

# MINUTES – 12 SEPTEMBER 2023



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 12 September 2023, commencing at 5:30pm.

## PRESENT:

Mayor Ryan Palmer  
Cr Leah Anderson  
Cr Giacomo Arnott  
Cr Matthew Bailey  
Cr Glen Dunkley – arrived 6:00pm.  
Cr Peter Francis  
Cr Steve Tucker  
Cr Jason Wells  
General Manager  
Acting Corporate Services Group Manager  
Development Services Group Manager  
Facilities and Services Group Manager  
Governance Section Manager

197	<p><b>Councillor Jason Wells</b> <b>Councillor Matthew Bailey</b></p> <p>It was resolved that the apologies from Cr Chris Doohan and Cr Peter Kafer be received and noted.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

<b>MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023</b>
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Those against the Motion: Nil.

The motion was carried.

	Cr Anderson declared a less than significant non-pecuniary conflict of interest in Item 11. The nature of the interest is Cr Anderson is a member of the Rotary Club of Salamander Bay.
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<b>198</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Steve Tucker</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 22 August 2023 be confirmed.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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SUBJECT

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# DECLARATION OF INTEREST

ORDINARY COUNCIL - 12 SEPTEMBER 2023



## Declaration of Interest form

Agenda item No. 11  
 Report title Requests for Financial Assistance  
 Mayor/Councillor LEAH ANDERSON declared a

Tick the relevant response:

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

in this item. The nature of the interest is I AM A MEMBER  
OF THE ROTARY CLUB OF SALAMANDER BAY

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.)

I PERSONALLY DO NOT RECEIVE ANY BENEFIT

**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.

# COUNCIL REPORTS

**ITEM NO. 1****FILE NO: 23/184522  
EDRMS NO: PSC2022-02477****DEPUTY MAYOR ELECTION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determines the term of the Deputy Mayor be for the remainder of the term of Council.
  - 2) Determines the method of voting to elect the Deputy Mayor.
  - 3) Authorises the General Manager or his delegate to conduct the election of the Deputy Mayor.
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>199</b>	<b>Councillor Leah Anderson Councillor Giacomo Arnott</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Determines the term of the Deputy Mayor be for the remainder of the term of Council.</li><li>2) The method of voting to elect the Deputy Mayor be by open ballot.</li><li>3) Authorise the Governance Section Manager to conduct the election of the Deputy Mayor.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

The Mayor then handed over to the Returning Officer to conduct the election of the Deputy Mayor.

At the close of nominations for Deputy Mayor, 1 nomination was received for Cr Leah Anderson.

## **MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

Cr Leah Anderson was elected Deputy Mayor unopposed.

### **BACKGROUND**

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

The election of the Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2021, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the Local Government Act 1993.

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

The previous terms of the Deputy Mayor have been for a period of 1 year. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is normally 4 years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor for periods greater than 7 calendar days, which is funded from the Mayoral allowance.

### **NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR**

Nominations may be made without notice and should be made in writing by 2 or more Councillors (1 of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than 1 Councillor is nominated an election will take place.

### **DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR**

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

### **STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)**

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

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit 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, POLICY AND RISK IMPLICATIONS**

There is no legal requirement under the Local Government Act 1993 to elect a Deputy Mayor.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

Nil.



**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 2**

**FILE NO: 23/137003  
EDRMS NO: VF20/119**

**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020 –  
AMENDMENT NO. 3**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (**ATTACHMENT 1**) for exhibition.
- 2) Exhibits the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

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**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>200</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the draft Port Stephens Local Infrastructure Contributions Plan -Amendment No. 3 (<b>ATTACHMENT 1</b>) for exhibition.</li><li>2) Exhibits the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 3 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.</li><li>3) A further report be provided to Council at the conclusion of the public exhibition period.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis and Jason Wells.

Those against the Motion: Cr Steve Tucker.

The motion was carried.

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MATTER ARISING**

<b>201</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Notes that the \$20,000 cap on Council infrastructure contributions has not increased in a long time and is at a cap that makes it difficult to adequately fund and resource the community infrastructure required to build our local communities.</li><li>2) Writes to LGNSW with a motion for the LGNSW Conference 2023, requesting LGNSW to advocate to the NSW Government to conduct a review of the \$20,000 cap with a view towards allowing Councils to increase its infrastructure contributions above the cap if its infrastructure contributions plan can justify the increase, in light of increasing costs and increasing community demands on Council infrastructure.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan (LIC plan) – Amendment No. 3 (the Amendment) (**ATTACHMENT 1**).

Council collects local infrastructure contributions from new developments to assist in the funding of new and upgraded community infrastructure such as local roads, pathways, parks and sporting facilities to support growth and development. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan undergoes a minor review on an annual basis to make administrative changes and to update projects identified to support growth and development. The amendment includes the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

The policy and administrative amendments to the LIC plan relate to:

- Revoking the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to the supply of affordable housing
- Changes to the expenditure of haulage funds
- Clarifications regarding works to be undertaken in addition to haulage
- Clarifications regarding mixed use development
- Clarifications regarding conditioning for contributions
- Replacement of any reference to the recently repealed Housing State Environmental Planning Policy (SEPP)
- Replacement of occupancy rates
- Clarification of pooling of funds.

The removal of infrastructure items from the LIC plan includes:

- Items that have been funded by the LIC plan and completed
- Items that have been funded by sources other than infrastructure contributions (i.e. grant funding).

The amendment of the amounts dedicated to infrastructure items from the LIC plan relate to:

- Increasing market values for the delivery of infrastructure
- Increased scope of the infrastructure projects to be delivered.

The introduction of new infrastructure items into the LIC plan includes:

- The addition of infrastructure projects from the Strategic Assessment Management Plan (SAMP) that have been identified as being required to support growth and development.

The Amendment results in changes to the Kings Hill catchment as shown in the table below. Due to the \$20,000 per lot/dwelling cap on contributions applied to the remaining catchments these rates will not change.

<b>Contributions catchments</b>	<b>Current contribution rate</b>	<b>Proposed contribution rate</b>	<b>Difference</b>
Raymond Terrace and the West	\$20,000	\$20,000	\$0
Central Growth Corridor	\$20,000	\$20,000	\$0
Tomaree	\$20,000	\$20,000	\$0

**MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

<b>Contributions catchments</b>	<b>Current contribution rate</b>	<b>Proposed contribution rate</b>	<b>Difference</b>
Fern Bay	\$20,000	\$20,000	\$0
Kings Hill Urban Release Area (URA)	\$26,110	\$28,623	\$2,515

Proposed changes to the LIC plan are outlined in more detail in the Amendment.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Program to develop and implement Council's key planning documents

**FINANCIAL/RESOURCE IMPLICATIONS**

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the Amendment includes infrastructure not considered essential to support new development.	Low	Accept the recommendation.  The LIC plan is informed by independent studies and Council's adopted SAMP.	Yes

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		The plan identifies the infrastructure needs of projected population increases. Endorse the Amendment for public exhibition.	
There is a risk that local infrastructure contributions will impact development feasibility.	Low	Accept the recommendation.  Contributions rates have been calculated in accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012, which sets a maximum cap of \$20,000 for residential contribution rates. Rates have been calculated to fund the infrastructure prioritised as necessary to provide the facilities and services of the projected population. Rates have also been benchmarked to ensure development charges are reasonable.	Yes
There is a risk that the Amendment includes infrastructure items that have been incorrectly costed and Council will need to fund a shortfall in the future.	Low	Accept the recommendation.  The LIC plan is informed by independent studies and Council's adopted SAMP. The plan identifies the infrastructure costs based on current market conditions. The annual review of the LIC plan allows for cost escalation. Endorse the Amendment for public exhibition.	Yes

## Environmental Planning and Assessment Act 1979 (EP&A Act)

Part 7 of the EP&A Act authorises council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

### Environmental Planning and Assessment Regulations 2021 (EP&A Regulation)

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contribution plan, pursuant to clause 215 (1).

Clause 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

Clause 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment will be carried out in accordance with the EP&A Regulation.

### Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are in line with these figures, the Amendment satisfies the Direction.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided across the Port Stephens Local Government Area (LGA) and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability.

## **CONSULTATION**

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

### Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services Section, Assets Section and Development Assessment and Compliance Section.

The projects in the Amendment have been aligned with Council's SAMP, Capital Works Program, Place Plans, Plans of Management and adopted land use strategies.

External

The Amendment will be publicly exhibited in accordance with the EP&A Regulations for a period of 28 days, including being made available on Council's website. Submissions made during the exhibition period will be considered in a report to Council with details of any post-exhibition changes.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Local Infrastructure Contributions Plan. (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM NO. 3**

**FILE NO: 23/115077  
EDRMS NO: 79-2023-2-1**

**STREET TREE STRATEGY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the report on the development of a Street Tree Strategy.
  - 2) Continues to identify opportunities to fund the development of a Street Tree Strategy.
  - 3) Places the Street Tree Strategy development and implementation on the Strategic Asset Management Plan Works Plus Program for future funding consideration.
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>202</b>	<b>Councillor Leah Anderson Councillor Jason Wells</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Receives and notes the report on the development of a Street Tree Strategy.</li><li>2) Continues to identify opportunities to fund the development of a Street Tree Strategy.</li><li>3) Places the Street Tree Strategy development and implementation on the Strategic Asset Management Plan Works Plus Program for future funding consideration.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

At the 28 March 2023 meeting, Minute No. 070 (**ATTACHMENT 1**), Council resolved to:

- 1) Notes that Council does not currently have a Street Tree Strategy to encourage, promote and facilitate a commitment to increasing the number of street trees throughout the town centres of Port Stephens.
- 2) Requests that the General Manager prepares a report on the development of a Street Tree Strategy with the aim of increasing street trees in town centres where they will have a significant impact on reducing urban heat, improving amenity, promoting biodiversity and making areas more desirable to live and visit.

Port Stephens Council's current approach to tree management is generally reactive and risk-based.

Additions to Council's street tree portfolio are generally the result of new development and the controls imposed by the Port Stephens Development Control Plan 2014. Street trees are also delivered as part of Council's broader capital works projects. Opportunistic project-based planting has been carried out in the past with the support of Council's volunteers, however, this is not an ongoing program. A capital budget is not currently allocated for street tree replacement or for additional street tree planting in town centres.

Street trees are important assets for communities and Councils due to the many benefits they provide. Street trees increase biodiversity, reduce runoff, improve water and air quality, have positive impacts on the mental and physical health of the community, increase the amenity of a place and enhance local property values. In urban areas, particularly town centres, shading and air cooling by street trees significantly reduces the Urban Heat Island effect, where heat-storing hard surfaces (such as roofs, pavement and roads) increase local temperatures and exacerbate the impact of heat waves.

A Street Tree Strategy would provide clear guidelines for the short-term and long-term management of the town centres street tree network. A developed Street Tree Strategy would prioritise streets within town centres across Port Stephens with a focus on cost effectiveness and the practicality of planting projects at each location. It would identify streets within town centres, such as residential streets, arterial roads and town entrances, which are less costly to implement and could be planted in partnership with the community. These projects could provide significant benefits and could be implemented strategically over time as funding becomes available. Funding for the development and implementation of the Street Tree Strategy needs to be identified. Further, a commitment to provide annual funding for ongoing tree maintenance would also be required.

The estimated costs for the development and implementation of a Street Tree Strategy has been provided below. Final costs would need to be determined through Council's procurement processes and would be subject to change.

<b>Deliverables</b>		<b>Estimated Costs</b>
Development of the Street Tree Strategy and associated upgrades to Council's Asset Register for Street Trees	<ul style="list-style-type: none"> <li>• Site assessment and program objectives</li> <li>• Review existing documentation including the Nelson Bay and Raymond Terrace Public Domain Plans, Place Plans, Town Plans, Strategies, Port Stephens Tree Technical specifications and Delivery Programs</li> <li>• Community engagement</li> <li>• Identification and mapping of 'town centre' boundaries</li> <li>• Prioritisation schedule of street tree planting across the town centres</li> <li>• Street tree selection and planting arrangements</li> <li>• Technical guidelines</li> <li>• Program of works (implementation timing)</li> <li>• Monitoring actions</li> <li>• Consultant costs</li> <li>• Upgrades to Council's Asset Register to include Street Trees within the town centres.</li> </ul>	\$ 60,000 (incl. GST)
<b>Total one-off cost</b>		<b>\$60,000 (incl. GST)</b>
Annual Implementation of the Street Tree Strategy and ongoing maintenance works	<ul style="list-style-type: none"> <li>• Community engagement</li> <li>• Site preparation works</li> <li>• Purchase of plants and materials</li> <li>• Planting labour works</li> <li>• Planting maintenance works</li> <li>• Traffic control (when required)</li> </ul>	\$350,000 (incl. GST) per annum
<b>Total ongoing costs</b>		<b>\$350,000 (incl. GST) per annum</b>

Currently, there are no funding opportunities available to facilitate the development and implementation of a Street Tree Strategy.

## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

In the absence of a Street Tree Strategy, Street Tree Masterplans have been developed as part of the endorsed Raymond Terrace and Nelson Bay Public Domain Plans. Funding is currently being investigated for the delivery of actions within the Nelson Bay Public Domain Plan including street trees.

Developer contributions could be partially used to fund the Raymond Terrace Street Tree Masterplan. The implementation of these masterplans would assist Council in partially achieving the objectives of its resolution of 28 March 2023, Minute No. 070 (**ATTACHMENT 1**).

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Develop and deliver a program for Council to implement environmental strategies and policies

### FINANCIAL/RESOURCE IMPLICATIONS

A funding source has not been identified for the development and implementation of the Street Tree Strategy. Council's Smart Parking program has been identified as a funding source for the implementation of the Nelson Bay Public Domain Plan. Developer Contributions can partially contribute to funding for tree projects in certain town centres including Raymond Terrace, Medowie and Fern Bay, however funding for the residual apportionment has not been identified. Council will continue to identify funding opportunities for the development of a Street Tree Strategy and the implementation of projects that come from it.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes	60% apportionment	Only available to projects in Raymond Terrace, Nelson Bay, Medowie and Fern Bay town centres. Funding for remaining 40% apportionment would need to be identified.
External Grants	No		
Other – Smart Parking	Yes	100%	Only available to projects that form part of the delivery of the Nelson Bay Public Domain Plan.

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without the development and implementation of the Street Tree Strategy, Council and the community does not realise the benefits of a comprehensive street tree network.	Medium	Accept the recommendation.  Continue to identify funding opportunities.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development and implementation of a Street Tree Strategy could lead to a reduction in urban heat, increased biodiversity, reductions in runoff, improved water and air quality, and improved mental and physical health of the community while increasing amenity and enhancing local property values.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Natural Systems unit to determine existing documentation concerning street trees, past challenges with the implementation of tree programs, and the expected costs of developing and implementing a Street Tree Strategy.

**Internal**

- Public Domain and Services Section
- Assets Section
- Strategy and Environment Section.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No. 070, 28 March 2023.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 23/35916****EDRMS NO: PSC2021-04195****STREET TREE STRATEGY****COUNCILLOR: LEAH ANDERSON****THAT COUNCIL:**

- 1) Notes that Council does not currently have a Street Tree Strategy to encourage, promote and facilitate a commitment to increasing the number of street trees throughout the town centres of Port Stephens.
- 2) Requests that the General Manager prepares a report on the development of a Street Tree Strategy with the aim of increasing street trees in town centres where they will have a significant impact on reducing urban heat, improving amenity, promoting biodiversity and making areas more desirable to live and visit.

**ORDINARY COUNCIL MEETING - 28 MARCH 2023  
MOTION**

<b>070</b>	<b>Councillor Leah Anderson Councillor Jason Wells</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes that Council does not currently have a Street Tree Strategy to encourage, promote and facilitate a commitment to increasing the number of street trees throughout the town centres of Port Stephens.</li><li>2) Requests that the General Manager prepares a report on the development of a Street Tree Strategy with the aim of increasing street trees in town centres where they will have a significant impact on reducing urban heat, improving amenity, promoting biodiversity and making areas more desirable to live and visit.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Matthew Bailey, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**PORT STEPHENS COUNCIL****80**

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023****BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER****BACKGROUND**

Port Stephens Council's current approach to tree management is generally reactive and risk based. This approach is endorsed by Council as part of the Integrated Planning and Reporting Framework and, more specifically, the Strategic Asset Management Plan.

Additions to Council's street tree portfolio are generally the result of new development and the controls imposed by the Port Stephens Development Control Plan 2014. Street trees are also delivered as part of Council's broader capital works projects. Opportunistic project based planting has been carried out in the past with the support of Council's volunteers, however, this is not an ongoing program.

A capital budget is not currently allocated for street tree replacement or for additional street tree planting in town centres. Street trees do form a critical part of the endorsed Raymond Terrace and Nelson Bay Public Domain Plans, however, planting is generally included as part of broader and more significant public space upgrades. The amenity and value provided by street trees is recognised as having high community value in Council's Liveability Survey results and is a consistent theme with the community as Place Plans are being developed.

Should this motion be supported, a report would be prepared detailing:

- The scope and limitations of a proposed Street Tree Strategy
- The resourcing requirements to prepare and implement the Strategy
- Identification of external funding opportunities available to support the delivery of the Strategy
- The ongoing recurrent budget implications to deliver the Strategy.

**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		



**MINUTES ORDINARY COUNCIL - 28 MARCH 2023**

**ATTACHMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 23/203386  
EDRMS NO: PSC2009-02488**

**POLICY REVIEW - CHILD PROTECTION POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Child Protection Policy shown at **(ATTACHMENT 1)**.
- 2) Places the revised Child Protection Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the revised policy without a further report to Council.
- 3) Revokes the Child Protection Policy dated 11 February 2020, Minute Number 015.

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**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>203</b>	<p><b>Councillor Jason Wells Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the revised Child Protection Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Places the revised Child Protection Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the revised policy without a further report to Council.</li><li>3) Revokes the Child Protection Policy dated 11 February 2020, Minute Number 015.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

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

During 2017, the Royal Commission handed down its recommendations into Institutional Responses to Child Sexual Abuse that affect Local Government. Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government which includes the Child Safe Standards were developed.

A key outcome of the reforms has been the adoption in NSW of the 10 Child Safe Standards and subsequent legislation which triggered new responsibilities for councils.

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	Deliver governance services and internal audit program.

**FINANCIAL/RESOURCE IMPLICATIONS**

The policy has no known financial or resource implications and any activities will continue to be carried out in line with existing budgets.

<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**

If Council does not have a policy in place and it is not socialised through the organisation, then it may be at risk of noncompliance with State and Federal Government child protection legislation therefore not assisting in the protection of children and young people in the workplace.

## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

The policy outlines with professional and legal obligations of Council staff in relation to child protection and ensures that Council implements procedures for the prompt and confidential response to allegations against Council staff.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without a policy in place, Council may be non-compliant with State and Federal Government child protection legislation.	Medium	Adopt the recommendations.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy provides the framework to ensure Council meets a number of key responsibilities in relation to creating a child safe organisation including compliance with State and Federal Government child protection legislation.

It promotes the health, safety, welfare and wellbeing of children and young people in the LGA ensuring that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.

### CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Support Section.

#### Internal

- Organisation Support Section Manager.
- Human Resources Manager.
- Children's Services Coordinator.
- Executive Team.

#### External

In accordance with local government legislation the revised Child Protection Policy will go on public exhibition for a period of 28 days.

### OPTIONS

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

3) Reject the recommendations.

**ATTACHMENTS**

1) Revised Child Protection Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2009-02488

**TITLE:** CHILD PROTECTION POLICY

**OWNER:** HUMAN RESOURCES MANAGER  
ORGANISATION SUPPORT SECTION MANAGER

### 1. PURPOSE:

- 1.1 Council is committed to ensuring compliance with current State and Federal Government child protection legislation and to protect children and young people in the workplace.
- 1.2 The purpose of this policy is to:
  - a) Ensure Council is compliant with NSW Child Protection Legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
  - b) Articulate the professional and legal obligations of Council staff in relation to child protection.
  - c) Ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students and persons undertaking work experience and contractors/suppliers where a child or young person is involved.
  - d) Promote the health, safety, welfare and wellbeing of children and young people.
  - e) Ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
  - f) Ensure that Council is implementing best practice, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

### 2. CONTEXT/BACKGROUND:

- 2.1 Council supports the rights of children and young people and is committed to their care and protection. Council believes that the safety and wellbeing of children and young people is everybody's business.
- 2.2 Council staff, volunteer's, partners and contractors share a commitment to the awareness, prevention and response to the suspected Risk of Significant Harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.
- 2.3 Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation facilitated by the Governance Section Manager.

## Policy

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## Policy



- 2.4 Council adopts the Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards.

### 3. SCOPE:

- 3.1 This policy applies to all Council staff, Mayor and Councillors, contractors and sub-contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, facility hirers and leasees.
- 3.2 This policy reflects Council's commitment to:
- 3.2.1 The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017):
- a) Principle 1: The organisation focuses on what is best for children.
  - b) Principle 2: All children are respected and treated fairly.
  - c) Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
  - d) Principle 4: Children receive services from skilled and caring adults.
- 3.2.2 The Child Safe Standards identified by the Royal Commission (2017):
- a) Child safety is embedded in institutional leadership, governance and culture.
  - b) Children participate in decisions affecting them and are taken seriously.
  - c) Families and communities are informed and involved.
  - d) Equity is upheld and diverse needs are taken into account.
  - e) People working with children are suitable and supported.
  - f) Processes to respond to complaints of child sexual abuse are child focused.
  - g) Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
  - h) Physical and online environments minimise the opportunity for abuse to occur.
  - i) Implementation of the Child Safe Standards is continuously reviewed and improved.
  - j) Policies and procedures document how the institution is child safe.

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# Policy



## 4. DEFINITIONS:

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

Abuse	A term used to refer to different types of maltreatment. In this document, it refers to types of maltreatment that children and young people experience, including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.
Child	A person who is under the age of 16 years.
Child-safe organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voice of the child is valued and actioned.
DCJ	Department of Communities and Justice (DCJ). DCJ is the NSW Government agency responsible for the care and protection of children and young people.
Mandatory reporters	People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the Children and Young Persons (Care and Protection) Act 1998. This includes, but is not limited to, professionals working in: health care, welfare, education, children's services, residential services and law enforcement.
MRG	Mandatory Reporter Guide. The MRG is a decision making tool to assist mandatory reporters determine what and when to report the suspected risk of significant harm of a child or young person.
Neglect	The failure by a parent or carer to provide a child or young person with essentials for their physical, psychological, emotional, educational, medical and developmental wellbeing.
Risk of significant harm	The threshold to report child protection concerns to DCJ via the Child Protection Helpline.
WWCC	Working with children check. The WWCC is a requirement for anyone who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for 5 years, or a bar against working with children.
Young person	A person who is between the ages of 16 – 18 years.

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## Policy



### 5. STATEMENT:

- 5.1 Council supports children and young people having safe and happy experiences in our community, accessing our facilities and in our care. Council maintains the active participation of children in the organisation by involving children and young people in decision making, particularly in matters that directly impact them.
- 5.2 All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

### 6. RESPONSIBILITIES:

- 6.1 The Human Resources Manager **Organisation Support Section Manager** is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 Mandatory Reporting Risk of Significant Harm
  - 6.2.1 Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are legislatively required to report these concerns to the ~~Family and Community Services~~ (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters as well as members of the community can also report the suspected risk of significant harm via the DCJ Child Protection Helpline on 132 111. Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998.
- 6.3 Recruitment and Selection
  - 6.3.1 Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or engaged in child-related work. Human Resources (HR) manage all selection and recruitment related WWCC. This is in line with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.
- 6.4 Allegations Against Staff
  - 6.4.1 Complaints against staff involving a child or young person will be handled in accordance with the relevant legislation, specifically Part 3A of the Ombudsman Act 1974 (NSW), which mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the

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## Policy



relevant oversight agency in accordance with Council's reporting obligations.

### 6.5 Child-safe organisation

- 6.5.1 Council promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the principles of child-safe organisations.

## 7 RELATED DOCUMENTS:

- 7.1 Civil Liability (Organisational Child Abuse) Liability Act 2018.
- 7.2 Advocate for Children and Young People Act 2014.
- 7.3 Child Protection (Offenders Prohibition Orders) Act 2004.
- 7.4 Child Protection (Offenders Registration) Act 2000.
- 7.5 Child Protection (Working with Children) Act 2012.
- 7.6 Child Protection (Working with Children) Regulation 2013.
- 7.7 Children and Young Persons (Care and Protection) Act 1998.
- 7.8 Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- 7.9 Children and Young Persons (Care and Protection) Regulation 2012
- 7.10 Children's Guardian Act 2019
- 7.11 Commission for Children and Young People Act 1998.
- 7.12 Crimes Act 1900.
- 7.13 Crimes (Domestic and Personal Violence) Act 2007.
- 7.14 Education and Care Services National Law Act 2010.
- 7.15 Education and Care Services National Regulations 2012.
- 7.16 Government Information (Public Access) Act 2009.
- 7.17 Ombudsman Act 1974.
- 7.18 Young Offenders Act 1997.
- 7.19 Convention on the Rights of the Child.
- 7.20 Port Stephens Council Code of Conduct.
- 7.21 Port Stephens Council Complaint Handling Policy.
- 7.22 Port Stephens Council Recruitment & Selection Management Directive.
- 7.23 Port Stephens Council Volunteers Policy
- 7.24 Mandatory Reporter Guide (MRG) 2010.
- 7.25 National Framework for Protecting Australia's Children 2009–2020.
- 7.26 NSW Child Safe Standards
- 7.27 Office of the Children's Guardian's Principles for Child Safe Organisations (2017)
- 7.28 Principles for Child Safe Organisations (2017).
- 7.29 Royal Commission into Institutional Responses to Child Sexual Abuse (2017).
- 7.30 The ChildStory Reporter Community.
- 7.31 The United Nations Convention on the Rights of the Child (1990)

## Policy

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## Policy



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<b>EDRMS container No</b>	PSC2009-02488	<b>EDRMS record No</b>	TBA
<b>Audience</b>	Council staff		
<b>Process owner</b>	Human Resources Manager Organisation Support Section Manager		
<b>Author</b>	Human Resources Manager Organisation Support Section Manager		
<b>Review timeframe</b>	2 3 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	11 February 2020		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	11/02/2020	Human Resources Manager	New policy developed.	015
2.0	TBA	Organisation Support Section Manager	<p>4 – Definitions: updated references to 'Family and Community Services (FaCS) to 'Department of Communities and Justice (DCJ) to reflect current naming convention.</p> <p>6.1 – Responsibilities updated to 'Organisation Support Section Manager' to reflect current naming convention.</p> <p>6.2.1 - Deleted 'FaCS' and replaced with 'DCJ'.</p> <p>7.8 - Added 'Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015'.</p>	TBA

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## Policy



			<p>7.9 - Added 'Children and Young Persons (Care and Protection) Regulation 2012'.</p> <p>7.10 - Added 'Children's Guardian Act 2019'.</p> <p>7.23 - Added 'Port Stephens Council Volunteers Policy'.</p> <p>7.26 - Added 'NSW Child Safe Standards'.</p> <p>7.27 – Added 'Office of the Children's Guardian's Principles for Child Safe Organisations (2017)'.</p> <p>7.31- Added 'The United Nations Convention on the Rights of the Child (1990)'.</p> <p>Controlled document information:</p> <ul style="list-style-type: none"> <li>- Policy owner and author updated to 'Organisation Support Section Manager' to reflect current naming convention.</li> <li>- Review timeframe amended to 3 years in accordance with Council's policy review cycle.</li> </ul>	
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## Policy

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**ITEM NO. 5**

**FILE NO: 23/193702  
EDRMS NO: PSC2015-02099**

**POLICY REVIEW - FORESHORE VESSEL STORAGE POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Foreshore Vessel Storage Policy shown at **(ATTACHMENT 1)**.
- 2) Places the revised Foreshore Vessel Storage 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) Revokes the Foreshore Dinghy Storage Policy dated 27 April 2021, Minute No. 098, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>204</b>	<p><b>Councillor Jason Wells</b> <b>Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the revised Foreshore Vessel Storage Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Places the revised Foreshore Vessel Storage 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.</li><li>3) Revokes the Foreshore Dinghy Storage Policy dated 27 April 2021, Minute No. 098, should no submissions be received.</li></ol>
------------	---

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is seek Council's endorsement of the revised Foreshore Dinghy Storage Policy (the 'policy') (**ATTACHMENT 1**) on public exhibition.

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

The revision follows changes to legislation that has seen the Impound Act 1993 replaced by the Public Spaces (Unattended Property) Act 2021.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2023-2033

**FINANCIAL/RESOURCE IMPLICATIONS**

There are nil financial/resource implications.

The annual registration fee is documented and reviewed annually through the Port Stephens Council Fees and Charges process.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		The recommendation will not result in any financial or resource implications.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The removal of unregistered vessels can occur under the Public Spaces (Unattended Property) Act 2021.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the dinghy storage racks at Foster Park, Roy Wood Reserve and Dutchman's Beach Reserve will reach capacity.	Medium	Terms and Conditions of registration state that space on the vessel storage racks is not guaranteed. If full, vessels will need to be stored securely adjacent to the area.	Yes
There is a risk that unauthorised vessels may be left at foreshore reserves.	Low	Port Stephens Council Rangers to continue foreshore inspections.	Yes
There is a risk that the head height overhang from kayaks and canoes stored on dinghy racks will cause injury to the public.	Medium	Restrict the permitted length of kayaks/canoes to 3 metres in the policy. This is consistent with dinghy restrictions.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Recreational boating and watercraft provide recreational enjoyment of Port Stephens waterways. The interaction/balance between the general public recreation use of public land and vessel storage needs to be managed. This policy provides for the management of vessels to gain a better interaction/balance.

## **CONSULTATION**

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

### Internal

Review has been undertaken with Community Assets.

### External

In accordance with local government legislation the draft Foreshore Vessel Storage Policy will go on public exhibition for 28 days.

## **OPTIONS**

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

3) Reject the recommendations.

**ATTACHMENTS**

1) Foreshore Vessel Storage Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## Policy



**FILE NO:**            **PSC2015-02099**

**TITLE:**            **FORESHORE VESSEL STORAGE POLICY**

**OWNER:**          **ASSETS SECTION MANAGER**

### **1.    PURPOSE:**

- 1.1 To provide a framework to enable a balance between the storage of vessels and other recreational activities as well as providing a compliance mechanism to manage this balance.

### **2.    CONTEXT/BACKGROUND:**

- 2.1 This policy was prompted due to the number of dinghies and other vessels being stored on foreshore reserves. Vessels provide resident and visitor access to the waterways of Port Stephens, however, it was noted that a number of reserves throughout the Port Stephens Council area were cluttered with abandoned and unauthorised dinghies, kayaks, canoes and catamarans. This was limiting the ability of the residents of Port Stephens and visitors to enjoy our beautiful beaches and waterways. Greater order and management of vessels is required to preserve the equitable access of foreshore reserves.

### **3.    SCOPE:**

- 3.1 Dinghy storage on foreshore reserves is only permissible with the approval of Council, under a user pay system where income will be allocated to the maintenance, improvement, enforcement and initial signage of foreshore dinghy storage facilities.
- 3.2 Kayak and canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves listed in this policy.
- 3.3 A permit system will enable Council to identify vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves and subsequently will enable their removal.

### **4.    DEFINITIONS:**

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

Dinghy	A single or multi-hulled vessel up to a maximum length of 3.0 metres.
Kayak and canoe	A single hull vessel up to a maximum length of 5.0 meters. Kayaks and canoes are only permitted on foreshores listed in Policy Statement 5.10.

## Policy

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## Policy



Unauthorised vessel	Is a vessel not included in the 'dinghy' definition or the 'Kayak and Canoe' definition, this would include but not limited to any single or multi-hulled vessel over 3.0 metres in length, a medium/large trailable vessel, trailer sailer, catamaran, sailboard, jetski, surfboard, work punt, pontoon, sailboat (fitted with mast), rowing skull, inflatable boat.
Derelict vessel	Is a dinghy or other vessel left on public land, which appears to be unseaworthy by the evidence of damage to affect vessel flotation and users safety.
Abandoned vessel	An abandoned vessel is a dinghy or other vessel left on public land, which appears to be un-owned; left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration.

### 5. STATEMENT:

- 5.1 Port Stephens Council is committed to providing recreational facilities and services in keeping with Council's vision and key corporate objectives.
- 5.2 This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees. The registration will be 12 months, with renewal occurring during July for the financial year. A 6 month registration will be available from January to June of the same financial year.
- 5.3 Dinghy, kayak and canoe storage will be managed to ensure there is minimal environmental impacts.
- 5.4 Inspections will be undertaken as required to determine the percentage of registered vessels.
- 5.5 Those vessels not registered or with an expired registration will be deemed abandoned and removed from the foreshore.
- 5.6 Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers. These vessels will be held at Council's impound and may be disposed of in accordance with the **Public Spaces (Unattended Property) Act 2021**. Impounding Act 1993.
- 5.7 Dinghies, kayaks and canoes without a permit sticker and stored on a dinghy storage rack will be removed under the **Public Spaces (Unattended Property) Act 2021**. Impounding Act 1993.
- 5.8 Owners of unregistered vessels that have been removed from the foreshore will have 3 months to retrieve their vessel. If the vessel has not been claimed after 3 months, it may be sold by tender.
- 5.9 Council managed foreshore reserves with designated storage areas include:
  - Shoal Bay Foreshore Reserve, Shoal Bay

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## Policy



- Marrungbangbaa Reserve, Shoal Bay
- Dutchman's Beach, Nelson Bay
- Corlette Point Park, Corlette
- Roy Wood Reserve, Corlette
- Georges Reserve, Salamander Bay
- Wanda Beach Reserve, Salamander Bay
- Kangaroo Point Reserve, Soldiers Point
- Everitt Park, Soldiers Point
- Sunset Beach, Soldiers Point
- Taylors Beach Foreshore, Taylors Beach
- John Parade Foreshore, Lemon Tree Passage
- Koala Reserve, Lemon Tree Passage
- Lilli Pilli Park, Lemon Tree Passage
- Nyrang Reserve, Lemon Tree Passage
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay
- Swan Park, Tanilba Bay.

5.10 Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:

- Dutchman's Beach, Nelson Bay
- Tanilba Park, Tanilba Bay (no storage area provided)
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay.

The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised.

5.11 Council will review the registration fee annually.

### **6. RESPONSIBILITIES:**

6.1 The Assets Section Manager has overall responsibility for implementation of this policy.

### **7. RELATED DOCUMENTS:**

- 7.1 State Environmental Planning Policy (Coastal Management) 2018.
- 7.2 Crown Land Domestic Waterfront Licences – Guidelines 2018.
- 7.3 Local Government Act 1993.
- 7.4 ~~Impounding Act 1993~~ **Public Spaces (Unattended Property) Act 2021.**

## Policy

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<b>EDRMS container No.</b>	PSC2015-02099	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Community, Assets Section, Community and Recreation, Staff and General Manager		
<b>Process owner</b>	Assets Section Manager		
<b>Author</b>	Community and Recreation <b>Assets</b> Coordinator		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	TBC
<b>Adoption date</b>	14/4/2015		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14/04/2015	Community and Recreation Coordinator	Adopted by Council.	086
2	23/07/2019	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template. Policy Owner – Updated. 2.1, 2.2, 2.3, 5.1 Reworded to improve content. 5.1 Removed due to definitions are identified in 4.1. 5.3 Additional wording. 7.1, 7.2, 7.3 Removed old policy and added new policy. Adopted by Council.	166
3	27/04/2021	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template.  Amendments following Notice of Motion tabled 10 Nov 2020 Ordinary Council meeting to amend	098

## Policy

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## Policy



Version	Date	Author	Details	Minute No.
			<p>policy to permit kayaks/canoes at selected reserves.</p> <p>Title of policy amended to Foreshore Vessel Storage in line with Notice of Motion.</p> <p>1.1, 3.3 &amp; 5.5 Word 'dinghy' interchanged with 'vessel'.</p> <p>2.1, 2.3, 6.2, 6.3 &amp; 6.5 Deleted.</p> <p>2.2 Reworded to improve content.</p> <p>3.1 Reworded "foreshore reserves is only permissible with the approval of Council".</p> <p>3.2 Added "Kayak and Canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves list".</p> <p>3.3 Added "vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves.</p> <p>4.1 Added "Kayak and Canoe" definition. Added "Kayaks and Canoes that do not meet the above definition to "Unauthorised vessel" definition.</p> <p>Added to Abandoned vessel definition "left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration."</p> <p>5.2 Added "This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees.</p> <p>5.3 Added "Dinghy, kayak and canoe storage will be managed to</p>	

### Policy

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## Policy



Version	Date	Author	Details	Minute No.
			<p>ensure there is minimal environmental impacts.</p> <p>5.4 Reworded to improve content.</p> <p>5.5 Added "or with an expired registration".</p> <p>5.6 Added "Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers." from 5.9.</p> <p>5.7 Added "kayaks and canoes".</p> <p>5.9 Sentences removed and added to 5.6. Added additional locations.</p> <ul style="list-style-type: none"> <li>• Marrungbangbaa Reserve, Shoal Bay.</li> <li>• Lilli Pilli Park, Lemon Tree Passage.</li> <li>• Nyrang Reserve, Lemon Tree Passage.</li> <li>• Peace Park, Tanilba Bay.</li> <li>• Swan Park, Tanilba Bay.</li> </ul> <p>5.10 Added "Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:</p> <ul style="list-style-type: none"> <li>• Dutchman's Beach, Nelson Bay.</li> <li>• Tanilba Park, Tanilba Bay (no storage area provided).</li> <li>• Foster Park, Tanilba Bay.</li> <li>• Peace Park, Tanilba Bay.</li> </ul> <p>The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised."</p>	

### Policy

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## Policy



Version	Date	Author	Details	Minute No.
			<p>6 Added "The Assets Section Manager has overall responsibility for implementation.</p> <p>Council resolved to amend the definition of a kayak and canoe to increase the length of a vessel from 3.0 metres to 5.0 metres.</p>	
4	TBA	Community Asset Coordinator	<p>Change Author Title.</p> <p>5.6, 5.7 &amp; 7.4 Remove Impounding Act 1993 and add Public Spaces (Unattended Property) Act 2021.</p>	TBA

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**ITEM NO. 6**

**FILE NO: 23/187611  
EDRMS NO: PSC2023-03231**

**POLICY - DATA BREACH**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the new Data Breach policy shown at **(ATTACHMENT 1)**.
- 2) Places the new Data Breach policy, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.

---

Cr Glen Dunkley entered the meeting at 6:00pm.

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>205</b>	<b>Councillor Leah Anderson Councillor Jason Wells</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorses the new Data Breach policy shown at <b>(ATTACHMENT 1)</b>, subject to an amendment to clause 3.7e – that the Mayor and Councillors be notified of any data breach under the policy.</li><li>2) Places the new Data Breach policy, on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.</li></ol>
------------	--

Cr Giacomo Arnott moved an amendment to clause 3.7e of the policy, to include “that the Mayor and Councillors be notified of any data breach under the policy.” The amendment was accepted by the mover and seconder.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.



Cr Glen Dunkley left the meeting at 6.00pm

## **BACKGROUND**

The purpose of this report is seek Council's endorsement of the new Data Breach policy (the 'policy'), at **(ATTACHMENT 1)** which represents Council's commitment to managing personal information it holds in accordance with relevant legislation.

Part 6A of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) establishes the NSW Mandatory Notification of Data Breach (MNDB) scheme. The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches. Under the scheme, Council is required to prepare and publish a Data Breach Policy (DBP) for managing such breaches.

This policy sets out the processes to be followed by Council staff, contractors or third parties associated with Council in the event that Council experiences a data breach or suspects that a data breach has occurred. A data breach involves the loss of, unauthorised access to, or unauthorised disclosure of, personal information.

Council needs to be prepared to act quickly in the event of a data breach (or suspected breach), and determine whether it is likely to result in serious harm and whether it constitutes as a notifiable data breach.

Adherence to this policy will ensure that Council can contain, assess and respond to data breaches expeditiously and mitigate potential harm to the person(s) affected. How Council prepares for data breaches, identifies breaches, manages breaches, records breaches and evaluates breaches is covered within this policy.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit program

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications.

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

**MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 59ZD of the Privacy and Personal Information Protection Amendment Bill 2022 requires Council to prepare and publish a data breach policy. This Bill is to come into effect on 16 November 2023.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Privacy and Personal Information Protection Act 1998 should this policy not be endorsed.	Low	Adopt the recommendations	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Making a Data Breach Policy publicly accessible enhances transparency and ensures Council remains accountable for the way they respond to data breaches. It also enhances public trust and confidence in government and the services it provides.

**CONSULTATION**

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

Internal

- Internal consultation was undertaken with the ICT Maintenance and Support team to ensure current ICT standards and practices were accurately reflected in the policy.

External

- As the regulator for privacy matters concerning local Council's within NSW, the Information and Privacy Commission ('IPC') was consulted in respect of the proposed policy. General advice and a compliance checklist is publically available on their website which Council used as a measure to ensure the expectations of the IPC were reflected within the policy.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Policy - Data Breach.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2023-03231  
**TITLE:** DATA BREACH POLICY  
**OWNER:** GOVERNANCE SECTION MANAGER

### 1. PURPOSE:

- 1.1 Port Stephens Council ('Council') is committed to managing personal information in accordance with relevant legislation.
- 1.2 This Data Breach Policy ('The Policy') sets out the processes to be followed by Council staff in the event that Council experiences a data breach or suspects that a data breach has occurred. A data breach involves the loss of, unauthorised access to, or unauthorised disclosure of, personal information.
- 1.3 Council needs to be prepared to act quickly in the event of a data breach (or suspected breach), and determine whether it is likely to result in serious harm and whether it constitutes as a notifiable data breach.
- 1.4 Adherence to this Policy will ensure that Council can contain, assess and respond to data breaches expeditiously and mitigate potential harm to the person(s) affected.

### 2. CONTEXT/BACKGROUND:

- 2.1 Part 6A of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) establishes the NSW Mandatory Notification of Data Breach (MNDB) scheme.
- 2.2 The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches.
- 2.3 Under the scheme, Council is required to prepare and publish a Data Breach Policy (DBP) for managing such breaches.
- 2.4 Depending on the size and nature of a data breach, the consequences for individuals can be significant. They can give rise to a range of actual or potential harm to individuals. These consequences can include financial fraud, identity theft, damage to reputation and even violence.

## Policy

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## Policy

2.5 Data breaches can also have serious consequences for Council. A breach may create risk through the disclosure of sensitive information, or otherwise impact an Council's reputation, finances, interests, or operations. Ultimately, data breaches can lead to a loss of trust and confidence in Council and the services we provide.

### 3. SCOPE:

#### 3.1 How Council has prepared for a data breach:

##### a) Training and awareness

- i. Most data breaches, both in Australia and internationally, involve a human element (e.g. either through direct human error or cyber-attacks that rely on a human compromise). Building a well-trained and aware workforce is a strong front-line defence against breaches and other privacy risks. Council conducts routine and targeted privacy training for all staff, technical ICT officers and the Senior Leadership Team including training endorsed by NSW Cyber Security. Current cyber threat trends are monitored by relevant staff within Council who communicate alerts to Council staff when appropriate.
- ii. General privacy awareness training is provided to staff upon the commencement of employment that outline Council's obligations for identifying and managing data breaches. In addition to this, communications are relayed to staff on a periodic basis and general awareness is published on Council's website under the Data Breach Management page.

##### b) Processes for identifying and reporting breaches

- i. Council's paramount goal is to detect data breaches quickly as to be able to better contain it and mitigate any potential harms through prompt action. Council has in place multi layered technical controls to protect data loss as well as constant monitoring services managed both in house and through a third party managed detection and response provider. Additional measures taken by Council include internal and external audits that are undertaken throughout the year that serve to identify Council's existing practices and processes reflect best practice standards and protect Council appropriately.
- ii. When a data breach has been identified, Council staff will raise the breach through the incident management system. If a breach has been identified by a contractor or member of the public, they can notify Council by lodging a data breach notification through Council's website on the 'Data Breach Management' page or, alternatively, by calling Council and asking to speak with the Privacy Officer.

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## Policy



### **c) Appropriate provisions in contracts / other collaborations**

- i. Council is often required to outsource functions to external service providers or another agency (for example, for IT solutions). These relationships are covered by either legally binding contracts, memorandums of understanding or non-disclosure agreements. To ensure Council meet it's obligations under the PPIP Act, these agreements include provisions in relation to the management and notification of data breaches.

### **3.2 What constitutes an eligible data breach?**

- a) An 'eligible data breach' occurs where:
  - i. There is an unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency or there is a loss of personal information held by a public sector agency in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information, and
  - ii. A reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.
- b) Each data breach should be assessed on a case-by-case basis but some examples of data breaches may include:
  - i. loss or theft of physical devices
  - ii. sending an email to the incorrect email address
  - iii. misconfiguration or over-provisioning of access to sensitive systems
  - iv. inadvertent disclosure
  - v. social engineering
  - vi. hacking
- c) Breaches can also occur between agencies, within an agency and external to an agency.
- d) The MNDB scheme applies to breaches of 'personal information' as defined in section 4 of the PPIP Act, meaning information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
- e) The scheme also applies to 'health information,' defined in section 6 of the Health Records and Information Privacy Act 2002 (HRIP Act), covering personal information about an individual's physical or mental health, disability, and information connected to the provision of a health service.

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## Policy



- f) The scheme does not apply to data breaches that do not involve personal information or health information, or to breaches that are not likely to result in serious harm to an individual. Where the scheme does not apply, Council is not required to notify individuals or the Commissioner but should still take action to respond to the breach. Council may still provide voluntary notification to individuals where appropriate.

### **3.3 Plan for managing data breaches**

#### **a) Contain**

- i. In order to ensure Council's response to data breaches is easily and quickly put into action, upon receipt of the breach notification the Response Team will conduct an initial assessment of the breach and ensure triage measures are put in effect within the first 24 hours of being made aware of the breach. The Privacy Officer will write to the Privacy Commissioner during this time to advise of the suspected breach.

#### **b) Assess**

- i. The initial assessment will be in accordance with the PPIP Act and may involve liaison with relevant Council staff to ensure the breach is contained in order to minimise any possible damage. Once the breach has been contained, an assessment will be carried out by the Privacy Officer by way of reviewing all of the information involved in the breach and the risks associated with the risk to determine a plan of action and/or implement any additional actions identified to further mitigate risks. The Privacy Officer will seek to determine if the breach may likely cause serious harm to those affected.

#### **c) Notify**

- i. Parties (both individuals and organisations) affected by the breach may be notified as well as the Privacy Commissioner. The method of notification to the parties will depend on what contact information Council has on file but generally this notification will occur by way of either email or a hardcopy letter.

#### **d) Review**

- i. A post incident review report will then be compiled (as well as any preventative efforts) based on the type and seriousness of the breach within 30 days Council first held reasonable suspicion about the breach. The Head of the Agency can authorise an extension outside of the 30 days if the assessment report cannot be reasonably compiled within the time, however, the Privacy Commissioner must be written to with notification of this decision.
- ii. After the incident has been assessed and notification has taken place the Privacy Officer will identify any actions required to prevent further breaches. These actions may include recommended changes to system and physical security, recommended changes to any Council policies or procedures or revision or changes recommended to staff training and education.

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## Policy



### **3.4 Obligations including external engagement or reporting**

- a) In some cases, agencies will have notification obligations under both the MNDB scheme and under the Commonwealth Notifiable Data Breach (NDB) scheme.
- b) For example, a data breach at a NSW public sector agency that involves Tax File Numbers and is likely to result in serious harm would be reportable to both the Office of the Australian Information Commissioner (OAIC) under the Commonwealth NDB scheme, and the NSW Privacy Commissioner under the MNDB scheme.
- c) The MNDB scheme has been designed to be consistent with and adopt, as far as possible, key features of the Commonwealth NDB scheme.
- d) Any agencies involved in a notifiable data breach will be relayed to the Privacy Commissioner in the Assessment Report as a key contact with their relevant role to Council identified.

### **3.5 Communications strategy**

- a) When an individual or third party organisation has been identified within the course of the Assessment period the Response Team will consider whether they need to be contacted in accordance with the PPIP Act. The key contact for these parties will be the Privacy Officer within the Response Team. Communications will be carried out in writing, if practical to do so.

### **3.6 Capability, expertise and resourcing**

- a) Council must ensure staff who make up the Response Team have the necessary expertise, training and capability of adequately addressing a breach and its impact. Council commits to ensuring this is consistently monitored to ensure access to relevant practices within the data breach space are maintained.
- b) Any third party contractor that undertakes cyber incident response functions on the behalf of Council must possess the relevant industry standard qualifications and expertise required.

### **3.7 Roles and responsibilities**

- a) The Response team may comprise of staff in the following positions:

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## Policy



Position	Responsibilities
Head of the Agency or General Manager	Consideration of report
Governance Section Manager	Governance advice, consideration of report and assessment
Governance Coordinator	Governance advice and assessment
Legal Services Manager	Legal advice
Enterprise Risk Manager	Risk advice
ICT Maintenance and Support Coordinator	ICT advice
Communications Section Manager	Communications advice
Human Resources Manager	HR advice
Corporate Applications Coordinator	Key corporate systems advice

- b) Any agency head, executive officer, privacy officer, staff member, third party contractor has a duty to report any suspected data breach. If a member of the public identifies a suspected breach they are encouraged to notify Council as soon as possible.
- c) If the General Manager is involved in a suspected breach in such a way that may discount their ability to consider the report, the suspected data breach will be considered by the delegated Head of Agency.
- d) If the delegated Head of Agency is involved in a suspected breach in such a way that may discount their ability to consider the report, the delegation will be revoked for the purpose of considering the suspected data breach and such data breach will be considered by the General Manager.
- e) The Mayor and Councillors will notify the Head of the Agency of any data breaches they suspect may have occurred. Any data breach notifications received from the elected body will be processed by the Head of the Agency.
- f) Council staff are required to raise any suspected breach via the incident management system and notify their immediate supervisor and Section Manager.
- g) The Governance personnel within the Response Team will be responsible for providing advice on suspected data breaches as well as the management of any raised suspected data breaches including the assessment and notification of relevant parties. Further to this, Governance will be responsible for determining reporting obligations, liaising with the IPC & stakeholders, maintaining this policy, record keeping and conducting the post-breach review and evaluation.

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## Policy



- h) The Response Team may also seek advice from 3rd Party privacy specialists or the NSW Information and Privacy Commission if deemed necessary as part of the assessment process.

### 3.8 Record Keeping

- a) Council will maintain a public register in accordance with s 59O on its website that contains any notifications given under s59N(2) concerning notifiable data breaches that have occurred within the last 12 months. In addition to this public notification, an internal register for eligible data breaches will be maintained.
- b) Records may also be kept in Council's electronic management system.

### 3.9 Post breach Review and Evaluation

- a) In order to understand what went wrong, how issues were addressed and whether changes were needed to processes and procedures following a breach will mitigate future risks and are key to ensuring Council continues to proactively manage data breaches in line with the PPIP Act and community expectations.
- b) Following the assessment period and finalisation of the data breach assessment report the Response Team will collaborate to ensure any weaknesses in handling data are remediated. The aim of this will be to identify what contributed or caused the breach and how to prohibit this from occurring again. Ongoing assessment of how the Response Team managed the breach will also contribute to Council's wholistic effectiveness when responding to a data breach.

## 4. DEFINITIONS:

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

Assessment Period	As defined by s 59J of the PPIP Act
Head of the Agency	The General Manager or appropriately delegated staff member
IPC	Information and Privacy Commission
Public Sector Agency	As defined under section 3 of the PPIP Act. Relevantly subsection (f) includes a local government authority (Council).

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## Policy



Privacy Officer	Governance Section Manager or appropriately delegated staff member
Response Team	The General Manager, staff within Council's Governance Section and staff within both the ICT Maintenance and Support Unit and Corporate Applications Unit. Staff within the communications section and Human Resources section may be included in the response unit.

### **5. STATEMENT:**

- 5.1 Making a Data Breach Policy publicly accessible enhances transparency and ensures agencies remain accountable for the way they respond to data breaches. It also enhances public trust and confidence in government and the services it provides.

### **6. RESPONSIBILITIES:**

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

### **7. RELATED DOCUMENTS:**

- 7.1 Privacy and Personal Information Protection Act 1998 NSW
- 7.2 Health Records and Information Privacy Act 2002 NSW
- 7.3 Privacy Act 1988 Cth
- 7.4 Privacy Management Plan
- 7.5 Code of Conduct
- 7.6 ICT Systems Access and Cyber Security Management Directive

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<b>EDRMS container No.</b>		<b>EDRMS record No.</b>	
<b>Audience</b>			
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	
<b>Adoption date</b>			

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	XX	Governance Section Manager	Original policy adopted by Council.	XX

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Cr Glen Dunkley returned to the meeting at 6:01pm.

**ITEM NO. 7**

**FILE NO: 23/194424**  
**EDRMS NO: PSC2017-00180**

**2022–2023 DRAFT FINANCIAL STATEMENTS**

REPORT OF: GLEN PETERKIN - ACTING FINANCIAL SERVICES SECTION  
MANAGER

GROUP: CORPORATE SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the action taken to refer the 2022 - 2023 Draft Financial Statements for audit.
  - 2) Authorises the signing of the declaration by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements and Special Schedule 1 for the year ended 30 June 2023 (**ATTACHMENT 1**).
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023**  
**MOTION**

<b>206</b>	<p><b>Councillor Leah Anderson</b> <b>Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the action taken to refer the 2022 - 2023 Draft Financial Statements for audit.</li><li>2) Authorises the signing of the declaration by the Mayor, Cr Steve Tucker, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements and Special Schedule 1 for the year ended 30 June 2023 (<b>ATTACHMENT 1</b>).</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

Under section 413 of the Local Government Act 1993 Council must prepare financial statements for each year and must refer them for audit as soon as practicable after the end of that year.

These draft Financial Statements include:

- General Purpose Financial Statements.
- Special Schedule 1 (only Special Schedule 1 – Notional Permissible Income is audited).

The reports have been prepared by Council Officers in accordance with the Local Government Act 1993 and associated regulations, the Australian Accounting Standards and the Local Government Code of Accounting Practice.

The draft financial statements will be presented to the Mayor and Councillors during an information session on 29 August 2023. After this session, a supplementary business paper will be provided which will include a copy of the draft General Purpose Financial Statements and Special Schedule 1.

Council is required to refer the draft financial statements to audit and sign a declaration made pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW).

A copy of the declaration is shown at **(ATTACHMENT 1)** and must be completed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

Once the auditors have completed the audit and have submitted their report, Council must fix a date for a meeting at which the auditor's report will be presented and give public notice of that date. Section 419(2) of the Local Government Act 1993 requires this date to be at least 7 days after the date on which notice is given, but not more than 5 weeks after the auditor's report is given to Council. The financial statements will be reported back to Council which will include the audit report.

The audit process is required to be finalised by 31 October 2023 with the lodgment of the audited statements with the Office of Local Government.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Financial Management	Manage implementation of the Long Term Financial Plan 2023 to 2033.

**FINANCIAL/RESOURCE IMPLICATIONS**

The 2022-2023 General Purpose Financial Reports will be prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

**CONSULTATION**

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

Internal

Nil.

External

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Statement of the General Purpose Financial Reports.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM 7 - ATTACHMENT 1      STATEMENT OF THE GENERAL PURPOSE  
FINANCIAL REPORTS.**

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2023

Statement by Councillors and Management

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

The attached general purpose financial statements have been prepared in accordance with:

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

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

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

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

Signed in accordance with a resolution of Council made on 12 September 2023.

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Ryan Palmer

**Mayor**

12 September 2023

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**Councillor**

12 September 2023

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Tim Crosdale

**General Manager**

12 September 2023

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Glen Peterkin

**Responsible Accounting Officer (Acting)**

12 September 2023

**ITEM NO. 8****FILE NO: 23/163027  
EDRMS NO: PSC2017-00180****355C COMMITTEES ANNUAL FINANCIAL SUMMARY 2022**

REPORT OF: GLEN PETERKIN - ACTING FINANCIAL SERVICES SECTION  
MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives the 355c Committees Annual Financial Statements for the period 1 January 2022 to 31 December 2022.
  - 2) Notes that eligible 355c Committees will receive the 2023 annual operating subsidy.
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>207</b>	<b>Councillor Glen Dunkley Councillor Jason Wells</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receives the 355c Committees Annual Financial Statements for the period 1 January 2022 to 31 December 2022.</li><li>2) Notes that eligible 355c Committees will receive the 2023 annual operating subsidy.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the 355c Committees Annual Financial Statements for the period 1 January 2022 to 31 December 2022, and to note the disbursement of the 2023 annual operating subsidies to eligible committees and sports councils.

## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

For the period 1 January 2022 to 31 December 2022, a summary of the total opening balance (including investment accounts) and closing balance of all 355c Committees is shown at **(ATTACHMENT 1)**. This summary also shows payment of the 2023 annual operating subsidy to eligible 355c Committees and the budget allocation for use by park and reserve group operation.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2023 to 2033.

### FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the committees as at 31 December 2022 was \$484,372.

- 5 committees held over \$20,000 (total value of \$391,696).
- 5 committees held between \$10,000 and \$20,000 (total value of \$60,822).
- 4 committees held less than \$10,000 (total value \$31,854).
- 8 committees have since dissolved up to 30 June 2023 with all funds being transferred to the Community Halls Restricted Cash Reserve.

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

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

Additionally, Council's Assets Section works with committees and sports councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets.

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

**MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	\$484,372	Total funds held in bank accounts by 355c Committees / sports councils as at 31 December 2022.

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355c Committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	<p>This risk will be reduced by ensuring Council is noted on individual committee bank account names and there are 2 Council staff as signatories / authorised officers to committee accounts.</p> <p>The 355c Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds.</p>	Yes

**MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

		Additional information has been provided to committees and is available on Council's website and includes meeting guidelines and templates, financial record keeping guide and purchasing guide.  Financial training is also offered to relevant committee executive members.	
There is a risk that funds held in 355c Committee bank accounts are not used to contribute to the cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community. A high rate of participation in community activities is an indicator of a well-functioning community.

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

The provision of financial support to Council's 355c Committees and volunteer groups is provided within current resources. The annual operating subsidy to be paid to 355c Committees for 2023-2024 is \$54,000 while the internal budget allocation for Volunteer Parks & Reserve groups is \$28,500.

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

## **CONSULTATION**

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

### Internal

- Financial Reporting Coordinator.
- Community Services Section Manager.
- Volunteers Support Project Officer.
- Community Asset Services Officer.

### External

- 355c Committees and sports councils.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) 355c Committees Annual Financial Statements - 1 January 2022 to 31 December 2022.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 8 - ATTACHMENT 1 355C COMMITTEES ANNUAL FINANCIAL STATEMENTS - 1 JANUARY 2022 TO 31 DECEMBER 2022.**
**ATTACHMENT 1**

## 355c Committees Annual Financial Statement Summary – 1 January to 31 December 2022

355c Committee		Opening Balance (Incl Investments) 1 <sup>st</sup> January 2022	Closing Balance (Incl Investments) 31 <sup>st</sup> December 2022	Annual Operating Subsidy July 2023
1.	Hinton School of Arts	\$ 5,284.71	\$ 6,467.92	\$ 1,000.00
2.	Karuah Community Hall	\$ 8,867.47	\$ 10,264.92	\$ 1,000.00
3.	Lemon Tree Passage Old School Centre	\$ 8,790.86	\$ 8,498.54	\$ 1,000.00
4.	Medowie Community Centre	\$ 14,152.09	\$ 12,132.88	Since Dissolved
5.	Medowie Sports Council	\$ 93,170.78	\$ 103,898.93	\$ 9,000.00
6.	Nelson Bay Community Hall	\$ 29,420.60	\$ 8,262.91	\$ 1,000.00
7.	Port Stephens Sister Cities	\$ 11,805.03	\$ 12,763.80	\$ 1,000.00
8.	Raymond Terrace Senior Citizens Hall	\$ 9,922.57	\$ 13,487.66	\$ 1,000.00
9.	Salt Ash Community Hall	\$ 29,363.11	\$ 39,024.14	\$ 1,000.00
10.	Salt Ash Sports Ground	\$ 5,201.47	\$ 12,172.78	\$ 1,000.00
11.	Tanilba Bay Foreshore Hall	\$ 4,897.78	\$ 8,624.23	\$ 1,000.00
12.	Tilligerry Sports Council	\$ 47,619.21	\$ 47,619.21	\$ 9,000.00
13.	Tomaree Sports Council	\$ 48,502.60	\$ 105,017.94	\$ 9,000.00
14.	West Ward Sports Council	\$ 122,668.30	\$ 96,135.79	\$ 18,000.00
<b>TOTALS</b>		<b>\$ 439,666.58</b>	<b>\$ 484,371.65</b>	<b>\$ 54,000.00</b>

**ITEM 8 - ATTACHMENT 1      355C COMMITTEES ANNUAL FINANCIAL STATEMENTS - 1 JANUARY 2022 TO 31 DECEMBER 2022.**

DISSOLVED 355c Committee's	
1.	Anna Bay Hall
2.	Corlette Hall
3.	Fern Bay Hall
4.	Mallabula Community Centre
5.	Medowie Community Centre
6.	Nelson Bay Australia Day
7.	Seaham Park & Wetlands
8.	Williamtown Hall



**ITEM 8 - ATTACHMENT 1 355C COMMITTEES ANNUAL FINANCIAL STATEMENTS - 1 JANUARY 2022 TO 31 DECEMBER 2022.**

<b>Volunteer Group Operating Budget</b> (Former subsidy payments now retained with Council)		
1.	Anna Bay Landcare Group	\$ 1500.00
2.	Boat Harbour Volunteers Group	\$ 1500.00
3.	Corlette Reserves and Landcare Group	\$ 1500.00
4.	Fingal Bay Parks Group	\$ 1500.00
5.	Fly Point Nature Reserve Group	\$ 1500.00
6.	Gan Gan Lookout Group	\$ 1500.00
7.	Karuah Landcare Group	\$ 1500.00
8.	Lemon Tree Passage Parks Reserves and Landcare Group	\$ 1500.00
9.	Mallabula Parks and Environment Group	\$ 1500.00
10.	Mambo Wanda Wetlands Reserves and Landcare Group	\$ 1500.00
11.	Medowie Tidy Towns Group	\$ 1500.00
12.	Nelson Bay West Landcare Volunteers Group	\$ 1500.00
13.	Raymond Terrace Parks and Tidy Towns Group	\$ 1500.00
14.	Shoal Bay Landcare Group	\$ 1500.00
15.	Shoal Bay West Landcare Group	\$ 1500.00
16.	Soldiers Point / Salamander Bay Landcare Group	\$ 1500.00
17.	Tanilba Foreshore Park Group	\$ 1500.00
18.	Tilligerry Landcare Group	\$ 1500.00
19.	West Ward Cemetery's Group	\$ 1500.00
<b>TOTAL</b>		<b>\$ 28,500.00</b>

**ITEM NO. 9**

**FILE NO: 23/203811  
EDRMS NO: PSC2021-04195**

**PROPOSED RAYMOND TERRACE CIVIC BUILDING**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the information provided and continue to review options with future development opportunities.
  - 2) Places the proposed Council Civic Building project into the Capital Works Plus Plan.
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>208</b>	<b>Councillor Giacomo Arnott Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes the information provided and continue to review options with future development opportunities.</li><li>2) Places the proposed Council Civic Building project into the Capital Works Plus Plan.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to provide further information as requested in the Notice of Motion (**ATTACHMENT 1**) of Council Meeting 9 May 2023, Minute No. 008.

The previous desktop conceptual estimate noted an extension of the Council's administration building to the west for a community space would cost in excess of \$12 million. This estimate was based on a generic current rate per square metre for a

## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

construction of a Civic Building to provide a very indicative cost. Further investigation to check for suitability has shown that there are no immediate engineering, planning or utility service impediments for this proposal.

The proposal could match the existing Council Administration Building design or be architecturally completely different as is now common with additions. Though either option would need to be on concrete piers (pylons) similar to the existing Administration Building to allow for car parking and also keep the building out of extreme stormwater / flooding events.

The additional space could be purpose built as suggested as a conference or training centre and could also be utilised for arts and cultural events as has been previously requested for Raymond Terrace. The footprint available at this location has a maximum allowable space for banquet style seating for approximately 300 - 400 people.

It should be noted that while further investigations have been undertaken, Council is also reviewing additional locations for a similar purpose building that may also house a future library and create a civic centre space. This will be reported to Council in the near future as part of other development opportunities, in particular 112 Adelaide Street.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2023-2033

### FINANCIAL/RESOURCE IMPLICATIONS

No decision on space size, architectural look and feel or final purpose has been determined.

Further conceptual design and estimates would require a \$30,000 allocation for architectural conceptual design, consultation and estimate. There is currently no dedicated budget allocation for this project. The project is proposed to be placed in the Council's Capital Works Plus Plan at the next revision of the Strategic Asset Management Plan. This will allow Council to not only seek funds, but provide staff a formal direction that this project is a priority.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Available funds to enact the proposed recommendation.
Reserve Funds			

**MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

At this stage of this proposed project, there are no major legal, policy or risk implications that would prevent the project from proceeding or require any mitigation measures that need to be put in place right now.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have funds to proceed with the project.	Medium	Place project in the Capital Works Plus Plan to be used to seek funds and give direction for this project to continue.  Continue to examine options to place a Civic Building in alternative locations such as the proposed 112 Adelaide Street development.	Yes
There is a risk that the proposed project scope is still conceptual and may not meet the needs of the community.	Low	Once funds are available, undertake consultation with Mayor, Councillors and the community on the desired purpose of the Civic Building.	Yes once funding available

**SUSTAINABILITY IMPLICATIONS**

The request for a Civic Building in Raymond Terrace to hold functions, sporting ceremonies, art displays and cultural events has long been requested by community groups. At present, there are no buildings in the near vicinity with the space available to hold these functions of this size and purpose.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the staff. Noting that the consultation has been very preliminary with the aim to get a conceptual understanding of costing and physical requirements of the building.

As the project is at a very early conceptual stage, the consultation is very limited to date.

Internal

- Community Services library staff.
- Building design team.
- Property Services.

External

- External vested interested parties involved in the 112 Adelaide Street, Raymond Terrace future development.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Notice of Motion - Construction of a Building - Minute No. 008, 9 May 2023.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 9 - ATTACHMENT 1 NOTICE OF MOTION - CONSTRUCTION OF A BUILDING - MINUTE NO. 008, 9 MAY 2023.****MINUTES ORDINARY COUNCIL - 9 MAY 2023****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 23/89223****EDRMS NO: PSC2021-04195****CONSTRUCTION OF A BUILDING****COUNCILLOR: PETER KAFER****THAT COUNCIL:**

- 1) Requests the General Manager to provide a report to Council that investigates the following:
  - a) The erection of a building that incorporates a Town Hall and 2 floors of either indoor staff office space or rooms suitable for holding conferences or training.
  - b) The report should envision such a building, built on the ground sited directly to the west of the current Council Chambers, where there is currently ground level car parking situated.

**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

<b>008</b>	<b>Councillor Peter Kafer Councillor Giacomo Arnott</b>  It was resolved that Council requests the General Manager to provide a report to Council that investigates the following: <ol style="list-style-type: none"><li>a) The erection of a building that incorporates a Town Hall and 2 floors of either indoor staff office space or rooms suitable for holding conferences or training.</li><li>b) The report should envision such a building, built on the ground sited directly to the west of the current Council Chambers, where there is currently ground level car parking situated.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ITEM 9 - ATTACHMENT 1 NOTICE OF MOTION - CONSTRUCTION OF A BUILDING - MINUTE NO. 008, 9 MAY 2023.****MINUTES ORDINARY COUNCIL - 9 MAY 2023****BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

The purpose of this background is to provide information in relation to this Notice of Motion.

Whilst conceptual ideas have previously highlighted an extension of the Council's administration building to the west for a community space, the idea has not progressed past the first step of a preliminary desktop estimate. Using current rate per square metre for a construction of a civic building, a very preliminary estimate shows that the final build would be in excess of \$12 million.

Determining the final purpose and design style of the building will provide a better, but still very preliminary build cost. The purpose and the cost would form part of any business case for this project.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6:33pm.

**ITEM NO. 10****FILE NO: 23/216192  
EDRMS NO: PSC2009-00965****SENIOR STAFF DELEGATIONS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the 3 senior staff positions in the organisation structure, other than the General Manager, consisting of the Director Corporate Strategy and Support, Director Community Futures and Director Facilities and Infrastructure.
  - 2) Appoint the 3 Directors (Director Corporate Strategy and Support, Director Community Futures and Director Facilities and Infrastructure) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
  - 3) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
- 

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>209</b>	<b>Councillor Leah Anderson Councillor Glen Dunkley</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the 3 senior staff positions in the organisation structure, other than the General Manager, consisting of the Director Corporate Strategy and Support, Director Community Futures and Director Facilities and Infrastructure.</li><li>2) Appoint the 3 Directors (Director Corporate Strategy and Support, Director Community Futures and Director Facilities and Infrastructure) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.</li><li>3) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to make the necessary changes to update positions identified as senior staff and designated to act in the capacity of acting General Manager.

Following a recent review of the organisational structure in consultation with the Mayor and Councillors, the following changes have been made to the names of each functional area of Council. The new names of each area are:

<b>Former functional area</b>	<b>New functional area</b>	<b>Revised Purpose</b>
Corporate Services Group	Corporate Strategy and Support Directorate	Responsible for leading the implementation of corporate strategy and provision of internal support services.
Development Services Group	Community Futures Directorate	Responsible for enabling balanced outcomes for the community's future.
Facilities and Services Group	Facilities and Infrastructure Directorate	Responsible for external facilities, essential services and whole of life infrastructure management.

The changes reflect the purpose of the organisation to deliver outcomes valued by the community in the best possible way both now and into the future.

The changes in names to the leaders of these functional areas require a resolution of Council in terms of these being senior staff positions and having the appropriate acting General Manager delegations in place.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Governance	Deliver governance services and internal audit program

**FINANCIAL/RESOURCE IMPLICATIONS**

As the proposed changes relate to changes in position titles there are no financial or resourcing implications.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Under Section 332 of the Local Government Act 1993, Council is required to determine positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013.
- Senior staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding 5 years. These are standard contracts determined by the Office of Local Government.
- Council is required to publish the total package value of senior staff's employment contracts in the annual report.
- Note: On 15 October 2021, the Local Government NSW Board supported a proposal to remove references to senior staff from the Local Government Act (the Act) so that all executive level employees (excluding General Managers) are to be covered by the Local Government (State) Award or a Council's applicable Enterprise Agreement. The Office of Local Government and industry unions are yet to identify the necessary amendments to the Act, determine transitional timeframes and arrangements and develop relevant guidelines and Award advice. It is expected that further consultation and advice will become available during 2023-2024.

Council is required to have appropriate delegations for the roles of General Manager and acting General Manager, in accordance with the Local Government Act 1993. Without such delegations Council is at risk of breaching the law and individuals operating outside their limits of responsibility.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk without the appropriate delegations in place, any person acting as General Manager will not be authorised to undertake the functions of General Manager.	Low	Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The refinement in the purpose of the functional areas of the organisational structure and renaming of senior staff positions aligns with the Community Strategic Plan, Delivery Plan and the priorities of Council determined through extensive engagement with the Mayor, Councillors and community over the past 12 months.

### **CONSULTATION**

The refinement in the purpose of the functional areas of the organisational structure and renaming of senior staff positions followed an extensive engagement process with:

- Executive Team
- Senior Leadership Team
- Consultative Committee including staff and union representatives
- Feedback was sought from the Mayor and Councillors.

There is no requirement for further consultation for this report, as it is a legislative compliance process report.

### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

### **COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 11****FILE NO: 23/196940  
EDRMS NO: PSC2021-04206****REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-
  - a) Endorse the provision of funds to John Clarke - Mayoral funds - \$2000 donation towards publication of Marsh Road history book and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.
  - b) Anna Bay Public School P&C – Mayoral funds - \$2000 donation towards 4 iPads for use in classrooms.
  - c) Shoal Bay Public School P&C – Mayoral funds - \$3000 donation towards upgrade of school hall sound system.
  - d) Rotary Club of Salamander Bay – Mayoral funds - \$2000 donation towards prizes and presentation event for local school writing competition.
- 2) Should no submissions be received as a result of the public exhibition stated in 1 a) above, the funds be approved.

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**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>210</b>	<p><b>Mayor Ryan Palmer</b> <b>Councillor Matthew Bailey</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-</p> <ol style="list-style-type: none"><li>a) Endorse the provision of funds to John Clarke - Mayoral funds - \$2000 donation towards publication of Marsh Road history book and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.</li><li>b) Anna Bay Public School P&amp;C – Mayoral funds - \$2000 donation towards 4 iPads for use in classrooms.</li><li>c) Shoal Bay Public School P&amp;C – Mayoral funds - \$3000 donation towards upgrade of school hall sound system.</li></ol>
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## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

	d) Rotary Club of Medowie-Williamstown – Mayoral funds - \$2000 donation towards prizes and presentation event for local school writing competition. 2) Should no submissions be received as a result of the public exhibition stated in 1 a) above, the funds be approved.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

### BACKGROUND

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

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

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

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

The requests for financial assistance are shown below:

### MAYORAL FUNDS

John Clarke (Individual)	A local Port Stephens writer.	\$2000	Donation towards completion and printing of Marsh Road history book.
Anna Bay Public School P&C	A group of community minded	\$2000	Donation towards 4 iPads for use in classrooms.

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	people, parents and citizens.		
Shoal Bay Public School P&C	A group of community minded people, parents and citizens.	\$3000	Donation towards upgrade of school hall sound system.
Rotary Club of Salamander Bay	Rotary is a network of neighbours, friends, leaders, and problem-solvers who see a world where people unite and take action to create lasting change.	\$2000	Donation towards prizes and presentation event for local school writing competition.

**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**

<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 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:

## MINUTES ORDINARY COUNCIL - 12 SEPTEMBER 2023

- 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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may 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 recommendations.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund the request.

### ATTACHMENTS

Nil.

### COUNCILLORS ROOM

Nil.

### TABLED DOCUMENTS

Nil.



**ITEM NO. 12****FILE NO: 23/208625  
EDRMS NO: PSC2022-02308****INFORMATION PAPERS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 12 September 2023.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Delegations Report	91
2	Council Resolutions	93

**ORDINARY COUNCIL MEETING - 12 SEPTEMBER 2023  
MOTION**

<b>211</b>	<b>Councillor Peter Francis Councillor Steve Tucker</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 September 2023.  <table><tr><th><b>No:</b></th><th><b>Report Title</b></th></tr><tr><td>1</td><td>Delegations Report</td></tr><tr><td>2</td><td>Council Resolutions</td></tr></table>	<b>No:</b>	<b>Report Title</b>	1	Delegations Report	2	Council Resolutions
<b>No:</b>	<b>Report Title</b>						
1	Delegations Report						
2	Council Resolutions						

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 23/196935  
EDRMS NO: PSC2009-00965**

**DELEGATIONS REPORT**

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

**BACKGROUND**

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

**ATTACHMENTS**

1) Delegations Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 1 - ATTACHMENT 1      DELEGATIONS REPORT.****MAYOR AND GENERAL MANAGER DELEGATION REPORT**

<b>Date exercised</b>	<b>Delegations exercised</b>	<b>Purpose</b>	<b>Role exercising delegation</b>	<b>Reported to Council</b>
10/08/2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of RFQ082-2023 for the Supply of Spray Sealing Services 2023-2024.	General Manager	12 September 2023
17/08/2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tender T057-2023 for Traffic Control Services.	General Manager	12 September 2023
20/08/2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tender T074-2023 Marine Drive, Fingal Bay - Landslip Remediation and associated Road Works.	General Manager	12 September 2023
20/08/2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tender T080-2023 for Teramby Road, Nelson Bay - Landslip Remediation.	General Manager	12 September 2023
21/08/2023	Roads and Maritime Services delegations	Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the Port Stephens Local Traffic Committee report dated 1 August 2023.	General Manager	12 September 2023
21/08/2023	Code of Meeting Practice	Approval of 2 Public Access applications - DA 16-2023-39-1 – Boundary adjustment – 430 Clarence Town Road, Woodville	Mayor	12 September 2023

**ITEM NO. 2**

**FILE NO: 23/207993  
EDRMS NO: PSC2017-00106**

**COUNCIL RESOLUTIONS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	22/08/2023
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 24 August 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/12/2023		
1						23/214729
193						
<b>24 Aug 2023</b>						
Recommendation endorsed. Council will prepare a Masterplan for part of the Gateway site in Raymond Terrace.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	31/12/2023	12/10/2022	
2						22/273002
<b>24 Aug 2023</b>						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	31/12/2023	12/10/2022	
1						22/273002
<b>24 Aug 2023</b>						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	31/12/2023		
2						20/288489
199						
<b>24 Aug 2023</b>						
Contracts and survey plan are being prepared. Completion of the acquisition is subject to registration of the plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	31/12/2023		
243						
<b>24 Aug 2023</b>						
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

## ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.



<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
<b>Committee:</b>		<b>Date To:</b>	25/07/2023
<b>Officer:</b>		<b>Printed:</b>	Thursday, 24 August 2023
<b>Action Sheets Report</b>			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Lamont, Brock	RAMSAR Listing for Mambo Wanda Wetlands	1/12/2023	14/06/2023	
1		Peart, Steven				23/147603
137						
<b>23 Aug 2023</b>						
Council continues investigations and benchmarking to identify available options. A business paper is forecast to be presented to Council at the 28 November 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	NSW Electric Vehicle Strategy	13/10/2023	12/04/2023	
3		Peart, Steven				23/92450
093						
<b>23 Aug 2023</b>						
Expression of Interest for EV charging providers is currently being drafted, subject to site feasibility study findings.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Peart, Steven	Development Application Information	31/10/2023	12/04/2023	
3		Peart, Steven				23/92450
103						
<b>23 Aug 2023</b>						
DA Tracker has been updated by the addition of the owner's name. In regard to DA documents being made available on 'DA Tracker', a report is being prepared and will be presented to an upcoming Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Housing Affordability	30/03/2024	12/04/2023	
6		Peart, Steven				23/92450
105						
<b>23 Aug 2023</b>						
Council's Local Housing Strategy (LHS) review will integrate all outstanding housing related actions (including the Affordable Housing Action Plan). The draft LHS is expected to be presented to Council for consideration in March 2024. A second Councillor workshop has been scheduled for 29 August 2023 as the next step of the review.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	22 Homestead Street, Salamander Bay	27/10/2023	12/04/2023	
5		Peart, Steven				23/92450
088						
<b>23 Aug 2023</b>						
Council investigated options for the rezoning of 22 Homestead Street, Salamander Bay, and the development of a Vegetation Management Plan, to provide the best opportunity to enable a successful long-term rehabilitation of the site. A report is being prepared by Strategic Property and is forecasted to be presented to Council for consideration at the 24 October 2023 meeting.						

## ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	14/09/2021
	<b>Committee:</b>		<b>Date To:</b>	25/07/2023
	<b>Officer:</b>		<b>Printed: Thursday, 24 August 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft Development Control Plan - Housekeeping	13/10/2023	15/03/2023	
3 048		Peart, Steven				23/69308
<b>23 Aug 2023</b>						
Council has collated feedback from landholders impacted by the review of Chapter D12 - Richardson Road. The business paper is under review and is forecasted to be presented to Council for consideration at the 10 October 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1 240		Peart, Steven				21/252518
<b>23 Aug 2023</b>						
Council was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant, other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Matter Arising - LEP Amendment to review building height controls	15/12/2023		
3		Peart, Steven				
<b>23 Aug 2023</b>						
Council is investigating height controls and objectives as a part of the administrative amendment of the LEP. A draft amendment is forecast to be presented to Council at the 12 December 2023 meeting, seeking endorsement to submit the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.						



## ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	10/08/2021
	<b>Committee:</b>		<b>Date To:</b>	22/08/2023
	<b>Officer:</b>		<b>Printed: Wednesday, 23 August 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/07/2023	Gutsche, Tammy	Policy - Volunteer	22/09/2023	26/07/2023	
5 174		Kable, Gregory				23/188782
<b>23 Aug 2023</b>						
The public exhibition period has closed. As requested, a report will be prepared for the Ordinary Council Meeting to be held on 26 September 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2023	12/04/2023	
2 085		Kable, Gregory				23/92450
<b>23 Aug 2023</b>						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

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	31/10/2023	27/05/2022	
4		Kable, Gregory				22/136825
<b>23 Aug 2023</b>						
The targeted community engagement has been completed. A report will be prepared for the Council meeting to be held 26 September 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	31/10/2023		
17 228		Kable, Gregory				21/218740
<b>23 Aug 2023</b>						
A report will be presented to Council to allocate funds and commit to the project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 23/05/2023	Maretich, John	Matter Arising: Medowie Lounge Library - Request the General Manager to prepare a report on potential funding options for a lounge library at Medowie.	30/09/2023		
		Kable, Gregory				
<b>23 Aug 2023</b>						
Staff will investigate and prepare a report for the 26 September 2023 Council meeting.						



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	11/04/2023
	<b>Committee:</b>		<b>Date To:</b>	22/08/2023
	<b>Officer:</b>		<b>Printed: Wednesday, 23 August 2023</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/07/2023	Wickham, Tony	Policy – Fraud and Corruption Control	18/08/2023	12/07/2023	
4		Crosdale, Tim				23/175933
<b>23 Aug 2023</b>						
A report will be provided to Council at the 26 September 2023 Ordinary Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/07/2023	Wickham, Tony	Ward Boundary Review	29/09/2023	12/07/2023	
3		Crosdale, Tim				23/175933
166						
<b>23 Aug 2023</b>						
Ward boundary review is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Walker, Ashley	Financial Assistance	30/09/2023	12/04/2023	
3		Crosdale, Tim				23/92450
083						
<b>09 Aug 2023</b>						
Awaiting necessary paperwork to process payments.						

There being no further business the meeting closed at 6:07pm.