

NOTICE OF ORDINARY MEETING

10 DECEMBER 2024



The Mayor and Councillors attendance is respectfully requested:

Mayor: L Anderson (Chair).

Councillors: R Armstrong, G Arnott, C Doohan, N Errington, P Francis, P Le Mottee, B Niland, M Watson, J Wells.

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

INDEX

SUBJECT

PAGE NO

MOTIONS TO CLOSE 14

1. MOTION TO CLOSE 15
2. MOTION TO CLOSE 16

COUNCIL REPORTS 17

1. ENVIRONMENTAL PROJECTS FUND 18
2. ABORIGINAL PROJECTS FUND 23
3. COMMUNITY SUPPORT FUND 27
4. HOMELESSNESS STAKEHOLDER ADVOCACY GROUP
MEMBERSHIP 34
5. POLICY REVIEW: ONSITE SEWAGE MANAGEMENT POLICY 44
6. POLICY REVIEW: BUDGET CONTROL AND AUTHORISATION
POLICY 54
7. INFORMATION PAPERS 66

INFORMATION PAPERS 67

1. MAYORAL DELEGATIONS 68
2. CODE OF CONDUCT ANNUAL REPORTING 69
3. DELEGATIONS REPORT 71
4. COUNCIL RESOLUTIONS 73

NOTICES OF MOTION 81

1. BUS SHELTERS IN PORT STEPHENS 82
2. SPEED LIMITS IN HIGH STREET, WALLALONG 84
3. ANNA BAY RESORT, GAN GAN ROAD, ANNA BAY 86
4. TOMAGO BATTERY ENERGY STORAGE SYSTEM (BESS)
FACILITY 88

CONFIDENTIAL 91

1. WILLIAMTOWN SAND SYNDICATE - PROPOSED VARIATION OF
LEASE
2. PROPOSED SALE OF 528 HUNTER STREET, NEWCASTLE

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer
Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen
- 4) Apologies and applications for a leave of absence from Mayor and Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes.
- 7) Mayoral minute(s).*
- 8) Motions to close meeting to the public.*
- 9) Reports to Council.
- 10) General Manager reports.*
- 11) Questions with Notice.*
- 12) Questions on Notice.
- 13) Notices of motions.*
- 14) Rescission Motions.*
- 15) Confidential matters.*
- 16) Conclusion of the meeting.

** if submitted*

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the commencement of this Council term to undertake their civic duties in the best interests of the people of Port Stephens and Port Stephens Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Meeting Practice and Code of Conduct.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1) Exercise of functions generally

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

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

2) Decision-making

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

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

3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into 4 focus areas:

OUR COMMUNITY – An accessible and welcoming community respecting diversity, heritage and culture.

OUR PLACE – A liveable and connected place supporting community wellbeing and local economic growth.

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 10 DECEMBER 2024

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 24/299607
EDRMS NO: PSC2008-3848

MOTION TO CLOSE

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

RECOMMENDATION:

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

ITEM NO. 2

FILE NO: 24/319903
EDRMS NO: PSC2024-03964

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Proposed Sale of 528 Hunter Street, Newcastle**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 24/294963
EDRMS NO: PSC2023-03991**

ENVIRONMENTAL PROJECTS FUND

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of \$20,000 from the Environmental Projects Fund as follows:
- 2) \$2,000 to Tilligerry Landcare for Koala habitat restoration works.
- 3) \$3,000 to Corlette Parks, Reserves and Landcare group for bush regeneration works at Corlette Headland.
- 4) \$5,000 to Mambo Wanda Wetlands Landcare Group for community education and environmental protection works.
- 5) \$5,000 to Hunter Region Botanic Gardens to develop a short course on basic ecology and bushland management.
- 6) \$5,000 to Fingal Bay Community Association for environmental restoration works at the Fingal Bay Foreshore.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from the Environmental Projects Fund 2024 to 2025.

The Environmental Projects Fund provides opportunity for community and schools to deliver environmentally focused projects that benefit the local environment. The focus of these projects or activities should be to improve biodiversity and sustainability, protect local ecosystems and encourage student participation and education in the community.

Applications for the 2024 to 2025 round of funding opened on 1 September 2024 and closed on 30 September 2024. A total amount of funding available was \$20,000 with applications invited for funding of up to \$5,000 per project.

The recommendations are made in accordance with Council's adopted Grants and Donations Policy. The recommendations for funding align with Council's relevant Funding Guidelines.

The assessment panel is comprised of representatives from Strategy and Environment, Communications and Customer Experience and Assets Sections.

ORDINARY COUNCIL - 10 DECEMBER 2024

A total of 10 high quality applications were received, with 5 applications recommended for full funding. Unsuccessful applicants will be contacted with advice provided and support offered to assist in future funding applications.

A summary of the recommended applications is provided below:

PROJECT NAME	ORGANISATION	DESCRIPTION OF PROJECT	AMOUNT REQUESTED
Completing removal of mature pine trees around the Mallabula Sports Complex	Tilligerry Landcare	Tilligerry Landcare have been removing pine trees and replanting Koala habitat around the Mallabula Sports Complex for over 15 years. Funding is requested to continue with this regeneration program.	\$2,000
Bush Regeneration at Corlette Headland	Corlette Reserves and Landcare Group	Bush regeneration works at Corlette Headland to clear pathways and remove non-native species.	\$3,000
Mambo Wetlands Community Education and Environmental Protection Works	Mambo Wanda Wetlands Landcare Group	Community education campaign on the importance and value of the wetlands along with environmental protection works within the Mambo wetlands.	\$5,000
Restoring the Fingal Bay Foreshore	Fingal Bay Community Association	Clearing of invasive and non-native vegetation from the banked area of the Fingal Bay beach foreshore. Preparation works for future bush regeneration and regenerative stabilisation planting.	\$5,000
Community Education - Introduction to Basic Ecology and Bushland Management	Hunter Region Botanic Gardens	To develop a short course to provide a basic understanding of eco-systems and how they function so they have a better understanding of how the work they do benefits the environment.	\$5,000

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$20,000	Environmental Projects fund
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's Grants and Donations Policy. The recommendations for funding also align with Council's relevant Funding Guidelines.

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.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are not funded.	Low	Adopt the recommendation. Assess applications in line with guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes

There is a risk that grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Adopt the recommendation. Manage the grant administration process as per the program guidelines.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Environmental Projects Fund supports ongoing investment in local environmental groups, Council volunteer groups and schools within the Port Stephens LGA.

Council's Environmental Projects Fund allows for the production and delivery of environmental projects and activities that are accessible and beneficial for the Port Stephens community, leading to positive social, economic and environmental outcomes.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. Schools, environmental groups and Council volunteer groups were all directly contacted about the upcoming grant round, followed by promotion on Council's Social Media to raise awareness.

Copies of funding guidelines and information on how to apply through Smarty Grants were made available via the Council website.

Internal

Collaboration with Council officers responsible for administering other community grant programs was undertaken. The assessment panel was comprised of representatives from Strategy and Environment, Communications and Customer Experience and Assets Sections.

External

Council promoted the funding opportunity widely through social media, Council's website and notices appeared in Council pages of the Port Stephens Examiner.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 24/258921
EDRMS NO: PSC2014-01592**

ABORIGINAL PROJECTS FUND

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Aboriginal Projects Funding to the amount of:
 - a) \$3,000 to Salamander Bay Childcare Centre to update their Aboriginal mural and create a new Aboriginal mural in the playground.
 - b) \$5,762.16 to Salt Ash Public School Parents and Citizens Association for Stage 1 of creation of a Yarning Circle.
 - c) \$6,000 to St Brigid's Primary School for the design and painting of an Aboriginal mural representing Seasons of the Worimi.
 - d) \$6,000 to Worimi Knowledgeholders Aboriginal Corporation for improved access to cultural fishing grounds for the health and wellbeing of Aboriginal people.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of funding from the Aboriginal Projects Fund for 4 projects as recommended by Council's 355c Aboriginal Strategic Committee.

The purpose of the Aboriginal Projects Fund is to support projects that empower and raise the profile of the Aboriginal community in Port Stephens through the delivery of programs, events and activities.

Applications for Round 1 2024 to 2025 of funding opened on 2 September 2024 and closed on 1 October 2024. The total amount of funding available is \$40,000.

TOTAL AMOUNT RECOMMENDED: \$20,762.16

The proposed projects meet the objectives of the fund as outlined below:

ORDINARY COUNCIL - 10 DECEMBER 2024
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PROJECT NAME	ORGANISATION	DESCRIPTION OF PROJECT	AMOUNT REQUESTED
Aboriginal artwork and mural	Salamander Bay Childcare Centre	Koori Colours to update the mural created at the front of our Centre and also introduce new art work into our preschool yard.	\$3,000
Yarning Circle for Salt Ash Public School- Stage 1	Salt Ash Public School P&C	This project will create a yarning circle at Salt Ash Public School, offering a space for cultural exchange, storytelling, and learning. With sandstone seating, native bush tucker gardens, and Aboriginal artwork, it fosters respect for Indigenous culture and supports cross-cultural learning and reconciliation.	\$5,762.16
Seasons of the Worimi	St Brigid's Primary School Raymond Terrace	Design and paint a mural based on the seasons of the Worimi. This artwork will become a part of the instructional learning for each grade in our school, as part of their science and cross curricula content.	\$6,000
Health and Wellbeing of Worimi people	Worimi Knowledgeholders Aboriginal Corporation	The project aims to provide access to the cultural fishing grounds of the Worimi people of Port Stephens. Cultural fishing has been practiced for thousands of years. The result will be improved physical and mental health for our people, through negotiation with government bodies to create easier access.	\$6,000

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Recognised traditions and lifestyle	Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications.

ORDINARY COUNCIL - 10 DECEMBER 2024

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$40,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's Grants and Donations Policy. The recommendations for funding also align with Council's relevant Funding Guidelines.

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.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are not funded.	Low	Accept the recommendation	Yes
There is a risk that grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Applicants who have not acquitted previous projects will not be compliant to apply for further funding.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community and positively raise their profile. The proposed projects aim to achieve this through the facilitation of:

- Partnerships and collaboration with Aboriginal artists, students and government departments.

- Employment of Aboriginal artist to raise the awareness and education of cultural learnings.
- Improved resources for provision of fresh produce to improve health and wellbeing of Aboriginal people.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section with the aim of promoting the funding opportunity and explaining the guidelines and objectives of the Aboriginal Projects Fund.

Internal

The applications were assessed by Council's 355c Aboriginal Strategic Committee.

External

Council promoted the funding opportunity widely through social media, Council's website and notices appeared in Council pages of the Port Stephens Examiner.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: 24/258936
EDRMS NO: PSC2023-04091-0002

COMMUNITY SUPPORT FUND

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

Endorse the allocation of the Community Support Funding to the amount of:

- 1) \$4,000 to Raymond Terrace Community Church for Community Christmas Food Hampers.
- 2) \$1,238 to Nelson Bay Rugby Club Inc. for a Marquee for the Women's Rugby Team.
- 3) \$1,138.85 to Nelson Bay Rugby Club Inc. for an Oxygen Resuscitation and Therapy Kit.
- 4) \$4,000 to Tanilba Bay Baptist Church for their Community Meals 4U project to upgrade kitchen equipment.
- 5) \$4,000 to Lucky Dog Tours for a new Daughters and Dads – Active and Empowered program in Nelson Bay.
- 6) \$3473.15 to Port Stephens FM radio Incorporated for Sustainable and reliable new computer equipment.
- 7) \$1,500 to Fingal Beach Surf Life Saving Club Inc. to install a chilled drinking fountain.
- 8) \$4,000 to Carries Place for Capacity Building Workshop for Carrie's Place staff.
- 9) \$5,250 to First Chance for a Little Ones Supported Playgroup to be delivered in Raymond Terrace.
- 10) \$4,000 to Port Stephens Family and Neighbourhood Services for a website launch for the Port Stephens Domestic and Family Violence Committee.
- 11) \$2,000 to Rivergum Grandparents as careers Support Group for a River gum Children's Christmas Party.
- 12) \$400 to Tomaree High School and their Senior Representative Council provide students with a Surf Rescue Certificate.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from round 1 of the Community Support Fund.

The Community Support Fund aims to build sustainable local communities and improve the liveability and wellbeing of the Port Stephens community. This grant

ORDINARY COUNCIL - 10 DECEMBER 2024

welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community needs.

The total amount of annual funding available is \$70,000 with \$35,000 available for round 1. Round 1 of the program opened on 2 September 2024 and closed on 1 October 2024.

A total of 25 applicants applied for the Community Support Fund. The assessment panel chose 12 applications to be recommended for funding. The assessment process was carried out in accordance with the funding guidelines. The assessment panel included 4 Councillors, the Mayor and 2 Community Development Council Officers. A total of \$35,000 is recommended for funding. A summary of recommended applications is provided in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$70,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds to successful applicants may not be expended or projects uncompleted and/or not acquitted.	Low	Adopt the recommendation. Manage the grant administration process as per the program guidelines.	Yes

There is a risk that unsuccessful applicants are displeased with Council decision-making.	Low	Adopt the recommendation. Assess applications in line with guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes
There is a risk that the Council may set a precedent when allocating funds to the community and an expectation those funds will always be available	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social outcomes for the Port Stephens's community through opportunities to generate social connections and improvements for community wellbeing.

CONSULTATION

The Mayor and 4 Councillors participated as part of the assessment panel.

Internal

Internal consultation on the projects was undertaken with relevant units, including Communications.

External

The Community Funding Program was promoted through a range of media channels including print media, social media and digital newsletters. Information on the program was also shared with community groups and networks

OPTIONS

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

ATTACHMENTS

- 1) Summaries - Successful applicants of Community Support Fund Round 1. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 SUMMARIES - SUCCESSFUL APPLICANTS OF COMMUNITY SUPPORT FUND ROUND 1.

Number	Service	Project Title	Project summary
1	Raymond Terrace Community Church	Community Christmas Food Hampers	Volunteers prepare Christmas hampers distributed in the lead up to Christmas. These are in addition to their weekly fresh food hampers supplied throughout the year.
2	Nelson Bay Rugby Club Inc.	Marquee for Women's Rugby Team	Purchase of Altegra Pro Lite Marquee 3m x 4.5m (13.5sqm) with the Nelson Bay Rugby Club Logo and details. This will cover 20 people and can be set up at home and away matches in the Newcastle district and Hunter regional grounds where there is minimal cover from the elements.
3	Nelson Bay Rugby Club Inc.	Oxygen Resuscitation & Therapy Kit	Purchase of an Oxygen Resuscitation & Therapy Kit from the First Aid Shop, to be used by our qualified Medical Support team at training and match days.
4	Tanilba bay Baptist Church	Community Meals For You	Repair to kitchen sink and replacement of kitchen pots and pans due to them being aluminium and not safe for use. Update storage containers and kitchenware, including a freezer to freeze any leftover meals. The frozen meals will provide extra assistance to those who are not able to attend the Community Meals For You functions.
5	Lucky Dog Tours PTY LTD	Daughters and Dads Active and Empowered	Implement a new project in Nelson Bay - Daughters and Dads Active and Empowered. This is an evidence based and award winning, community program developed through the University of Newcastle's research department. It aims to improve primary aged girls' confidence and sport skills. Groups of 20-25 dads and daughters participate in each program. (Aiming to run 4 programs through 2025 reaching up to 200 people).
6	Port Stephens FM Radio Incorporated	Sustainable systems	Replace ageing back-office computers to ensure reliability of systems. These back office computers are running applications that are critical to station operations. The

ITEM 3 - ATTACHMENT 1 SUMMARIES - SUCCESSFUL APPLICANTS OF COMMUNITY SUPPORT FUND ROUND 1.

			machines are beyond their expected life and Port Stephens FM Radio are concerned their age will impact reliability.
7	Fingal Beach Surf Life Saving Club Inc.	Fingal Beach water fountain and umbrella	Installation of two drinking water fountains at the Fingal Beach Surf Life Saving Club and purchase of a shade umbrella for use in the club forecourt.
8	Carries Place	Capacity Building Workshop for Carrie's Place Staff	Build the capacity of the staff leadership team, supporting their attendance at a Dare to Lead workshop in February 2025. The program is focused on building the skills needed for courageous and daring leadership in a rapidly changing world. Carrie's Place is a domestic violence and homelessness support service for the Lower and Upper Hunter regions.
9	Firstchance	Little Ones Playgroup	Fund Little Ones Playgroup delivered at Raymond Terrace Community Church. This program provides early intervention support for children aged 0-4 years with disabilities or developmental delays and their families. Through engaging activities and tailored resources, the program promotes social skills, developmental progress, and emotional well-being, fostering a supportive community for families to connect.
10	Port Stephens Family and Neighbourhood Services	Website - Port Stephens Domestic and Family Violence Committee	Development and launch of Port Stephens Domestic and Family Violence Committee's (PSDFV) first ever website under the sponsorship of Port Stephens Family and Neighbourhood Services. With Port Stephens very first women's refuge breaking ground in 2025, the PSDFV Committee needs a website to create a presence in the community.
11	Rivergum Grandparents as Parents Support Group	Rivergum Children's Christmas Party	Delivery of a Christmas party and day out for their children at Oakvale Wildlife Park, including a present for each child. They would also use funds to take the children to the Hunter Valley Gardens to experience the Christmas Light Spectacular.

ITEM 3 - ATTACHMENT 1 SUMMARIES - SUCCESSFUL APPLICANTS OF COMMUNITY SUPPORT FUND ROUND 1.

12	Tomaree High School	SRC program	Tomaree High School are seeking funds to partner with Birubi Point Surf Life Saving Club to run a Surf Rescue Certificate for around 10-15 students over 8 weeks during Term 4, 2024.
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ITEM NO. 4**FILE NO: 24/301723
EDRMS NO: PSC2021-03585-005****HOMELESSNESS STAKEHOLDER ADVOCACY GROUP MEMBERSHIP**

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership to the Homelessness Stakeholder Advisory Group for the term of the current Council.

BACKGROUND

The purpose of this report is nominate 2 Council delegates as members of the Homelessness Stakeholder Advocacy Group (HSAG).

Functions of the HSAG are outlined in the Terms of Reference (**ATTACHMENT 1**).

The purpose of the HSAG is to support a coordinated approach to addressing the impacts of homelessness in Port Stephens and to:

- Provide Council with strategic advice on homelessness and related issues that can be dealt with at a Local Government level.
- Work with Council to address local issues, develop options and assist in identifying preferred solutions as part of Council's decision-making process
- Advocate community views on homelessness issues.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Develop and implement the Community Wellbeing strategy to provide services and support for a diverse community

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 10 DECEMBER 2024

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council has a legal obligation under the Local Government Act 1993 to ensure it reviews and appoints 355 (c) Committees and delegates in accordance with the legislation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the Local Government Act 1993, if it fails to appoint the committees	Low	Council appoint elected representatives as outlined in the report	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATIONInternal

- Communications and Customer Experience Section
- Strategy and Environment section
- Governance Section

OPTIONS

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

ATTACHMENTS

- 1) Homelessness Stakeholder Advocacy Group Terms of Reference. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY
GROUP TERMS OF REFERENCE.**

TERMS OF REFERENCE



**PORT STEPHENS HOMELESSNESS STAKEHOLDER
ADVOCACY GROUP**

1. PURPOSE:

The purpose of the Stakeholder Advocacy Group is to support a coordinated approach to addressing the impacts of homelessness in Port Stephens.

2. CONTEXT/BACKGROUND:

- 2.1 Council resolved on 28 February 2023 to establish a Stakeholder Advocacy Group
- 2.2 It is recognised that Local Government is not best placed to act in the role of direct service providers however, evidence shows that success can be achieved through collaboration at all levels of government and the community sector.

3. SCOPE:

- 3.1 The role of the Stakeholder Advocacy Group is to:
 - a) Provide Council with strategic advice on homelessness and related issues that can be dealt with at a Local Government level.
 - b) Work with Council to address local issues, develop options and assist in identifying preferred solutions as part of Council's decision-making process
 - c) Advocate community views on homelessness issues
- 3.2 The Stakeholder Advocacy Group is not a decision-making body. Council retains the final decision-making authority on final actions to be carried out

4. DEFINITIONS:

- 4.1 An outline of the key definitions included in the Terms of Reference.

Stakeholder Advocacy Group	Port Stephens Homelessness Stakeholder Advocacy Group
Council	Port Stephens Council

5. AUTHORITY:

- 5.1 This Stakeholder Advocacy Group is responsible for:

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



- a) Provide Council with strategic advice on homelessness and related issues
- b) Provide Council with local insights and data on homelessness
- c) Advocate community priorities on homelessness issues and priorities
- d) Proposing preferred actions for Council undertake to addressing the impacts of homelessness

6. TERM:

- 6.1 Membership of the stakeholder advocacy group would remain for the term of Council. Subsequent membership would be determined within three months following a Local Government election.

7. MEMBERSHIP:

- 7.1 The Stakeholder Advocacy Group will comprise 18 core members (including 2 community members) and 1 occasional member.

Organisation	Membership type (Core or Occasional)	Role
Port Stephens Council Elected Councillor 1	Core	Chairperson
Port Stephens Council Elected Councillor 2	Core	Member
NSW Police	Core	Member
Member for Port Stephens	Core	Member
Member for Paterson	Core	Member
Hume Housing	Core	Member
Port Stephens Family and Neighbourhood Services	Core	Member
Karuah Local Aboriginal Land Council	Core	Member
Worimi Local Aboriginal Land Council	Core	Member
Wahroonga Aboriginal Corporation	Core	Member
Yacaaba Centre	Core	Member

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



Hunter Tenants Advice and Advocacy Service	Core	Member
Salvation Army	Core	Member
Hope Cottage	Core	Member
Tomaree Neighbourhood Centre	Core	Member
Community Member 1	Core	Member
Community Member 2	Core	Member
Port Stephens Council Officer	Core	Secretariat (administrative support)
NSW Department of Communities and Justice	Occasional	Guest

- 7.2 The Stakeholder Advocacy Group is comprised of one delegated representative from each of the approved organisations listed in Section 7.1. Each organisation must nominate a member annually at the start of the financial year or at a time an existing member resigns from their position.
- 7.3 The Committee must call for public expressions of interest to appoint the two (2) community representatives at the start of each Council term. The community representatives must be confirmed by a Stakeholder Advocacy Group vote.
- 7.4 The Stakeholder Advocacy Group may invite others to attend meetings as required.
- 7.5 Members who fail to meet the requirements of this Terms of Reference and the meeting code of cooperation (see Section 14), may be expelled from the Stakeholder Advocacy Group on recommendation of the Chair and General Manager of Port Stephens Council.

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



8. ROLES AND RESPONSIBILITIES:

8.1 The roles and responsibilities of the Stakeholder Advocacy Group members are outlined below:

Role	Before meeting	During Meeting	Following Meeting
Secretariat (Council staff)	<ul style="list-style-type: none"> • Schedule meetings. • Call for agenda items. • Invite occasional members. • Distribute draft agenda. 	<ul style="list-style-type: none"> • Provide updates as per agenda. • Record action items and outcomes as required. 	<ul style="list-style-type: none"> • Finalise minutes. • Save a record to EDRMS. • Maintain list of Stakeholder Advocacy Group member contact details.
Chair	<ul style="list-style-type: none"> • Review agenda and read supporting information. 	<ul style="list-style-type: none"> • Chair Meeting 	
Members	<ul style="list-style-type: none"> • Produce and provide reports to the Secretariat. • Review agenda and read supporting information. 	<ul style="list-style-type: none"> • Actively participate in meetings. • Support collaborative information sharing. 	<ul style="list-style-type: none"> • Complete actions as required. • Communicate with staff as necessary.

9. ADMINISTRATION ARRANGEMENTS:

9.1 Meeting practices and cycles

- The Stakeholder Advocacy Group will meet twice per year, or at an interval deemed appropriate by the Stakeholder Advocacy Group. All attendees are required to comply with the Port Stephens Council Meeting Code of Cooperation listed in Section 14 of this Terms of Reference and appended to every agenda.
- Unless otherwise specified in this Terms of Reference and in accordance with any Local Government Act requirements, the Stakeholder Advocacy Group will determine its meeting practice, processes and protocols.

9.2 Secretariat

- The Strategy and Environment section of Port Stephens Council will provide administrative support to the Stakeholder Advocacy Group.

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



9.3 Agenda and minutes

- a) The Secretariat will provide the meeting agenda to all members of the Stakeholder Advocacy Group no later than five (5) business days prior to the scheduled meeting date.
- b) The Secretariat will provide the meeting minutes to all members of the Stakeholder Advocacy Group no later than ten (10) working days following the scheduled meeting date.

9.4 Guests

- a) Core members may, with approval from the Chair, invite a guest to attend a meeting. Requests for guest attendance must be made to the Chair at least 1 week before the scheduled meeting.

9.5 Record keeping

- a) All record keeping will be made and maintained by the Secretariat.

10. CONFIDENTIALITY:

- 10.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.

11. INTELLECTUAL PROPERTY:

- 11.1 The Stakeholder Advocacy Group acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- b) They have a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
- c) Council retains ownership of all intellectual property created by members in the course of their Stakeholder Advocacy Group work.
- d) Council will acknowledge the Stakeholder Advocacy Group if publishing or reproducing copies of Stakeholder Advocacy Group research, including images and historical data.

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



11.2 The Stakeholder Advocacy Group refers to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

12. MEDIA:

12.1 Any media liaison associated with the activities of the Stakeholder Advocacy Group shall be undertaken in accordance with Port Stephens Council protocols.

13. REVIEW:

13.1 The Terms of Reference will be reviewed in line with the Local Government election cycle, or on an as needs basis.

14. MEETING CODE OF COOPERATION:

- | | |
|---|--|
| <ul style="list-style-type: none">• We start on time and finish on time.• We focus on the strategic intent of the item.• We ensure that people attending meetings are provided with guidance and support.• We consider the risks and opportunities of each item.• We are prepared to have open and honest conversations about an issue even if it is uncomfortable.• We all participate fully and are prepared to challenge each other.• We use improvement tools that enhance meeting efficiency and effectiveness.• We actively listen to what others have to say, seeking first to understand then to be understood.• We consider the deployment of actions and programs through appropriate | <ul style="list-style-type: none">frameworks and communicate the consensus view through appropriate channels.• We follow up on the actions we are assigned responsibility for and complete them on time.• We give and receive open and honest feedback in a constructive manner.• We use data to make decisions (whenever possible).• We determine issues arising by consensus or refer to the Chair for consideration.• We strive to continually improve our meeting process and build time into each agenda for reflection and learning.• We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations. |
|---|--|

15. RELATED DOCUMENTS:

ITEM 4 - ATTACHMENT 1 HOMELESSNESS STAKEHOLDER ADVOCACY GROUP TERMS OF REFERENCE.

TERMS OF REFERENCE



15.1 Port Stephens Council's Code of Conduct:

<https://www.portstephens.nsw.gov.au/trim/policies?RecordNumber=19%2F102443>

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No		EDRMS record No	24/66304
Audience	Staff, Councillors and the Community		
Process owner	Vibrant Places Coordinator		
Author	Vibrant Places Coordinator		
Review timeframe	3 years	Next review date	25 July 2026
Adoption date	25 July 2023		

VERSION HISTORY:

Version	Date	Author	Details
1	26 April 2023	Vibrant Places Coordinator	7.1 – Removed number of Core Members 7.1 – Updated number of core members to 20 7.1 – Replaced Centre for Hope with Hope Cottage 7.1 – Inserted Tomaree Neighbourhood Centre

ITEM NO. 5

FILE NO: 24/278635
EDRMS NO: PSC2013-00406-0070

POLICY REVIEW: ONSITE SEWAGE MANAGEMENT POLICY

REPORT OF: RYAN FALKENMIRE - ACTING DEVELOPMENT AND
COMPLIANCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Onsite Sewage Management policy dated 19 October 2004, Minute No. 375 (**ATTACHMENT 1**).

BACKGROUND

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

The purpose of this Policy is to provide Council with a framework for the management and regulation of on-site sewage systems in the Port Stephens Local Government Area (LGA).

After a Policy review by the Compliance and Environmental Health Section, it has been determined that the Policy can be revoked and the purpose of the Policy can be more appropriately satisfied through Council's Onsite Sewage Management Guidelines and the supporting Development Assessment Framework (DAF) (**ATTACHMENT 2**).

The Onsite Sewage Management Guidelines assist with the delivery and implementation of onsite management within the Port Stephens Area and are based on the framework of the DAF.

The DAF sets out minimum requirements for the assessment, design and construction of on-site sewage management systems (both individual systems and unsewered development applications). The DAF adopts a risk based approach to on-site waste management. The DAF is a reference document that can be used to assess how landowners can meet the Minimum Standards and Acceptance Criteria set by Council to ensure unsewered development is undertaken in a safe and sustainable manner.

The DAF is relied upon to assess Onsite Waste Water applications submitted to Council rather than the Onsite Sewage Management Policy. On this basis, the Onsite Sewage Management Policy serves no beneficial purpose.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There is no financial implication for Council in relation to the revocation of the policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legislative or governance reason for the Onsite Sewage Management Policy to remain in force.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that removal of the Policy will impact the assessment and design of on-site sewage management systems in the LGA.	Low	The Onsite Sewage Management Guidelines and Development Assessment Framework (DAF) provide minimum requirements for the assessment, design and construction of on-site sewage management systems.	Yes

SUSTAINABILITY IMPLICATIONS

There are no expected social, economic or environmental implications as a result of revoking the Policy.

CONSULTATION

Consultation with internal stakeholders has been undertaken by the Development and Compliance Section.

Internal

- Community Futures Director.
- Governance.
- The Executive Team.

External

No external consultation was required.

OPTIONS

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

ATTACHMENTS

- 1) Onsite Sewage Management Policy. [↓](#)
- 2) Development Assessment Framework. (Provided under separate cover) [⇒](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406-049

TITLE: ON-SITE SEWAGE MANAGEMENT POLICY

OWNER: DEVELOPMENT & COMPLIANCE SECTION MANAGER

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

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

Policy

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Policy



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

Policy

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Policy



3. SCOPE:

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

4. DEFINITIONS:

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

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

5. STATEMENT:

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

6. RESPONSIBILITIES:

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

Policy

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Policy



7. RELATED DOCUMENTS:

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

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EDRMS container No.	PSC2013-00406-049	EDRMS record No.	21/295274
Audience	Staff, installers, consultants, general public		
Process owner	Development and Compliance Section Manager		
Author	Compliance Coordinator		
Review timeframe	3 years	Next review date	28/09/2024
Adoption date	19 October 2004		

VERSION HISTORY:

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

Policy

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Policy



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

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Policy



Version	Date	Author	Details	Minute No.
			7.2 Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF). 7.3 Port Stephens Council On-Site Sewage Management Technical Manual 2005. 7.4 Local Government Act 1993. 7.5 local government (general) regulations.	
4	28/09/2021	Compliance Coordinator	2.4 added 'and 2019'	247

Policy

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ITEM NO. 6

**FILE NO: 24/257032
EDRMS NO: PSC2009-02488**

POLICY REVIEW: BUDGET CONTROL AND AUTHORISATION POLICY

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Budget Control and Authorisation Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Budget Control and Authorisation Policy on public exhibition for a period of 28 days and should no submission be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Budget Control and Authorisation Policy dated 26 October 2021, Minute No 286 should no submissions be received.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Budget Control and Authorisation Policy (the 'policy') **(ATTACHMENT 1)**.

The objective of the policy is to ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

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

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2024 to 2034.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the policy ensures that all Council expenditure is legally authorised and ensures the sound financial management of Council's assets.

ORDINARY COUNCIL - 10 DECEMBER 2024

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

No adverse legal, policy or risk implications have been identified as a result of the policy review.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's legal responsibilities will not be met if the policy is not implemented which could cause financial and/or reputational damage.	Low	Adopt the recommendations.	Yes
There is a risk that failing to effectively monitor and control actual income and expenditure in conjunction with budgeted income and expenditure could compromise Council's financial position.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

CONSULTATION

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

Internal

The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation, the revised Budget Control and Authorisation 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 Budget Control and Authorisation Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.**

Policy



FILE NO: PSC2009-02488

TITLE: BUDGET CONTROL AND AUTHORISATION POLICY

OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

2. CONTEXT/BACKGROUND:

- 2.1 On 20 September 2011, Council adopted a Budget Control and Authorisation Policy, Minute No. 349. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

3. SCOPE:

- 3.1 The elected Council is responsible for the allocation of Council's resources for the benefit of the area (section 232 Local Government Act 1993 (NSW) (Local Government Act)).
- 3.2 Council cannot delegate its authority to vote money for expenditure on works, services and facilities (section 377 Local Government Act).
- 3.3 The Council is responsible to regularly review and monitor its financial performance (section 232 Local Government Act).
- 3.4 The General Manager is responsible for the efficient and effective allocation of resources and ensuring appropriate policies and delegations of authority (section 335 Local Government Act).
- 3.5 Responsible budget officers are responsible for carrying out activities within their area of responsibility in accordance with their delegations from the General Manager.

4. DEFINITIONS:

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

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ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND AUTHORISATION POLICY.



Policy

Budget	An estimate of income and expenditure for a set period.
Unexpended votes	Financial resources not spent.
Budget reviews	A quarterly review of budget allocations submitted for Council endorsement.
Responsible Accounting Officer	A staff member designated by the General Manager in accordance with the Local Government Act to take charge of accounting and finance requirements of the organisation.
Budget	An estimate of income and expenditure for a set period.

5. STATEMENT:

5.1 General

5.1.1 Each year, Council will approve ~~estimated~~ **budgeted** income and expenditure for works and services as detailed in the ~~Community Strategic~~ **Operational** Plan. The ~~estimates~~ **budgets** will be submitted to Council in the form of a 10-year Long Term Financial Plan. ~~For the purposes of the Local Government (General) Regulation 2005 (NSW), Council will be deemed to have approved the budget at group level.~~

5.1.2 No employees shall incur a liability unless Council has approved such expenditure and they must have the necessary authority delegated to incur a liability on behalf of Council.

5.1.3 As the Responsible Accounting Officer, the Financial Services Section Manager is to ensure:

- a) ~~that a~~ **A** appropriate budgeting and accounting systems (including internal control systems) are established and maintained.
- b) ~~that a~~ **A** system of budgetary control is established and maintained that will enable Council's actual income and expenditure to be monitored each month and to be compared with the ~~estimate of Council's~~ **budgeted** income and expenditure. If any instance arises, where the actual income or expenditure of ~~the Council~~ is materially different from ~~the~~ **its estimated budgeted** income or expenditure, the General Manager must report the instance to the next meeting of Council.

5.2 Voting and authorising new expenditure

5.2.1 The voting and authorising of additional expenditure not included in the original budget is the statutory responsibility of Council and cannot be delegated to the General Manager or any other person. ~~This requirement is~~

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ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND AUTHORISATION POLICY.

Policy



~~valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.~~

5.2.2 Council authority for such new items is to be obtained by either:

- a) Including details in a quarterly budget review.
- b) A separate report to Council.

5.2.3 To ensure that all decisions by Council have taken into account the overall impact on the budget and Council priorities:

- a) Reports are to include recommendations ~~from the relevant section manager,~~ of the impact on the current or future budgets.
- b) The funding/budget implications will be referred to a Council meeting as part of the Quarterly Budget Review Statement, with a recommendation from the ~~Executive Team~~ **Responsible Accounting Officer** based on an ~~an~~ corporate assessment of overall budget implications and priorities.

~~5.3 Transferring votes~~

~~5.3.1 The General Manager has delegated authority to approve the transfer of votes, across groups, up to a maximum of \$50,000. Such transfers and the reasons for the transfers are to be included in the next Quarterly Budget Review Statement.~~

~~5.3.2 The transfer of votes across groups for amounts in excess of \$50,000 or between operational and capital must be submitted to Council for approval.~~

5.3 Budget reviews

5.3.1 The Responsible Accounting Officer will prepare and submit to Council a Quarterly Budget Review Statement within 2 months of the end of each quarter, except for the June quarter, which is discretionary.

5.3.2 The Quarterly Budget Review Statement will show the actual income and expenditure at the end of the quarter and a revised ~~estimate~~ **budget** of income and expenditure for the year.

5.3.3 The Quarterly Budget Review Statement will summarise any additional votes or transfers that require Council approval.

5.3.4 The Quarterly Budget Review Statement must include a report as to whether the Responsible Accounting Officer believes that the statement indicates if Council's financial position is satisfactory or unsatisfactory and recommendations for remedial action if necessary.

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ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND AUTHORISATION POLICY.

Policy



- 5.3.5 The Quarterly Budget Review Statement must include a report that provides sufficient information to alert Council to any issues or potential problems that may impact its ability to achieve stated financial targets.
- 5.3.6 The Quarterly Budget Review Statement must include a report that provides sufficient information to inform Council as to whether Council's Capital Works Program is on track to deliver the projects outlined in its Asset Management Plan.
- 5.4 Unexpended votes (revotes)
- 5.4.1 ~~All approvals and votes lapse at the end of the financial year or whenever Council's term of office ends. However, this does not apply to approvals and votes relating to:~~
- ~~a) work carried out, work in progress or contracted to be carried out.~~
 - ~~b) any service provided, or contracted to be provided.~~
 - ~~c) goods and materials provided, or contracted to be provided.~~
 - ~~d) facilities provided, or contracted to be provided before the term of office of the Council ends.~~

5.4.1 The current Local Government (General) Regulation 2021 states:

Clause 211 - Authorisation of expenditure

- a) A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subsection (2) or at a later ordinary meeting,
- b) Has approved the expenditure, and
- c) Has voted the money necessary to meet the expenditure.

5.4.2 A council must each year hold a meeting for the purpose of approving expenditure and voting money.

5.4.3 All such approvals and votes lapse at the end of a council's financial year.

5.4.4 However, this subsection does not apply to approvals and votes relating to:

- (a) Work carried out or started, or contracted to be carried out, for the council, or
- (b) Any service provided, or contracted to be provided, for the council, or
- (c) Goods or materials provided, or contracted to be provided, for the council, or
- (d) Facilities provided or started, or contracted to be provided, for the council, before the end of the year concerned, or to the payment of remuneration to members of the council's staff.

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**ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.**

Policy



5.4.5 The Responsible Accounting Officer will be responsible to determine if the criteria in 5.5.1 above will apply and to authorise the carrying forward of a vote into the next financial year. The Responsible Accounting Officer will submit a report to Council detailing these carried forward votes.

5.4.6 ~~Once an approval or vote has lapsed, it can only be reinstated by a resolution of the Council. In the case of a newly elected Council, a report will be submitted to the first meeting of Council recommending the approval and voting of expenditure to enable the day-to-day operations of Council to continue. In the case of votes unexpended at the end of the financial year, a report is to be submitted to Council itemising the lapsed votes that in the opinion of the Responsible Accounting Officer, should be revoted for the next period.~~

6. RESPONSIBILITIES:

6.1 The Financial Services Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Local Government (General) Regulation 2021.

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ITEM 6 - ATTACHMENT 1 REVISED BUDGET CONTROL AND AUTHORISATION POLICY.

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EDRMS container No.	PSC2009-02488	EDRMS record No.	TBA
Audience	Council staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	34 years	Next review date	TBA
Adoption date	21/07/1998		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	21/07/98	Financial Services Section Manager	Policy adopted.	336
2	20/09/11	Financial Services Section Manager	Amended policy adopted.	349
3	25/03/14	Financial Services Section Manager	Amended policy adopted.	62
4	16/12/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template. Included a definition of Responsible Accounting Officer.	
5	09/02/16	Financial Services Section Manager	Amended policy updated.	017

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ITEM 6 - ATTACHMENT 1
AUTHORISATION POLICY.

REVISED BUDGET CONTROL AND

Policy



Version	Date	Author	Details	Minute No.
6	12/12/17	Financial Services Section Manager	Updated RM8 reference from 15/244602 to 17/209919.	318
7	10/12/2019	Financial Services Section Manager	Updated policy into new template. 5.1.1 – Removed 'section' 5.1.1 – Added 'Group' 5.2.3 b) – Removed 'Leadership'. 5.3.1 – Removed 'within the same group' 5.3.1 – Added 'across Groups' 5.3.1 – Removed '\$10,000' 5.3.1 – Added '\$50,000' 5.3.2 – Removed 'The transfer of votes between groups must be submitted to Council for approval.' 5.3.2 – Removed 'within' 5.3.2 – Added 'across' 5.4.1 – Removed 'General Manager' 5.4.1 – Added 'Responsible Accounting Officer' 5.4.3 – Removed 'itemise' 5.4.3 – Added 'summarise' 5.5.2 – Removed 'General Manager' 5.5.2 – Added 'Responsible Accounting Officer' and '5.5.1'. 5.5.3 – Removed 'General Manager' 5.5.3 – Added 'Responsible Accounting Officer' 6.1 – Inserted 'is responsible'	253

Policy

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ITEM 6 - ATTACHMENT 1
AUTHORISATION POLICY.

REVISED BUDGET CONTROL AND

Policy



Version	Date	Author	Details	Minute No.
			for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.' Updated EDRMS record number.	
8	26 October 2021	Financial Services Section Manager	Updated policy into the new template. 4.1 – Deleted 'of time' at the end of the budget definition as superfluous. Controlled document information: <ul style="list-style-type: none"> Amended review timeframe to 3 years as per Council's policy review process. 	286
9	TBA	Financial Services Section Manager	Updated policy into the new template. Replaced 'group' with Directorate throughout in line with current naming convention. Replaced 'estimate' with budget throughout. 5.1.1 Replaced 'Community Strategic Plan' with 'Operational Plan'. 5.2.1 Removed 'this requirement is valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.' 5.2.3 (a) Removed reference to Section Manager making recommendations. (b) Replaced 'Executive Team' with Responsible Accounting Officer. 5.3, 5.3.1 and 5.3.2 Removed references to Transferring Votes.	TBA

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ITEM 6 - ATTACHMENT 1
AUTHORISATION POLICY.

REVISED BUDGET CONTROL AND

Policy



Version	Date	Author	Details	Minute No.
			<p>5.4.1 Original paragraph referred to the Local Government (Financial Management) Regulation 1999, which replaced the Local Government (Financial Management) Amendment Regulation 1997 which was repealed in 2005 and has now been replaced with the current Local Government (General) Regulation 2021 (clause 211).</p> <p>5.4.6 Paragraph removed. The requirement for newly elected Council to approve the budget at their first meeting was removed in the 1999 iteration of the Local Government Regulation. As such, the requirement for Council to approve lapsed expenditure votes now only occurs at the end of financial year.</p> <p>7.2 – Added the year '2021'.</p> <p>Controlled document information: Amended review timeframe to 4 years as per Council's policy review process.</p>	

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ITEM NO. 7

FILE NO: 24/322424
EDRMS NO: PSC2024-03232

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 10 December 2024.

No:	Report Title	Page:
1	Mayoral Delegations	68
2	Code of Conduct Annual Reporting	69
3	Delegations Report	71
4	Council Resolutions	73

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 24/317134
EDRMS NO: PSC2009-00965**

MAYORAL DELEGATIONS

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

BACKGROUND

The purpose of this report is to inform Council that the Mayor has exercised her delegations between Council meetings.

The Mayor is able to exercise her delegations between Council meetings when a decision of Council is required and the matter is not able to wait until the next Ordinary Council meeting.

The Mayor exercised her delegations to appoint a Central Ward Councillor to the Australia Day Committee. All Central Ward Councillors were consulted as part of the process.

A Central Ward Councillor was not appointed to the Australia Day Committee at the Council meeting on 22 October 2024, when appointments were made. As a result, a representative was required before the next Council meeting and the Mayor exercised her delegations to appoint a Councillor. Cr Ben Niland was appointed.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2**FILE NO: 24/282692
EDRMS NO: A2004-0984****CODE OF CONDUCT ANNUAL REPORTING****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide the code of conduct complaint statistics for the reporting period 1 September 2023 to 31 August 2024, in accordance with Part 11 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

The statistics relate to complaints concerning the Mayor, Councillors and the General Manager.

The statistics required by Part 11 are shown below:

Code of Conduct statistics from 1 September 2023 to 31 August 2024	
a) The total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period).	2
b) The number of Code of Conduct complaints referred to a conduct reviewer during the reporting period.	0
c) The number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	0
d) The number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period.	1
e) Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period: <ul style="list-style-type: none">The recommendation within the Investigation Report was rejected on the grounds that the evidence, including written advice from the Office of Local Government and, in particular, the respondent's submissions, it is not possible for the findings in the report to be sustained and, as such, all allegations are deemed to not be substantiated.	N/A
f) The number of matters reviewed by the Office during the reporting period and without identifying particular matters, the outcome of the reviews. <ul style="list-style-type: none">Ongoing.	1

ORDINARY COUNCIL - 10 DECEMBER 2024

g) The total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$3,472
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ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 24/311552
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: 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/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
25 November 2024	Roads and Maritime Services delegations	Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the minutes of the Port Stephens Local Traffic Committee report dated 5 November 2024.	General Manager	10 December 2024

ITEM NO. 4

**FILE NO: 24/311551
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: 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) Community Futures resolutions. [↓](#)
- 2) Corporate Strategy and Support resolutions. [↓](#)
- 3) Facilities and Infrastructure resolutions. [↓](#)
- 4) General Manager's Office resolutions. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division:	Community Futures	Date From:	10/10/2023
	Committee:		Date To:	26/11/2024
	Officer:		Printed: Wednesday, 27 November 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Lamont, Brock	RAMSAR Listing for Mambo Wanda Wetlands	30/12/2025	29/11/2023	
4		Peart, Steven				23/324875
27 Nov 2024						
A briefing will be undertaken following receipt of responses from State and Federal Ministers.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Road Network and Parking (Electric Vehicles)	28/03/2025	28/02/2024	
3 014		Peart, Steven				24/50158
27 Nov 2024						
Council resolved to endorse the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) and provide public notice. Outstanding actions have been integrated into forward work plans. A briefing will be presented to Councillors.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 23/07/2024	Gardner, Janelle	URGENCY MOTION: Youth Interagency - see Minutes for actions.	28/02/2025		
		Peart, Steven				
27 Nov 2024						
Council held a Raymond Terrace youth mapping workshop on 26 November 2024. The session was attended by 21 stakeholders including Police, schools, Port Stephens Family and Neighbourhood Services, Wahrenonga, Jupiter and Hunter New England Health. The purpose of the workshop was to gain a better sense of who does what for young people in Raymond Terrace, make connections for improved use of resources and develop working groups to strengthen relationships, outputs and outcomes for the community. The session identified the purpose and priorities of a proposed Raymond Terrace Youth Interagency network. It also identified key issues that working groups would focus on in 2025. Council will follow up with a workshop report to participants and schedule another interagency meeting in early 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Gardner, Janelle	Disability Inclusion Advisory Panel	10/12/2024	27/11/2024	
1		Peart, Steven				24/318827
27 Nov 2024						
Council unanimously supported that a report be prepared by the General Manager on the establishment of a Disability Inclusion Advisory Panel to provide community representation, advice and advocacy to advance the inclusion of people with disability.						



Action Sheets Report	Division:	Community Futures	Date From:	10/10/2023
	Committee:		Date To:	26/11/2024
	Officer:		Printed:	Wednesday, 27 November 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Peart, Steven	Port Stephens Koala Hospital Power Upgrade	20/12/2024	27/11/2024	
3		Peart, Steven				24/318827
27 Nov 2024						
Letters are being prepared to request funding support from the local State and Federal Members, State Minister for Lands and State and Federal Ministers for the Environment.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Division:	Corporate Strategy and Support	Date From:	11/10/2022
Committee:	Ordinary Council	Date To:	26/11/2024
Officer:			
Action Sheets Report		Printed:	Wednesday, 27 November 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/03/2025	12/10/2022	
1		Pattison, Zoe				22/273002
27 Nov 2024						
Further clarification on the distribution of funds is underway. A report will be provided back to a future Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/03/2025	12/10/2022	
2		Pattison, Zoe				22/273002
27 Nov 2024						
Report deferred to allow for further clarification on the distribution of funds. A report will be provided back to a future Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/06/2025	12/04/2023	
5 088		Pattison, Zoe				23/92450
27 Nov 2024						
Council is investigating 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/12/2025		
1 193		Pattison, Zoe				23/214729
27 Nov 2024						
Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2024	Dodds, Melissa	Policy Review: Public Access to State Records after 20 Years Policy	30/03/2025	12/06/2024	
4		Pattison, Zoe				24/145208
27 Nov 2024						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to a future Council meeting.						

ITEM 4 - ATTACHMENT 2
RESOLUTIONS.

CORPORATE STRATEGY AND SUPPORT



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	11/10/2022
	Committee:	Ordinary Council	Date To:	26/11/2024
	Officer:		Printed: Wednesday, 27 November 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Peterkin, Glen	Policy Review: Community Group Loans Policy	30/03/2025	13/11/2024	
3 121		Pattison, Zoe				24/307858
27 Nov 2024 The revised Community Group Loans Policy was deferred at the meeting held on 12 November 2024 with a request that the General Manager send a survey out to all known community groups asking if they have ever accessed the program, considered accessing it, or would ever see themselves accessing it. The outcomes of the survey will be provided at a two way conversation for further understanding for Councillors.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Division:	Facilities and Infrastructure	Date From:	11/04/2023
Committee:		Date To:	26/11/2024
Officer:		Printed:	Wednesday, 27 November 2024
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Ordinary Council 27/08/2013 243		Maretich, John Kable, Gregory	Campvale Drain	30/06/2025		
27 Nov 2024 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report Council 11/04/2023 2 085		Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	23/92450
27 Nov 2024 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 Council 28/11/2023 1		Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	30/06/2025	29/11/2023	23/324875
27 Nov 2024 Two of the roads are being marketed. An Expression of Interest (EOI) for the remaining road is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report Council 28/05/2024 1		Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/03/2025	29/05/2024	24/131056
27 Nov 2024 As per Council resolution a review of the Bus Stop Infrastructure will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report Council 28/05/2024 2		Maretich, John Kable, Gregory	Pathways Review	31/03/2025	29/05/2024	24/131056
27 Nov 2024 As per Council resolution, staff will undertake a review of Councils pathways plans.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report Council 9/07/2024 2		Maretich, John Kable, Gregory	Maintenance of Gravel Roads	31/03/2025	10/07/2024	24/176219
27 Nov 2024 As per Council resolution, staff will undertake a review of the maintenance of gravel roads.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	11/04/2023
	Committee:		Date To:	26/11/2024
	Officer:		Printed: Wednesday, 27 November 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	31/03/2025	24/07/2024	
6		Kable, Gregory				24/189773
27 Nov 2024						
Staff will investigate options to upgrade Raymond Terrace Boat Ramp and present in a two way conversation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Donaldson, Cameron	Renewal of Lease - 49 William Street, Raymond Terrace	10/12/2024	13/11/2024	
1		Kable, Gregory				24/307858
128						
27 Nov 2024						
The survey has been distributed to the residents of Raymond Terrace and will close 8 December 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Maretich, John	Fern Bay Shared Pathway	31/03/2025	27/11/2024	
2		Kable, Gregory				24/318827
27 Nov 2024						
As per Council resolution, staff will prepare report.						



Action Sheets Report	Division:	General Manager's Office	Date From:	09/07/2024
	Committee:		Date To:	26/11/2024
	Officer:		Printed: Wednesday, 27 November 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Wickham, Tony	Initiation of a Proposal to Alter the Port Stephens Local Government Boundaries	28/02/2025	10/07/2024	
1		Crosdale, Timothy				24/176219
27 Nov 2024 Engagement with neighbouring Councils is being undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/10/2024	Wickham, Tony	Council Meetings	22/10/2025	24/10/2024	
2		Crosdale, Timothy				24/288938
27 Nov 2024 Current schedule to remain in place for 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/10/2024	Wickham, Tony	Payment of Expenses and Provision of Facilities to Councillors Policy	4/12/2024	24/10/2024	
4		Crosdale, Timothy				24/288938
27 Nov 2024 Policy on public exhibition until 2 December 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Wickham, Tony	Policy Review: Management of Competitive Neutrality Complaints Policy	15/12/2024	13/11/2024	
6		Crosdale, Timothy				24/307858
27 Nov 2024 Policy on public exhibition until 13 December 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Wickham, Tony	Local Government Week Council Meetings	31/03/2025	27/11/2024	
5		Crosdale, Timothy				24/318827
27 Nov 2024 A meeting for Local Government Week 2025 will be scheduled in Central Ward, following consultation with the Mayor and Councillors on the specific location.						

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 24/317741****EDRMS NO: PSC2024-03148****BUS SHELTERS IN PORT STEPHENS****COUNCILLOR: BEN NILAND**

THAT COUNCIL:

- 1) Requests the General Manager report back to Council with an updated Bus Shelter Policy that encourages private companies to fund standard design bus shelters throughout the LGA in exchange for advertising space. Once the Policy is adopted, seek an expression of interest to the open market to gauge interest.
-

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

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

Bus shelters play an important part in increasing public transport patronage in Port Stephens providing shelter and comfort for bus passengers.

Council currently has an existing adopted Bus Shelter Policy that allows for community groups to install, maintain and clean, amongst other responsibilities. In return, they are able to allow advertising to recoup monies to pay for capital cost of the shelter and ongoing responsibilities. The existing Policy, as currently adopted, is aimed at community groups and does not allow for private entities to be part of this scheme.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 10 DECEMBER 2024

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 24/318789****EDRMS NO: PSC2024-03148****SPEED LIMITS IN HIGH STREET, WALLALONG****COUNCILLOR: PAUL LE MOTTEE**

THAT COUNCIL:

- 1) Requests the General Manager write to Traffic for NSW (TfNSW) and requests that the speed limits in High Street, Wallalong are returned to the format they were in prior to October 2024.

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

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

Speed zones in the State of NSW are assessed and determined by the State Government Department, Transport for NSW (TfNSW). The management of speed zones at a State Government level enables consistency across NSW.

TfNSW instigated and completed a speed zone review for High Street, Wallalong between Clarence Town Road and Paterson Street. This review determined that the speed zone warranted a reduction to improve road user safety and reduce the potential of road trauma. This reduction was recommended to 60 km/h as the 80 km/h speed limit did not align with the NSW Speed Zoning Standard.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 0****FILE NO: 24/320615****EDRMS NO: PSC2024-03148****ANNA BAY RESORT, GAN GAN ROAD, ANNA BAY****COUNCILLOR:** CHRIS DOOHAN
BEN NILAND

THAT COUNCIL:

- 1) Acknowledges the poor state of the Anna Bay Resort at 74 & 84 Gan Gan Road, Anna Bay (LOT: 2 DP: 502820; Lot 31: DP: 1146884).
 - 2) Requests the General Manager to investigate compliance options to improve the state of the site and report the findings to the elected Council as a 2-way briefing.
-

BACKGROUND REPORT OF: RYAN FALKENMIRE – ACTING DEVELOPMENT AND COMPLIANCE SECTION MANAGER**BACKGROUND**

A Development Application for a tourist facility and strata subdivision was approved under DA16-2009-160 in 2009. The development approval included the construction of a 154 unit tourist facility, comprising 7 x 2 storey and 8 x 1 storey villas containing 7 to 14 units each. The development also included a restaurant, bar and recreation facilities for visitors and guests.

Construction of the tourist facility commenced but subsequently stalled, leaving the site in a state of disrepair for several years.

Council has sought to improve the state of the site on a number of occasions, with requests to the owners dating back to 2013. In June 2020, Council participated in Court proceedings to seek an improvement to the state of the site through landscape works.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 10 DECEMBER 2024

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 24/320638

EDRMS NO: PSC2024-03148

TOMAGO BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITY

COUNCILLOR: MARK WATSON

THAT COUNCIL:

- 1) Notes that the NSW State Government has recently issued development consent for the AGL 500-megawatt battery energy storage system (BESS) facility in Tomago, comprising of 900 batteries to be completed by 2028.
- 2) Notes that this type of technology has the potential to cause hazards from lithium ion such as off-gassing, thermal runaway, toxic gases or flaring, creating extremely difficult circumstances for emergency services when responding to an incident. Given the topography of this area, it also could pose a large risk to fast spreading bush fire as witnessed recently, with emergency services not equipped to handle these types of incidents.
- 3) Notes that in October 2023, there were challenging conditions for Fire and Rescue NSW to contain a “dangerous heat build-up” at a thermal energy plant on Laverick Lane, Tomago - causing an 800m exclusion zone and calling on a Bulk CO₂ tanker to be deployed from Sydney as well as hazardous material units from across the region.
- 4) Requests the General Manager to write to the NSW Minister for Planning, Housing and Infrastructure, the NSW Minister for Emergency Services and the State Member for Port Stephens requesting that:
 - a) Port Stephens Council is provided with a copy of the Fire Safety Study required under Condition B28 of State Significant Development Consent SSD-57107216 once received by the Planning Secretary for review and comment.
 - b) Port Stephens Council is provided with a copy of the Emergency Plan required under Condition B31 of State Significant Development Consent SSD-57107216 prior to the commencement of construction.
 - c) Advice be provided in relation to what provisions will be in place to equip and train local emergency services to respond to any hazards arising from an incident at the Tomago BESS facility.
 - d) Advice be provided in relation to whether additional resources and equipment will be allocated to local firefighting services (Fire and Rescue NSW and Rural Fire Service) to be prepared for potential incidents associated with the Tomago BESS facility.

BACKGROUND REPORT OF: BROCK LAMONT– STRATEGY AND ENVIRONMENT SECTION MANAGER**BACKGROUND**

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

The NSW State Government recently issued development consent for the Tomago Battery Energy Storage System (BESS) development at Old Punt Road, Tomago (part of Lot 5 and Lot 6 DP1286735).

Project details are available on the NSW Government's Major Projects website (<https://www.planningportal.nsw.gov.au/major-projects/projects/tomago-battery-energy-storage-system>).

In relation to emergency preparedness associated with the development consent, a number of conditions have been placed on the determination, specifically conditions B28 – Fire Safety Study and B31 – Emergency Plan.

Condition B28 requires the preparation and submission of a Fire Safety Study to the satisfaction of the NSW Planning Secretary at least 1 month prior to the commencement of construction of the BESS.

Condition B31 requires the preparation of an Emergency Plan with a copy of the plan to be provided to the NSW Rural Fire Service Lower Hunter Control Centre and Fire and Rescue NSW prior to the commencement of construction of the BESS.

As the development consent relates only to the planning approval for the development, the documentation does not make specific reference to the resourcing allocation, equipment provision or training programs for local emergency services.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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