

# NOTICE OF ORDINARY MEETING

## 12 JULY 2022



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells.

### 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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**CONFIDENTIAL MAYORAL MINUTE**

1. MAYORAL MINUTE – RECRUITMENT FOR THE POSITION OF GENERAL MANAGER, PORT STEPHENS COUNCIL

**CONFIDENTIAL**

1. PROPOSED SALE OF 437 HUNTER STREET, NEWCASTLE

## **BUSINESS**

- 1) Opening meeting.
- 2) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 3) Prayer - We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 28 June 2022.
- 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:
- d. performance management and reporting,
- e. asset maintenance and enhancement,
- f. funding decisions,
- g. risk management practices.
- h. 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 - 12 JULY 2022**

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 <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [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]	

<sup>1</sup> 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.

<sup>2</sup> 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.

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

in this item. The nature of the interest is \_\_\_\_\_

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**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.)**

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**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: 22/166274  
EDRMS NO: PSC2017-00180

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (a) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Mayoral Minute Item 1 on the Ordinary agenda namely **Recruitment for the position of General Manager, Port Stephens Council.**
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - personnel matters concerning particular individuals (other than councillors).
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 22/176738  
EDRMS NO: PSC2022-00508-001

**MOTION TO CLOSE**

REPORT OF: TIMOTHY CROSDALE - ACTING GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed sale of 437 Hunter Street, Newcastle**.
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-



# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 22/151613  
EDRMS NO: PSC2009-02488**

**POLICY REVIEW: WORKPLACE SURVEILLANCE**

REPORT OF: MELISSA RODWAY - ACTING ORGANISATION SUPPORT  
SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Workplace Surveillance Policy as shown at **(ATTACHMENT 1)**.
- 2) Place the revised Workplace Surveillance 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 Workplace Surveillance Policy dated 11 August 2020, Minute No. 144 should no submissions be received.

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**BACKGROUND**

The purpose of this report is to provide Council with the revised Workplace Surveillance Policy (the policy). The policy has been reviewed as part of Council's ongoing policy review program and is 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.

It is the intention of the policy to, where reasonably practicable, provide a safe and healthy workplace for its workers and others. The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council). The policy will assist Council in complying with its legal obligations by informing workers and others of the surveillance devices used in our workplace in order to enhance safety outcomes for Council.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications as a result of this policy review.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

It is a requirement of the Workplace Surveillance Act 2005 (NSW) (the Act) that a policy is in place informing staff and the community of Council's usage of surveillance technology.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Organisation Support Section in order to ensure that all employees and the community are aware of the objectives of the policy.

**Internal**

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

## **ORDINARY COUNCIL - 12 JULY 2022**

- The Consultative Committee has been previously consulted in order to seek feedback from the workforce.

### External

In accordance with local government legislation the revised Workplace Surveillance 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 Workplace Surveillance Policy.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2009-02488

**TITLE:** WORKPLACE SURVEILLANCE POLICY

**OWNER:** ORGANISATION SUPPORT SECTION MANAGER

### 1. PURPOSE:

- 1.1 The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council).
- 1.2 The purpose of this policy is to comply with Council's legal obligations by informing workers and others of the surveillance devices used in our workplace and to enhance safety outcomes for Council.

### 2. CONTEXT/BACKGROUND:

- 2.1 The rights of Council, its employees and others, as prescribed in workplace surveillance and privacy legislation, calls for management processes to ensure continued legislative compliance. This Workplace Surveillance Policy establishes the protocol to meet Council's legislative obligations.
- 2.2 Technology advances have made optical devices commonplace through camera and tracking capabilities being part of most mobile devices. Council, in the course of its business, uses these devices. Individual workers have similar capabilities within a Council supplied mobile device or their personal mobile device.

### 3. SCOPE:

- 3.1 Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others.
- 3.2 The use of certain devices has the potential through the:
  - a) provision of tracking devices, to identify the geographical location of a worker, if they are in need of emergency assistance.
  - b) provision of CCTV, and surveillance cameras to deter a possible assailant and reduce the safety risks associated with workers and others, to deter assault, vandalism and criminal activity, and/or to capture evidence for environmental investigations.
  - c) monitoring of inputs and outputs of data to manage the risks associated with non-compliance to Council's Code of Conduct and Work Health and Safety (WHS) requirements.

## Policy

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



## Policy



- 3.3 Existing workers of Council shall be notified of the installation and intent of tracking devices, CCTV camera and data surveillance through the dissemination of this policy.
- 3.4 Workers yet to commence with Council shall be given notification of this policy as part of their offer of employment. By accepting employment with Council, the worker will be consenting to the conducting of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.
- 3.5 Information stemming from the use of surveillance, as outlined in this policy, will not be used for the purposes below:
  - a) as the sole and primary means of disciplinary action.
  - b) to target or victimise employees.
  - c) as a form of real time employee performance monitoring.
- 3.5.1 This means that surveillance information can be used for disciplinary purposes only to substantiate allegations stemming from other sources. This prevents victimisation in the workplace and prevents the potential abuse of power on part of those who have access to the surveillance information.
- 3.5.2 It has the secondary benefit of not viewing employees under surveillance in terms of Lowest Common Denominator thinking, in that Council expects the worst from their employees. Trust in the workplace is a vital component to increase productivity beyond that of doing merely the bare minimum.
- 3.6 From time to time staff **delegated under the Surveillance Devices Act 2007**, who are ~~required~~ as part of their role to assist with maintaining security and safety at Council owned facilities, may view CCTV vision to assist with these requirements of their role.
- 3.7 Tracking Devices
  - 3.7.1 Council, at time, requires workers to work alone and in isolation to the general workplace. To reduce the risks associated with this, Council ~~may~~ **has** introduced tracking devices to identify the location of the worker, should any emergency response be required. Where tracking devices are utilised, surveillance will be continuous and ongoing.
  - 3.7.2 Increasingly, Council's vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data through in vehicle management systems (IVMS). This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams that currently prevents them from doing an even better job than they do now. Where a vehicle is supplied with an IVMS or GPS device, the vehicle will display notification that a device is installed in the vehicle.

### Policy

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## Policy



- 3.7.3 Where there is provision of the device in the vehicle, a risk assessment process shall be completed to ascertain the need for such device. This will occur prior to any operation or function of such device. If the risk assessment deems it necessary to install a device, the vehicle will display notification that a device is installed in the vehicle.
- 3.7.4 For an 'on person' device, workers will be informed that they are required to carry such a device whilst at work based on a risk assessment identifying the need for such a device. This will occur prior to any operation or function of any such device.
- 3.7.5 A representative from the Work Health and Safety Team shall be involved throughout all risk assessments undertaken under this policy.
- 3.7.6 All Council issued mobile devices that have GPS functionality, can be tracked by Council's Information Communication and Technology unit.
- 3.8 Closed Circuit Television
  - 3.8.1 Council used CCTV surveillance cameras and overt/covert surveillance devices in and around various Council worksites and facilities. This camera surveillance monitors or records visual images of activities on premises or, in any other place. CCTV camera surveillance will be continuous and ongoing.
  - 3.8.2 Signs are located within each site/location to identify the areas affected by the camera surveillance, and are clearly visible at each entrance to that site or location. In the event where Council is conducting an operation in relation to environmental offences and/or investigations, Council will not display signage.
  - 3.8.3 Where Council intends to install new CCTV devices, workers will be notified prior to any operation or function of the new installations which occur after the date of acceptance of this policy by Council.
  - ~~3.8.4 From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements to their role.~~
  - 3.8.4 Council may use licence plate recognition devices and software to manage site access points and maintain accurate logs of vehicles visiting Council sites.
- 3.9 Use of Surveillance Records – Tracking Devices and CCTV
  - 3.9.1 Council may use and disclose confidentially the surveillance records where that use or disclosure is for a purpose related to the matter raised below regarding workers and management of Council.
  - 3.9.2 Council may also use and disclose the surveillance records where that use or disclosure is related to Council's business activities including:

### Policy

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## Policy



- a) to a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal offence or alleged criminal offence.
  - b) in connection with bona-fide legal proceedings.
  - c) as reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property.
- 3.9.3 Examples of instances in which use or disclose surveillance records might occur include but, are not limited to:
- a) allegations of breaches of Council's Code of Conduct.
  - b) allegations of poor performance or unacceptable behaviour.
  - c) allegations of illegal dumping or other environmental offences.
  - d) if there is an assault, or suspected assault of a person.
  - e) if theft of Council's property (or that of a related entity of Council) is suspected.
  - f) criminal damage to Council's equipment or facilities (or that of a related corporation of Council) has occurred.
  - g) a serious WHS incident as defined by the Work Health and Safety Act 2011 (NSW).
  - h) by request of a worker and union representative regarding any bona-fide investigation.
- 3.9.4 All surveillance records are now available under the Government Information (Public Access) Act 2009 (GIPA); however, persons wishing to access these records should be aware that there are provisions under GIPA that may override the release of the information.
- 3.9.5 Generally, CCTV surveillance records will not be used or disclosed unless that disclosure is:
- a) for a legitimate purpose related to employment of workers or legitimate business activities or functions of the employer.
  - b) to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of a criminal offence.
  - c) for a purpose that is directly or indirectly related to the taking of criminal proceedings.
  - d) reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property.
- 3.10. Data Surveillance and Retrieval
- 3.10.1 The computer usage of workers is not routinely read or monitored, however, they are records of Council and shall be managed accordingly. At times, Council may retrieve or review electronic files, records and correspondence of workers. This applies to all Council's Information and Communication systems including telephones, mobile phones and mobile computing technology. Council also provides a number of software systems, which have the ability to track changes made to data.

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## Policy



3.10.2 Designated workers of Council are also required to utilise a variety of security systems such as silkeys and alarm systems, which provide access to Council sites based on unique logins allocated to workers. Surveillance of workers' use of all of these systems and equipment is undertaken by Council on a continual basis.

### 3.11 Camera Devices

3.11.1 Council frequently uses camera devices to take pictures, or videos, eg for the safety of its employees, promotions, press releases, training applications or incident/environmental investigations. At times, this may require including workers, and/or others in the picture or video. To comply with the relevant legislations, the following shall apply:

- a) a Council worker authorised to operate a Council camera device shall obtain express, or implied, consent from workers and or others, prior to taking the photograph or video.
- b) workers wishing to take pictures or videos from their personal camera device shall respect a person's privacy and obtain express or implied consent from that person or persons prior to taking the picture or video. Council shall devise such policy and procedures to facilitate this approval. In the event where relevant legislation proves that Council is not required to obtain consent from the person or persons prior to taking the picture or video, Council will follow the requirements as outlined in the applicable legislative provisions.
- c) pictures or videos of Council processes, procedures or practices shall not be taken without first obtaining permission from the worker's manager.
- d) managers shall ensure that pictures or videos for a use, other than for internal purposes, shall be approved by the Communications & Customer Experience Section Manager prior to use.

### 3.12 Recordings of Conversations

3.12.1 On occasion, Council may wish to record conversations. Council will not record a private conversation without the consent, of the principal parties to the private conversation or the persons who took part in the activity, as per the requirements of the Surveillance Devices Act 2007.

3.12.2 If expressly agreed, when a recording of a conversation is made in relation to a Council worker who is participating in an investigation, the worker will be offered to receive a copy of the recording together with a transcript of the recording if they elect to. This recording cannot occur without the express permission of the worker involved. Council, at no stage, will apply any duress for any interview to be recorded.

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## Policy



### 3.13 Confidentiality and Records

- 3.13.1 Council workers shall at all times exercise duty of confidentiality. Data shall only be released in compliance with the Workplace Surveillance Act 2005 (NSW) and on a need to know basis as prescribed by this policy or by a worker's request.
- 3.13.2 Non-compliance with duty of confidentiality requirements shall render a Council worker liable to disciplinary procedures which may include termination of employment.
- 3.13.3 All documents created in relation to this policy will be kept in accordance with the State Records Act 1998 (NSW) and Port Stephens Council's Records Management, Management Directive.
- 3.13.4 Members of the public can make applications to access Council's data in accordance with the Government Information Public Access (GIPA) Act 2009 and the Privacy and Personal Information Protection Act (PPIPA) 1998.
- 3.13.5 For the purposes of determining compliance to this policy, random audits will be undertaken of data generation and collection activities by Council's internal auditor. Audit results shall be reported to the relevant Group Manager for determination and the Consultative Committee for review.

### 3.14 Training

- 3.14.1 New workers shall be made aware of this policy during the induction process.
- 3.14.2 Record of worker's awareness of their internet obligations under this management directive shall be achieved by an on-screen declaration prior to internet access.
- 3.14.3 Record of under awareness and understanding of this management directive will be contained by the completion of toolboxing of the policy in accordance with the Toolbox Procedure and by publication on Council's Intranet and Internet Site.
- 3.14.4 Ongoing training and awareness of this policy shall be provided by Council management throughout the employment relationship.

### 3.15 Requesting access to information

- 3.15.1 All requests for information under this policy from members of the public will be assessed under the Government Information (Public Access) Act 2009.
- 3.15.2 All requests for data retrieval or review from workers (other than approved Information and Communication Technology workers) can only be approved by any 2 of the following workers, with the exception of the General Manager who may request data retrieval or review without the approval of another manager:

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## Policy

- a) the General Manager.
- b) a Group Manager.
- c) a Section Manager.
- d) the Legal Services Manager.
- e) the Human Resources Manager.

3.15.3 Any request must specify the reason for data retrieval or review, the specific period to be accessed and the Approved Worker(s) undertaking the investigation.

3.15.4 All requests and approvals must be given in writing. This shall not apply to requests where any individual piece of data directly related to a task being undertaken by a worker is required. In such case a request to gain the individual piece of data shall require approval from the worker's manager.

#### 4. DEFINITIONS:

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

Worker	In this policy, a worker has the same meaning as worker under section 7 of the Work Health and Safety Act 2011, being: <ul style="list-style-type: none"> <li>a) an employee.</li> <li>b) a contractor or subcontractor.</li> <li>c) an employee of a contractor or subcontractor.</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking.</li> <li>e) an outworker.</li> <li>f) an apprentice or trainee.</li> <li>g) a student gaining work experience.</li> <li>h) a volunteer.</li> <li>i) a person of prescribed class.</li> </ul>
Council	Port Stephens Council.
WHS	Work Health and Safety.
HSR	Health and Safety Representative.
Workplace	Means premises, or any other place, where employees work, or any part of such premises or place.
GPS	Global Positioning System.
IVMS	In Vehicle Management System.

### Policy

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## Policy



### 5. STATEMENT:

- 5.1 Council recognises it has a number of electronic systems in place which are utilised for surveillance. The surveillance devices used by Council are primarily in place to assist Council to capture relevant data needed for the operation of Council's business, improve service delivery, enhance safety outcomes and ensure compliance with relevant legislative requirements.

### 6. RESPONSIBILITIES:

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

### 7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Enterprise Agreement.
- 7.2 Code of Conduct.
- 7.3 Records Management Management Directive.
- 7.4 Information & Communication Technologies (ICT) Systems & Information Access & Cyber Security Management Directive.
- 7.5 Information & Communication Technologies (ICT) Assets Management Management Directive.
- 7.6 Information & Communication Technologies (ICT) Physical & Environmental Protection Management Management Directive.
- 7.7 Telecommunications Management Directive.
- 7.8 Toolbox Procedure.
- 7.9 State Records Act 1998 (NSW).
- 7.10 Local Government Act 1993 (NSW).
- 7.11 Workplace Surveillance Act 2005 (NSW).
- 7.12 Workplace Surveillance Regulations 2017 (NSW).
- 7.13 Surveillance Devices Act 2007 (NSW).
- 7.14 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.15 Government Information (Public Access) Act 2009 (NSW).
- 7.16 Industrial Relations Act 1996 (NSW).

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<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Staff		
<b>Process owner</b>	Human Resources Manager Organisation Support Section Manager		

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## Policy



<b>Author</b>	Human Resources Manager		
<b>Review timeframe</b>	2 <b>3</b> years	<b>Next review date</b>	<b>TBA</b>
<b>Adoption date</b>	13 August 2013		

### VERSION HISTORY:

Version	Date	Author	Details	Min No
1	13/08/2013	Human Resources Manager	Adopted.	228
2	12/07/2016	Human Resources Manager	The Workplace Surveillance Policy was reviewed and updated in the new policy template. Reference was changed to the Port Stephens Council Enterprise Agreement 2015. Policy reviewed and updated to ensure less duplication. Reference to Mobile Phones has been updated to Mobile Devices. Surveillance used for environmental investigations and offences has been included in this policy. Scope updated to clarify under what circumstances GPS surveillance will be used by Council.	115
3	11/08/20	Human Resources Manager	Updated into new template. 3.7.5 – removed Health and Safety Representative (HSR) and replaced with 'representative from the Work Health and Safety Team'. 3.12.2 – changed wording to state that the Council worker will be offered a copy of the recording and transcript. 3.15.2 d) – Remove position as no longer exists. 7.12 - Changed Act Year to 2017.	144

### Policy

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## Policy



Version	Date	Author	Details	Min No
4	TBA	Human Resources Manager	<p>3.6 – Deleted “who are required” and replaced with “delegated under the Surveillance Devices Act 2007”.</p> <p>3.7.1 – Deleted “may” and replaced with “has”.</p> <p>3.8.4 Deleted “From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements to their role.</p> <p>3.8.4 - Replaced with “Council may use license plate recognition devices and software to manage site access points and maintain accurate logs of vehicles visiting Council sites.”</p> <p>3.11.1 – Minor grammatical correction.</p> <p>3.11.1 b) – Added “, Council will follow the requirements as outlined in the applicable legislative provisions”</p> <p>3.11.1 d) – Added “&amp; Customer Experience” to reflect current naming convention.</p> <p>7.4 – Added “&amp; Cyber Security”</p> <p>Controlled document information:</p> <ul style="list-style-type: none"> <li>• Updated process owner to Organisation Support Section Manager.</li> <li>• Amended review timeframe to 3 years in accordance with Council’s policy and management directive review timeframe.</li> </ul>	TBA

### Policy

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**ITEM NO. 2**

**FILE NO: 22/140063  
EDRMS NO: PSC2014-01223**

**POLICY REVIEW: COMMUNITY DEVELOPMENT**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Community Development policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Community Development 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 Community Development policy dated 12 May 2020, (Minute No. 069) should no submissions be received.

---

**BACKGROUND**

The purpose of this report is to seek Council endorsement of the revised Community Development Policy (the policy) as part of the regular policy review process prior to exhibition.

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

The purpose of the policy is to define Port Stephens Council's commitment to community development.

Community development work is largely undertaken by the Strategy and Environment Section within the Vibrant Places unit. The policy was developed in 2018 to provide clarity regarding what community development is and why Council is involved in such work. The policy is designed to address a number of specific activities in the operational plan. These focus areas are:

- Deliver youth projects and support youth services provided by other agencies
- Identify and plan for an inclusive and access friendly community
- Identify and plan for the needs of an ageing population
- Support initiatives and projects to promote Aboriginal culture and protect Aboriginal places
- Support initiatives and projects to encourage local cultural activities
- Assist community service providers to deliver services for vulnerable people and families



## ORDINARY COUNCIL - 12 JULY 2022

- Provide financial, logistical and marketing support for local community events.

This policy review has only identified minor and administrative amendments including:

- Reformatting the policy into the new policy template
- Administrative amendments to update references to internal strategies, plans, business units and external government departments.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Partnerships	Assist community service providers to effectively deliver services in the region.

### FINANCIAL/RESOURCE IMPLICATIONS

The policy defines Council's approach to the delivery of community development.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal or policy implications as a result of the proposed recommendation.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to community development activities without clear parameters.	Low	Adopt the recommendations	Yes



**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Community Development Policy defines Council's role in the continued development and support of our community.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Development and Engagement unit in conjunction with the wider Communications Section.

Internal

The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation the revised Community Development Policy will be placed on public exhibition for 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Community Development Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2014-01123

**TITLE:** COMMUNITY DEVELOPMENT POLICY

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

### 1. PURPOSE:

- 1.1 Port Stephens Council is committed to supporting activities and programs that enable and strengthen our community to meet challenges and generate solutions to issues in our community. The Vibrant Places Community Development and Engagement Unit work in partnership with the community to enhance wellbeing, celebrate identity and support social change in our Local Government Area (LGA).

### 2. CONTEXT/BACKGROUND:

- 2.1 Local Government, as the level of government closest to the people is ideally positioned to support community development activities that engage the knowledge and skills of a community to address identified needs and enhance community wellbeing.
- 2.2 Support is based on the core principles of:
- a) Wellbeing of individuals and whole of community-providing the opportunity for individuals to feel connected in their community, a place where they want to live, work and play.
  - b) Equity and access-providing a sustainable mix of assets and resources (economic, human, built, natural and cultural), that are accessible to all demographics and socio-economic groups within a community.
  - c) Social justice - recognising the rights of individuals, organisations and businesses to voice their opinion on matters that impact on them.

### 3. SCOPE:

- 3.1 Council adopts a three tiered approach to community development:
- 3.2 Level 1 – Council provides an advisory role. This involves providing information, advice and referral for community partners to business units across the organisation to assist in the delivery of a wide range of organisational actions.
- 3.3 Level 2 - Community Development – Council provides an enabling role. This involves providing ongoing strategic partnerships with community members, organisations and business and is guided by plans, agreements and strategies

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## Policy

to deliver on key operational objectives. This is the core business of the community development component of the Vibrant Places Community Development and Engagement unit and the four key focus areas include:

- a) Support and improve how we work with Aboriginal people and communities in partnership with the 355(c) Aboriginal Strategic Committee.
- b) Support and promote local arts and culture, including place activation and public art, through the implementation of **Our Incredible Place Events Arts and Cultural Strategy** Cultural Plan and in partnership with the 355(c) Strategic Arts Committee.
- c) Improve the lives of children and young people through the implementation of the Youth Strategy and in partnership with the Youth Advisory **Action** Panel.
- d) Support and facilitate Community Service providers to meet NSW Government's Department of Communities and Justice targeted early intervention objectives to build strong community in partnership with community interagencies and networks.

3.4 Level 3 Community Development – Council provides a lead role: This involves facilitating a response to an identified need of Council's and occurs on a less frequent basis than either Level 1 or 2 approaches.

### 4. DEFINITIONS:

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

Community	Can be defined by place of residence, shared common interests or common identity, including cultural identity.
Community Development	The strategic building of community through partnership, and sharing of resources to achieve a common goal.
Wellbeing	Is realised when social, economic, environmental and cultural factors combine to enable individuals and communities to fulfil their potential.
Placemaking	Is working with the local community's assets, inspiration and potential, with the intention of creating public spaces that promote better social, economic and environmental outcomes.

### 5. STATEMENT:

5.1 This policy provides an overall approach to community development, which is to:

- a) Strengthen community with particular emphasis on supporting vulnerable populations

## Policy

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## Policy



- b) Provide financial assistance and other resources to community to develop projects that are based around placemaking and celebration of local identity and community strengths
- c) Encourage stronger communication links between service providers to optimise service delivery in the community, particularly amongst community services and cultural agencies
- d) Develop partnerships with community based groups, non-government organisations, academic institutions and other government agencies.

### 6. RESPONSIBILITIES:

- 6.1 The Vibrant Places Community Development and Engagement Unit are responsible for providing advice, support and promotion of the core principles of community development.

6.2 This policy is implemented by all areas of Council.

### 7. RELATED DOCUMENTS:

- a) Local Government Act 1993
- b) Port Stephens Community Strategic Plan
- c) Port Stephens Youth Strategy
- d) Our Incredible Place Events Arts and Cultural Strategy
- e) Disability Inclusion Action Plan

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<b>EDRMS container No.</b>	PSC2014-01123	<b>EDRMS record No.</b>	
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Senior Community Development Officer		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	
<b>Adoption date</b>	13 February 2018		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	13 February 2018	Community Development and Engagement Coordinator	New policy-first version	010

## Policy

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## Policy



Version	Date	Author	Details	Minute No.
2	12 May 2020	Community Development and Engagement Coordinator	<p>1.1 Added 'enhance wellbeing, celebrate identity and support social change' and deleted enhance and celebrate the identity, locality and different interests.</p> <p>2.2b) deleted appeal and added 'are accessible'</p> <p>3.1 deleted three and added '3' to align with Council's style guide.</p> <p>3.2 added 'advice'</p> <p>3.3d) added 'Department of Communities and Justice targeted early intervention' and deleted Family and Community Services (FACS).</p> <p>7b) added 'Community' to Port Stephens Community Strategic Plan.</p>	069
3	TBA	Senior Community Development Officer	<p>Reformatted policy into the new policy template</p> <p>1.1, 3.3, 3.3c &amp; 6.1) updated titles of business units to reflect restructure</p> <p>3.3 b &amp; 7.d) updated name of the current My Incredible Place Events Arts and Cultural Strategy</p>	TBA

### Policy

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**ITEM NO. 3**

**FILE NO: 22/168074  
EDRMS NO: PSC2013-05621**

**POLICY REVIEW: RECEIPT OF PETITIONS**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Receipt of Petitions policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Receipt of Petitions 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 Receipt of Petitions policy dated 12 May 2020, Minute No. 079 should no submissions be received.

---

**BACKGROUND**

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

The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

The policy has been reviewed as part of Council's ongoing policy review program, with minor changes to the policy.

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

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are within the existing budget.

**ORDINARY COUNCIL - 12 JULY 2022**

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 is no legal requirement for Council to retain this policy, however, the policy provides the community with a policy statement regarding petitions and how they are considered by Council.

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the policy not be placed on public exhibition.	Low	Adopt the recommendation of this report.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

Internal

- General Manager
- Executive Team



External

The policy will be placed on public exhibition for 28 days to seek community comment.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Receipt of Petitions policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2013-05621

**TITLE:** RECEIPT OF PETITIONS

**OWNER:** GOVERNANCE SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

### 2. CONTEXT/BACKGROUND:

- 2.1 Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the community's general concern, as a whole, with respect to issues before Council.

### 3. SCOPE:

- 3.1 A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action of the Council, and includes the details of a representative as a contact for Council **(ATTACHMENT 1)**. It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The General Manager shall be the final arbiter as to whether the document constitutes a petition.
- 3.2 Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
- 3.3 The Executive Administration Coordinator will forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
- 3.4 The relevant Group will keep the representative informed of the progress.
- 3.5 Objections to Building or Development applications will not normally be considered as petitions under this policy. However, they will be considered as part of the building/development application assessment.

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## Policy



### 4. DEFINITIONS:

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

Petition	A petition in respect to this policy is a written document that contains at least twenty (20) signatures.
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### 5. STATEMENT:

- 5.1 The objectives of this policy is to ensure that petitions are dealt with in an appropriate manner and that all the elected Council are advised of all petitions upon receipt.
- 5.2 Any decision regarding the petition subject matter will be a decision of the elected Council.

### 6. RESPONSIBILITIES:

- 6.1 The Executive Administration Coordinator will be responsible for acknowledging the petition and providing a report for Council. The relevant Group will be responsible for the ongoing consultation on the subject matter.
- 6.2 The Governance Section Manager will be responsible for compliance, monitoring, evaluating, reviewing and providing advice on the policy.

### 7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Code of Conduct.

## Policy

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## Policy



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<b>EDRMS container No</b>	PSC2013-05621	<b>EDRMS record No</b>	20/148969 TBC
<b>Audience</b>	Port Stephens community		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	Two 3 years	<b>Next review date</b>	13 February 2022 13 February 2025
<b>Adoption date</b>	25 July 1995		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	25/07/1995	Assistant General Manager	Adopted by Council.	324
2.0	17/11/1998	Assistant General Manager	Adopted by Council.	562
3.0	19/10/2004	Governance Coordinator	Adopted by Council.	375
4.0	12/11/2013	Executive Officer	Adopted by Council.	326
5.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Inclusion of the petition cover sheet and minor wording amendments.	021

## Policy

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## Policy



Version	Date	Author	Details	Minute No.
5.1	13/02/2018	Governance Manager	Policy reviewed and no amendments required.	016
5.2	12/05/2020	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control.  Updated title of policy owner. 3.3, 5.1 and 6.1 – updated. 6.2 – inserted the word 'Section' in the title.	079
5.3		Governance Section Manager	The policy has been updated in the new policy template and updated the version control.	

### Policy

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## Policy



### ATTACHMENT 1

# PETITION

This petition cover sheet or similar format should be included with any petition lodged with Council. The principal petitioner will be the contact person Council will communicate with concerning the petition.

#### **PRINCIPAL PETITIONER**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

#### Policy

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**ITEM NO. 4**

**FILE NO: 22/168100**  
**EDRMS NO: PSC2010-00010**

**POLICY REVIEW: STATEMENT OF BUSINESS ETHICS**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Statement of Business Ethics policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Statement of Business Ethics 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 Statement of Business Ethics policy dated 10 March 2020, Minute No. 051 should no submissions be received.

---

**BACKGROUND**

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

The objective of the policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

The policy has been reviewed as part of Council's ongoing policy review program, with minor administrative changes.

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

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are within the existing budget.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the private sector may not be clear with respect to expected behaviours when dealing with the public sector. This Statement will support Council existing policies and provide clear expectations of private contractors and consultants.	Low	Adopt recommendations.	Yes.

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Statement of Business Ethics provides guidance for the private sector when doing business with Port Stephens Council. It outlines the Council's ethical standard and expectations that goods and service providers and contractors will comply with in their dealings with Council.

By complying with these standards, it improves the reputation of Council and the companies it does business with. It also removes the need for investigation into matters of inappropriate behaviour.



## **CONSULTATION**

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

### Internal

- General Manager
- Executive Team

### External

The policy will be placed on public exhibition for 28 days to seek community comment.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Statement of Business Ethics.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2010-00010

**TITLE:** STATEMENT OF BUSINESS ETHICS

**OWNER:** GOVERNANCE SECTION MANAGER

### 1. PURPOSE:

- 1.1 The objective of the Statement of Business Ethics policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

### 2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council is required to comply with the Model Code of Conduct developed by the NSW Office of Local Government. Council needs to meet its obligations under the Model Code of Conduct, by developing this Statement of Business Ethics.

### 3. SCOPE:

- 3.1 Port Stephens Council (Council) is committed to high ethical standards and this Statement of Business Ethics sets out the standards the Council requires of its contractors and business associates. It is essential that all Council officials (councillors and employees), contractors and their employees and other business associates work together to maintain Council's reputation.
- 3.2 These standards are based upon the standards within Council's Code of Conduct, which apply to all Council officials.
- 3.3 In dealing with Council there is a strong expectation that contractors and/or business associates are responsible for maintaining our high ethical standards in all contract work. Port Stephens Council expects all parties to perform their duties with integrity, honesty and fairness.
- 3.4 Reference should be made to Council's Code of Conduct for definitions for matters such as "token gifts" "gifts and benefits of token value".

### What you can expect from Council

- 3.5 Council will ensure that all its policies, procedures and processes relating to tendering, contracting and the purchasing of goods or services are consistent with best practice and the highest standards of ethical conduct.

## Policy

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## Policy



3.6 The elected Council and employees of Council are bound by the Port Stephens Council Code of Conduct. When doing business with the private sector, the Mayor, Councillors and staff are accountable for their actions and are expected to:

- a) Use public resources effectively and efficiently
- b) Deal fairly, honestly and ethically with all individuals and organisations
- c) Avoid any conflict of interest (real or perceived)
- d) All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to provide their services to Council
- e) All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts
- f) Council will not release confidential and proprietary information without firstly consulting with the owner of the information.

### What Council requires of private sector providers

3.7 Council requires all private sector providers of goods and services to observe the following principles when doing business with Council:

- a) Comply with Council's procurement policies and procedures
- b) Provide accurate and reliable advice and information when required
- c) Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- d) Act ethically, fairly and honestly in all dealing with Council
- e) Take all reasonable measures to prevent the disclosure of confidential Council information
- f) Refrain from engaging in any form of collusive practice including offering the Mayor, a Councillor or Council staff inducements or incentives designed to improperly influence the conduct of their duties
- g) Refrain from discussing Council business or information with the media
- h) Assist Council to prevent unethical practices in our business relationship.

### Why is compliance important?

3.8 By complying with Council's Statement of Business Ethics, contractors and/or business associates will be able to advance their business objectives and interests in a fair and ethical manner. As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage any contractors and/or business associates in any way.

## Policy

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## Policy



3.9 Contractors and/or business associates should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct will lead to:

- a) termination of contracts
- b) loss of future work
- c) loss of reputation
- d) investigation for corruption
- e) matters being referred for criminal investigation.

3.10 The information below is additional information that should be considered as part of this Statement.

### Conflicts of Interest

3.11 If a conflict of interest in the work with Council exists or arises, the contractors and/or business associates must disclose it to Council. A conflict of interest arises if the contractors and/or business associates own interests (that may be business, contractual or social interests), or those of other people close to the contractors and/or business associates, conflict with your obligations to the Council.

3.12 A conflict would exist where contractors and/or business associates have a personal interest, or your relative, company/organisation, employer or other person known to the contractors and/or business associates has an interest, that could lead the contractors and/or business associates to be influenced in the way you carry out your duties for the Council.

### Gifts and benefits

3.13 Gifts or benefits must not be offered to any Council official which are or could be construed to be designed to gain any advantage for the contractors and/or business associates or their organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty.

3.14 A contractors and/or business associates should not accept any gift in relation to their work at Council which could influence, or be seen to influence, their impartiality in relation to the work or services provided to Council.

3.15 In no circumstances should cash be offered to a Council official.

## Policy

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## Policy



- 3.16 Note: If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately under the Council's policies and procedures.

### Confidential and Personal Information

- 3.17 A **C**ontractors and/or business associates must take care to maintain the security of any confidential or personal information they become aware of in their work with the Council.
- 3.18 A **C**ontractors and/or business associates must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through their dealings with the Council.
- 3.19 Personal information is any information that can identify an individual.
- 3.20 No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- 3.21 Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to the Council's Privacy Contact Officer by telephone on (02) 4988 0255.
- 3.22 Council officials also are required to only release information in accordance with the Government Information (Public Access) Act 2009. For further information please contact Council's Right to Information Officer by telephone on (02) 4988 0255.

### Council resources

- 3.23 Council resources may only be used to do work for the Council with Council's approval.
- 3.24 Council resources include material, equipment, vehicles, documents, records, data and information.

### Public comment

- 3.25 A **C**ontractors and/or business associates must not make any public comment or statement that would lead anyone to believe that they are representing Council, or expressing its views or policies.
- 3.26 This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

## Policy

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## Policy



### Alcohol and drugs

- 3.27 No one should come to work for the Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to their safety or the safety of others.

### Offers on secondary employment to Council staff

- 3.28 If a contractor offers a Port Stephens Council staff member secondary employment whilst they are still employed with the Council, the Council staff member must seek approval from Council's General Manager prior to commencing any secondary employment.
- 3.29 Approval may not be granted if there is a potential for conflict with their official duties at Council.

### Reporting corruption, maladministration and wastage

- 3.30 When contracted to Port Stephens Council a contractor is considered to be a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act and subject to the ICAC's jurisdiction.
- 3.31 When undertaking work for Council, contractors have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste to Council to Council's **Public Interest Disclosures Coordinator** Officer or the General Manager by telephone on (02) 4988 0255.
- 3.32 Alternatively, any report of suspected corruption can be made to the ICAC, or maladministration to the NSW Ombudsman.
- 3.33 For the purposes of the Public Interest Disclosures Act 1994, contractors are considered to be a council official when conducting works on behalf of Council. Therefore, a contractor may make a disclosure under the Public Interest Disclosures Act 1994.

### Breaches of the Code

- 3.34 Failure to comply with this Statement of Business Ethics may cause contract penalty clauses to be invoked and/or civil or criminal proceedings to be brought or other action considered to be appropriate by Port Stephens Council.

## 4. DEFINITIONS:

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

Council means Port Stephens Council.

### Policy

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## Policy

Council official	means Mayor, Councillor, employee of Port Stephens Council, a volunteer or contractor.
Contractor	means an individual, business or company engaged by Port Stephens Council to provide goods and services.
ICAC	Independent Commission Against Corruption NSW.
Statement of Business Ethics	means the Statement of Business Ethics of Port Stephens Council.

### 5. STATEMENT:

#### 5.1 This policy will:

- a) Encourage openness, transparency and accountability in all dealings relating to procurement, contracting, supply of goods and services and general business relationships.
- b) Build and maintain ethical relationships with the community and in particular the private sector.
- c) Ensure all parties/organisations understand Council's public duty obligations.
- d) Maintain corruption resistant, ethical work practices.
- e) Manage any potential conflicts of interest, risk and perceptions that can occur in business transactions between public and private sectors.

5.2 Port Stephens Council is committed to the standards in this Statement of Business Ethics. They reflect the high standards expected by our community and as such you are expected to maintain these standards and principles when undertaking work for, or on behalf of our Council.

5.3 Any questions about any matter relating to this Statement of Business Ethics should be directed to Council's Public Officer by telephone on (02) 4988 0255.

### 6. RESPONSIBILITIES:

- 6.1 All Council employees are responsible for complying with this policy.
- 6.2 The Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

### 7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993 (NSW)
- 7.2 Independent Commission Against Corruption Act 1989 (NSW)
- 7.3 NSW Ombudsman Act 1974 (NSW)
- 7.4 Public Interest Disclosures Act 1994 (NSW)
- 7.5 Port Stephens Council Code of Conduct.

#### Policy

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## Policy



- 7.6 Privacy and Personal Information Protection Act 1998  
 7.7 Government Information (Public Access) Act 2009  
 7.8 Public Interest Disclosures Act 2022.

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<b>EDRMS container No</b>	PSC2010-00010	<b>EDRMS record No</b>	20/148794 TBC
<b>Audience</b>	Council officials, contractors		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	Two 3 years	<b>Next review date</b>	13 February 2022 13 February 2025
<b>Adoption date</b>	14 December 2010		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Development of first policy	408
1.1	11/02/2014	Executive Officer	Review of policy.	019
1.2	13/02/2018	Governance Manager	Transfer of policy into new corporate policy template and minor administrative review to include the Public Interest Disclosure Act 1994.	015

## Policy

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## Policy



Version	Date	Author	Details	Minute No.
1.3	10/03/2020	Governance Section Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner.</p> <p>2.1 – insert 'Office' and delete 'Division'.</p> <p>3.28, 3.29 &amp; 3.31 – updated to improve intent of subject matter.</p> <p>6.2 – inserted the word 'Section' in the title.</p>	051
1.4		Governance Section Manager	<p>The policy has been updated in the new policy template and updated the version control.</p> <p>Minor grammatical errors amended.</p> <p>The following clauses were amended:</p> <p>3.4 – removed "token gifts" and replace with "gifts and benefits of a token value".</p> <p>3.31 – remove "to Council" and "Officer" and insert "Public Interest" and "Coordinator".</p> <p>7.6 – insert "Privacy and Personal Information Protection Act 1998".</p> <p>7.7 – insert "Government Information (Public Access) Act 2009".</p> <p>7.8 - insert "Public Interest Disclosures Act 2022"</p>	

### Policy

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**ITEM NO. 5**

**FILE NO: 22/96811  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: TIMOTHY CROSDALE - ACTING GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
  - a. Clontarf Foundation – Mayoral funds - \$1000 donation towards a Clontarf Port Stephens Further Education Scholarship.
  - b. Nelson Bay Diggers – Mayoral funds - \$1000 donation towards transportation costs for travelling bowlers.
  - c. Soldiers Point Rural Fire Service – Mayoral funds - \$1000 donation towards painting doors at the Soldiers Point Rural Fire Service station.
  - d. East Ward funds – Cr Leah Anderson – Rapid Response - \$150 donation to Nelson Bay Croquet Club towards club licence agreement fee.
  - e. East Ward funds – Cr Leah Anderson – Rapid Response - \$500 donation to Shoal Bay Community Association towards brochures for Tomaree Headland and membership form.
  - f. East Ward funds – Cr Leah Anderson – Rapid Response - \$500 donation to Fingal Bay Park Group towards Barry Park refurbishments.

---

**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

**ORDINARY COUNCIL - 12 JULY 2022**

the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Clontarf Foundation	The Clontarf Foundation uses a unique, innovative and highly successful approach to assist young Aboriginal and Torres Strait Islander men to transition into meaningful employment.	\$1000	Donation towards a Clontarf Port Stephens Further Education Scholarship.
Nelson Bay Diggers Bowls Club	An intra club of the Nelson Bay Wests Diggers Group with 100 members, the majority of which are veterans.	\$1000	Donation towards transportation costs for travelling bowlers.
Soldiers Point Rural Fire Service	A volunteer fire service providing emergency and fire services to the community.	\$1000	Donation towards painting doors at the Soldiers Point Station.

**WARD FUNDS**

Nelson Bay Croquet Club	A small community club with an objective to conduct, encourage and advance the sport of croquet.	\$150	Donation towards club licence agreement fee.
Shoal Bay Community Association	A group of community volunteers.	\$500	Donation towards brochures for Tomaree Headland and membership form.
Fingal Bay Park Group	A group of community volunteers.	\$500	Donation towards Barry Park refurbishments.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Provide the Community Financial Assistance Program

**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. 6**

**FILE NO: 22/164850  
EDRMS NO: PSC2021-04203**

**INFORMATION PAPERS**

REPORT OF: TIMOTHY CROSDALE - ACTING GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 12 July 2022.

---

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	May 2022 Cash and Investments	64
2	Reusable Nappies and Menstrual Products	67
3	Petition - Medowie Skatepark Proposal	71
4	2022 National General Assembly - Conference Report	73
5	Questions on Notice / Questions with Notice	80
4	Council Resolutions	81

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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 22/147648  
EDRMS NO: PSC2017-00180**

**MAY 2022 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 May 2022.

Council's current cash position is supported by a number of unspent capital grants that are in progress and the advancement of the Federal Assistance Grant for the 2022/2023 financial year.

**ATTACHMENTS**

1) May 2022 Cash and Investments.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## ITEM 1 - ATTACHMENT 1 MAY 2022 CASH AND INVESTMENTS.

## Cash and Investments Held as at 31 May 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
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
Commonwealth Bank of Australia	CBA	AA	TD	0.90%	67	5-Jul-22	2,500,000	2,500,000
Mutual Bank	Curve	NR	TD	1.00%	123	5-Jul-22	1,000,000	1,000,000
Judo Bank	RIM	BBB	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
Judo Bank	Laminar	BBB	TD	0.80%	349	18-Aug-22	875,000	875,000
BNK Bank	Laminar	NR	TD	0.77%	376	14-Sep-22	875,000	875,000
Judo Bank	Laminar	BBB	TD	0.80%	390	28-Sep-22	875,000	875,000
National Australia Bank	Curve	AA-	TD	1.20%	181	11-Oct-22	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	0.80%	361	11-Oct-22	750,000	750,000
Arab Bank	Laminar	NR	TD	0.86%	369	8-Nov-22	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	1.00%	375	22-Nov-22	750,000	750,000
AMP Bank	Laminar	BBB	TD	1.00%	368	22-Nov-22	750,000	750,000
AMP Bank	Laminar	BBB	TD	1.00%	390	20-Dec-22	1,000,000	1,000,000
Mutual Bank	Curve	NR	TD	1.10%	397	3-Jan-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	1.57%	271	10-Jan-23	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	1.00%	405	17-Jan-23	800,000	800,000
Judo Bank	Laminar	BBB	TD	0.99%	368	31-Jan-23	470,000	470,000
Bank of Queensland	BOQ	BBB	TD	0.80%	382	14-Feb-23	955,000	955,000
Westpac	Westpac	AA-	TD	0.95%	391	14-Mar-23	1,000,000	1,000,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	397	29-Mar-23	1,000,000	1,000,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	411	12-Apr-23	1,000,000	1,000,000
Judo Bank	Curve	BBB	TD	1.05%	425	26-Apr-23	650,000	650,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	432	3-May-23	600,000	600,000
Commonwealth Bank of Australia	CBA	AA	TD	3.17%	365	9-May-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.12%	454	16-May-23	1,000,000	1,000,000
Mutual Bank	Curve	NR	TD	1.25%	551	6-Jun-23	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	1.35%	550	20-Jun-23	585,000	585,000
Macquarie Bank	Curve	A+	TD	0.95%	487	4-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.30%	517	18-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.48%	629	7-Nov-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.53%	732	30-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.53%	746	13-Feb-24	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.72%	741	27-Feb-24	1,000,000	1,000,000
Bank of Queensland	BOQ	BBB	TD	2.60%	727	26-Mar-24	900,000	900,000
Suncorp	Suncorp	AA-	TD	2.71%	735	8-Apr-24	1,000,000	1,000,000
Judo Bank	IAM	BBB	TD	3.35%	732	23-Apr-24	825,000	825,000
Judo Bank	IAM	BBB	TD	3.35%	746	7-May-24	825,000	825,000
Macquarie Bank	Laminar	A+	At Call	0.55%			3,000,000	3,001,122

## ITEM 1 - ATTACHMENT 1 MAY 2022 CASH AND INVESTMENTS.

## Cash and Investments Held as at 31 May 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
<b>Total Term Deposits (\$)</b>							<b>40,085,000</b>	<b>40,086,122</b>
TCorp Short Term Income Fund	TCorp	AAA					5,000,000	4,985,163
TCorp Medium Term Growth Fund	TCorp	AAA					2,500,000	2,559,132
TCorp Long Term Growth Fund	TCorp	AAA					1,000,000	1,119,879
<b>Total Investments (\$)</b>							<b>48,585,000</b>	<b>48,750,296</b>
<b>Cash at Bank (\$)</b>							<b>10,603,436</b>	<b>10,603,436</b>
<b>Total Cash and Investments (\$)</b>							<b>59,188,436</b>	<b>59,353,732</b>
Cash at Bank Interest Rate	0.45%							
3 month BBSW	1.00%							
Average Investment Rate of Return on TD's	1.24%							
TD = Term Deposit								
*Standard & Poors Long Term Rating								
<b>Certificate of Responsible Accounting Officer</b>								
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.								
<b>Tim Hazell</b>								
<b>Financial Services Section Manager</b>								

**ITEM NO. 2****FILE NO: 22/160452  
EDRMS NO: PSC2021-03003****REUSABLE NAPPIES AND MENSTRUAL PRODUCTS**

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

**BACKGROUND**

The purpose of this report is to provide information on rebate programs in response to the Council resolution (Minute No. 020) of the Council meeting of 8 February 2022 (**ATTACHMENT 1**), relating to reusable nappies and menstrual products. It was resolved that the General Manager would initiate discussions with Council's waste provider, to see whether they would pass on a reduction in costs to Council, to support a rebate program for residents.

Port Stephens Council have a contract with Veolia/Suez to provide waste collection services and a contract with the City of Newcastle for waste disposal services at the Summerhill landfill site.

The collection contract involves trucks picking up the waste placed on the kerbside, where Council pays a bin lift rate per bin. The waste is taken to Summerhill landfill, where it is weighed upon entry to the site. Under the disposal contract, the weight recorded determines the tonnage charged for the disposal of waste. Council then pays a rate per tonne delivered to the site for disposal.

Given this information, Council's waste providers are unable to provide a reduction in costs passed on to Council, as they cannot determine the exact percentage these products account for in the volume of waste that is disposed on each haul.

Wagga Wagga City Council is one of six Council's across NSW offering a rebate program to residents purchasing reusable nappies and menstrual products. The rebate schemes vary in detail, however there are consistent components across all programs, which include offering a 50% rebate of the purchase price (up to a maximum rebate amount) and a nominated budget for the rebate, which includes an education component.

For comparison purposes, Wagga Wagga City Council, with a similar population size to Port Stephens, offers a rebate of up to \$100 for 50% of purchase costs and have allocated a budget of \$15,000 for rebates and \$15,000 for education.

Penrith City Council, with a larger population than Port Stephens, offers a rebate of up to \$100 for 50% of purchase costs and have allocated a budget of \$20,000 without any education.

Of the Council's mentioned above, Penrith has little in terms and conditions. Whereas Wagga Wagga has items such as modern cloth nappies, all in one nappies, night nappies and swim nappies as well as menstrual products such reusable pads menstrual cups and reusable underwear all claimable under the rebate. With accessories such as wet bags, change mats and swaddles not eligible.

As part of the development of the Waste Management Strategy, data collected from a number of sources, including a bin audit, has assisted in determining the makeup of disposable of nappies and menstrual products within the bins collected in Port Stephens. The results of the audit for these waste streams came back indicating these products make up approximately 4% of the total waste within our area, an estimate of 100 tonnes. The national average for these products is also 4%, although this figure varies across the state.

It is important to acknowledge that waste management is a 'user pays' service therefore there will always be an expense to Council. To implement a trial rebate scheme for reusable nappies and menstrual products for Port Stephens residents, a budget allocation of \$20,000 for the rebate and a further \$6,000 for education and administrative costs would be required.

If Council was to budget \$20,000 to rebates, the impact to the landfill waste stream would be negligible, as the maximum rebate would only be available to 200 people.

There would also be an expense to Council to cover the compliance of any Terms and Conditions associated with the scheme. Terms and Conditions are required to ensure fairness and equality across the Council for the provision of the rebate. Council does not have budget available to initiate a trial rebate program this financial year.

Taking into consideration Council's current financial situation and the percentage of waste these products account for in our annual tonnages, there are limited benefits to Council, residents and the environment therefore we will not be progressing with a trial rebate program at this point in time.

## **ATTACHMENTS**

- 1) Notice of Motion - Reusable Nappies and Menstrual Products - 2 February 2022.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 NOTICE OF MOTION - REUSABLE NAPPIES AND MENSTRUAL PRODUCTS - 2 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022****NOTICE OF MOTION****ITEM NO. 6****FILE NO: 21/288520****EDRMS NO: PSC2017-00019****REUSABLE NAPPIES AND MENSTRUAL PRODUCTS****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes that other Councils such as Wagga Wagga Council offer rebates to residents who use reusable nappies and menstrual products, to reduce the volume of these products reaching landfill.
- 2) Asks the General Manager to initiate discussions with Council's waste provider, to see whether they would provide a reduction in costs passed on to Council if these products could be removed from landfill, and using those savings in waste costs to provide a rebate to those purchasing reusable products.

**ORDINARY COUNCIL MEETING - 8 FEBRUARY 2022  
MOTION**

<b>020</b>	<b>Councillor Giacomo Arnott Councillor Leah Anderson</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes that other Councils such as Wagga Wagga Council offer rebates to residents who use reusable nappies and menstrual products, to reduce the volume of these products reaching landfill.</li><li>2) Asks the General Manager to initiate discussions with Council's waste provider, to see whether they would provide a reduction in costs passed on to Council if these products could be removed from landfill, and using those savings in waste costs to provide a rebate to those purchasing reusable products.</li></ol>
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The motion was carried.

**ITEM 2 - ATTACHMENT 1 NOTICE OF MOTION - REUSABLE NAPPIES AND MENSTRUAL PRODUCTS - 2 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022****BACKGROUND REPORT OF: TAMMY GUTSCHE – COMMUNITY SERVICES SECTION MANAGER****BACKGROUND**

The reusable nappy and menstrual products rebate scheme is currently being trialled across a number of Councils including Wagga Wagga and Penrith. The aim of the scheme is to take the financial pressure off families and women trying to reduce their waste footprint. Disposable nappies end up in landfill where they take up to 150 years to break down. Whilst cloth nappies require detergents and water to wash, they are a better alternative for both the environment and families' finances.

Also included in the trial are free community workshops that provide information and resources around the financial benefits of reusable cloth nappies and menstrual products, different styles of products and how to clean and maintain them.

Council's Waste Services team has commenced research into the rebate scheme as part of the 'Source separated organics collection' option identified in the implementation plan component of the draft Waste Management Strategy 2021-2031.

As benchmarking of other Councils progresses, discussions will be held with our waste service provider to look at potential savings that could be achieved, and the potential to implement within Port Stephens LGA.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 22/162945  
EDRMS NO: PSC2015-03017**

**PETITION - MEDOWIE SKATEPARK PROPOSAL**

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

**BACKGROUND**

The purpose of this report is to advise Council of a petition received with 498 signatures from Medowie Skate & Scoot requesting a new skatepark be built in Medowie Town Centre at 38 Ferodale Road, Medowie.

An existing skatepark is located at 26 Grey Gum Street, adjacent to the Medowie Tennis Courts, Boyd Oval and the residence at 49 Ferodale Road. The skatepark is of an outdated design and in average condition. Council recently completed minor upgrades at the site including refurbishing the basketball half court and installing new pathways and park furniture. There is no provision for a new Medowie skatepark in Council's adopted 10 Year Capital Works Program or Works Plan Plus.

A Place Plan for Medowie is currently being developed in consultation with the Medowie community. The Plan aims to comprehensively consider the needs and desires of the Medowie community and identify the best use of the land at 38 Ferodale Road.

The land at 38 Ferodale Road was acquired and a possible future use is the establishment of a District Park. A skatepark is identified as a suitable facility within a District Park in accordance with the recommendations of Council's adopted Recreation Strategy 2018. Should a skatepark be constructed at 38 Ferodale Road the existing skatepark would be demolished.

**ATTACHMENTS**

- 1) Petition - Medowie Skatepark Proposal.

**COUNCILLORS ROOM**

- 1) Petition.

**TABLED DOCUMENTS**

Nil.

**Request:**

Therefore, we ask Port Stephens Council to build a new skate park on the 7.6 hectare site in the Medowie Town Centre, 38 Ferodale Road, Medowie.



**ITEM NO. 4**

**FILE NO: 22/174080  
EDRMS NO: PSC2021-04213**

**2022 NATIONAL GENERAL ASSEMBLY - CONFERENCE REPORT**

REPORT OF: TIMOTHY CROSDALE - ACTING GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to provide information on the 2022 National General Assembly held in Canberra from 19-22 June 2022 (**ATTACHMENT 1**).

**ATTACHMENTS**

- 1) 2022 National General Assembly Conference Report.

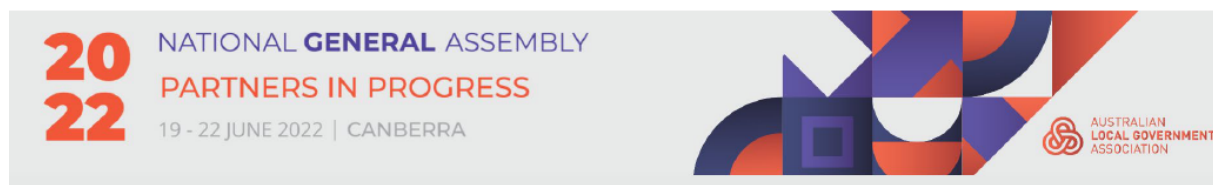
**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1      2022 NATIONAL GENERAL ASSEMBLY  
CONFERENCE REPORT.**



**Day 1**

**Opening by ALGA President Cr Linda Scott**

The National General Assembly of 2022 is the 28<sup>th</sup> National General Assembly and incorporates 537 Local Governments across all States and Territories of Australia.

**Address from Governor General of the Commonwealth of Australia, the Honorable David Hurley AC DSC**

**Virtual Presentation – Hon Catherine King MP**

The importance of developing stronger regional partnerships and ensuring Local Government get a seat at the table going forward.

**President's Address – Cr Linda Scott**

- Cr Scott opened the Assembly putting strong emphasis of moving forward and the need for disaster mitigation funding; funding to prevent the significant impacts on communities in the events of flooding, drought, bushfire and even pandemic.
- Cr Scott announced the partnering with National Disaster Resilience Agency and a commitment of \$200 million a year moving forward under the new government.
- Continuing to advocate for the improving telecommunications coverage whilst identifying the \$400 million commitment to improve coverage along roads and in regional towns.
- The announcement of the new government committing to giving local government a seat at the table, attending one meeting a year of the national cabinet.
- The need to maintain financial sustainability in local government.  
Advocating for the re implementation of the Australian Council of Local Government.
- The inadequacy of remuneration with only 4% of Australian Taxation Revenue being returned to Local Government.
- Commitment in writing to continue applying indexing to the Federal Grants.

**Keynote Speaker – Alicia McKay**

**Thinking differently about the future of Local Government**

An inspiring and engaging presentation that gave real perspective on the way we look at things and how those different perspectives can effectively stop us moving forward.

Using crisis to bring clarity, whether that crisis is large or small clarity will come.  
The progress blueprint:

- Get perspective and know your job.
- Embrace innovation, tricky problems and painful constraints.

**ITEM 4 - ATTACHMENT 1      2022 NATIONAL GENERAL ASSEMBLY  
CONFERENCE REPORT.****Panel – What is Progress?**

- Lapulung Dhamarrandji      President East Arnhem Regional Council
- Tracey Lefry      President Shire of Moora
- Cr Steve Krieg      Mayor of Lismore
- Cr Matthew Deeth      Deputy Mayor Wollondilly Shire Council and Chair  
National Growth Areas Alliance

**Presentation – Hon Murray Watt, Minister for Emergency Management, Minister for  
Agriculture, Fisheries and Forestries**

- Identified a critical issue priority as bio security and the impacts of the threats of Indonesian diseases such as foot and mouth and bumpy skin condition.
- Priority to rise input costs for farmers and producers, and the impacts of the energy crisis. Continue value addition to agriculture products. \$500 million dedication to Agriculture, Forestry and Fisheries.
- Preliminary talks with the Agriculture industry have been positive with people wanting to collectively work towards the goal and towards Climate Change.
- Wants to ensure Australia is better prepared for Natural Disasters.
- Increased Federal investing in disaster mitigation.
- We need to ensure we get much better at recovery and whilst we are improving, we need to continue to improve, but to improve we need to get all levels of Government working together.
- Housing is a very real problem. Implementation of a 10 billion Housing Australia Fund, an investment in social and affordable housing which would see 30,000 social and affordable homes built. With the housing fund working hand in hand alongside the National housing and Homelessness plan.

**Presentation – Dr Marcus Spiller****Local Government and Productivity**

- The effectiveness and efficiency of Local Government as a service provider.
- Local Governments have developed the ability to do more with less when drawing comparison with the State and Federal Governments.
- Through the analysis of the times, it was identified that Local Government effectively works with a flat pool of resources, whilst other levels of Government have a rising pool of resources.

**Presentation – Hon David Littleproud MP, Leader of the National Party**

Commitment as the leader of the National Party to work towards achieving common goals with local government.

**Presentation – Mayor Jacob Lesetja Dikgate, National Executive Committee member,  
South Africa Government Association**

Provided an insight into levels of Government in South Africa.

## ITEM 4 - ATTACHMENT 1 2022 NATIONAL GENERAL ASSEMBLY CONFERENCE REPORT.

### Day 2

#### Panel – Building Stronger Communities Garry Oakley – Head of JLT Public Sector

- Top 7 risks across the past 4 years.
- 2021 in descending order – Financial Sustainability, Cyber, Assets and Infrastructure, Disaster and Catastrophic events, Reputation, BCP, Climate Change and Adaptation.



#### Muheed Jamaldeen – Director Deloitte Access Economics

- The change in mindset and the economic cost of natural disasters.
- Muheed quite appropriately pointed out continuing on the disaster response recovery treadmill is not a sustainable long-term strategy and moving forward with economic modelling will allow us to look beyond the immediate.

#### Cr Sharon Cadwallader – Mayor Ballina

- Forward planning for skills resources and processes to develop effective partnerships in natural disasters.
- The strength in communities, supporting organisations and agencies has been exceptional.
- We need to look at opportunities to provide mental health training and response to trauma training for the individuals wanting to volunteer at incidents.  
The importance of pre disaster mitigation funding is so vital now, so we can plan for the future and not suffer the same catastrophic devastation.

#### Federation Reborn Panel Paul Tilley – Economist

- History of Local Government funding.  
Discussion on the three revenue streams of Local Government being taxation (such as rates), fees and charges and intergovernmental grants.

**ITEM 4 - ATTACHMENT 1      2022 NATIONAL GENERAL ASSEMBLY  
CONFERENCE REPORT.**

- The constitution gives the Commonwealth the main economic levers, whilst they may have the main revenue bases, they grow in line with economic growth.
- Local Government has only one tax base, but it is a good one.
- United grants have undergone a structural decline over the last 40 years compared to Commonwealth revenue, and this is largely because the escalation factor does not pick up on economic growth.

**Graham Jarvis – AEC Group**

- Financial, Economic and Social benefits of financial assistance grants. Study on the importance of grants to the community.
- There is a shortfall to achieve horizontal equalization. A shortfall in the vicinity of \$3.5 billion.
- Local Governments have a high reliance on financial assistance grants as they are not tied to terms and conditions and are not competitive.
- Financial assistance grants support \$8.2 billion in economic output. Increasing of the financial assistance grants to 1% would achieve an additional \$2.6 billion in funding to Local Government.
- Any freezing of grants would impact on necessary social factors, including health and welfare.

**Zali Steggall OAM – Independent Federal Member Warringah**

The importance of coordinating approaches across all levels of local government, identifying that the average person does not differentiate between the levels they just want the job done.

**Stan Grant – Keynote Speaker**

An inspirational speaker on global democracy, the fact democracy never lasts and the 15 years of declining democracy.

**Ambassador Address – Ukraine Ambassador Vasyl Myroshnychenko**

- The presentation of a 5 minute video detailing the extensive and wide spread devastation experienced across all Ukrainian cities, the cost and time to rebuild.
- The support from Australia has been phenomenal.
- 14 million people displaced. 4000 Ukrainians spread out through Australia on Humanitarian Refugee Visas.

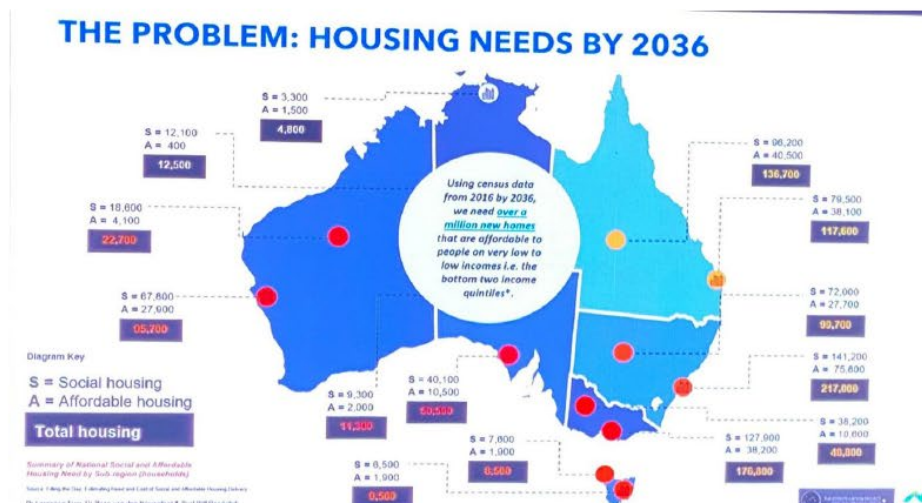
**Panel – Population, Housing and Workforce Skills  
Damien White- Treasury**

- It is an assumption that growth in capital cities and regions will return to pre-pandemic levels 22/23 and continue in its growth.
- Migration to regional areas in the highest on record.

**Wendy Hayhurst – CEO Community Housing Industry Association.**

By 2036 Australia will need an additional 1 million new houses.

ITEM 4 - ATTACHMENT 1 2022 NATIONAL GENERAL ASSEMBLY  
CONFERENCE REPORT.



**Common Housing Concerns**

- Housing is not treated as essential infrastructure.
- Crude housing supply number vs need for a diverse mix of housing.
- Responsibility for investment in social and affordable housing.
- Housing's role in productivity, health and wellbeing and emission reductions.
- The absence of a national housing strategy that responds to the economic outlook.

**Michelle Tjondro – LG Workforce and Organisation Capacity Project**

A skilled workforce is a growing concern across all industries especially Local Government.

Early insights into the council survey.



The report will provide greater insight into skilling the future of local government workforce.

**ITEM 4 - ATTACHMENT 1      2022 NATIONAL GENERAL ASSEMBLY  
CONFERENCE REPORT.****Day 3****The Hon Linda Burney MP – Minister for Indigenous Australians**

The Uluru voice represents an idea, which is as profound as it is simple.

**Panel – Closing the Gap****Jody Broun – CEO National Indigenous Australians Agency**

- Working across all levels of Government for how we can do better and working with the partnership between levels of Government and Indigenous people.
- Agenda the Government has set out to deliver on, shared decision making and co design with Aboriginal people across Australia.
- Strong connection to community, with 30% increase in Indigenous people running in Local Government elections.
- Commitment from Government for funding for housing in Aboriginal communities.

**Fiona Cornforth, CEO The Healing Foundation**

- The National agreement, in a formal partnership to address the disparity and life outcomes for First Nations people. Two years into a 10 year agreement.
- Each party, Government or otherwise is responsible for updating, reporting on the implementation plan. Ensuring a shared trajectory to the outcome.

**Dr Jonathon Carr West – CEO Local Government Information Unit UK**

- LGIU Australia is a local Government think tank, a global hub for the best information, ideas and insight about Local Government and Local Democracy.
- A global network of local authorities, public servants and politicians supporting each other to strengthen democracy.
- Local Government as the institution form those facilities and legitimizes localism.
- The future requires innovation, civic engagement and place leadership.
- Profound decline in the faith of democracy.
- Just under half Australians are dissatisfied with democracy.

**Mayoral Panel – What have we learned**

Ald Doug Chipman	Mayor Clarence City Council
Dr Heather Holmes-Ross	Mayor of City of Mitcham
Cr Jasmine Nguyen	Mayor Brimbank City Council
Cr Shaun Radnedge	Mayor Murweh Shire Council



**ITEM NO. 5****FILE NO: 22/173154  
EDRMS NO: PSC2021-02510****QUESTIONS ON NOTICE / QUESTIONS WITH NOTICE****REPORT OF: TIMOTHY CROSDALE - ACTING GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

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

<b>Item:</b>	3
<b>Councillor:</b>	Councillor Giacomo Arnott
<b>Date Received:</b>	28 June 2022
<b>Question with Notice:</b>	Why was it proposed to remove clause 3.2 of the Alternative Dispute Resolution policy?
<b>Response:</b>	Clause 3.2 was proposed to be removed as the Alternative Dispute Resolution policy applies to a whole range of disputes, not just breaches of law/enforcement responsibilities.
<b>Item:</b>	4
<b>Councillor:</b>	Councillor Giacomo Arnott
<b>Date Received:</b>	28 June 2022
<b>Question with Notice:</b>	Why was it proposed to remove part of clause 5.4.7 of the Council Prosecutions policy?
<b>Response:</b>	The second part of clause 5.4.7 was proposed to be deleted as the possible quantum of any fines is among the potential outcomes of any Court action, and thus the wording in the second part of the clause is superfluous.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM NO. 6**

**FILE NO: 22/164847  
EDRMS NO: PSC2017-00106**

**COUNCIL RESOLUTIONS**

REPORT OF: TIMOTHY CROSDALE - ACTING 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 resolutions.
- 2) Development Services Group resolutions.
- 3) Facilities and Services Group resolutions.
- 4) General Manager's Office resolutions.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/12/2022	12/05/2021	21/123694
<b>01 Jul 2022</b> In principle approval received from Crown Lands.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/12/2022		
<b>01 Jul 2022</b> Two private owners, Hunter Water Corporation and National Parks and Wildlife Service (NPWS). Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 199	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/09/2022		20/288489
<b>01 Jul 2022</b> Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 090	Ordinary Council 13/04/2021	Pattison, Zoe	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/07/2022	14/04/2021	21/96728
<b>01 Jul 2022</b> Matter ongoing.						

**ITEM 6 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP  
RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	13/07/2021
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/05/2022	Lamont, Brock	Re-Establish of Alcohol Free Zones in Medowie and Shoal Bay	31/07/2022	12/05/2022	
2		Peart, Steven				22/124235
<b>29 Jun 2022</b> On Public Exhibition until 21 July 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Drinan, Kate	Minor DA Modification Reporting	27/08/2022	25/02/2022	
7 060		Peart, Steven				22/57049
<b>29 Jun 2022</b> Policy has been updated in accordance with the Ordinary Council meeting of 14 June 2022 recommendations. Policy has been placed on exhibition until 15 July 2022. If submissions are received the Policy will be returned to a future council meeting. Should no submissions be received, the Policy will be adopted.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Lamont, Brock	Grant Suspension 2022	29/07/2022	27/05/2022	
4		Peart, Steven				22/136825
<b>29 Jun 2022</b> Awaiting outcome of Financial Sustainability Committee.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/06/2022	Gardner, Janelle	Communications & Engagement Strategy	22/07/2022	16/06/2022	
8		Peart, Steven				22/155619
<b>29 Jun 2022</b> Place the revised draft Communication & Engagement Strategy, as amended on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted, without a further report to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 14/06/2022	Drinan, Kate	POLICY REVIEW - PLANNING MATTERS TO BE REPORTED TO COUNCIL POLICY	19/08/2022	16/06/2022	
4		Peart, Steven				22/155619
<b>29 Jun 2022</b> Endorsed: Place the revised Planning Matters to be Reported to Council 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.						

**ITEM 6 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.**



<b>Division:</b>	Development Services	<b>Date From:</b>	13/07/2021
<b>Committee:</b>		<b>Date To:</b>	28/06/2022
<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	31/08/2022	25/02/2022	
2 055		Pearl, Steven				22/57049
<b>29 Jun 2022</b> Council Report being drafted and will be reported to Council Meeting 23/08/2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	23/07/2022		
4		Pearl, Steven				21/190429
<b>29 Jun 2022</b> A two way is scheduled for 19 July 2022 - Discuss Publication of Development Application Information and Submissions.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	31/07/2022	15/09/2021	
1 240		Pearl, Steven				21/252518
<b>29 Jun 2022</b> Strategic Planning have scheduled a meeting on 7 July 2022 with the DSG Group Manager and Strategy and Environment Section Manager.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE	30/09/2022	14/02/2022	
7 032		Pearl, Steven				22/45826
<b>29 Jun 2022</b> Report is being drafted and will be reported back to Council at the 9 August 2022 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lourens, Rean	Carbon Neutrality	30/09/2022	13/10/2021	
2 275		Pearl, Steven				21/274186
<b>29 Jun 2022</b> Natural Systems team will complete a report to Ordinary Council in September 2022 stepping through the roadmap to achieving carbon neutrality by 2025, along with suitable funding source to achieve the goal.						

**ITEM 6 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	08/12/2020
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 16 041	Ordinary Council 8/02/2022	Gutsche, Tammy Kable, Gregory	Independent Audit of Financial Positions of 355c Hall Committees	30/09/2022	14/02/2022	22/45826
<b>04 Jul 2022</b> Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 7 092	Ordinary Council 22/03/2022	Maretich, John Kable, Gregory	Identifying Potholes	30/09/2022	23/03/2022	22/81589
<b>01 Jul 2022</b> Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 15 039	Ordinary Council 8/02/2022	Burton , Paul Kable, Gregory	Basketball Backboard and Rings - Croquet Court, Boomerang Park	31/08/2022	14/02/2022	22/45826
<b>01 Jul 2022</b> Further investigation on the foundation will be undertaken to ensure the court is fit for the proposed use. Report will then be provided back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 9 034	Ordinary Council 8/02/2022	Burton , Paul Kable, Gregory	Boomerang Park BBQs	31/08/2022	14/02/2022	22/45826
<b>01 Jul 2022</b> Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 13 037	Ordinary Council 8/02/2022	Maretich, John Kable, Gregory	Tomaree Road Footpath	31/07/2022	14/02/2022	22/45826
<b>30 Jun 2022</b> Report will be provided to Council.						

**ITEM 6 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	08/12/2020
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/04/2022	Maretich, John	Lakeside Leisure Centre	31/01/2023	28/04/2022	
2		Kable, Gregory				22/109684
114						
<b>30 Jun 2022</b>						
Report to be prepared to go back to Council						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Taylor's Beach	31/08/2022	27/05/2022	
3		Kable, Gregory				22/136825
<b>23 Jun 2022</b>						
Works will be investigated and an Information paper with responses on actions will go back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/06/2022	Maretich, John	Policy Review - Parks and Roadside Memorials Policy	30/09/2022	16/06/2022	
5		Kable, Gregory				22/155619
<b>30 Jun 2022</b>						
The Parks and Roadside Memorials Policy has been placed on Public Exhibition until 12 July 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Fingal Bay	31/08/2022	27/05/2022	
2		Kable, Gregory				22/136825
<b>23 Jun 2022</b>						
Works will be investigated and an information Paper with Action responses will go back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825
<b>30 Jun 2022</b>						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months.						

**ITEM 6 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	08/12/2020
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	World Menstruation Hygiene Day	30/09/2022	27/05/2022	
1		Kable, Gregory				22/136825
<b>01 Jul 2022</b>						
A report will be prepared for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Mitchell, Darren	Hydrogen and Electric Vehicles in Council's Fleet	16/08/2022		
2		Kable, Gregory				21/190429
177						
<b>01 Jul 2022</b>						
Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.						

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	30/09/2022		
4		Kable, Gregory				21/218740
208						
<b>01 Jul 2022</b>						
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 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	19/08/2022	26/05/2021	
5		Kable, Gregory				21/138820
128						
<b>01 Jul 2022</b>						
This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.						

**ITEM 6 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	08/12/2020
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Mitchell, Darren	Fly Point and Little Beach Parking/SMART Parking	31/07/2022		
3		Kable, Gregory				20/391301
<b>30 Jun 2022</b>						
The 2 way session held in late April was predominantly for Shoal Bay and Birubi, not specifically Fly Point and Little Beach as mentioned last month. A Council report has been drafted for additional Smart Parking locations which will include these two sites, Fly Point and Little Beach. the report will go to Council in July 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton , Paul	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/08/2022		
2 012		Kable, Gregory				21/33235
<b>30 Jun 2022</b>						
Two way Council briefing will be scheduled in the near future to discuss the future of this land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Mitchell, Darren	Kirrang Drive, Medowie Shared Pathway	17/08/2022	13/08/2021	
8 217		Kable, Gregory				21/218740
<b>01 Jul 2022</b>						
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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	30/09/2022	14/02/2022	
2 027		Kable, Gregory				22/45826
<b>01 Jul 2022</b>						
Investigation underway to determine viability as requested.						



**ITEM 6 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	08/12/2020
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b>	Monday, 4 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	30/09/2022	14/02/2022	
5 030		Kable, Gregory				22/45826
<b>01 Jul 2022</b>						
Report shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	30/09/2022	14/02/2022	
6 018		Kable, Gregory				22/45826
<b>01 Jul 2022</b>						
Report with requested information shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
<b>30 Jun 2022</b>						
This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/09/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
<b>04 Jul 2022</b>						
Paperwork currently being prepared for the Mayor and General Manager for the official seal.						



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	28/06/2022
	<b>Committee:</b>		<b>Date To:</b>	28/06/2022
	<b>Officer:</b>		<b>Printed:</b> Monday, 4 July 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/06/2022	Wickham, Tony	CODE OF MEETING PRACTICE REVIEW	19/08/2022	29/06/2022	
5		Crosdale, Tim				22/171244
<b>04 Jul 2022</b>						
The Code of Meeting Practice has been placed on public exhibition until 15 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/06/2022	Wickham, Tony	POLICY REVIEW: COUNCIL PROSECUTIONS	5/08/2022	29/06/2022	
4		Crosdale, Tim				22/171244
<b>04 Jul 2022</b>						
The policy has been placed on public exhibition until 1 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/06/2022	Wickham, Tony	POLICY REVIEW: ALTERNATIVE DISPUTE RESOLUTION	5/08/2022	29/06/2022	
3		Crosdale, Tim				22/171244
<b>04 Jul 2022</b>						
The policy has been placed on public exhibition until 1 August 2022.						

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 22/173950**

**EDRMS NO: PSC2021-04195**

**KOALA SIGNAGE**

**COUNCILLOR: LEAH ANDERSON**

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**THAT COUNCIL:**

- 1) Works collaboratively with a local resident and Port Stephens Koala Hospital regarding signage for Koalas in Koala kill hotspots across Port Stephens.
  - 2) Requests the General Manager to provide a report to Council on options to consider, costs involved and collaborative actions to place more signage in Port Stephens to raise awareness.
- 

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

**BACKGROUND**

If supported, staff shall prepare a report in accordance with the resolution of Council.

The installation of signage within the road reserve is prioritised to driving critical information and is assessed based on the existing road environment and crash data statistics.

Road safety signs in the road reserve are an important control for driver safety. Transport for NSW (TfNSW) has standards relating to roadside signage which are designed to minimise distractions for drivers.

Animal warning signs generally have greatest impact on a driver during the first trip along the road, however, driver precautions often diminish on subsequent trips when an animal is not seen.

Noting the above, thoughtful consideration is required to be given to the placement of Koala signage within the road reserve which meets the TfNSW standards and which will be most effective in conveying its message.

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
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.