is a non-discretionary role of Council to ensure protection of the area's pristine waterways, preserve the diverse environment, maintain public health and mitigate the risk to public health.
- 2.2 The Local Government Act 1993 and subordinate regulation are the key legislative instruments utilised for regulation of these systems.
- 2.3 All owners and operators of functioning on-site sewage management systems are required to obtain an 'Approval to Operate' for each system (annually or otherwise determined based on risk). Additionally, the installation, alteration or construction of a new on-site sewage management system is an activity that requires the prior approval of Council.
- 2.4 Council first adopted an On-Site Sewage Management Policy in 1999 with subsequent reviews in 2004, 2012, and 2016 and 2019. The policy should be read in conjunction with Councils On-Site Sewage Management Guidelines (the guidelines) which clarify standard operating requirements for the effective management of existing and new on-site sewage management systems.
- 2.5 Key components of Councils On-Site Sewage Management Program include:
- a. approval to operate an on-site sewage management system.
 - b. approval to install an on-site sewage management system.
 - c. on-site sewage management system inspection program.
 - d. education, advice and complaints.
 - e. pollution and incident investigation.

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ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

Policy



- 2.6 This policy has been developed to define Council's role in the effective regulation of on-site sewage management systems in Port Stephens in order to preserve the area's waterways, community health and the environment. The policy supports a systematic approach to sustainable land use planning, site assessment, system design and installation and ensures accountability by owners and operators for the correct operation and maintenance of on-site sewage management systems.
- 2.7 The policy also assists Council in the prioritisation of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.
- 2.8 This policy recognises that Council has a non-discretionary role to consider the medium to long term impacts that on-site sewage management systems can have on the environment, public health, tourism and industry. The policy and associated guidelines have been developed with consideration to ecologically sustainable development principles, catchment management, productive re-use of resources and protection of public health. It is also recognised that the future development of land without access to reticulated sewer will continue and that this development can only be permitted with an appropriate level of planning and regulation by Council.
- 2.9 The policy and guidelines provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the un-sewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of this policy.
- 2.10 For the majority of property owners, developers and installation companies seeking to develop land in areas identified as a low or medium risk (within the guidelines) this policy will provide a simpler, cost effective and timely process for submitting and receiving an approval for the installation of a system of sewage management.
- 2.11 The development of land or the installation of new systems in areas identified as high and very high hazard will be subject to a level of scrutiny commensurate with the prescribed hazard class. It has been shown that the appropriate management of developments involving on-site sewage management early in the development process provides better performance outcomes and minimises impacts.

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ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

Policy



3. SCOPE:

- 3.1 Council's non-discretionary role for the regulation of on-site sewage management systems involves those with a capacity to treat less than 2500 equivalent persons or <750kL per day or systems that are not operating under a licence issued by the NSW Environment Protection Authority. Council regulates all systems within the LGA except 4 sewage treatment plants (STPs) operated by the Hunter Water Corporation (HWC).

4. DEFINITIONS:

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

Council	For the purposes of this policy refers to Port Stephens Council.
DCP	Development Control Plan within the meaning of the Environmental Planning and Assessment Act.
Ecological Sustainable Development	Development that improves the quality of life, both now and for the future, in a way that maintains the ecological processes on which life depends.
LGA	Local Government Area.
On-site sewage management system	Any facility that stores, treats and/or disposes of sewage and wastewater on-site.

5. STATEMENT:

- 5.1 This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence. The systems covered by this policy include a wide range of public, commercial, industrial and domestic sewage management facilities.

6. RESPONSIBILITIES:

- 6.1 Compliance Coordinator – reviewing the policy and effective implementation of PSC on-site sewage management guidelines.

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**ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT
POLICY.**

Policy



7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council On-Site Sewage Management Policy Guidelines (2016)
- 7.2 Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF)
- 7.3 Port Stephens Council On-Site Sewage Management Technical Manual
- 7.4 Local Government Act 1993
- 7.5 Local Government (General) Regulations 2005
- 7.6 Protection of the Environment and Operations Act 1997
- 7.7 Environmental Planning and Assessment Act 1979

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ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

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EDRMS container No.	PSC2013-00406-049	EDRMS record No.	TBA
Audience	Staff, installers, consultants, general public		
Process owner	Development and Compliance Section Manager		
Author	Compliance Coordinator		
Review timeframe	3 years	Next review date	TBA
Adoption date	19 October 2004		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	29/10/2004	Manager Environmental Services	Policy approved by Council	375
2	28/9/2012	Manager Development Assessment and Environmental Health	Policy amended	010
2.1	22/11/2016	Coordinator Environmental Health and Regulation	Clearer reference to associated guidelines and modified to new template.	339

Policy

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ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

Policy



Version	Date	Author	Details	Minute No.
3	26/11/2019	Coordinator Environmental Health and Compliance	<p>2.4 Council first adopted an On-Site Sewage Management Policy in 1999 with subsequent reviews in 2004, 2012 and 2016.</p> <p>2.7 The policy also assists Council in the prioritisation of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.</p> <p>3.1 Council's non-discretionary role for the regulation of on-site sewage management systems involves those with a capacity to treat less than 2500 equivalent persons or <750kL per day or systems that are not operating under a licence issued by the NSW Environment Protection Authority. Council regulates all systems within the LGA except 4 sewage treatment plants (STPs) operated by the Hunter Water Corporation (HWC).</p> <p>5.1 This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence.</p>	230

Policy

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ITEM 4 - ATTACHMENT 1 REVISED ONSITE SEWAGE MANAGEMENT POLICY.

Policy



Version	Date	Author	Details	Minute No.
			7.2 Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF). 7.3 Port Stephens Council On-Site Sewage Management Technical Manual 2005. 7.4 Local Government Act 1993. 7.5 local government (general) regulations.	
4	Xx/xx/xxx	Compliance Coordinator	2.4 added 'and 2019'	TBA

Policy

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ITEM NO. 5

**FILE NO: 21/239240
EDRMS NO: PSC2009-06551**

**POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTER
CONSTRUCTION POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Contributions to Works for Kerb and Gutter Construction policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Contributions to Works for Kerb and Gutter Construction policy, as amended 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 Contributions to Works for Kerb and Gutter policy dated 13 August 2019, Minute No.183 should no submissions be received.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Contribution to Works for Kerb and Gutter Construction Policy shown as **(ATTACHMENT 1)**.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

The intent of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property. This charge is triggered when Council is undertaking an upgrade of the road pavement as part of Council's Capital Works Program.

Council installs kerb and guttering to primarily aid in the management of stormwater. Kerb and guttering improves the ability to control and collect surface water runoff from the road pavement. This in turn reduces the scouring effects of water which damages road pavements and road shoulders which leads to potholes and silt build up in drains and waterways.

This revised policy has been updated to the new policy format. There have been no changes made to the policy.

This policy was last reviewed in August 2019.

Reasons for the recommendation to endorse this policy are:

- Kerb and guttering is regarded by the community as having a direct benefit to landowners.
- Kerb and guttering provides improved stormwater runoff control and quality.
- The contribution creates an additional source of income for projects allowing more kerb and guttering to be constructed.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The total cost of construction for kerb and guttering varies from year to year depending on the type and volume of projects scheduled in the Capital Works Program. The kerb and gutter annual contribution income typically ranges from \$30,000 - \$60,000. A number of projects were exempt from contributions due to removal and reconstruction of existing kerb and guttering or adjacent to land in which the policy does not allow for the collecting of funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes		Contribution to Works for Kerb and Guttering.

LEGAL, POLICY AND RISK IMPLICATIONS

Council elects whether to collect contributions to works. Section 217 of the Roads Act 1993 states "Roads authority may recover cost of paving, kerbing and guttering footways".

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that collecting Contribution to Works for Kerb and Guttering will impose additional costs to landowners leading to community dissatisfaction and financial hardship.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To date a large majority of landowners have been willing to pay a contribution and see this as an improvement to the aesthetic and functionality to the property frontage. Anecdotally, this will increase a property's resale value.

The current and revised policy has a repayment system implemented to allow landowners to repay over a period of time should they not be able to afford the lump sum payment. The time limit is based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy the eligibility criteria can also make application to defer any contributions to works under Council's Debt Recovery and Hardship Policy. This repayment system has been working well since it was introduced into a previous review of this policy.

Kerb and gutter reduces scouring and water ponding on the road shoulder and verge area reducing the pavement failure. Kerb and gutter also improves stormwater runoff water quality by reducing gravel washing into the stormwater drainage systems and subsequent water catchments.

Providing a kerbed edge to the road helps to delineate the edge of the road formation. This aids in the location of services, position for vehicles to uniformly park alongside and clearly define the 'nature strip' of the road.

CONSULTATION

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

Internal

- Finance Section.
- Capital Works Section.
- Executive Team.

External

In accordance with local government legislation, the revised Contribution to Works for Kerb and Gutter Construction policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Contribution to Works for Kerb and Gutter Construction Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



FILE NO: PSC2009-06551

TITLE: CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property.
- 1.2 This policy provides a framework to apply a contribution based on land zoning.

2. CONTEXT/BACKGROUND:

- 2.1 Kerb and gutter provides a clear boundary between the road pavement and the footpath reserve. It functions to collect and control stormwater runoff from both private properties and the roadway. Landowners, especially in urban areas, consider kerb and gutter an integral and necessary part of any road network.
- 2.2 Kerb and gutter improves the environment by reducing sediment transfer to improve water quality. Kerb and gutter reduces road shoulder scouring as well as the ability for water to pond on the road shoulder and roadside verge area which allows water to penetrate the pavement causing road failure.
- 2.3 The Roads Act allows Council to recoup the cost of installing kerb and gutter from the adjacent property owner. A repayment system outlined in the policy statement enables property owners to repay contributions to works over a period of time if they cannot afford the lump sum payment. This is time limited based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy the eligibility criteria can also make application to defer any contributions to works under Councils Debt Recovery and Hardship Policy.

3. SCOPE:

- 3.1 That the contribution structure be fair and equitable and accepted by the general community.
- 3.2 When constructing new kerb and gutter for the community within a public road, Council will require a contribution from those adjoining property owners that benefit directly from these facilities.
- 3.3 That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and an approximate amount of any contribution to be paid. In exceptional

Policy

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ITEM 5 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



- circumstances when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution.
- 3.4 That this policy details all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.
 - 3.5 Fees are to be reviewed annually through the fees and charges process reviewed by Council.
 - 3.6 The amount charged is not to be more than half of the actual cost of construction.
 - 3.7 The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
 - 3.8 Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
 - 3.9 Contributions are not applicable when the Group Manager of Facilities & Services determines that no direct benefit can be derived from the construction.
 - 3.10 Contributions may be repaid over a period of time provided payments are made fortnightly in accordance with the following schedule:

a) Non Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 12 months	Up to 2 years	Up to 4 years
Minimum fortnightly repayments	\$20	\$20	\$20

b) Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 2 years	Up to 4 years	Up to 5 years
Minimum fortnightly repayments	\$10	\$10	\$10

- c) Regardless of the original source of funding for the construction of kerb and gutter (original source must be less than 100% of the total cost of construction), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.
- d) Aged Pensioners who satisfy the eligibility criteria may make application to defer any contribution towards kerb & gutter construction under Council's Debt Recovery & Hardship Policy.

Policy

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ITEM 5 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



3.11 Assessing the Application Based on Land Zoning

- a) The applicability of any contribution is based on the land zoning of the property. List of land zones where a contribution is applicable for Kerb and Gutter:
- R1 General Residential
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R5 Large Lot Residential
 - B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - B7 Business Park
 - IN1 General Industrial.

3.12 Boundary Location & Calculations of Construction Costs

- a) There are three different rate structures to be applied once the zone applicability has been established:
- Front boundaries: 50.0% of the average construction cost
 - Corner Lots - Side & Front boundaries: 33.3% of the average construction cost
 - Rear boundaries: 25.0% of the average construction cost.
- b) The length used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter being constructed.
- c) In the case of properties with strata title or community title the cost shall be shared equally between all strata title and community title holders.

4. DEFINITIONS:

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

Kerb and Guttering	A concrete barrier used to define the edge of a road and drainage purposes.
Land Zone	As prescribed in Councils Local Environmental Plan (LEP) 2013. This Plan aims to make local environmental planning provisions for land in Port Stephens in accordance with the relevant standard environmental planning instrument under section 33A

Policy

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ITEM 5 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



of the Environmental Planning and Assessment Act 1979.

Contribution

A payment or levy to give in order to help achieve or provide something.

5. STATEMENT:

- 5.1 To improve stormwater runoff water quality and control.
- 5.2 Improve the character of the area in which kerb and gutter is being installed.
- 5.3 Create an additional source of income for projects allowing more kerb and guttering to be constructed.
- 5.4 To be fair and equitable for the ratepayers of Port Stephens Council.

6. RESPONSIBILITIES:

- 6.1 Assets Section Manager is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- 6.2 Financial Services Section Manager is responsible for the invoicing and collection of contributions for the works.

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993.
- 7.2 Local Environmental Plan.
- 7.3 Schedule of Fees & Charges for current year.

Policy

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ITEM 5 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2009-06551	EDRMS record No.	TBA
Audience	Port Stephens Residents, Assets and Financial Services Sections		
Process owner	Assets Section Manager		
Author	Assets Section Manager		
Review timeframe	Two 3 years	Next review date	TBA
Adoption date	23/6/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	09/02/2010	Assets Section Manager		018
2	23/06/2015	Assets Section Manager	Adopted by Council.	175
3	13/8/2019	Assets Section Manager	Review and updated to new Corporate Template. 2.3 Make one change – replace "to" with "the". No submissions from Public Exhibition. Adopted by Council.	183
5	TBA	Assets Section Manager	Reviewed and updated to new Corporate Template.	TBA

Policy

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ITEM NO. 6**FILE NO: 21/243584
EDRMS NO: PSC2019-00698****POLICY REVIEW - VOLUNTEER RECOGNITION POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Volunteer Recognition policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Volunteer Recognition policy, as amended 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 Volunteer Recognition policy dated 13 August 2019, Minute No. 188 should no submissions be received.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Volunteer Recognition Policy.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

This is the first review of the policy since its adoption, which was conducted to ensure the policy continue to align with organisational requirements.

The review of the policy results in no fundamental changes to the intent of the policy and all changes made are administrative.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Diversity	Support volunteers to deliver appropriate community services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications, as the implementation of the policy will continue as part of ongoing operations.

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 positive legal, policy and risk implications in endorsing the revised policy as they show that Council is committed to recognising volunteers and maximising engagement in activities.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of making poor decisions as a result of an outdated policy.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy addresses the above implications and provides Council with an effective framework for the delivery of recognition to Council volunteers to maximise volunteer motivation and satisfaction.

CONSULTATION

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

Internal

As part of the review of this policy, the Volunteer Services team consulted within the Community Services Section (Library Services, Cemeteries), Assets Section, Public Domain and Services Section and the Organisational Development Section.

The Executive Team has also been consulted to seek management endorsement.

External

In accordance with local government legislation, the revised Volunteer Recognition Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Volunteer Recognition Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2019-00698

TITLE: VOLUNTEER RECOGNITION

OWNER: **COMMUNITY SERVICES** ORGANISATION DEVELOPMENT SECTION
MANAGER

1. PURPOSE:

1.1 The purpose of this Policy and related guidelines is to provide Council with a framework for the delivery of recognition to Council volunteers to maximise volunteer motivation and satisfaction. The purpose of the Volunteer Recognition Scheme is to identify and acknowledge Council volunteers who contribute significant time or service to Council programs and to ensure there are appropriate mechanisms in place to provide this recognition. The scheme is in line with Council's Community Strategic Plan 2018-2028, C1.5 Support volunteers to deliver appropriate community services.

2. CONTEXT/BACKGROUND:

- 2.1 Volunteer recognition is essential for volunteer motivation, satisfaction, retention and recruitment. Council has a recognition scheme for staff, however recognition for volunteers is currently completed on an ad-hoc basis. This policy highlights Council's commitment to our volunteers, of which there are over 700.
- 2.2 A consistent approach to the identification of volunteers and mechanisms for delivery of recognition will be of benefit to both staff and volunteers as it will provide equitable access and a framework in line with staff recognition. It will assist to raise the profile of volunteers within Council and promote the importance of volunteering to the wider community.

3. SCOPE:

- 3.1 This policy relates to all of Council's volunteers and the sections of Council under which they volunteer. The sections of Council that manage volunteers will be responsible for the identification of volunteers and delivery of recognition in line with this policy and guidelines. Support and tools will be provided by the Volunteers **Support Project Officer** Coordinator.
- 3.2 Volunteer Recognition includes thank you cards, letters and certificates of recognition, media promotion, recognition of years of service, recognition upon retirement, National Volunteers Week, annual thank you event and Port Stephens Annual Awards.

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Policy

**4. DEFINITIONS:**

Thank You cards	Council corporate cards
Letter and Certificates	Letters of recognition on Mayoral letterhead signed by Mayor, Certificates of recognition, generally framed
Media promotion	Print and social media advertising and promotional avenues
Years of Service	Refers to length of time a volunteer and/or committee has been a Registered Volunteer with Port Stephens Council
Retirement	Refers to a person who has been a Registered and active Council Volunteer continuously for at least 5 years and they are retiring as a Council Volunteer
National Volunteer Week	An annual celebration to acknowledge the contribution of our nation's volunteers, led by Volunteering Australia
Volunteer Thank You	An annual event where volunteers, Councillors and staff are invited to a function to recognise and thank our volunteers
Port Stephens Annual Awards	Event used by Council to formally recognise the efforts of exceptional people within our community
Volunteer Recognition Nomination Form	Form used to provide sufficient information on a volunteer, committee or activity worthy of special recognition

5. POLICY STATEMENT:

5.1 Council recognises that volunteers are the lifeblood of the community, ~~with over 700 volunteers~~ delivering services on behalf of Council. A Volunteer Recognition Scheme will formally reward volunteers through a series of initiatives appropriate to Council's budget and the contribution of the volunteer, and be in keeping with staff recognition.

5.2 It is expected that the implementation of this Policy and guidelines will lead to:

- improved volunteer motivation and satisfaction
- increased volunteer recruitment and retention
- heightened awareness and understanding, both internally and externally, of the roles undertaken by Council's volunteers
- increased promotion of the importance of volunteering to the wider community.

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Policy

**6. POLICY RESPONSIBILITIES:**

- 6.1 The Volunteers **Support Project Officer** Coordinator is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 Council staff who manage volunteers are responsible for implementing and complying with the policy.
- 6.3 Managers are responsible for complying with this policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Council Code of Conduct.
- 7.3 Work Health and Safety Act 2011.
- 7.4 Community Strategic Plan 2018 – 2028.
- 7.5 355c Committee Terms of Reference.
- 7.6 Volunteer management guidelines – various.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2019-00698	EDRMS record No.	49/100638 TBA
Audience	Councillors, Council staff, Council volunteers, general community		
Process owner	Organisation Development Community Services Section Manager		
Author	Volunteers Support Project Officer Coordinator		
Review timeframe	2 3 years	Next review date	13/08/2021 TBA
Adoption date	13 August 2019		

Policy

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Policy

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	13/8/2019	Organisation Development Section Manager	New Policy	188
2		Volunteers Support Project Officer	<p>Amend Policy Owner to - Community Services Section Manager</p> <p>2.1 – Remove - of which there are over 700.</p> <p>5.1 – Remove - with over 700 volunteers delivering services on behalf of Council.</p> <p>6.1 Change title to - Volunteers Support Project Officer.</p> <p>Change Process owner to - Community Services Section Manager.</p> <p>Change Process author to – Volunteers Support Project Officer.</p> <p>Review timeframe has increased from 2 years to every 3 years.</p>	

Policy

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ITEM NO. 7

**FILE NO: 21/108986
EDRMS NO: PSC2021-00699-002**

RECLASSIFICATION OF A PORTION OF COUNCIL OWNED LANDS AT 100 AND 174A SALAMANDER WAY, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Commence the land reclassification process of a portion of 100 and 174A Salamander Way, Salamander Bay.

BACKGROUND

The purpose of this report is to authorise St Phillips Christian College (the applicant) to make an application to reclassify a portion of each of the following Council owned lands:

- Part Lot 21 DP 1044009, 100 Salamander Way, Salamander Bay
- Part Lot 23 DP 1044009, 174A Salamander Way, Salamander Bay

The lands are illustrated in **(ATTACHMENT 1)** and are currently occupied by the applicant under a license arrangement issued in 2016 for a 21 year period for the purpose of 'Construction and maintenance of an area for car parking and playing fields'. The development application authorising the construction of the car park and playground extension was approved in 2017 and construction was completed in 2019. The carpark and playing fields form part of the applicant's school and are part constructed on the applicant's freehold land and part on the Council owned lands.

The applicant would like to purchase the subject Council owned lands which are classified Community land under the Local Government Act 1993. Community lands cannot be sold and a reclassification from Community to Operational is required to enable the sale.

The applicant will apply directly to Council as consent authority for the reclassification planning proposal, and that application will be separately determined by Council. Likewise, the request to purchase the lands will be determined separately by Council if reclassification is successful and if not, the status quo will be maintained.

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

The applicant will engage an independent consultant, at its cost, to prepare all documentation required to support the reclassification planning proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Not required. All costs associated with reclassification will be met by the applicant.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed reclassification is provided for by the Local Government Act 1993 and governed by the Environmental Planning and Assessment Act 1979. The reclassification process will be managed by Strategic Planning.

Council's policy requires a resolution of Council authorising the reclassification before commencing the process for Council land.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the potential purchasers may seek to remove their financial offers.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no environmental implications associated with the proposal as the subject lands are developed.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Property team.

Internal

- Principal Property Planner
- Strategic Property Coordinator
- Strategic Planning Coordinator
- Strategic Planner

External

- St Phillip's Christian College

OPTIONS

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

ATTACHMENTS

- 1) Footprint of future land classification planning proposal. [↓](#)

COUNCILLORS ROOM

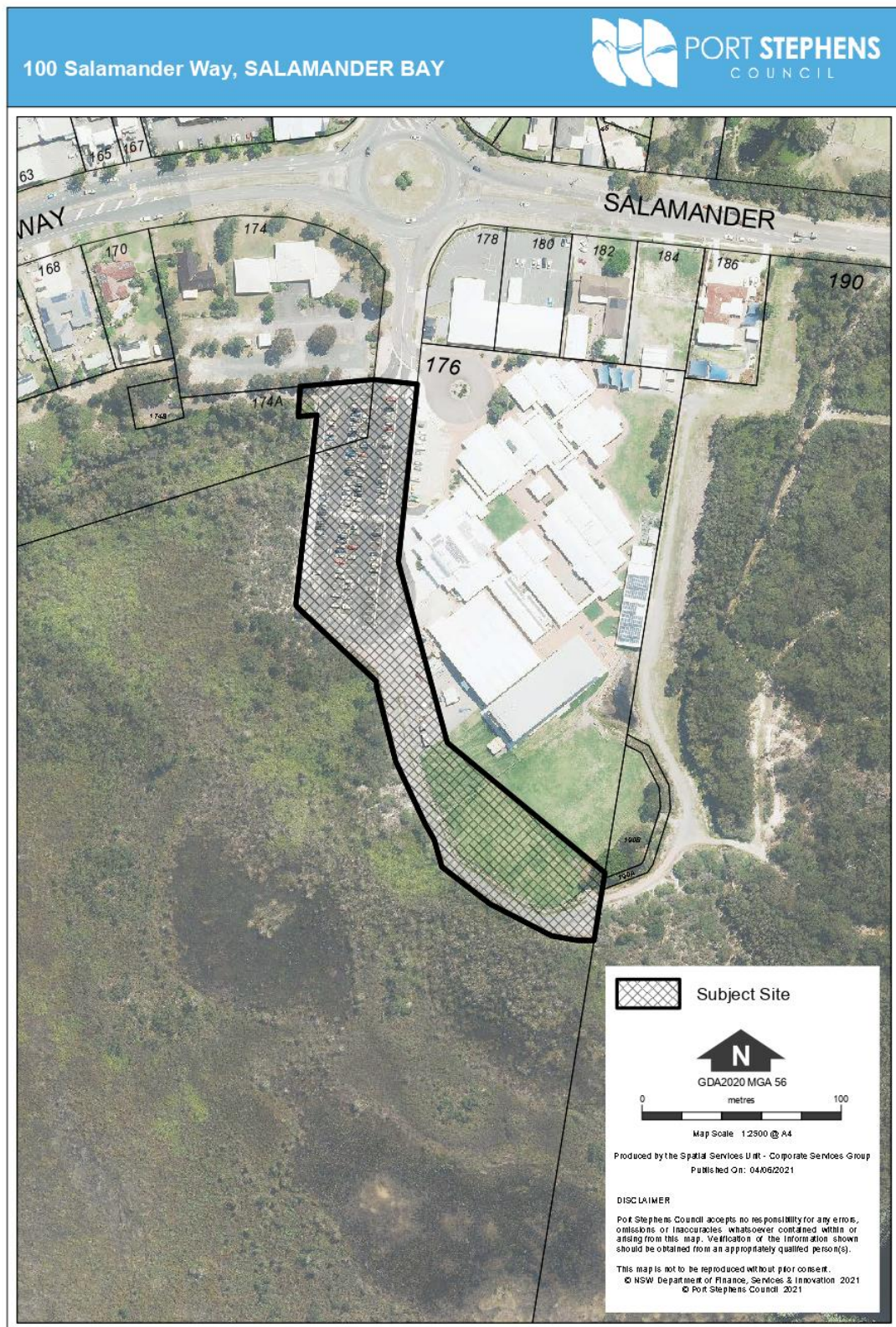
Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1
PLANNING PROPOSAL.

FOOTPRINT OF FUTURE LAND CLASSIFICATION
PLANNING PROPOSAL.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 8

**FILE NO: 21/257286
EDRMS NO: PSC2019-02867**

AUSTRALIA DAY 2022

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the continuation of Australia Day funding arrangements for the Nelson Bay, Raymond Terrace, Lemon Tree Passage and Karuah 2022 events.

BACKGROUND

The purpose of this report is to seek Council approval for the continuation of community funding arrangements for the 2022 Australia Day events.

Australia Day activities are guided by the Australia Day 355c Committee, including representatives from Community Groups, Lions Club of Tilligerry, Rotary Club of Raymond Terrace, Karuah RSL and the Australia Day Nelson Bay Sub-committee.

Australia Day events are planned for the following locations and it is recommended funding continue for the following:

- Nelson Bay: Organised by the Australia Day Nelson Bay Sub-committee with Council's financial support of \$13,953
- Raymond Terrace: Organised by the Rotary Club of Raymond Terrace under agreement with Port Stephens Council with Council's financial support of \$13,953
- Lemon Tree Passage: Organised by the Lions Club of Tilligerry Peninsula Inc. with Council's financial support of \$3,257
- Karuah: Organised by the Karuah RSL with Council's financial support of \$1,061

Total funding requested for the 2022 Australia Day events is \$32,224.

Australia Day activities held in 2021 where adapted to meet the restrictions of COVID-19 Public Health Orders. These activities included free access to all Council owned pools, with music, craft and arts provided. This was funded in part by NSW Government COVID-19 project funding.

Council's civic events were also adapted to meet requirements of public health orders, which included a Citizenship Ceremony held at Medowie Social with live streaming of the event on Facebook.

Forward planning for Australia Day 2022 will be required to respond to any COVID-19 restrictions or Public Health Orders.

In the absences of these restrictions, it is anticipated the Australia Day activities will revert to a more traditional format.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Community Partnerships	Support local community events that highlight and foster the creative and diverse nature of our community.

FINANCIAL/RESOURCE IMPLICATIONS

Funding is distributed through existing budget

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$32, 224	Funding allocated to community groups to undertake Australia Day events.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations. Risks are identified in the table below.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged by poorly organised events.	Low	The efficient operation of Council's 355c Australia Day Committee and Partnerships with Community Groups has improved the coordination and management of	Yes

		Australia Day events in the Local Government area. Staff and volunteers have clear agreements, plans and budgets.	
There is a risk events will be impacted by COVID restrictions	Med	All events are to be planned in the context of COVID restrictions with contingencies mapped. COVID safe plans are required for each event.	Yes

SUSTAINABILITY IMPLICATIONS

Adopting the recommendations in this report will demonstrate Council's ongoing commitment to the efficient and coordinated management and support of community organised Australia Day activities in the Local Government area.

CONSULTATION

Council's 355c Australia Day Committee regularly meet to plan and coordinate Australia Day events. The committee met most recently on 29 July 2021 to review this year's events and begin planning for 2022. The next meeting is scheduled for 13 October 2021.

Staff are in regular contact with all groups to assist with the organisation of the events.

Internal

The Community Development and Engagement Team coordinate internal consultation with the following:

- Strategy and Environment Section – event approvals and COVID safe planning
- Assets Section
- Public Domain and Services Section.

External

- 355c Australia Day Committee.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

**FILE NO: 21/247172
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 Ward funds to the following:-
 - a. Central Ward funds - Cr Smith – Rapid response - \$500 donation to the Tomaree Triathlon Club towards reserve improvement works.
 - b. East Ward funds – Cr Dunkley – Rapid response - \$250 donation to the Rotary Club of Nelson Bay towards paint, concrete and structure for a community sign on Stockton Street, Nelson Bay.
 - c. West Ward funds - \$1366.90 donation to the Hunter Region Botanic Gardens towards DA fees associated with fernery project.

BACKGROUND

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

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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:

WARD FUNDS

Tomaree Triathlon Club	The Tomaree Triathlon Club aims to introduce people to the joys and challenges of triathlon.	\$500	Donation towards reserve improvement works.
Rotary Club of Nelson Bay	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$250	Donation towards paint, concrete and structure of a community sign on Stockton Street, Nelson Bay.
Hunter Region Botanic Gardens	The Hunter Region Botanic Gardens are managed and maintained by volunteers for the enjoyment and education of the people of the Hunter region.	\$1366.90	Donation towards DA fees for fernery project.

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 undertaken 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. 10

**FILE NO: 21/251013
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 28 September 2021.

No:	Report Title	Page:
1	August 2021 Cash and Investments	81
2	Council Resolutions	84

INFORMATION PAPERS

ITEM NO. 1

FILE NO: 21/246991
EDRMS NO: PSC2017-00180

AUGUST 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 31 August 2021.

ATTACHMENTS

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

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2021								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
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
BANK OF SYDNEY	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
BNK BANK	RIM	NR	TD	1.02%	356	2-Aug-22	1,000,000	1,000,000
SUB TOTAL (\$)							21,950,000	21,950,000
TCORP SHORT TERM INCOME FUND							3,000,000	3,020,948
TCORP MEDIUM TERM GROWTH FUND							5,500,000	5,886,312
TCORP LONG TERM GROWTH FUND							3,000,000	3,342,443
INVESTMENTS TOTAL (\$)							33,450,000	34,199,703
CASH AT BANK (\$)							12,438,327	12,438,327
TOTAL CASH AND INVESTMENTS (\$)							45,888,327	46,638,030
CASH AT BANK INTEREST RATE				0.20%				
BBSW FOR PREVIOUS 3 MONTHS				0.21%				
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 1 - ATTACHMENT 2 AUGUST 2021 CASH FLOW REPORT.



Cash flow analysis
31/08/2021

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020
Closing Cash and Investment 31 August 2021
Movement in cash

YTD	Notes
48,245,940	
45,398,401	
(2,847,539)	

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities	27,241,257
Payments to suppliers & employees	(24,429,898)
Interest received	58,178
Interest paid	(52,971)
Total	2,816,566

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	219,200
Payments for Property, Plant & Equipment	(5,379,570)
Total	(5,160,370)

Financing Activities

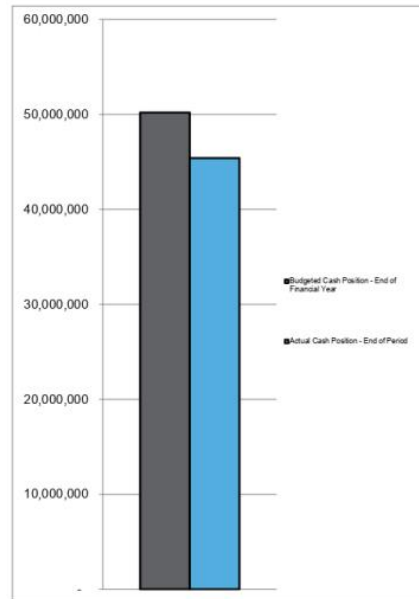
Payment of loans	(503,735)
Receipt of new loans	-
Total	(503,735)

Total Cash Movement

Plus: Opening Cash and Investment 1 July 2020	48,245,940
Closing Cash and Investment 31 August 2021	45,398,402

Budgeted Cash Movement for the Financial Year	1,936,740
Plus Opening Cash and Investment 1 July 2020	48,245,940
Budgeted Cash and Investment Position 30 June 2021	50,182,680

In front / (behind) on budget	(4,784,279)	1
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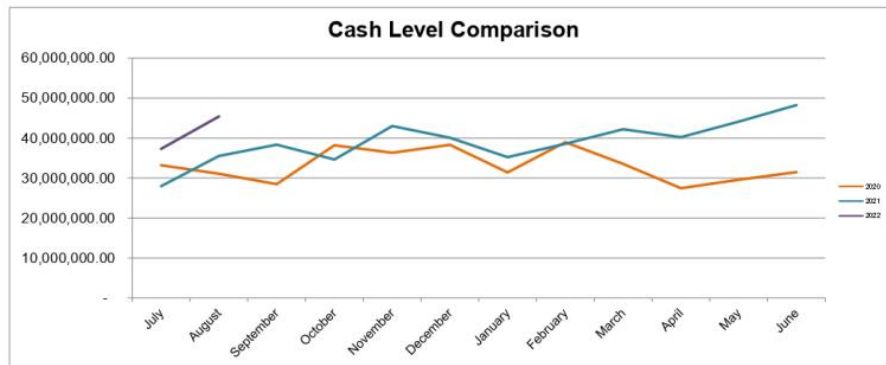


Notes

- 1 Council's cash position is behind on the budgeted year end position predominately due to the following reason:
a) Receipt of 1st quarter rates is yet to be finalised
b) Sale of commercial land is outstanding.

Significant future cash inflows expected in the 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: Tomaree sports complex amenities replacement, Little Beach boat ramp upgrade, Stuart park clubhouse upgrade, Foreshore drive upgrade, Birubi Point aboriginal place tourism interchange, depot rebuild, Fingal Bay amenities block, Lakeside leisure centre upgrades, Mallabula park upgrades, Koala sanctuary storywalk remediation, Medowie park amenities and sundry plant.



ITEM NO. 2

**FILE NO: 21/247174
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.

ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 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						
17 Sep 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						
17 Sep 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						
17 Sep 2021						
Matter on hold with AGL.						

ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 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						
17 Sep 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						
17 Sep 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
17 Sep 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						
17 Sep 2021						
Agent has been appointed. The land is scheduled for auction in September 2021.						

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Gardner, Janelle	Policy Review: Heritage Policy	30/10/2021		
5		Pearl, Steven				21/190429
17 Sep 2021						
Submission received - going back to 28 September 2021 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	29/10/2021		
3		Pearl, Steven				21/190429
178						
17 Sep 2021						
Target Date 29 Oct 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	30/10/2021		
4		Pearl, Steven				21/190429
17 Sep 2021						
Seeking legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/07/2021	Gardner, Janelle	Draft Voluntary Planning Agreement - Kings Hill Development	30/10/2021	28/07/2021	
3		Pearl, Steven				21/204573
193						
17 Sep 2021						
Submissions received - will be placed on Public Exhibition.						

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Gardner, Janelle	Assistance for Local Businesses	30/09/2021	13/08/2021	
1 198		Peart, Steven				21/218740
17 Sep 2021 Working with the Economic Development team to implement various strategies to assist local business.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Gardner, Janelle	Dwellings in High Hazard Floodways	31/10/2021		
10 225		Peart, Steven				21/218740
17 Sep 2021 A report has been prepared by the Strategic Planning team to go to Ordinary Council on 12 October 2021. This report will include a review of previous applications for dwellings in a high hazard floodway, the current statutory framework that applies, and benchmarking against other councils.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 11 261	Ordinary Council 24/11/2020	Miles, Philip Kable, Gregory	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	1/12/2021		20/358525
16 Sep 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 3	Ordinary Council 8/12/2020	Stewart, Adam Kable, Gregory	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		20/391301
17 Sep 2021 Awaiting completion of the associated Place Plans. Report to be prepared and reported back to Council during March 2022.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 012	Ordinary Council 9/02/2021	Lamont, Brock Kable, Gregory	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	1/12/2021		21/33235
17 Sep 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 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

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		Kable, Gregory				21/138820
126						
17 Sep 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		Kable, Gregory				21/138820
128						
17 Sep 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		Kable, Gregory				21/156213
143						
17 Sep 2021						
Council shall apply for grants in accordance with associated criteria.						

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						
17 Sep 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 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	DEDICATION AS PUBLIC ROAD OF PART LOT 491 DP 27846 - 18C CROMARTY ROAD, SOLDIERS POINT	31/12/2022	13/08/2021	
1		Kable, Gregory				21/218740
210						
17 Sep 2021 Council staff will commence transfer of land parcel to the road reserve.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/04/2022		
4		Kable, Gregory				21/218740
208						
17 Sep 2021 Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	NEW POLICY - CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES	31/10/2021	13/08/2021	
4		Kable, Gregory				21/218740
213						
17 Sep 2021 The CCTV In Public Places Policy has been placed on Public Exhibition for 28 days from 24 August 2021 to 21 September 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Kirrang Drive, Medowie Shared Pathway	31/01/2022	13/08/2021	
8		Kable, Gregory				21/218740
217						
17 Sep 2021 Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Lamont, Brock	Amenities Design	30/04/2022	13/08/2021	
2		Kable, Gregory				21/218740
222						
17 Sep 2021 As part of the CSP staff will undertake a review of the existing amenities buildings replacement policy. A 2 way has been booked with Councillors on the 21 September 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Lamont, Brock	Shade Sail at Robinson Reserve, Anna Bay	30/11/2021	13/08/2021	
5		Kable, Gregory				21/218740
223						
17 Sep 2021 Council staff will investigate the costs and specifications of a shade sail to be installed at Robinson Reserve. This will be reported to Council in an upcoming Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Lamont, Brock	Raymond Terrace Indoor Sports Facility	1/12/2021	13/08/2021	
16		Kable, Gregory				21/218740
227						
17 Sep 2021 Staff are preparing a report and documentation. This will be reported to Council in an upcoming Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Australia Post Mail Box, 14A William Street, Raymond Terrace	31/10/2021	13/08/2021	
20		Kable, Gregory				21/218740
229						
17 Sep 2021 There are a variety of site specific constraints and factors which need to be taken into account including compliance with the Disability Discrimination Act, NSW Road Rules in regard to stopping near a postbox, and Councils Stage 2 works for William Street which will seek to relocate and optimise the location of street furniture including mail boxes.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report	Printed: Monday, 20 September 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/08/2021	Gutsche, Tammy	Waste Management Strategy 2021-2031	31/10/2021	26/08/2021	
1 235		Kable, Gregory				21/230755
17 Sep 2021						
Waste Management Strategy 2021-2031 has been placed on public exhibition from 26 August to 22 September 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Lamont, Brock	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
17 Sep 2021						
A 2 way has been booked with the Councillors on the 26 October 2021.						

ITEM 2 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 27/09/2017
	Committee:	Date To: 27/08/2021
	Officer:	
Action Sheets Report		Printed: Monday, 20 September 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Wickham, Tony	Public Access	30/09/2021	13/08/2021	
23		Wallis, Wayne				21/218740
230						
17 Sep 2021						
Revised Target Date changed From: 24 Aug 2021 To: 30 Sep 2021						
Reason: Two way conversation to be scheduled following completion of benchmarking with other Councils.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/08/2021	Wickham, Tony	POLICY REVIEW: MANAGEMENT OF COMPETITIVE NEUTRALITY	27/10/2021	26/08/2021	
2		Wallis, Wayne				21/230755
236						
17 Sep 2021						
Revised Target Date changed From: 7 Sep 2021 To: 27 Oct 2021						
Reason: On public exhibition until 27 September 2021.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/247271

EDRMS NO: PSC2017-00019

ANIMAL SHELTER

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that it can be difficult for people fleeing domestic violence to keep family pets.
- 2) Prepare a report to investigate options for Port Stephens Animal Shelter to temporarily hold onto family pets for up to 1 week where the pet's owner is fleeing a domestic violence situation.

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

BACKGROUND

Council has just finalised a contract with a new Animal Shelter provider. The service provided by the Animal Shelter does not include the temporarily holding of pets where the pet's owner is fleeing a domestic violence situation. If Council was to provide this service a new or amended contract would need to be negotiated with our current provider. This would involve additional costs to Council for the setup and ongoing care of the animals.

The Animal Shelter, whilst adequate for short term accommodation, is not set up for long term stays. However, there are a number of programs that are set up to specifically provide this service. They provide a service that is specific to the needs of the animals and persons affected. These programs use a number of volunteers that foster animals and care for them at their homes. This provides a much better environment for the animals over the longer term. Examples of these programs include:

- The RSPCA - Community Domestic Violence Program
- DV Connect - Pets in Crisis Program
- Australian Pet Welfare Foundation - Pets in crisis program
- Dog Rescue Newcastle

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: 21/253076

EDRMS NO: PSC2017-00019

PORT STEPHENS KOALAS

COUNCILLOR: KEN JORDAN

THAT COUNCIL:

- 1) Requires Port Stephens Koalas show cause why all payments to Port Stephens Koalas should not be suspended while the probity of the appointment of a Mayoral Candidate to the position of CEO of Port Stephens Koalas is investigated. Port Stephens Koalas is heavily funded by Council and the CEO's position is a well paid position that probably should of been advertised in the community.

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

BACKGROUND

Council entered into a partnership with Port Stephens Koalas (PSK) as part of the development of the Koala Sanctuary which opened in September 2020. PSK is an incorporated body that fulfils a number of functions in relation to the conservation of koalas within the Port Stephens LGA. These functions include koala rescue and care services, the operation of the koala hospital located on the grounds of Council's Koala Sanctuary, care and display of koalas at the Sanctuary, habitat enhancement, advocacy and fundraising, to name a few. As PSK is an incorporated not for profit organisation and a legally separate entity of Council, operational processes such as recruitment are detailed in relevant PSK governance policy and procedures.

In relation to the Koala Sanctuary, PSK operates the hospital and associated care services for koalas as well as maintain a number of koalas on the premises. The care and ongoing management of koalas is in accordance with applicable licensing from the NSW Department of Planning Industry and Environment (DPIE). The licence, held by PSK for care and handling, also authorises the display of koalas at the Koala Sanctuary for paying customers to this Council owned business for either day visits and / or to enjoy the range of accommodation options available. This arrangement is a highly cost effective way for Council to have koalas cared for and displayed at the Koala Sanctuary, which is critical to ongoing success of this business.

Council entered into a commercial services agreement in 2018-2019 that defined the roles and responsibilities of Council and PSK through the development and construction of the Koala Sanctuary and Hospital and remains in place to outline how the parties continue to cooperate in the operation of this facility. As part of this services agreement, Council contributes ongoing annual funding to PSK to provide a level of ongoing financial stability to assist in PSK meeting its obligations under the services agreement. This is a commercially binding agreement.

Since the completion of construction and subsequent opening of the Koala Sanctuary and hospital, PSK has undergone substantial growth in terms of operational staff, members / volunteers and responsibilities, as part of meeting its obligations as the operator of the hospital, the services agreement and as holders of the licence from DPIE. Accordingly, PSK identified the need for a CEO position to lead and manage the operations of PSK. The most recent CEO appointment was made in August 2021.

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. 3

FILE NO: 21/253496

EDRMS NO: PSC2017-00019

NAMING OF BUILDING AT TOMAREE SPORTS COMPLEX - THE BRUCE SCOTT BUILDING

COUNCILLOR: GLEN DUNKLEY

THAT COUNCIL:

- 1) Name the new building at Tomaree Sports Complex the 'Bruce Scott' Building.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

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

Port Stephens Council is currently constructing a new multipurpose sports amenities building at Tomaree Sports Complex, Nelson Bay. The building will be a significant upgrade to the facility, positioning the complex to host major sporting and community events.

Bruce Scott has been involved with the Tomaree Sports Council for over 30 years and is the current Sports Council President. He has held various positions on the executive of the Nelson Bay Tennis Club, provided guidance to club committees across various sporting codes and has been an active leader in the development of community sport throughout Port Stephens.

Mr Scott was an essential part in the development of the Tomaree Sports Complex Masterplan adopted by Council in 2018. This masterplan has achieved a shared vision and collective effort from the Tomaree Sports Council towards the improvement of the facility for the betterment of the Port Stephens community. The masterplan was a key part in securing the funding for the construction of the new multipurpose building.

The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that ‘personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.’

As such, the formal naming of a pavement asset such as a footpath would not be generally supported by GNB. As an alternative to the above process, Council may name assets or projects by dedication in an informal manner (such as sporting fields, community buildings, footpaths, boardwalks etc.).

Although the GNB Policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB Policy offers the following guidelines regarding association or contribution for naming:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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