

# NOTICE OF ORDINARY MEETING

## 11 FEBRUARY 2025



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.

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## **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 - 11 FEBRUARY 2025**

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

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

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

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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

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

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

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

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

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

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





## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

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

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

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

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_pm.

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

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.

# COUNCIL REPORTS

ITEM NO. 1

FILE NO: 24/342218  
EDRMS NO: 89-2024-1-1

**TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE (AFZ) - SHOAL BAY  
FOOD AND WINE FESTIVAL AND SAIL PORT STEPHENS STREET PARTY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the temporary suspension of part of the Shoal Bay Alcohol Free Zone (AFZ) (**ATTACHMENT 1**) during the Shoal Bay Food and Wine Festival on Saturday 1 March 2025 from 9am until 10pm in accordance with section 645 of the Local Government Act 1993 (NSW) (LG Act).
- 2) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (AFZ) (**ATTACHMENT 2**) during the Sail Port Stephens Street Party event on Wednesday 2 April 2025 from 9am until 10pm in accordance with section 645 of the Local Government Act 1993 (NSW) (LG Act).
- 3) Publicly notify the temporary suspension of the Shoal Bay and Nelson Bay Alcohol Free Zone by publishing a notice in the Port Stephens Examiner, the Port Stephens News of the Area, on Council's website and via direct communications to local businesses prior to the event for the purposes of satisfying section 645(1) of the LG Act.
- 4) Implement the requirements for signage in accordance with the Ministerial Guidelines Alcohol Free Zones 2009.

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**BACKGROUND**

The purpose of this report is to seek Council endorsement to temporarily suspend part of the Shoal Bay and Nelson Bay Alcohol Free Zone (AFZ) to facilitate the postponed Shoal Bay Food and Wine Festival and the Sail Port Stephens Street Party.

It is proposed to temporarily suspend the AFZ on Shoal Bay Road between Government Road and Tomaree Road in Shoal Bay on Saturday 1 March 2025 from 9am until 10pm for the postponed Shoal Bay Food and Wine Festival (**ATTACHMENT 1**).

It is proposed to temporarily suspend the AFZ on Magnus Street between Yacaaba Street and Stockton Street as well as Stockton Street between Victoria Parade and Donald Street on Wednesday 2 April 2025 from 9am until 10pm for the Sail Port Stephens Street Party (**ATTACHMENT 2**).

## ORDINARY COUNCIL - 11 FEBRUARY 2025

Under the Local Government Act 1993 (NSW) (LG Act), Council may resolve to temporarily suspend an AFZ to, among other purposes, accommodate short term community events.

The LG Act includes a requirement to give public notice in a manner that is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the AFZ concerned.

Other process requirements for suspending an AFZ are outlined in the Ministerial Guidelines Alcohol Free Zones 2009 (the Guidelines), including specific requirements for signage as detailed below.

Council will provide public notice for the suspension of the Nelson Bay and Shoal Bay AFZ by publishing a notice in the Port Stephens Examiner, the Port Stephens News of the Area, on Council website and via direct communications to local businesses.

The Guidelines require the existing alcohol restriction signage within the affected Shoal Bay and Nelson Bay AFZ event areas to be amended for the temporary suspended period and reinstated following the event.

Note the proposed suspension will not impact the term of the current Shoal Bay and Nelson Bay AFZs (4 years).

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Deliver an annual program for Council to provide development services to enhance public safety, health and liveability

### FINANCIAL/RESOURCE IMPLICATIONS

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The existing AFZ restricts alcohol in the declared area 24 hours, 7 days a week (**ATTACHMENT 1, ATTACHMENT 2**). Council has the power to suspend the AFZ under section 645 of the LG Act for any reason, however, the Guidelines specify that a suspension would not usually be appropriate for any period longer than 1 month and, generally, would be of a much shorter duration (eg to accommodate a specific event). The suspension is proposed between 9am and 10pm Saturday 1 March 2025 and 9am and 10pm on Wednesday 2 April 2025 to facilitate two outdoor community events.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that visitors to Shoal Bay will drink within the existing AFZ area that has not been suspended.	Medium	NSW Police have supported the temporary suspension of alcohol in the Shoal Bay AFZ for the event and will resource the area and surrounds as required.	Yes
There is a risk that visitors to Nelson Bay will drink within the existing AFZ area that has not been suspended.	Medium	NSW Police have supported the temporary suspension of alcohol in the Nelson Bay AFZ for the event and will resource the area and surrounds as required.	Yes
There is a risk that broken glass and litter could accumulate and be left behind from the event.	Medium	Relevant sections in Council have been notified of the event and Council will increase the waste management in place if necessary.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Appropriate waste management will address any potential environmental impacts that could result from the event. The temporary suspension of the AFZ will assist to support a successful local event which will promote economic benefits within the local community.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

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INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

### External communications and engagement

INFORM	Notification of the temporary suspension of the Shoal Bay and Nelson Bay Alcohol Free Zone by publishing a notice in the Port Stephens Examiner, the Port Stephens News of the Area, on Council's website and via direct communications to local businesses prior to the event for the purposes of satisfying section 645(1) of the LG Act.
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### Internal communications and engagement

The internal consultation process involved engaging with key internal teams within Council to ensure compliance with legislative and operational requirements:

- Strategy and Environment - Consulted to address legislative requirements related to alcohol-free zones, ensuring alignment with regulations and strategic objectives.
- Public Domain and Services
- Governance
- Community Services
- Communications

This standard practice facilitated comprehensive input regarding public domain operations, risk mitigation and waste management considerations for planned activities or events.

This integrated approach supports informed decision-making and ensures all relevant teams contribute to operational planning and compliance.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Shoal Bay Food and Wine Festival Alcohol Free Zone.
- 2) Sail Port Stephens Street Party Alcohol Free Zone.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 SHOAL BAY FOOD AND WINE FESTIVAL  
ALCOHOL FREE ZONE.



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



ITEM 1 - ATTACHMENT 2  
ALCOHOL FREE ZONE.

SAIL PORT STEPHENS STREET PARTY

Proposed Alcohol Free Zone - NELSON BAY  
Event: Sail Port Stephens Street Party  
Date: Wednesday 2th April 2025 5pm – 10pm



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

**ITEM NO. 2****FILE NO: 24/344839  
EDRMS NO: PSC2017-00180****AMENDMENT TO FEES AND CHARGES 2024-2025****REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the previously adopted Fees and Charges listed in **(ATTACHMENT 1)** for 2024 to 2025.
- 2) Adopt the revised Fees and Charges for 2024 to 2025 as listed in **(ATTACHMENT 2)**.

**BACKGROUND**

The purpose of this report is to provide Council with an update on changes to the Fees and Charges 2024 to 2025. In December 2024, the Australian Tax Office (ATO) released a taxation ruling which changed how GST was to be applied for fees related to the supply of a burial right in respect of a public cemetery.

The previously adopted fees listed in **(ATTACHMENT 1)** included GST. Following the public GST ruling from the ATO the fees must now be considered GST free. As a result the fees listed in **(ATTACHMENT 2)** have been amended to remove GST.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

If Council does not revoke or amend the current fees then it will be in breach of the Goods and Services Tax Act 1999.

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council is required to undertake integrated planning and reporting activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021. Sections 403 to 406 and 608 to 610 of the Local Government Act outline the specific requirements for developing the IP&R documents and Fees and Charges.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that if the revised Fees & Charges are not adopted Council will be unable to levy for those services.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

As required by the Local Government Act 1993, the Integrated Planning and Reporting documents and the Fees and Charges 2024 to 2025 were developed and reviewed in accordance with the principles of equity, social justice and sustainability.

Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and the Operational Plan.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.

## ORDINARY COUNCIL - 11 FEBRUARY 2025

INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

### External communications and engagement

INFORM	The revised fees and charges do not necessitate external communication or engagement as they are being amended to comply with Division 81 of the Goods and Services Tax Act 1999.
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### Internal communications and engagement

Consultation has been undertaken by the Financial Services Section when reviewing the Fees and Charges with the following key stakeholders:

- Facilities and Infrastructure Directorate.

## OPTIONS

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

## ATTACHMENTS

- 1) Previously adopted Fees and Charges.
- 2) Revised Fees and Charges.

## COUNCILLORS' ROOM/DASHBOARD

Nil.

## TABLED DOCUMENTS

Nil.

## ITEM 2 - ATTACHMENT 1 PREVIOUSLY ADOPTED FEES AND CHARGES.

Name	Description	Year 23/24 Fee (incl. GST)	Fee (excl. GST)	Year 24/25 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
<b>Cemetery Operations</b>								
<b>Bushland Garden Fees – Carumbah Memorial Gardens</b>								
Niche	For interment of ashes	\$809.00	\$775.45	\$77.55	\$853.00	Per niche		Market pricing
<b>Columbarium Wall Fees – Raymond Terrace (including Granite Wall), Carumbah Memorial Gardens, Karuah &amp; Anna Bay</b>								
Niche	For interment of ashes	\$755.00	\$723.64	\$72.36	\$796.00	Per niche		Market pricing
<b>Cemetery – Burial Plots</b>								
Burial Plot – Anna Bay – Concrete Beams	Includes "Right of Burial"	\$1,565.00	\$1,500.00	\$150.00	\$1,650.00	Per plot		Market pricing
Burial Plot – Karuah, Nelson Bay, Seaham, Raymond Terrace	Includes "Right of Burial"	\$1,510.00	\$1,450.00	\$145.00	\$1,595.00	Per plot		Market pricing

## ITEM 2 - ATTACHMENT 2 REVISED FEES AND CHARGES.

Name	Description	Year 23/24 Fee (incl. GST)	Fee (excl. GST)	Year 24/25 GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
<b>Cemetery Operations</b>								
<b>Bushland Garden Fees – Carumbah Memorial Gardens</b>								
Niche	For interment of ashes	\$809.00	\$775.45	\$0.00	\$775.45	Per niche		Market pricing
<b>Columbarium Wall Fees – Raymond Terrace (including Granite Wall), Carumbah Memorial Gardens, Karuah &amp; Anna Bay</b>								
Niche	For interment of ashes	\$755.00	\$723.64	\$0.00	\$723.64	Per niche		Market pricing
<b>Cemetery – Burial Plots</b>								
Burial Plot – Anna Bay – Concrete Beams	Includes "Right of Burial"	\$1,565.00	\$1,500.00	\$0.00	\$1,500.00	Per plot		Market pricing
Burial Plot – Karuah, Nelson Bay, Seaham, Raymond Terrace	Includes "Right of Burial"	\$1,510.00	\$1,450.00	\$0.00	\$1,450.00	Per plot		Market pricing

**ITEM NO. 3****FILE NO: 25/8058  
EDRMS NO: A2004-0709****TERMS OF REFERENCE APPENDICES FOR 355(C) COMMITTEES**

REPORT OF: CAMERON DONALDSON - ACTING COMMUNITY SERVICES  
SECTION MANAGER  
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the 355(c) Committee Terms of Reference Appendices for the following committees:
  - a) Aboriginal Strategic Arts Committee
  - b) Port Stephens Australia Day Committee
  - c) Strategic Arts Committee
- 2) Adopt the revised 355(c) Committee Appendices for the following committees **(ATTACHMENT 1)**:
  - a) Aboriginal Strategic Arts Committee
  - b) Port Stephens Australia Day Committee
  - c) Strategic Arts Committee

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**BACKGROUND**

The purpose of this report is to recommend to Council the adoption of revised individual 355(c) Committee Appendices **(ATTACHMENT 1)**.

As part of the recent review of 355(c) Committee Terms of Reference Appendices, the 3 committees in this report are ready for consideration. The table below outlines when the Constitution Schedules for these committees were adopted and/or amended by Council.

<b>Name of Committee</b>	<b>Date Adopted by Council</b>
Aboriginal Strategic Arts Committee	Adopted 26/04/2016 (Min No. 099)
Port Stephens Australia Day Committee	Adopted 26/04/2016 (Min No. 099)
Strategic Arts Committee	Adopted 26/04/2016 (Min No. 099)

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no foreseen financial or resource implications resulting from the recommendations in this report.

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**

A 355(c) Committee Terms of Reference sets out mandatory provisions for the administration and management of the Committees and their requirements under the Local Government Act 1993. The Appendix is the supporting document to the Terms of Reference detailing the individual purpose and roles of each Committee and any clauses within the Terms of Reference that are not relevant to that Committee's functions.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that conflict between 355(c) Committee Members arises.	Low	Provide information to 355(c) Committee Volunteers that outlines their management responsibilities.	Yes
There is a risk that Council is liable for injury or incident relating to operations and work undertaken by volunteers.	Medium	Ensure that all volunteers comply with Council policy, procedures and processes.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council establishes 355(c) Committees to assist in Council operations under the Local Government Act 1993. Committees are made up of volunteers who assist in the maintenance and operation of Council facilities as well as planning and advisory roles. They offer a range of services that enhance the environment and the community, promoting positive partnerships and financially sustainable practices



**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

**External communications and engagement**

INFORM	Communication and engagement for feedback not required due to the ad hoc nature of the committees.
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**Internal communications and engagement**

Consultation to update these 355(c) Committee Terms of Reference Appendices has occurred with internal stakeholders including the Vibrant Spaces, Governance Section and Community Services Sections. The updates are in accordance with 355(c) Committee Terms of Reference adopted by Council on 22 October 2024.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Appendices to 355c Committees Terms of Reference.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

## Appendix

PORT STEPHENS COUNCIL



## APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Aboriginal Strategic Committee
Item 2	Purpose of the committee	C2.1.1.1 Support initiatives and projects to promote Aboriginal culture and protect Aboriginal places
Item 3	Functions delegated by Council to committee  (Objectives)	<p>1) <del>To advise Council in relation to pertinent issues between Council and the Aboriginal community;</del></p> <p>2) <del>To promote a positive public image of Aboriginal people in Port Stephens;</del></p> <p>3) <del>To provide a consultative mechanism with respect to development matters;</del></p> <p>4) <del>To improve relations between Aboriginal and non-Aboriginal communities of Port Stephens;</del></p> <p>5) <del>To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people in Port Stephens;</del></p> <p>6) <del>To promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities;</del></p> <p>7) <del>To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate;</del></p> <p>and</p> <p>8) <del>To assist Council manage the Aboriginal Projects Fund by developing procedures that ensure the process is clearly defined, transparent and accessible to make recommendations on the allocation of Council's Aboriginal Project Funds.</del></p> <ul style="list-style-type: none"> <li>• to work in partnership with Council to review, develop and implement actions in the Aboriginal Agreement Yabang Gumba-Gu (<i>Road to Tomorrow</i>).</li> <li>• promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities,</li> <li>• advise Council in relation to priorities and exchange information between Council and the Aboriginal community,</li> </ul>

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

		<ul style="list-style-type: none"> <li>raise the broader community awareness of Aboriginal people and culture in Port Stephens</li> <li>provide a consultative mechanism between Council and the Aboriginal</li> <li>improve relations between Aboriginal and non-Aboriginal communities of Port Stephens</li> <li>assist Council manage the Aboriginal Projects Fund by developing procedures that ensure the process is clearly defined, transparent and accessible to make recommendations on the allocation of Council's Aboriginal Project Funds.</li> </ul>
<b>Item 4</b>	Restrictions on functions delegated	<p>The committee may only resolve to undertake actions outlined within the Terms of Reference and Appendix.</p> <p>The Committee is not a decision making body. Council retains the final decision making authority on final actions to be carried out.</p>
<b>Item 5</b>	Policies, legislation the committee is required to comply with	<p>Principle policies &amp; legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>Local Government Act 1993</li> <li>WHS Act 2011</li> <li>Privacy and Personal Information Act 1998</li> <li>State Records Act, 1998</li> <li>PSC Code of Conduct 2014, Min No 043</li> <li>PSC Code of Meeting Practice 2013, Min No322</li> <li>PSC WHS Statement of Commitment Accessing Information Policy</li> <li>Volunteers Strategy Framework 2012</li> <li>PSC Disability Policy 2010, Min No 321</li> </ul>
<b>Item 6</b>	Term of Committee	September of Council Election. Council to readopt Terms of Reference within three months following election.
<b>Item 7</b>	Maximum number and make up of committee members	<p><b>The Committee is to consist of twelve 12 core members</b> The Committee is to consist of up to six (6) Aboriginal Community Representatives.</p> <ul style="list-style-type: none"> <li>Mayor Port Stephens Council (Chair)</li> <li>Up to two (2) Port Stephens Council Councillors</li> <li>Worimi Local Aboriginal Land Council Chief Executive Officer.</li> <li>Two (2) Worimi Community representatives nominated by the Worimi LALC Board.</li> <li>Karuah Local Aboriginal Land Council Chief Executive Officer.</li> <li>Two (2) Karuah Community Representatives (nominated by the Karuah LALC board).</li> <li>Three (3) Port Stephens Council staff representatives</li> </ul>

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

		<p>2) The Committee is to consist of the following Port Stephens Council members:</p> <ul style="list-style-type: none"> <li>the General Manager, the Group Manager (Development Services)</li> <li>Section Manager (Communications)</li> <li>Coordinator Community Development and Engagement (Vibrant Places or their delegates).</li> </ul> <p>3) Decisions of the Committee shall be by consensus. Non-members may attend meetings of the Committee and may speak to the Committee by invitation only.</p> <p>5) Aboriginal community members will be nominated according to the following formula:-</p> <ul style="list-style-type: none"> <li>The Chief Executive Officer of the Worimi Local Aboriginal Land Council and two nominated representatives nominated by the Worimi LALC Board and two secondary delegates in their absence.</li> <li>The Chief Executive Officer of Karuah Local Aboriginal Land Council and two representatives nominated by Karuah LALC.</li> </ul> <p>6) Casual vacancies may be filled by the Committee according to the formula outlined above.</p>
Item 8	Executive and Advisory members	N/A
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>General Manager Group Manager Development Services Section Manager Communications Section Manager Community Services Community Development &amp; Engagement or delegate <b>Vibrant Places Coordinator</b> Other related staff, attending on an as needed/advisory basis</p>
Item 11	Name of financial institution and type of account/s	N/A
Item 12	Name of any account operated by the committee	N/A
Item 13	Reporting	<p><b>Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers</b></p> <ul style="list-style-type: none"> <li><b>Committee Annual Report - a brief summary of activities and projects undertaken by the committee between 1 January and 31 December, and proposed projects and activities.</b></li> <li>Updated list of all Members.</li> </ul>

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

<b>Item 14</b>	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	Terms of Reference adopted at Council Meeting 27 October 2015 Minute No 322  Appendix adopted at Council meeting 26 April 2016 Minute No 099
<b>Item 15</b>	Additional clauses or amendments to Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	<p><del>The Aboriginal Strategic Committee is an Advisory Committee which means that some clauses of the Standard 355(e) Committee Terms of Reference require amendment to reflect the operation of the committee.</del></p> <p><del>The general operating functions of the Aboriginal Strategic Committee are undertaken by Council Officers.</del></p> <p><b>Clause 3. Functions of the Committee</b> Additional sub clause</p> <p><del>3.7 Confidentiality and Conflict of Interest According to Councils Code of Conduct:- “A conflict of interest arises if a person with a private or personal interest could be influenced in the performance of his or her public or professional duties”.</del></p> <p><del>3.8 a) Committee members are to declare any conflicts of interest at the commencement of the meeting or as the relevant item is raised in General Business.</del></p> <p><del>3.9 b) Conflicts of interest will be noted reported in minutes and the Chairperson may request the parties involved to leave the room while the matter is decided.</del></p> <p><del>3.10 c) A majority of members may decide at any time to close the meeting and begin confidential discussions. Participants excluded from the meeting should be provided with reasons for moving into confidential session.</del></p>

## Appendix

PORT STEPHENS COUNCIL



## APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Strategic Arts Committee
Item 2	Purpose of the committee	<p><b>C2.2.1 Implement actions of Our Incredible Place Strategy</b></p> <p><del>6.1.1 Council will engage it's citizens in developing plans for the future of the Port Stephens Local Government Area</del></p> <p><del>7.1.1 Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.</del></p>
Item 3	Functions delegated by Council to committee  (Objectives)	<p><b>1. Advisory</b> – The Committee will fulfil the functions of an advisory body to Port Stephens Council on matters related to culture and the arts including:</p> <ul style="list-style-type: none"> <li>a) to provide input into Port Stephens Council strategic policy plans and programs relating to culture and the arts.</li> <li>b) to assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.</li> <li><b>C) to provide feedback on Public Art components of development applications that are triggered by the Development Control Plan (DCP)</b></li> <li><b>D) to provide feedback on public art concepts for the Port Stephens Community</b></li> </ul> <p><b>2. Communication and Relationship Building</b></p> <ul style="list-style-type: none"> <li>a) To assist with the promotion of arts and culture in the broader community.</li> <li>b) To assist Council develop and maintain relationships with local, relevant peak and regional organisations.</li> <li>c) To advocate to other levels of government on arts and cultural matters where appropriate.</li> <li>d) To build capacity through cultural development</li> </ul>

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

		<p>e) Communicate and develop relationships with organisations with common interests, for example, local cultural network.</p> <p>f) <del>To provide a resource for groups seeking external funding.</del></p> <p><b>3. Funding</b></p> <p>a) <del>To assist Council manage Cultural Projects Funding by developing procedures that ensure the process is clearly defined and transparent.</del></p> <p>b) <del>To make recommendations on the allocation of Council cultural funds.</del></p> <p>a) to assist council in seeking funding opportunities and developing funding applications.</p>
Item 4	Restrictions on functions delegated	<p>All works undertaken will be with the knowledge and approval of the <del>Community Development and Engagement Coordinator or their delegate.</del></p> <p>The Committee is not a decision making body. Council retains the final decision making authority on final actions carried out.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies &amp; legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>Local Government Act 1993</li> <li>WHS Act 2011</li> <li>Privacy and Personal Information Act 1998</li> <li>State Records Act, 1998</li> <li>PSC Code of Conduct 2014, Min No 043</li> <li>PSC Code of Meeting Practice 2013, Min No322</li> <li>PSC WHS Statement of Commitment Accessing Information Policy</li> <li>Volunteers Strategy Framework 2012</li> <li>PSC Disability Policy 2010, Min No 321</li> </ul>
Item 6	Term of Committee	September of Council Election. Council to readopt Terms of Reference within three months following election.
Item 7	Maximum number and make up of committee members	The Committee consists of up to ten (10) persons who have interests in the broad range arts and culture cultural issues, particularly in strategic and policy direction areas.
Item 8	Executive and Advisory members	N/A
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p><del>Development Services</del></p> <p>Community Futures</p> <p>Communications</p>



**ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.**

**REVISED APPENDICES TO 355C COMMITTEES**

		<p>Communications Section Manager  Community Development and Engagement  Vibrant Places Coordinator  Senior Community Development and Engagement  Officer  Events, Arts and Culture Team Leader</p>
<b>Item 11</b>	Name of financial institution and type of account/s	N/A
<b>Item 12</b>	Name of any account operated by the committee	N/A
<b>Item 13</b>	Reporting	<p>Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers</p> <ul style="list-style-type: none"> <li>Committee Annual Report - a brief summary of activities and projects undertaken by the committee between 1 January and 31 December, and proposed projects and activities.</li> <li>Updated list of all Members</li> </ul>
<b>Item 14</b>	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Terms of Reference adopted at Council Meeting 27 October 2015 Minute No 322</p> <p>Appendix adopted at Council meeting 26 April 2016 Minute No 099</p>
<b>Item 15</b>	Additional clauses or amendments to Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	Nil

## Appendix

PORT STEPHENS COUNCIL



## APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Port Stephens Australia Day Committee
Item 2	Purpose of the committee	<p><b>C2.2.1 Implement actions of Our Incredible Place Strategy</b></p> <p><del>6.1.1 Council will engage it's citizens in developing plans for the future of the Port Stephens Local Government Area</del></p>
Item 3	Functions delegated by Council to committee  (Objectives)	<p><b>Port Stephens Australia Day Committee</b></p> <ol style="list-style-type: none"> <li>To co-ordinate and promote annual celebrations of Australia Day in Port Stephens.</li> <li>To support the subcommittees (Nelson Bay) and community groups (where necessary) to organise the Australia Day activities.</li> <li>To coordinate requests from subcommittees and community groups for participation of the Australia Day Ambassador and funding requests from the Australia Day budget allocation.</li> <li>To assist in the assessment of the Port Stephens Annual Awards nominations and make recommendations to the Mayor (see PSC Annual Awards Policy and Guidelines).</li> <li>To liaise with Council regarding civic components of Australia Day events.</li> <li>To prepare a report to be tabled at the committee's February meeting on the outcomes of Australia Day celebrations (including a financial report) to be presented to Council.</li> </ol> <p><b>Australia Day Subcommittees and community groups</b></p> <ol style="list-style-type: none"> <li>To organise Australia Day events in accordance with Australia Day Committee recommendations and Council approved Management Plans and Procedures.</li> <li>To develop an annual submission for the consideration of the Committee at September meeting. The report is to include:               <ul style="list-style-type: none"> <li>Request for funding from Australia Day budget</li> <li>Proposed program of activities</li> <li>Risk Management Plan of the events</li> </ul> </li> </ol>

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

		<ul style="list-style-type: none"> <li>Budget</li> </ul> <p>9. To provide a financial report for the Committee at the February meeting to acquit expenditure of Council funds.</p>
<b>Item 4</b>	Restrictions on functions delegated	<p>All works and activities undertaken will be with the knowledge and approval of the <del>Tourism and Events Coordinator</del> <b>Vibrant Places Coordinator</b> and the <del>Risk Management Co-Ordinator</del>.</p> <p>Council will not subsidise or waive fees.</p>
<b>Item 5</b>	Policies, legislation the committee is required to comply with	<p>Principle policies &amp; legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>Local Government Act 1993</li> <li>WHS Act 2011</li> <li>Privacy and Personal Information Act 1998</li> <li>State Records Act, 1998</li> <li>PSC Code of Conduct 2014, Min No 043</li> <li>PSC Code of Meeting Practice 2013, Min No322</li> <li>PSC WHS Statement of Commitment Accessing Information Policy</li> <li>Volunteers Strategy Framework 2012</li> <li>PSC Disability Policy 2010, Min No 321</li> </ul>
<b>Item 6</b>	Term of Committee	For the term of Council Election each four years. Council to re adopt constitution within three months following election.
<b>Item 7</b>	Maximum number and make up of committee members	<p><b>Committee</b></p> <ul style="list-style-type: none"> <li>Five (5) Councillors (and alternates) as appointed by Council</li> <li>Two (2) members (and two (2) alternates) from each Australia Day subcommittee and community group.</li> <li>Two (2) Council staff members (and alternate) delegated by General Manager.</li> </ul> <p><b>Australia Day Subcommittee</b></p> <ul style="list-style-type: none"> <li>Up to 30 interested community members</li> <li>Two (2) members plus two (2) alternates to be voted as representatives on the Committee</li> </ul> <p><b>Other members</b></p> <p>The Committee may invite up to one representative from up to three organisations hosting Australia Day activities in other areas of the local government area to join the committee.</p>
<b>Item 8</b>	Executive and Advisory members	N/A

ITEM 3 - ATTACHMENT 1  
TERMS OF REFERENCE.

## REVISED APPENDICES TO 355C COMMITTEES

<b>Item 9</b>	Councillors	A minimum of one Councillor from each Ward (and alternates) as resolved by Council.
<b>Item 10</b>	Council employees	<del>Development Services</del> <b>Community Futures</b> Communications Section <del>Tourism and Events</del> <b>Vibrant Places</b> Coordinator <del>Community Development and Engagement Coordinator</del>
<b>Item 11</b>	Name of financial institution and type of account/s	N/A
<b>Item 12</b>	Name of any account operated by the committee	N/A
<b>Item 13</b>	Reporting	N/A
<b>Item 14</b>	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Constitution Adopted at Council Meeting 27 October 2015 Minute No 322</p> <p>Appendix adopted by Council 26 April 2016 Minute No 099</p> <p><b>Clause 8 Meetings</b></p> <p>8.3</p> <p>a) At all Committee meetings, one representative from <b>Raymond Terrace and Nelson Bay</b> each Australia Day subcommittee/organising community group and one Councillor (including alternate Councillors) and one staff member shall constitute a quorum.</p> <p>b) At all subcommittee meetings, one third of the members shall constitute a quorum.</p> <p>c) For the committee, three meetings per year and as required:</p> <p>February – report on activities of Australia Day events, acquit funds</p> <p>September - Planning for forth coming year and disburse funds</p> <p>November – operational planning for forthcoming events</p> <p>d) For the subcommittee, meetings as required.</p>
<b>Item 15</b>	Additional clauses or amendments to	Nil

**ITEM 3 - ATTACHMENT 1      REVISED APPENDICES TO 355C COMMITTEES  
TERMS OF REFERENCE.**

	Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	
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**ITEM NO. 4**

**FILE NO: 24/335932  
EDRMS NO: PSC2005-3231**

**POLICY REVIEW - ASSET MANAGEMENT POLICY**

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER  
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Asset Management Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Asset Management Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council
- 3) Revoke the Asset Management Policy dated 8 February 2022, (Minute No. 017) should no submissions be received.

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**BACKGROUND**

The purpose of this report is seek Council's endorsement of the revised Asset Management Policy (policy) shown as **(ATTACHMENT 1)**. The revised policy has been updated into Council's corporate policy format and meets the Institute of Public Works Engineering Australia (IPWEA) 'must haves' of an asset management policy. The IPWEA 'must haves' is a list of items that should be included in an asset management policy for it to be considered best practice.

The intent of the policy is to articulate Port Stephens Council's commitment to sound asset management in an integrated, consistent, coordinated and financially sustainable manner.

The policy provides a clear direction by defining the key principles that underpin the management of assets. This is taken from the Local Government Act 1993. These principles are operationalised in the policy through the 'asset lifecycle management processes' and the 'key elements'. This in turn creates the framework for Council's Asset Management Plan.

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

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

**FINANCIAL/RESOURCE IMPLICATIONS**

The adoption of the policy drives the Strategic Asset Management Plan framework, which in turn drives the sourcing and allocation of funds for operational and capital works.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Local Government Act 1993, sections 8B(b) and 8B(c)(ii) 'Principles of Local Government' legislates Council's responsibility and the manner in which Council must conduct itself when providing services to the community. These principles include Council's asset management responsibility.

Essential Element 3.13 to 3.23 of the Local Government Guidelines sets out requirements for asset management planning for existing and proposed assets and under Council's control.

Essential Element 3.17 of the Local Government Guidelines requires that the Asset Management Strategy must include an overarching Council endorsed Asset Management Policy.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not adopting the policy would result in Council not meeting the requirements of the Local Government Act and the associated Integrated Planning and Reporting Framework.	Low	Adopt the revised Asset Management Policy.	Yes
There is a risk that not adopting the content of the policy would result in a diminished Strategic Asset Management Plan.	Low	Adopt the revised Asset Management Policy.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed policy sets the direction on how the community's assets are to be managed. The management of the community's assets has implications for community safety, social needs and priorities, equity, amenity and utilisation. They also provide services that facilitate transport and attract businesses and tourists to the LGA providing economic diversity in the Local Government Area. The management of assets impact on the protection and conservation of environmental assets, resource use and energy and water conservation.

## **COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

<b>INFORM</b>	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
<b>CONSULT</b>	To obtain public feedback on analysis, alternatives and/or decisions.
<b>INVOLVE</b>	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
<b>COLLABORATE</b>	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.



## ORDINARY COUNCIL - 11 FEBRUARY 2025

EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
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The following communication and engagement applies to this report.

### External communications and engagement

CONSULT	In accordance with government legislation the draft Asset Management Policy will go on public exhibition for 28 days.
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### Internal communications and engagement

Consultation with key stakeholders was undertaken by the Assets Section with the other Council owners.

## OPTIONS

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

## ATTACHMENTS

- 1) Asset Management Policy.

## COUNCILLORS' ROOM/DASHBOARD

Nil.

## TABLED DOCUMENTS

Nil.

## Policy



**FILE NO:** PSC2005-3231

**TITLE:** ASSET MANAGEMENT POLICY

**OWNER:** ASSET SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of the policy is to articulate Port Stephens Council's commitment to sound asset management in an integrated, consistent, coordinated and financially sustainable manner.
- 1.2 The policy provides a clear direction by defining the key principles that underpin the management of assets.

### 2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council is responsible for a large and diverse asset base. These assets include, but **are** not limited to; parks, pools, wharves, jetties, foreshores, roads, bridges, footpaths, drains, library resources, childcare centres, community buildings, Rural Fire Service (RFS) and State Emergency Services (SES) emergency buildings, sporting facilities, fleet, transport infrastructure, land, commercial business assets and information communication technology-related assets. These assets are used to provide facilities and services to the community, visitors and persons undertaking business in our local government area.
- 2.2 The Local Government Act 1993, sections 8B(b) and 8B(c)(ii) 'Principles of Local Government' legislates Council's responsibility and the manner in which Council must conduct itself when providing services to the community. These principles include Council's asset management responsibility.
- 2.3 Essential Element ~~2.13 and 2.14~~ 3.13 to 3.23 of the Local Government Guidelines sets out requirements for ~~identification of critical assets, risk management~~ **planning strategies for existing and proposed** these assets and ~~specific actions~~ **under councils control**.
- 2.4 Essential Element ~~2.12~~ **3.17** of the Local Government Guidelines requires that the Asset Management Strategy must include an overarching council endorsed Asset Management Policy.

### 3. SCOPE:

- 3.1 To meet the 'Principles of Local Government', Council shall be the custodian of assets it has control of and manage them through their lifecycle. The

#### Policy

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## Policy



management of assets is documented in the Strategic Asset Management Plan and should ensure that issues addressed are prioritised in line with:

- a. Organisational objectives.
- b. Community's goals as detailed in the Community Strategic Plan.
- c. As best as possible result in intergenerational equity.

3.2 The Strategic Asset Management Plan addresses Council's approach to asset lifecycle management processes such as:

- a. background data
- b. planning
- c. creation/acquisition/augmentation plan
- d. financial/risk management plan
- e. operations and maintenance plan
- f. condition and performance monitoring
- g. rehabilitation/renewal/replacement plan
- h. consolidation/rationalisation plan
- i. audit plan/review.

3.3 Key elements that drive the above asset lifecycle management processes include:

- a. levels of service
- b. future demand
- c. lifecycle management plan
- d. financial summary
- e. asset management practices
- f. plan improvement and monitoring.

3.4 Council will maintain and annually review the Strategic Asset Management Plan as required in Essential Element 2.18 of the Local Government Guidelines. Relevant staff and Councillors shall be trained in asset management.

## 4. DEFINITIONS:

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

Asset	An item that has potential value to an organisation and is used to provide a service to community, customers or stakeholders.
Asset Lifecycle Management	The term used to describe the management of an asset through the stages of life from planning and creation to disposal.
Strategic Asset Management Plan	Plan that documents the assets activities and programs for each service area and resources applied to provide a defined level of service in the most cost effective way based on the services required.

## Policy

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## Policy



### 5. STATEMENT:

- 5.1 Council is committed to undertake the management of assets in accordance with the scope of this policy.

### 6. RESPONSIBILITIES:

- 6.1 Asset Section Manager is responsible for the implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 Port Stephens Council asset owners including Asset Section Manager, Business Systems Support Section Manager, **Organisation Support Section Manager**, Community Services Section Manager, ~~Emergency Management Coordinator~~ and ~~Property Services Section Manager~~, **Director Corporate Strategy and Support** are responsible for implementing the policy.

### 7. RELATED DOCUMENTS:

- 7.1 **NSW Government** Local Government Act 1993 and Guidelines.
- 7.2 **Port Stephens Council** Strategic Asset Management Strategy.
- 7.3 **Port Stephens Council** Asset Management Guidelines.

### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2005-3231	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Mayor and Councillors, Council Staff and Community		
<b>Process owner</b>	Asset Section Manager		
<b>Author</b>	Asset Section Manager		
<b>Review timeframe</b>	3 Years <b>4 Years</b>	<b>Next review date</b>	TBC
<b>Adoption date</b>	20 December 2011		

## Policy

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## Policy



### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	20 Dec 2011	Group Manager Facilities and Services	Adoption	459
2	8 Mar 2011	Group Manager Facilities and Services	Minor Amendments	064
3	12 Dec 2017	Asset Section Manager	Align to new Council Policy format and inclusion in IPWEA "must haves" as an asset management policy.	323
4	11 Feb 2020	Assets Section Manager	Updated to new Corporate Policy Template and minor grammatical formatting. 2.1 Addition of Rural Fire Services and State Emergency Services.	016
5	8 Feb 2022	Assets Section Manager	Updated to new Corporate Policy Template. Reviewed by Author.	
6	TBC	Asset Section Manager	Reviewed with minor grammatical formatting. 2.3 - Remove 2.13 and 2.14. Add 3.14 to 3.23. Remove identification of critical assets, risk management strategies for these assets and specifics. Add Asset management planning for existing and proposed assets under Council's control. 2.4 - Remove 2.12. Add 3.17. 6.2 – Amended position titles. 7 - Related Documents: Updated to reflect document owners	TBC

### Policy

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**ITEM NO. 5**

**FILE NO: 24/343748  
EDRMS NO: A2004-0284**

**POLICY REVIEW - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES  
TO COUNCILLORS POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note no submissions were received.
- 2) Revoke the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy dated 11 January 2022, Minute No. 005.
- 3) Adopt the revised Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy shown at **(ATTACHMENT 1)**.

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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (policy).

Council has publicly exhibited the policy for 28 days up to 2 December 2024. No submissions were received.

During the exhibition period, it was identified clause 3.65 of the revised policy had been inadvertently omitted from the policy. The policy has since been updated to include clause 3.65 and is provided at **(ATTACHMENT 1)**.

Clause 3.65 is provided below for ease of reference.

**Clause 3.65**

**Threshold Criteria – Defamation Proceedings**

3.65 Where proceedings have been foreshadowed or commenced against the Mayor or a Councillor arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following 'Three Criteria' are satisfied through the required procedure set out below namely:

- i. The statement was made or the act was done in relation to discharging the functions of civic office;
- ii. The Elected Member concerned was acting in good faith (Section 731 of the Act); and

- iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false, then Council will reimburse an Elected Member for all legal expenses, fees, liabilities or costs incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor) properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT the amount of such reimbursement will be:
- a) reduced by the amount of any monies that may be or are recouped by the Elected Member on any basis; and
  - b) limited to an hourly rate being charged by Council's Hunter based Solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

## **COMMUNITY STRATEGIC PLAN**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

The budget makes provision for the associated financial implications.

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

## **LEGAL, POLICY AND RISK IMPLICATIONS**

Under Section 252 and 253 of the Local Government Act 1993 (the Act), Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office.

Section 253(3) of the Act does not require Council to give public notice of a proposed amendment to its policy if the Council is of the opinion that the proposed amendment is not substantial.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council could be in breach of Section 252 & 253 of the Local Government Act 1993, should this Policy not be adopted.	Low	Adopt the recommendation.	Yes.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy allows the Mayor and Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

### **COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

<b>INFORM</b>	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
<b>CONSULT</b>	To obtain public feedback on analysis, alternatives and/or decisions.
<b>INVOLVE</b>	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
<b>COLLABORATE</b>	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
<b>EMPOWER</b>	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.



**External communications and engagement**

<b>INFORM</b>	Given clause 3.65 was included in the previous version of the policy and that it is referenced in the preceding clause to make provision for the threshold criteria, it is considered that the inclusion of the clause is not substantial and, therefore, further public exhibition is not required.  No submissions were previously received.
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**Internal communications and engagement**

No internal communications and engagement were required for this policy.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

## Policy



**FILE NO:** A2004-0284

**TITLE:** PAYMENT OF EXPENSES AND PROVISION OF FACILITIES  
TO MAYOR/COUNCILLORS POLICY

**OWNER:** GOVERNANCE SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy ('Policy') is to clearly state the facilities and support that are available to Elected Mmembers to assist them in fulfilling their civic duties.
- 1.2 This Ppolicy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Elected Mmembers to help them undertake their civic duties.
- 1.3 It ensures accountability and transparency, and seeks to align Elected Mmembers expenses and facilities with community expectations. Elected members must not obtain private or political benefit from any expense or facility provided under this Ppolicy.
- 1.4 The Ppolicy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2021 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.
- 1.5 The Ppolicy sets out the maximum amounts Council will pay for specific expenses and facilities.

### 2. CONTEXT/BACKGROUND:

- 2.1 The provision of expenses and facilities enables the Mayor and Councillors to fulfil their civic duties as the elected representatives of Port Stephens Council.
- 2.2 The community is entitled to know the extent of expenses paid to Elected members, as well as the facilities provided.
- 2.3 Council staff are empowered to question or refuse a request for payment from the Mayor or a Councillor when it does not accord with this Ppolicy.

## Policy

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## ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

### Policy



- 2.4 Expenses and facilities provided by this Policy are in addition to fees paid to Elected Members. The minimum and maximum fees a council may pay Elected Members are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

### 3. SCOPE:

#### Part A – Expenses

##### 3.1 General Expenses

- 3.1.1 All expenses provided under this Policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this Policy.

- 3.1.2 Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

##### 3.2 Specific expenses.

##### General travel arrangements and expenses

- 3.2.1 All travel by Elected Members should be undertaken using the most direct route and the most practicable and economical mode of transport. Should an Elected Member elect to travel an alternate route that is not the most economical, they will only be reimbursed the cost associated with taking the most direct and economical route.

- 3.2.2 Each Elected Member may be reimbursed or costs met by Council up to a total of \$7,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW.

##### 3.3 This includes reimbursement:

- a) for public transport fares.
- b) For the use of a private vehicle or hire car.
- c) For parking costs for Council and other meetings.
- d) For tools.
- e) By Cabcharge card or equivalent.
- f) For documented ride-share programs, such as Uber, where tax invoices can be issued.

- 3.4 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

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## ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

### Policy



- 3.5 Elected members seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. The claim form must include such details.

#### Interstate, overseas and long distance intrastate travel expenses

- 3.6 In accordance with the Policy Statement, Council will scrutinise the value and need for Elected members to undertake overseas travel. Council should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 3.7 Total interstate travel (excluding the ACT), overseas and long distance intrastate travel expenses for each Elected Member will be capped at a maximum of \$2,000 per year. This amount will be set aside in Council's annual budget.
- 3.8 Elected members seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 3.9 Elected members seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 3.10 The case should include:
- a) objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Elected members civic duties;
  - b) who is to take part in the travel;
  - c) duration and itinerary of travel;
  - d) detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

Note: for the most part, a report will be submitted to a full Council meeting by the General Manager's Officer, detailing the proposed travel.

- 3.11 For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 3.12 For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 3.13 For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 3.14 Bookings for approved air travel are to be made through the General Manager's Office.

#### Policy

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**ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

## Policy



- 3.15 For air travel that is reimbursed or costs met by Council as Council business, Elected members will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

### Travel expenses not paid by Council

- 3.16 Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

### Accommodation and meals

- 3.17 In circumstances where it would introduce undue risk for a Elected members to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 10pm or starts earlier than 7am and the Elected Member lives more than 50 kilometres from the meeting location.
- 3.18 Council will meet the costs for accommodation and meals while Elected members are undertaking prior approved travel or professional development outside the Hunter area.
- 3.19 The maximum daily limits for accommodation expenses within Australia is \$400 per Elected Member per day inclusive. This will ensure accommodation costs in a capital city are covered.
- 3.20 The daily limits for meal expenses within Australia, (breakfast, lunch and dinner) will be reimbursed in accordance with the reasonable meal allowance expense amounts as determined by the Australian Taxation Office from time to time.
- 3.21 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 3.19 and 3.20 above.
- 3.22 Elected members will not be reimbursed or costs met by Council for alcoholic beverages.

### Refreshments for council related meetings

- 3.23 Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

## Policy

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**ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

## Policy



- 3.24 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of the reasonable meal allowance expense amounts as determined by the Australian Taxation Office from time to time.

### Professional development (including conferences and seminars)

- 3.25 Council will set aside \$15,000 per Elected Member, per term in its budget to facilitate professional development of Elected members through programs, training, education courses and membership of professional bodies.
- 3.26 In the first year of a new Council term, Council will provide a comprehensive induction program for all Elected members which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 3.27 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Elected Member's civic duties, the Elected Member actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 3.28 Any Elected Member seeking to undertake professional development such as the Australian Institute of Company Directors or other significant programs must complete the course within the first 18 months of the term.
- 3.29 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- a) details of the proposed professional development.
  - b) relevance to Council priorities and business.
  - c) relevance to the exercise of the Councillor's civic duties.
- 3.30 In assessing an Elected members request for a professional development activity, the General Manager must consider the factors set out in Clause 3.29, as well as the cost of the professional development in relation to the Councillor's remaining budget.
- 3.31 Council is committed to ensuring its Elected members are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 3.32 Council will set aside a total amount of \$30,000 annually in its budget to facilitate Elected members attendance at conferences and seminars. This allocation is for all Elected members. The General Manager will ensure that

## Policy

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**ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

## Policy



access to expenses relating to conferences and seminars is distributed equitably.

- 3.33 Approval to attend a conference or seminar is subject to approval of a full Council meeting. In assessing an Elected Member's request, the General Manager must consider the following factor prior to submitting the report to Council:
- a) relevance of the topics and presenters to current Council priorities and business and the exercise of the Elected Member's civic duties;
  - b) cost of the conference or seminar in relation to the total remaining budget.
- 3.34 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved Council. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for travel, accommodation and meals not included in the conference fees will be subject to Clauses 3.2.1 and 3.18-3.22.

### Awards and Ceremonies

- 3.35 Council will meet the costs of tickets for ceremony and award events where it is Council related.
- 3.36 Council will set aside \$1000 per year for the Mayor and \$500 per year for each Councillor.

### Information and communications technology (ICT) expenses

- 3.44 Council will reimburse Elected members for expenses associated with appropriate ICT devices up to 75% of the total invoice, to a limit of \$5,000 per term. This may include a combination of devices such as; mobile phone, a tablet and a desktop computer or laptop. Council will only reimburse Elected members for a maximum of three devices.
- 3.45 Elected members may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as an Elected Member, within the maximum limit.
- 3.46 Council will reimburse Elected members for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business, up to 75% of the total invoice, to a maximum cost of \$200 per month. Unless an Elected Member can provide evidence that 100% of the total invoice, should be paid.

## Policy

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**ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

## Policy



- 3.47 Reimbursements will be made only for communications devices and services used for Elected members to undertake their civic duties, such as:
- a) receiving and reading Council business papers.
  - b) relevant phone calls and correspondence.
  - c) diary and appointment management.
- 3.48 All communication device costs incurred above this maximum will be met by the Elected Member.
- 3.49 If an Elected Member does not have a telephone line or internet connection at their home, Council will meet reasonable connection costs.

### Special requirement and carer expenses

- 3.50 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Elected members and those with other disabilities.
- 3.51 Transportation provisions outlined in this Policy will also assist Elected members who may be unable to drive a vehicle.
- 3.52 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow an Elected Member with a disability to perform their civic duties.
- 3.53 Elected members who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$6,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 3.54 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 3.55 In the event of caring for an adult person, Elected members will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### Home office expenses

- 3.56 Each Elected Member may be reimbursed up to \$500 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

## Policy

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## ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

### Policy



#### Insurances and Mutual Scheme Protections

- 3.57 Elected members will receive the benefit of insurance cover or protection through the **Statewide Mutual** NSW Councils Local Government Mutual Schemes. Where the word 'insurer' is shown, it is for ease of reference however it should be construed as Statewide Mutual, a self-insurance scheme for which Council is a Member under a Deed. This includes for:
- 3.58 a) Personal Accident – Personal Accident insurance covers personal injury, which is caused by accidental external and visible means that solely and independently of any other cause results in an Elected Member's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The cover does not include medical expenses.
- 3.59 b) Professional Indemnity – Professional Indemnity protection covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any exclusions, limitations or conditions set out in the NSW Local Government (Jardine) **Statewide** Mutual Liability Scheme wording.
- 3.60 c) Public Liability – Public Liability protection covers Council's legal liability to pay compensation to third parties arising out of a negligent act, error or omission resulting in personal injury, loss or death or loss of use of property in connection with the business activities of Council. Cover is subject to any exclusions, limitations or conditions set out in the NSW Local Government (Jardine) **Statewide** Mutual Liability Scheme Policy wording.
- 3.61 d) Councillors' & Officers' Liability – Councillors' & Officers' Liability insurance protects Elected members and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Elected members for personal liabilities as a result of wrongful acts subject to any exclusions, limitations or conditions set out in the **Schedule** Policy of insurance. Written approval must be obtained from the **Statewide** Mutual Scheme prior to incurring any legal defence costs.

#### Legal assistance

- 3.62 58 Elected members may be entitled to indemnity for an enquiry, investigation or hearing commenced by an official body.

#### Policy

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**ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.**

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Council will not meet the legal costs:

- a) of legal proceedings initiated by an Elected Member under any circumstances;
  - b) of an Elected Member seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
  - c) for legal proceedings that do not involve an Elected Member performing their role as an Elected Member:
- 3.63 59 Reimbursement of expenses for reasonable legal expenses costs must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.
- 3.64 60 Legal proceedings being taken against an Elected Member, arising out of or in connection with the Elected Member's performance of his or her civic duties or exercise of his or her functions as an Elected Member (with the exception of defamation proceedings); Council shall reimburse such an Elected Member, after the conclusion of the inquiry, investigation, hearing or proceeding for all legal expenses properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT:
- a) The amount of such reimbursement will be reduced by the amount of any monies that may be or are recouped by the Elected Member on any basis.
  - b) The Elected Member's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).
  - c) The amount of such reimbursement will be limited to an hourly rate being charged by Council's Hunter based Solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.
- 3.65 61 Council may indemnify or reimburse the reasonable legal expenses of an Elected Member for proceedings before the NSW Civil and Administrative Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Elected Member.
- a) Legal expenses incurred in relation to proceedings arising out of the performance by an Elected Member of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something, which an Elected Member has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.
  - b) In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Elected

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Member. This may include circumstances in which a matter does not proceed to a finding. In relation to an Elected Member's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.

- 3.66 62 In the case of a code of conduct complaint made against an Elected Member, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Elected Member.
- 3.67 63 Council will not meet any Elected members' costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.
- 3.68 64 In the case of defamation proceedings arising from the making of a public statement, where an Elected Member is a defendant or anticipated defendant in such proceedings:
- 3.69 a) Indemnity or reimbursement in respect of costs of defending an action in defamation is only available in circumstances where the Elected Member was acting properly when making the statement complained of. The threshold criteria for the application of the indemnity or reimbursement will apply (see 3.70 65).

Note: Council may **can**not meet the costs of any action in defamation taken by an Elected Member as plaintiff in any circumstances (DLG Circular 00/22).

#### Threshold Criteria – Defamation Proceedings

- 3.70 65 Where proceedings have been foreshadowed or commenced against the Mayor or a Councillor arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following 'Three Criteria' are satisfied through the required procedure set out below namely:
- i. The statement was made or the act was done in relation to discharging the functions of civic office;
  - ii. The Elected Member concerned was acting in good faith (Section 731 of the Act); and
  - iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false, then Council will reimburse an Elected Member for all legal

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expenses, fees, liabilities or costs incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor) properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT the amount of such reimbursement will be:

- a) reduced by the amount of any monies that may be or are recouped by the Elected Member on any basis; and
- b) limited to an hourly rate being charged by Council's Hunter based Solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

#### Engagement of Legal Representatives – Requisite Procedure

3.74<sup>66</sup> The Councillor must as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. In the case of the Mayor, the Mayor is to notify the General Manager or Public Officer.

3.72<sup>67</sup> This notification must:

- a) be in written form;
- b) include all details including any correspondence from the alleged injured party concerning the possible claim; and
- c) include the Elected Member's comments on whether the Elected Member considers that the Three Criteria are satisfied.

3.73<sup>68</sup> The Elected Member must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by Council or its solicitor or the insurer or its solicitor.

3.74<sup>69</sup> The Elected Member must at all times without undue delay keep Council fully informed of any oral or written communications made to the Elected Member by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

3.75<sup>70</sup> The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.

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- 3.76 **71** If proceedings are threatened (and not yet commenced), the General Manager must without undue delay inform Council's appointed Solicitor and/or Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Elected Member concerned in written form of that view.
- 3.77 **72** If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Elected Member concerned.
- 3.78 **73** If Council's solicitor forms the view that the Three Criteria are not satisfied, the Elected Member may request a review of that advice from an independent legal practitioner as agreed in advance between the Elected Member concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
- 3.79 **74** If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
- a) In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Elected Member will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
  - b) If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Elected Member. If the Elected Member considers that such representation is appropriate then the procedures in the paragraph below must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
  - c) If the Elected Member considers that the legal practitioner nominated is not appropriate then the Elected Member concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
- 3.80 **75** If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will

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include such terms and conditions as the General Manager sees fit including:

- a) Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
- b) Accounts being considered and approved by the General Manager prior to payment; and
- c) All instructions provided to the legal representatives by the Elected Member concerned to be subject to the concurrence of the General Manager.

3.81 76 Notwithstanding the provisions of paragraph above, once proceedings have actually been commenced then the procedures set out above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

#### Exclusion from policy

3.82 77 This Policy will not apply to any defamation or other action brought by any Elected Member or Council employee against any Elected Member, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- a) The statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Office of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
- b) The statement:
  - o is made at a meeting of Council, a briefing of Elected members or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
  - o is in accordance with the Local Government (General) Regulations 2005 2021 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
  - o does not breach any other law.

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### Part B – Facilities

General facilities for all Elected Members

#### Facilities

- 3.83 78 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a) a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol).
  - b) access to shared car parking spaces while attending Council offices on official business.
  - c) personal protective equipment for use during site visits.
  - d) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.
- 3.84 79 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 3.85 80 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

#### Stationery

- 3.86 81 Council will provide the following stationery to Elected Members each year:
- a) letterhead, to be used only for correspondence associated with civic duties.
  - b) business cards.
  - c) up to the cost of 50 ordinary postage stamps.
  - d) up to 30 Christmas or festive cards per year for Councillors and 100 for the Mayor.

Note: All postage is to be lodged at the Council Administration Building.

- 3.87 82 As per Section 3.861, postage costs will only be used to support an Elected Members civic duties. Any postage costs not used will not be carried over to the next year's allocation.

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#### Administrative support

- 3.88 **83** Council will provide administrative support to Elected Mmembers to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's Office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 3.89 **84** As per Section 7 clause 3.83, Council staff are expected to assist Elected Mmembers with civic duties only, and not assist with matters of personal or political interest, including campaigning.

#### Corporate Uniform

- 3.90 **85** Elected Mmembers may choose from a selection of Corporate Uniforms provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$250 per annum. A sundry debtor account will then be forwarded to the Elected Mmembers for payment of the balance. Alternatively, a deduction can be made from the Elected Mmembers monthly allowance.

#### Superannuation

- 3.91 **86** Elected Mmembers may elect to contribute all or part of their Elected Mmember's Allowance into an approved Superannuation Scheme.
- 3.92 **87** Council will make superannuation contribution equivalent in amount to superannuation guarantee payments.

#### Health & Wellbeing Initiative

- 3.93 **88** Elected Mmembers will be able to access a Health Initiative program, which includes gym membership at local facilities. ~~The program requires a minimum six (6) month membership with a payment to be made in advance for three (3) months – non-refundable.~~
- 3.94 **89** Elected Mmembers will investigate any taxation implications for individual Elected Mmembers as a result of the membership.
- 3.90 Elected members are able to access the Council's Assistance Program (EAP). The Program is an initiative of Port Stephens Council provides you with confidential counselling and support in your civic role.
- 3.95 **91** Further details can be obtained through Council's Senior Executive Assistant.

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#### Additional facilities for the Mayor

- 3.96<sup>92</sup> Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 3.97<sup>93</sup> The Mayor must keep a log book setting out the date, distance and purpose of all private travel. The log book must be submitted to Council on a monthly basis.
- 3.98<sup>94</sup> The Mayoral monthly claim for expenses will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 3.99<sup>95</sup> A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's Office.
- 3.400<sup>96</sup> Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 3.401<sup>97</sup> A corporate credit card only to be used for official Council business in accordance with this Policy.
- 3.402<sup>98</sup> In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 3.403<sup>99</sup> The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
- 3.404<sup>100</sup> As per Section 3.402<sup>98</sup>, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

#### **Part C – Processes**

Approval, payment and reimbursement arrangements.

- 3.405<sup>101</sup> Expenses should only be incurred by Elected Members in accordance with the provisions of this Policy.
- 3.406<sup>102</sup> Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

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3.407 **103** Up to the maximum limits specified in this Policy, approval for the following may be sought after the expense is incurred:

- a) local travel relating to the conduct of official business.
- b) carer costs.
- c) ICT expenditure.

3.408 **104** Final approval for payments made under this Policy will be granted by the General Manager or their delegate.

### Direct payment

3.409 **105** Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this Policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

3.410 **106** Alternatively, if Council makes the arrangements then the costs will be paid by Council for official Council business.

### Reimbursement

3.411 **107** All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

### Advance payment

3.412 **108** Council may pay a cash advance for Elected Members attending approved conferences, seminars or professional development.

3.413 **109** The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$400.

3.414 **110** Requests for advance payment must be submitted to the General Manager for assessment against this Policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

3.415 **111** Elected Members must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:

- a) a full reconciliation of all expenses including appropriate receipts and/or tax invoices;

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- b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

### Notification

3.446 112 If a claim is approved, Council will make payment directly or reimburse the Elected Mmember through accounts payable.

3.447 113 If a claim is refused, Council will inform the Elected Mmember in writing that the claim has been refused and the reason for the refusal.

### Reimbursement to council

3.448 114 If Council has incurred an expense on behalf of a Elected Mmember that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this Ppolicy:

- a) Council will invoice the Elected Mmember for the expense;  
b) the Elected Mmember will reimburse Council for that expense within 14 days of the invoice date.

3.449 115 If the Elected Mmember cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Elected Mmember's allowance.

### Timeframe for reimbursement

3.420 116 Unless otherwise specified in this Ppolicy, Elected Mmembers' must provide all claims for reimbursement within three 3 months of each calendar month where the expense was incurred. an expense being incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

### Disputes

3.421 117 If an Elected Mmember disputes a determination under this Ppolicy, the Elected Mmember should discuss the matter with the General Manager.

3.422 118 If the Elected Mmember and the General Manager cannot resolve the dispute, the Elected Mmember may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

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#### Return or retention of facilities

- 3.423 **119** All unexpended facilities or equipment supplied under this Policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 3.424 **120** Should an Elected Member desire to keep any equipment allocated by Council, then this Policy enables the Elected Member to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 3.425 **121** The prices for all equipment purchased by Elected Members under Clause 3.423 **119** will be recorded in Council's annual report.

#### Publication

- 3.426 **122** This Policy will be published on Council's website.

#### Reporting

- 3.427 **123** Council will report on the provision of expenses and facilities to Elected Members as required in the Act and Regulations.
- 3.428 **124** Detailed reports on the provision of expenses and facilities to Elected Members will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure incurred by Elected Members. The report will also show the total cost incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

#### Auditing

- 3.429 **125** The operation of this Policy, including claims made under the Policy, will be included in Council's audit program and an audit undertaken at least every two years.

#### Breaches

- 3.430 **126** Suspected breaches of this Policy are to be reported to the General Manager.
- 3.434 **127** Alleged breaches of this Policy will be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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#### 4. DEFINITIONS:

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

Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.
Act	Means the Local Government Act 1993 (NSW).
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this Policy.
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted.
Council term	As defined by the Local Government Act 1993 (NSW) or the NSW Government from time to time.
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended.
Elected member	Means a person who is a local government Councillor or Mayor.
General Manager	Means the general manager of Council and includes their delegate or authorised representative.
Incidental personal use	Means use that is infrequent and brief and use that does not breach this Policy or the Code of Conduct.
Long distance intrastate	Means travel by private vehicle to other parts of NSW of more than three hours duration from the Port Stephens Council Administration building.
Mayor	Means the Mayor of Port Stephens Council.
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Schedule 1.
NSW	New South Wales.
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>meetings of Council and committees of the whole.</li> </ul>

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- meetings of committees facilitated by Council.
- civic receptions hosted or sponsored by Council.

meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.

Professional development	<b>Means</b> a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
Regulation	<b>Means</b> the Local Government (General) Regulation 2005 (NSW).
Year	<b>Means</b> the financial year that is the 12 month period commencing on 1 July each year.

### 5. STATEMENT:

5.1 The objectives of this Policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Elected Members while undertaking their civic duties;
- enable facilities of a reasonable and appropriate standard to be provided to Elected Members to support them in undertaking their civic duties;
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Elected Members;
- ensure facilities and expenses provided to Councillors meet community expectations;
- support a diversity of representation;
- fulfil the Council's statutory responsibilities.

5.2 Council commits to the following principles:

- Proper conduct:** Elected Members and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- Reasonable expenses:** Providing for Elected Members to be reimbursed or costs met by Council for expenses reasonably incurred as part of their role as Elected Members.
- Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as an Elected Member.
- Equity:** There must be equitable access to expenses and facilities for all Elected Members.
- Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.

### Policy

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## ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

### Policy



- f) **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Elected Mmembers.

#### 5.3 Private or political benefit:

- a) Elected Mmembers must not obtain private or political benefit from any expense or facility provided under this Ppolicy.
- b) Private use of Council equipment and facilities by Elected Mmembers may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- c) Such incidental private use does not require a compensatory payment back to Council.
- d) Elected Mmembers should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Elected Mmembers must reimburse the Council.
- e) Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - o production of election material;
  - o use of Council resources and equipment for campaigning;
  - o use of official Council letterhead, publications, websites or services for political benefit;
  - o fundraising activities of political parties or individuals, including political fundraising events.

#### 6. RESPONSIBILITIES:

- 6.1 The General Manager is responsible for implementing and ensuring compliance.
- 6.2 The Governance Section Manager is responsible for implementing, ensuring compliance, monitoring, evaluating, reviewing and providing advice on the Ppolicy.
- 6.3 Mayor and Councillors are responsible for complying with the Ppolicy.

#### 7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993, Sections 252 and 253.
- 7.2 Local Government (General) Regulation 2021, Sections 217 and 403.
- 7.3 Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009.
- 7.4 Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities.

### Policy

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ITEM 5 - ATTACHMENT 1      REVISED PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

## Policy



- **7.5** Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
- **7.6** Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template.

7.4**7** Related Council policies:

- Port Stephens Council Code of Conduct.

## Policy

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# ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.



## Policy

### SCHEDULE 1

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

• Clause	• Expense or facility	• Maximum amount	• Frequency
• 3.2.2	• General travel expenses	<ul style="list-style-type: none"> <li>• \$7,000 per Councillor.</li> <li>• \$7,000 for the Mayor.</li> </ul>	• Per year
• 3.7	• Interstate, overseas and long distance intrastate travel expenses	• \$2,000 total for all Councillors.	• Per year
• 3.20	• Meals	• As per the Port Stephens Enterprise Agreement, as adjusted.	• Per meal
• 3.19	• Accommodation	• \$400 per Councillor/Mayor.	• Per night
• 3.25	• Professional development	• \$15,000 per Councillor/Mayor.	• Per term
• 3.32	• Conferences and seminars	• \$30,000 total for all Councillors and Mayor.	• Per year
• 3.36	• Awards and ceremonies	<ul style="list-style-type: none"> <li>• \$1000 per year for Mayor</li> <li>• \$500 per year for a Councillor</li> </ul>	• Per year
• 3.38	• Spouse/partner expenses	• \$500 per Councillor.	• Per year
• 3.40	• Spouse/partner expenses	• \$1,000 for the Mayor.	• Per year
• 3.44	• ICT expenses	• 75% up to \$5,000 per Councillor.	• Per term
• 3.46	• Communication devices (mobile phone, landline phone rental & calls, facsimile)	• 75% up to \$200.	• Per month
• 3.53	• Carer expenses	• \$6,000 per Councillor.	• Per year
• 3.56	• Home office expenses	• \$500 per Councillor.	• Per year

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## ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

### Policy



• Clause	• Expense or facility	• Maximum amount	• Frequency
• 3.83	• Access to facilities in a Councillor common room	• Provided to all Councillors.	• Not relevant
• 3.86	• Postage stamps	• 50.	• Per year
• 3.86	• Christmas or festive cards	• 30 per Councillor. • 100 for the Mayor.	• Per year
• 3.95	• Council vehicle and fuel card	• Provided to the Mayor.	• Not relevant
• 3.99	• Reserved parking space at Council offices	• Provided to the Mayor.	• Not relevant
• 3.100	• Furnished office	• Provided to the Mayor.	• Not relevant
• 3.102	• Number of exclusive staff supporting Mayor and Councillors	• Provided to the Mayor and Councillors.	• Not relevant
• 3.113	• Advance payment for conferences, seminars	• \$100 per Councillor/Mayor up to \$400.	• Per event

Additional costs incurred by an Elected Mmember in excess of these limits are considered a personal expense that is the responsibility of the Elected Mmember.

Elected Mmembers must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

Detailed reports on the provision of expenses and facilities to Elected Mmembers will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by an individual Elected Mmember and as a total for all Elected Mmembers.

### Policy

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# ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

## Policy



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<b>EDRMS container No.</b>	A2004-0284	<b>EDRMS record No.</b>	TBC
<b>Audience</b>	Mayor and Councillors		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	3-years 4 years	<b>Next review date</b>	30 September 2024 <sup>8</sup>
<b>Adoption date</b>	28/06/1994		

## Policy

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# ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

## Policy



### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
20	14 May 2019	Governance Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner to Governance Section Manager.</p> <p>3.21 – updated reference to 3.19.</p> <p>Conferences and seminars included in Professional development heading.</p> <p>3.25 – increase dollar value and timing for professional development.</p> <p>3.28 – updated reference to 3.27.</p> <p>Delete Conferences and Seminars heading.</p> <p>3.33 – updated reference to 3.18-3.22.</p> <p>3.41 – increased ICT expenses.</p> <p>3.44 – Update reference to 3.43 and maximum cost to \$100.</p> <p>3.69 – updated reference to 3.70.</p> <p>3.87 – updated reference to 3.86.</p> <p>3.103 – updated reference to 3.101.</p> <p>3.124 – updated reference to 3.123.</p> <p>7 – included reference to OLG Circular 17-17.</p> <p>Schedule 1 – updated reference numbers.</p> <p><u>Following submission</u></p> <p>Where the term 'Councillors' refers to the Mayor and Councillors changed to 'Elected Members'.</p> <p>Included definition for Elected Members.</p> <p>Updated definition of Long Distance Intrastate travel.</p> <p>Updated definition of Councillor.</p> <p>Updated clause 3.2.1, 3.2.2, 3.7, 3.20, 3.21, 3.24, 3.33, 3.35, 3.36, 3.37, 3.39, 3.71, 3.94, 3.127.</p>	093

### Policy

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# ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

## Policy



Version	Date	Author	Details	Minute No.
20.1	11 January 2022	Governance Section Manager	<p>Reviewed the policy, included updating policy template, re-numbering to each paragraph and updated the version control.</p> <p>1.4 – replace 2005 with 2021.            3.28 – new clause graph requiring completion of training within the first 18 months of the term.            3.35-3.36 – new clause for awards and ceremonies.            3.39 – update reference to clause 3.35 to 3.38.            3.44-3.45 – remove clauses with overall provision available at new clause 3.46.            3.53 – increase carer expense to \$6,000.            3.56 – increase to \$500.            3.57 – include clause number.            3.58-3.59, 3.63 – update clauses to reflect current policy.            3.60 – remove clause.            3.64 – removed and added to 3.63.            3.76 – include 'or'            3.92 – new provision for superannuation contribution.            3.104 – update reference to clause 3.101 to 3.102.            Schedule 1 updated to reflect new clauses for 3.32, 3.37, 3.39, 3.43, 3.45, 3.99, 3.100, 3.102, 3.113, 3.52 increase to \$6,000 and increase 3.56 to \$500.            7 – updated Regulation from 2005 to 2021.            7.1 – included 'Port Stephens Council'.</p>	005

## Policy

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# ITEM 5 - ATTACHMENT 1 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

## Policy



20.2	# 2024	Governance Section Manager	<p>Policy transferred into correct template, reviewed the policy, included re-numbering to each paragraph and updated the version control. Policy review timeframe updated to 4 years as per Council's current process.</p> <p>2.3 – Insert 'from the Mayor'.  3.40 – Delete 'Each' and insert 'The'.  3.44 – insert '75% of the total invoice, to'.  3.57, 3.59, 3.61 – Update reference to the Statewide Mutual and insert "Schedule".  3.58 to 3.61 – removed paragraph numbering.  3.58 – updated numbering from 3.58 to 3.127.  3.63 – Remove "expenses" and inserted "costs".  3.64b) – inserted "will".  3.65 – inclusion of clause 3.65.  3.69 – removed paragraph numbering and updated "Note".  3.77b) – updated 2021 from 2005.  3.87 – updated reference to section 3.81.  3.89 – delete 'Section 7' and insert 'clause 3.83'.  3.93 – delete reference to timeframes.  3.90 – insert new paragraph for the Council Assistance Program.  3.104 – updated reference to Section 3.98.  3.120 – Updated reference to expense timeframe.  3.125 – Updated reference to Section 3.119.  4 – delete 'means' from each definition.  6.2 – insert 'Section'.  Sch.1 – insert '75% up to' at 3.44.</p>	TBC
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## Policy

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**ITEM NO. 6**

**FILE NO: 25/8438  
EDRMS NO: PSC2024-03158**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:-
  - a) Lions Club of Raymond Terrace – Mayoral funds - \$1,695 donation towards purchase of a defibrillator for driver revival van.
  - b) 1<sup>st</sup> Tilligerry Scouts – Cr Jason Wells – Rapid Response - \$258 donation towards reimbursement of fire safety inspection fee.
  - c) Foodcare c/o The Rock Church, Salamander Bay – Cr Mark Watson – Rapid Response - \$500 donation towards Christmas lunch event.

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**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**ORDINARY COUNCIL - 11 FEBRUARY 2025****MAYORAL FUNDS – Leah Anderson**

Lions Club of Raymond Terrace	Lions Clubs work to improve health and wellbeing, strengthen communities, support those in need and encourage peace and international understanding.	\$1,695	Donation towards defibrillator for driver reviver van.
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**CENTRAL WARD – Councillors Doohan, Niland and Wells**

1 <sup>st</sup> Tilligerry Scouts	1st Tilligerry Scouts offer fun activities, outdoor adventures and youth leadership on the Tilligerry Peninsula for youth aged 5 to 18 years of age.	\$258	Rapid response donation towards reimbursement of fire safety inspection fee.
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**EAST WARD – Councillors Armstrong, Errington and Watson**

Foodcare c/o The Rock Church, Salamander Bay	Foodcare is a community care program serving the Port Stephens community by providing food and non-perishables to people under financial stress.	\$500	Rapid response donation towards Christmas lunch event.
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**COMMUNITY STRATEGIC PLAN**

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



**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL AND POLICY IMPLICATIONS**

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

The Policy interpretation required is whether the Council believes that:

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

**External communications and engagement**

INFORM	Community members are advised of the outcome of their application.
--------	--

**Internal communications and engagement**

- Consultation with key stakeholders has been undertaken by the General Manager's Office.
- Consultation has been undertaken with key stakeholders to ensure budget requirements are met and approved.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 25/8423**  
**EDRMS NO: PSC2024-03232**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 11 February 2025.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investment Portfolio - November 2024	90
2	Cash and Investment Portfolio - December 2024	100
3	Six Monthly Grants Report to 31 December 2024	110
4	Designated Persons' Return	113
5	Delegations Report	114
6	Council Resolutions	116

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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 24/314339  
EDRMS NO: PSC2017-00180**

**CASH AND INVESTMENT PORTFOLIO - NOVEMBER 2024**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 30 November 2024.

Council's total portfolio of investments was \$75.5 million with an additional \$900,000 held in Council's operational account as at 30 November 2024.

The investment portfolio was fully compliant with the Investment Policy regarding product type, institution exposure, rating exposure and maturity limits.

The investment portfolio is currently yielding 5.31% per annum on a rolling 1- year performance, which was 0.85% above the benchmark with investment income on target to meet or exceed budget.

Council has sufficient cash to cover all reserves.

**ATTACHMENTS**

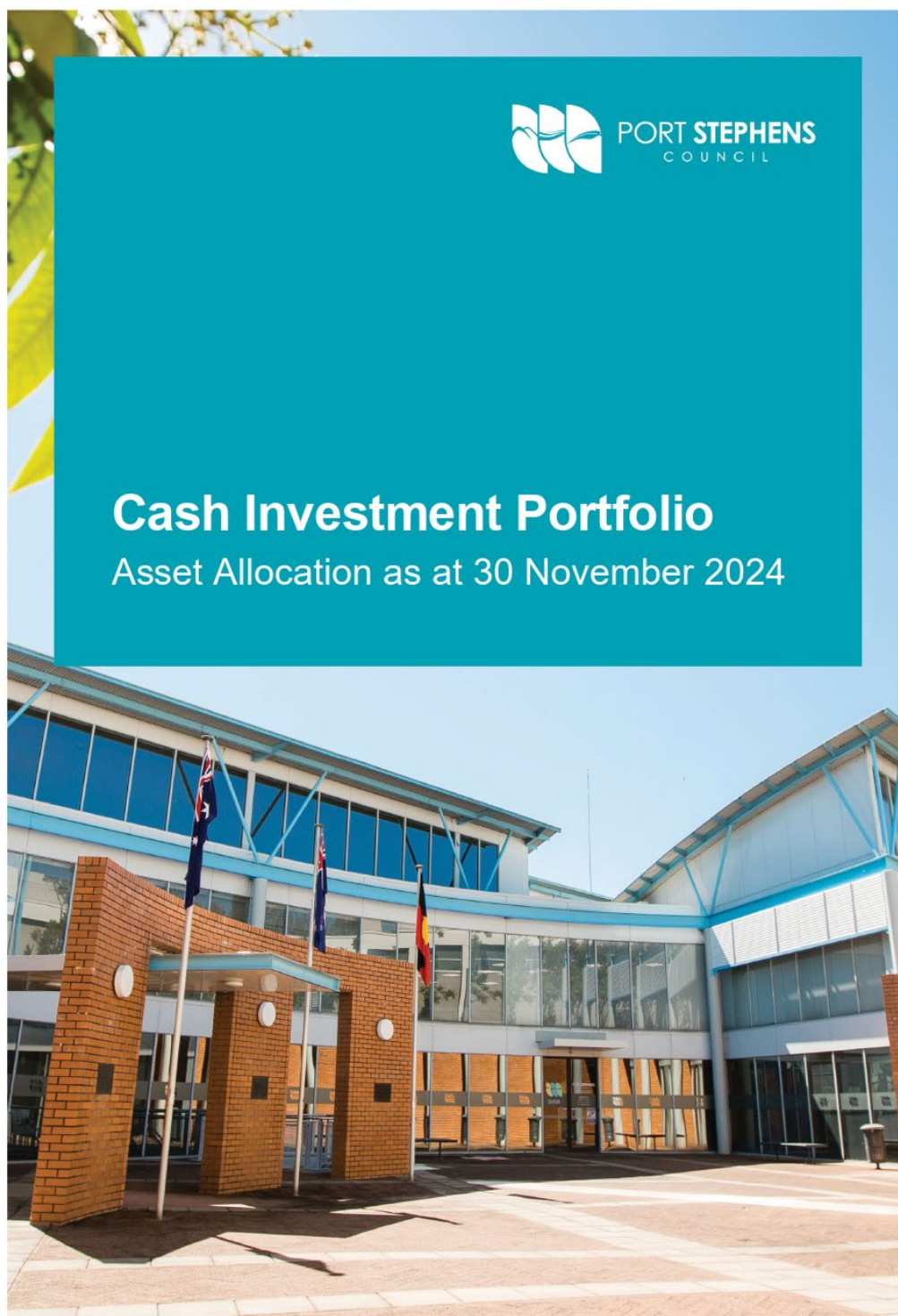
1) Cash and Investments Report - November 2024.

**COUNCILLORS' ROOM/DASHBOARD**

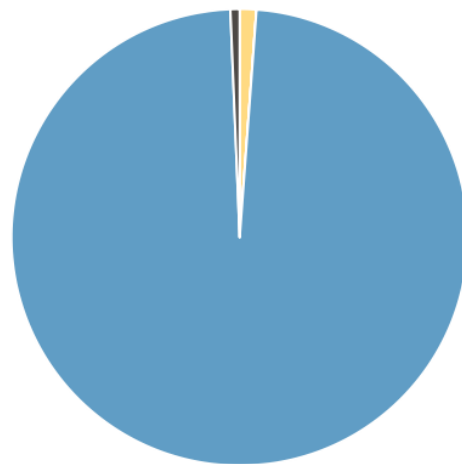
Nil.

**TABLED DOCUMENTS**

Nil.



## Cash Investment Portfolio Holdings



■ At Call ■ Cash ■ At Notice ■ TD ■ Managed Fund

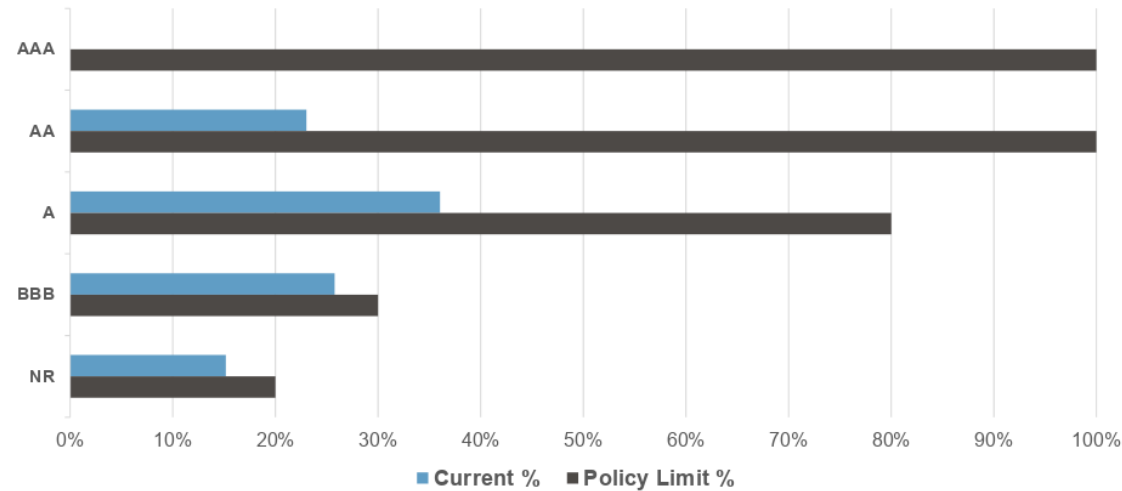
Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	899,137	✓
At Notice	-	
TD	75,051,209	✓
Managed Fund	500,000	✓
	<b>76,450,346</b>	

✓ = Yes  
✗ = No



## Rating Exposure

### Total Credit Exposure

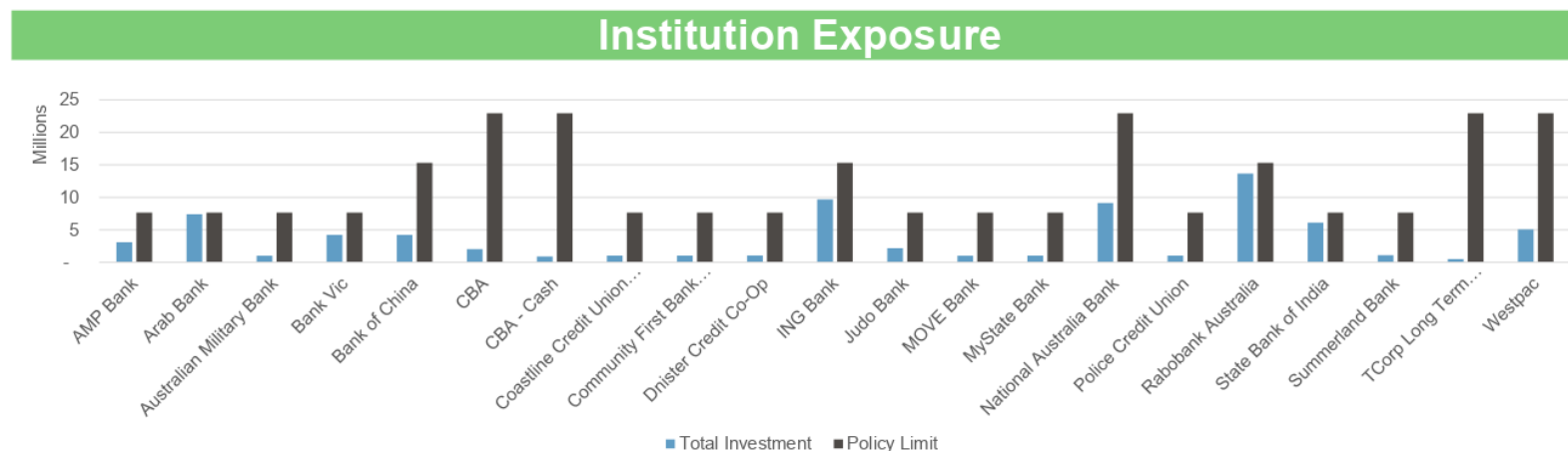


Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	17,598,693	23%	100%	✓
A	27,557,326	36%	80%	✓
BBB	19,700,794	26%	30%	✓
NR	11,593,533	15%	20%	✓
	<b>76,450,346</b>	<b>100%</b>		

✓ = Yes

✗ = No

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS REPORT - NOVEMBER 2024.

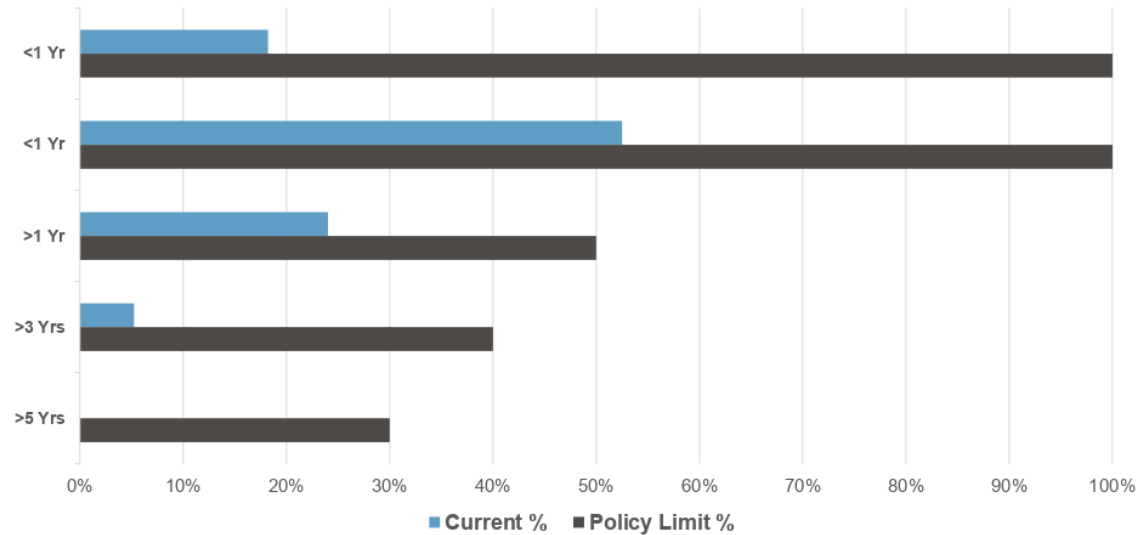


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,075,178	4%	10%	4,569,857	✓
Arab Bank	NR	7,396,014	9%	10%	249,021	✓
Australian Military Bank	BBB	1,016,315	1%	10%	6,628,719	✓
Bank Vic	BBB	4,226,490	5%	10%	3,418,545	✓
Bank of China	A	4,223,408	5%	20%	11,066,661	✓
CBA	AA	2,027,399	3%	30%	20,907,705	✓
CBA - Cash	AA	899,137	1%	30%	22,035,967	✓
Coastline Credit Union Limited	BBB	1,038,048	1%	10%	6,606,987	✓
Community First Bank Ltd	BBB	1,037,897	1%	10%	6,607,137	✓
Dnister Credit Co-Op	NR	1,055,500	1%	10%	6,589,535	✓
ING Bank	A	9,689,249	12%	20%	5,600,820	✓
Judo Bank	BBB	2,162,344	3%	10%	5,482,691	✓
MOVE Bank	NR	1,026,526	1%	10%	6,618,509	✓
MyState Bank	BBB	1,037,866	1%	10%	6,607,169	✓
National Australia Bank	AA	9,110,940	12%	30%	13,824,164	✓
Police Credit Union	NR	1,028,882	1%	10%	6,616,152	✓
Rabobank Australia	A	13,644,668	18%	20%	1,645,401	✓
State Bank of India	BBB	6,106,656	8%	10%	1,538,378	✓
Summerland Bank	NR	1,086,611	1%	10%	6,558,424	✓
TCorp Long Term Growth Fund	AA	500,000	1%	30%	22,435,104	✓
Westpac	AA	5,061,218	6%	30%	17,873,886	✓
<b>Total</b>		<b>76,450,346</b>				

✓ = Yes

✗ = No

### Term to Maturity Limits



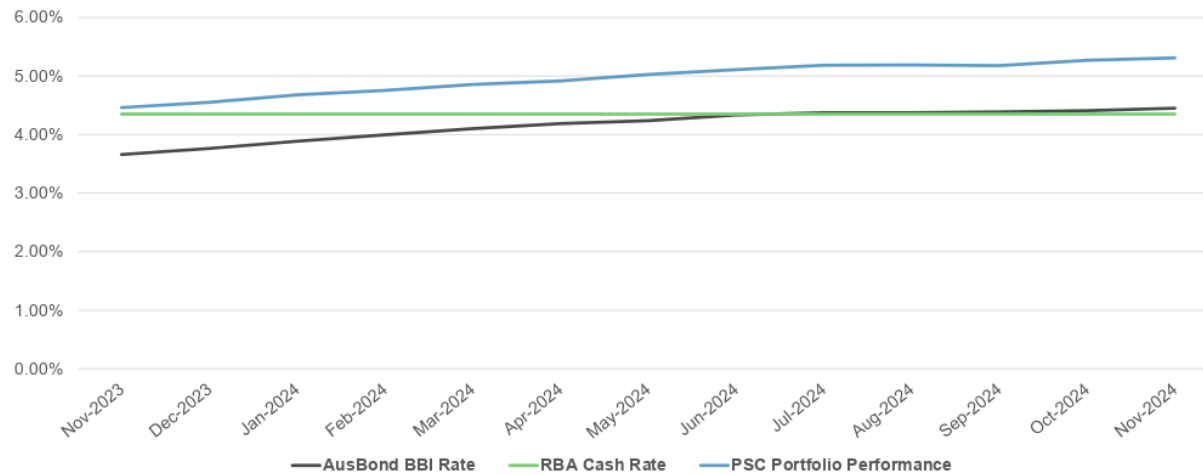
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	13,924,827	18%	100%	✓
Between 90 Days and 365 Days	40,145,610	53%	100%	✓
Between 366 Days and 3 Years	18,369,928	24%	50%	✓
Between 3 Years and 5 Years	4,009,982	5%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	<b>76,450,346</b>	<b>100%</b>		

✓ = Yes

✗ = No

## Portfolio Performance

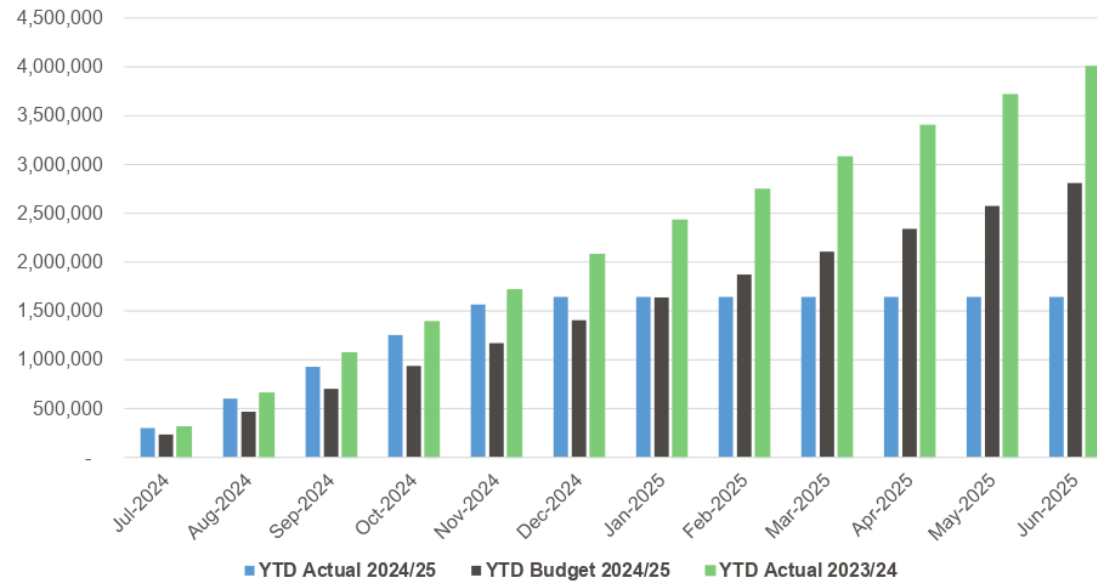
### One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.36%	1.10%	2.22%	1.86%	4.46%
PSC Investment Portfolio	0.43%	1.34%	2.69%	2.23%	5.31%
Outperformance/(underperformance)	0.07%	0.24%	0.48%	0.37%	0.85%

## Income Earned vs Budget

Monthly Investment Income - Actual to Budget



ITEM 1 - ATTACHMENT 1  
2024.

## CASH AND INVESTMENTS REPORT - NOVEMBER

## Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	899,137	1		30/11/2024	1/12/2024	AA
ING Bank	1,045,000	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,019,614	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,028,882	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,024,150	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,011,597	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,082,075	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,011,597	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,083,217	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,007,785	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,064,090	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,064,465	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,083,217	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,063,965	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,086,611	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,064,465	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,009,837	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,004,955	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,003,918	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,030,411	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,028,082	727	5.00%	9/05/2023	5/05/2025	BBB
Rabobank Australia	1,015,200	272	5.09%	13/08/2024	12/05/2025	A
MOVE Bank	1,026,526	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,000,151	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,037,835	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,023,379	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,080,268	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,037,866	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,016,685	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,016,315	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,014,811	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,015,141	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,016,553	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,063,965	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,063,965	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,025,054	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,013,134	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,055,500	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,010,805	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,036,164	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,055,800	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,010,805	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,010,805	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,037,897	586	5.03%	29/02/2024	7/10/2025	BBB
ING Bank	1,006,201	369	5.03%	16/10/2024	20/10/2025	A
Bank Vic	1,054,000	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,054,200	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,054,200	717	5.42%	1/12/2023	17/11/2025	BBB
National Australia Bank	1,000,139	362	5.07%	29/11/2024	26/11/2025	AA
Westpac	1,024,268	538	5.15%	11/06/2024	1/12/2025	AA
Coastline Credit Union Limited	1,038,048	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,044,699	733	5.02%	10/01/2024	12/01/2026	NR
State Bank of India	1,015,097	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,025,749	601	5.28%	5/06/2024	27/01/2026	A
Rabobank Australia	1,024,034	607	5.13%	12/06/2024	9/02/2026	A
ING Bank	1,022,404	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,012,877	545	5.00%	28/08/2024	24/02/2026	BBB
ING Bank	1,022,404	616	5.38%	1/07/2024	9/03/2026	A
Rabobank Australia	1,510,212	521	4.97%	11/10/2024	16/03/2026	A
State Bank of India	1,021,849	623	5.50%	8/07/2024	23/03/2026	BBB
Rabobank Australia	753,027	514	5.08%	1/11/2024	30/03/2026	A
State Bank of India	1,021,849	637	5.50%	8/07/2024	6/04/2026	BBB
Rabobank Australia	753,027	528	5.08%	1/11/2024	13/04/2026	A
State Bank of India	1,021,849	651	5.50%	8/07/2024	20/04/2026	BBB
Bank of China	1,031,514	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,017,919	661	5.15%	26/07/2024	18/05/2026	A
ING Bank	1,009,100	733	4.55%	18/09/2024	21/09/2026	A
Rabobank Australia	1,003,498	1664	5.32%	6/11/2024	28/05/2029	A
Rabobank Australia	500,651	1663	5.28%	21/11/2024	11/06/2029	A
Rabobank Australia	1,002,717	1687	5.22%	11/11/2024	25/06/2029	A
TCorp Long Term Growth Fund	500,000	1826		8/11/2024	8/11/2029	AA
Rabobank Australia	1,002,468	1825	5.30%	13/11/2024	12/11/2029	A
ING Bank	500,647	1831	5.25%	21/11/2024	26/11/2029	A
Total	76,450,346					

## Restricted Cash

Reserve	As at November 2024 \$'000
<b>External</b>	
Deposits, retentions and bonds	1,473
Grants and Contributions	4,201
Developer contributions (inc Haulage)	23,792
Domestic Waste Management	10,581
Crown Reserve	3,950
Crown - Surf Life Saving Clubs	-
<b>Internal</b>	
Admin Building	332
Asset Rehab/Reseals	3,591
Commercial Property	4,054
Community Buildings	64
Community Loans	200
Council Parking	879
Drainage	1,785
Election Reserve	560
Emergency & Natural Disaster	4,868
Employee Leave Entitlements (ELE)	1,000
Enhanced Services Focus Area	353
Federal Assistance Grant in Advance	4,714
Fleet	1,628
Grants Receivable	97
IT	2,043
Mayoral and Ward Funds	26
Other Waste	362
Repealed	1,363
Resilience fund	3,000
Sustainable energy and water reserve	37
Transport and Environmental Levy	625
Unexpended loan funds	-
<b>Total</b>	<b>75,578</b>
<b>Cash and Investment Report</b>	<b>76,450</b>
<b>Variance Cash Reserves to Bank Account</b>	<b>872</b>
Variance Due to:	
Outstanding GST Refund	(80)
Outstanding Debtors	(410)
<b>Total Variance</b>	<b>(490)</b>
<b>Unrestricted Cash/(Shortfall)</b>	<b>1,362</b>
(due to timing of income and expenditure)	

**ITEM NO. 2**

**FILE NO: 24/314346  
EDRMS NO: PSC2017-00180**

**CASH AND INVESTMENT PORTFOLIO - DECEMBER 2024**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 December 2024.

The investment portfolio was fully compliant with the Investment Policy regarding product type, institution exposure, rating exposure and maturity limits.

The investment portfolio is currently yielding 5.33% per annum on a rolling 1- year performance, which was 0.86% above the benchmark with investment income on target to meet or exceed budget.

Council has sufficient cash to cover all reserves.

**ATTACHMENTS**

1) Cash and Investments Report - December 2024.

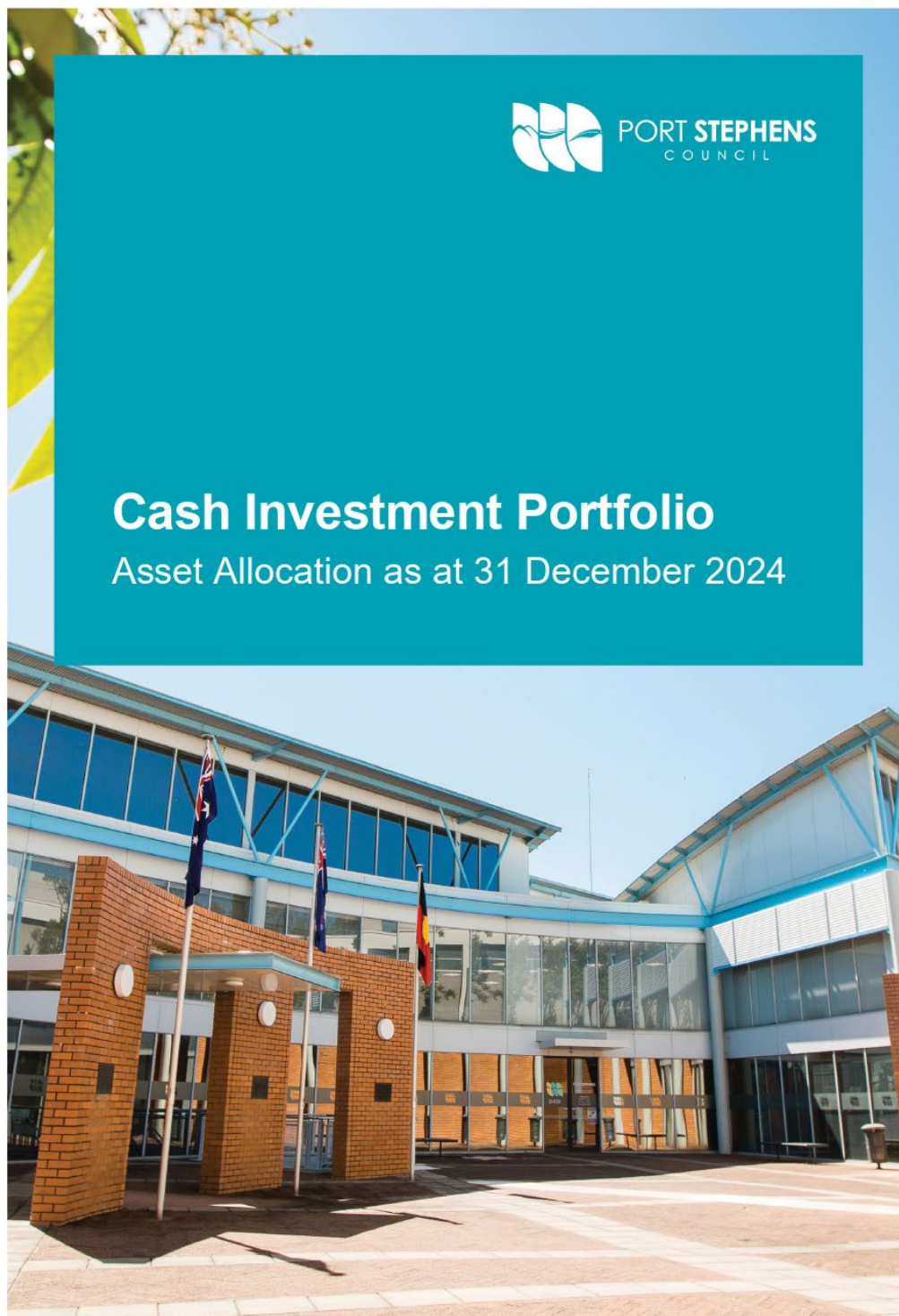
**COUNCILLORS' ROOM/DASHBOARD**

Nil.

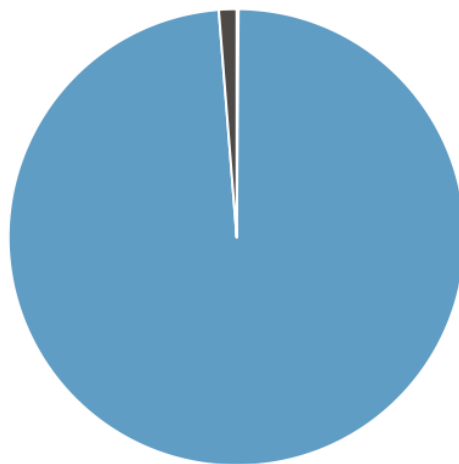
**TABLED DOCUMENTS**

Nil.





## Cash Investment Portfolio Holdings



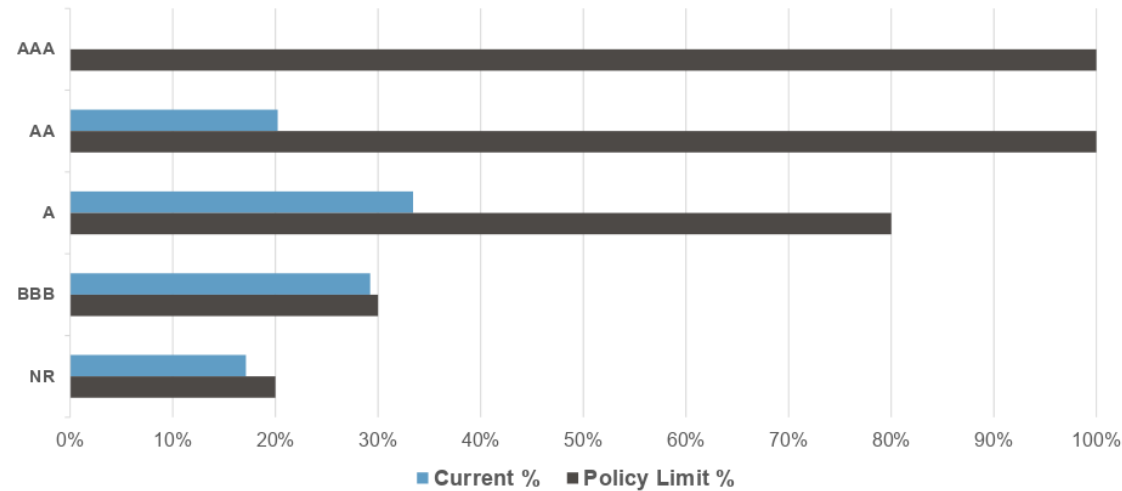
■ At Call ■ Cash (overdraft) ■ At Notice ■ TD ■ Managed Fund

Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash (overdraft)	101,204	✓
At Notice	-	
TD	78,793,101	✓
Managed Fund	999,243	✓
	<b>79,691,140</b>	

✓ = Yes  
✗ = No

## Rating Exposure

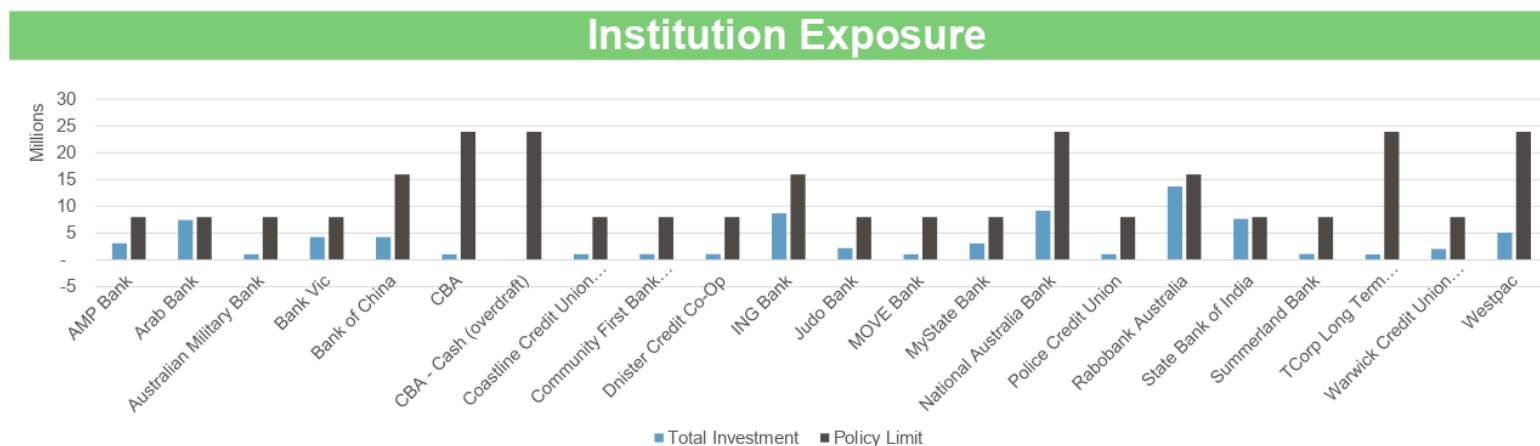
### Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	16,118,038	20%	100%	✓
A	26,625,862	33%	80%	✓
BBB	23,297,439	29%	30%	✓
NR	13,649,801	17%	20%	✓
	<b>79,691,140</b>	<b>100%</b>		

✓ = Yes

✗ = No

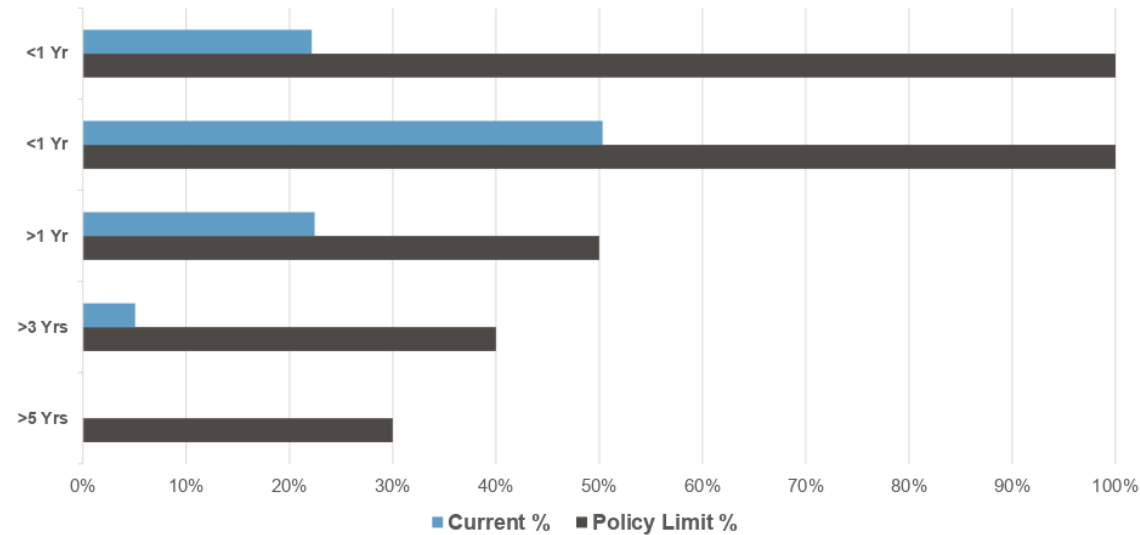


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,088,130	4%	10%	4,880,984	✓
Arab Bank	NR	7,428,373	9%	10%	540,741	✓
Australian Military Bank	BBB	1,020,791	1%	10%	6,948,323	✓
Bank Vic	BBB	4,244,640	5%	10%	3,724,474	✓
Bank of China	A	4,240,998	5%	20%	11,697,230	✓
CBA	AA	1,011,811	1%	30%	22,895,531	✓
CBA - Cash (overdraft)	AA	101,204	0%	30%	24,008,546	✓
Coastline Credit Union Limited	BBB	1,042,337	1%	10%	6,926,777	✓
Community First Bank Ltd	BBB	1,042,169	1%	10%	6,926,945	✓
Dnister Credit Co-Op	NR	1,060,214	1%	10%	6,908,900	✓
ING Bank	A	8,681,420	11%	20%	7,256,808	✓
Judo Bank	BBB	2,172,068	3%	10%	5,797,046	✓
MOVE Bank	NR	1,030,900	1%	10%	6,938,214	✓
MyState Bank	BBB	3,049,786	4%	10%	4,919,328	✓
National Australia Bank	AA	9,149,533	11%	30%	14,757,809	✓
Police Credit Union	NR	1,033,146	1%	10%	6,935,968	✓
Rabobank Australia	A	13,703,445	17%	20%	2,234,783	✓
State Bank of India	BBB	7,637,518	10%	10%	331,596	✓
Summerland Bank	NR	1,090,900	1%	10%	6,878,214	✓
TCorp Long Term Growth Fund	AA	999,243	1%	30%	22,908,099	✓
Warwick Credit Union Ltd	NR	2,006,268	3%	10%	5,962,846	✓
Westpac	AA	5,058,656	6%	30%	18,848,686	✓
<b>Total</b>		<b>79,691,140</b>				

✓ = Yes

✗ = No

### Term to Maturity Limits



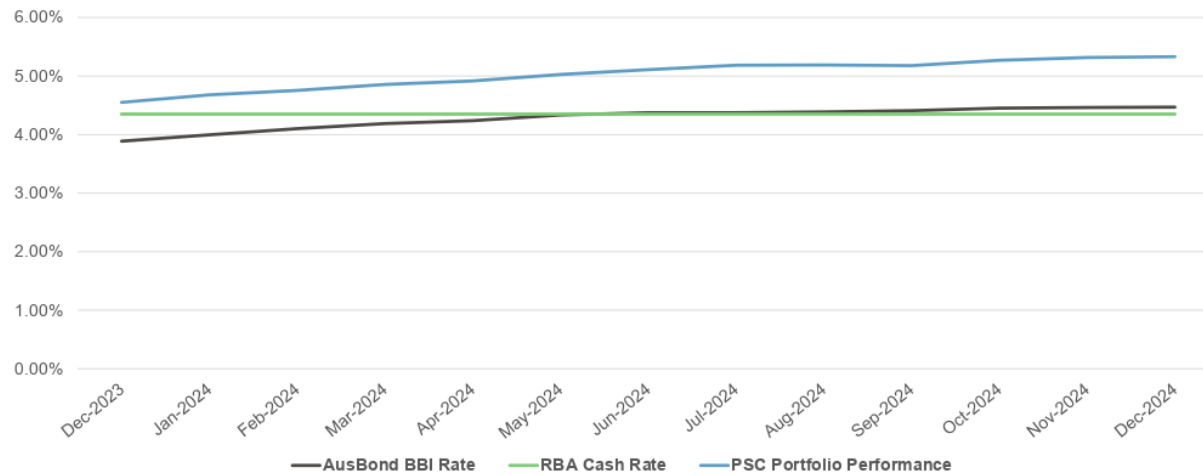
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	17,664,198	22%	100%	✓
Between 90 Days and 365 Days	40,117,064	50%	100%	✓
Between 366 Days and 3 Years	17,881,971	22%	50%	✓
Between 3 Years and 5 Years	4,027,907	5%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	<b>79,691,140</b>	<b>100%</b>		

✓ = Yes

✗ = No

## Portfolio Performance

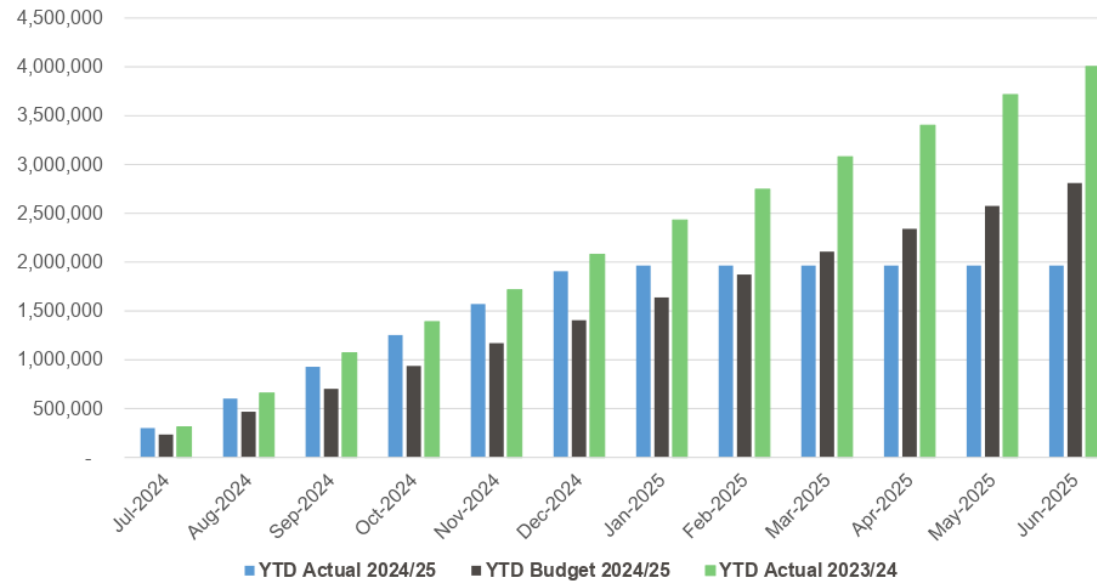
### One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.38%	1.12%	2.24%	2.24%	4.47%
PSC Investment Portfolio	0.44%	1.33%	2.66%	2.66%	5.33%
Outperformance/(underperformance)	0.07%	0.21%	0.42%	0.42%	0.86%

## Income Earned vs Budget

Monthly Investment Income - Actual to Budget



## ITEM 2 - ATTACHMENT 1 CASH AND INVESTMENTS REPORT - DECEMBER 2024.

## Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash (overdraft)	101,204	1		31/12/2024	1/01/2025	AA
Police Credit Union	1,033,146	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,028,379	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,015,827	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,086,959	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,015,827	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,088,169	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,011,811	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,068,447	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,068,847	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,088,169	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,068,313	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,090,900	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,068,847	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,014,321	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,009,609	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,008,589	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,034,658	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,032,329	727	5.00%	9/05/2023	5/05/2025	BBB
Rabobank Australia	1,019,523	272	5.09%	13/08/2024	12/05/2025	A
MyState Bank	1,003,630	171	5.30%	6/12/2024	26/05/2025	BBB
MOVE Bank	1,030,900	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,004,839	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,042,115	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,028,024	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,085,110	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,042,197	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,021,144	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,020,791	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,019,142	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,019,447	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,021,055	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,068,313	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,068,313	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,033,496	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,017,466	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,060,214	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,014,993	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,048,904	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,060,539	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,014,993	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,014,993	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,042,169	586	5.03%	29/02/2024	7/10/2025	BBB
ING Bank	1,010,473	369	5.03%	16/10/2024	20/10/2025	A
Bank Vic	1,058,586	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,058,803	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,058,803	717	5.42%	1/12/2023	17/11/2025	BBB
National Australia Bank	1,004,445	362	5.07%	29/11/2024	26/11/2025	AA
Westpac	1,004,092	538	5.15%	11/06/2024	1/12/2025	AA
MyState Bank	1,003,958	370	5.16%	3/12/2024	8/12/2025	BBB
Coastline Credit Union Limited	1,042,337	655	5.05%	29/02/2024	15/12/2025	BBB
Warwick Credit Union Ltd	1,002,707	375	5.20%	12/12/2024	22/12/2025	NR
Warwick Credit Union Ltd	1,003,562	381	5.20%	6/12/2024	22/12/2025	NR
Arab Bank	1,048,962	733	5.02%	10/01/2024	12/01/2026	NR
State Bank of India	1,019,471	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,030,233	601	5.28%	5/06/2024	27/01/2026	A
Rabobank Australia	1,028,391	607	5.13%	12/06/2024	9/02/2026	A
ING Bank	1,026,974	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,017,123	545	5.00%	28/08/2024	24/02/2026	BBB
State Bank of India	501,307	444	5.30%	13/12/2024	2/03/2026	BBB
ING Bank	1,026,974	616	5.38%	1/07/2024	9/03/2026	A
Rabobank Australia	1,516,544	521	4.97%	11/10/2024	16/03/2026	A
State Bank of India	1,026,521	623	5.50%	8/07/2024	23/03/2026	BBB
Rabobank Australia	756,263	514	5.08%	1/11/2024	30/03/2026	A
State Bank of India	1,026,521	637	5.50%	8/07/2024	6/04/2026	BBB
Rabobank Australia	756,263	528	5.08%	1/11/2024	13/04/2026	A
State Bank of India	1,026,521	651	5.50%	8/07/2024	20/04/2026	BBB
Bank of China	1,036,058	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,022,293	661	5.15%	26/07/2024	18/05/2026	A
State Bank of India	1,002,589	535	5.25%	13/12/2024	1/06/2026	BBB
ING Bank	1,012,964	733	4.55%	18/09/2024	21/09/2026	A
Rabobank Australia	1,008,016	1664	5.32%	6/11/2024	28/05/2029	A
Rabobank Australia	502,893	1663	5.28%	21/11/2024	11/06/2029	A
Rabobank Australia	1,007,151	1687	5.22%	11/11/2024	25/06/2029	A
TCorp Long Term Growth Fund	999,243	1826		8/11/2024	8/11/2029	AA
Rabobank Australia	1,006,970	1825	5.30%	13/11/2024	12/11/2029	A
ING Bank	502,877	1831	5.25%	21/11/2024	26/11/2029	A
Total	79,691,140					



## Restricted Cash

Reserve	As at December 2024 \$'000
<b>External</b>	
Deposits, retentions and bonds	1,455
Grants and Contributions	6,346
Developer contributions (inc Haulage)	24,578
Domestic Waste Management	10,489
Crown Reserve	3,368
Crown - Surf Life Saving Clubs	-
<b>Internal</b>	
Admin Building	349
Asset Rehab/Reseals	3,405
Commercial Property	4,472
Community Buildings	121
Community Loans	200
Council Parking	1,046
Drainage	1,832
Election Reserve	572
Emergency & Natural Disaster	4,868
Employee Leave Entitlements (ELE)	1,000
Enhanced Services Focus Area	455
Federal Assistance Grant in Advance	4,131
Fleet	1,560
Grants Receivable	2,343
IT	2,087
Mayoral and Ward Funds	27
Other Waste	438
Repealed	1,390
Resilience fund	3,000
Sustainable energy and water reserve	39
Transport and Environmental Levy	613
Unexpended loan funds	-
<b>Total</b>	<b>80,184</b>
<b>Cash and Investment Report</b>	<b>79,691</b>
<b>Variance Cash Reserves to Bank Account</b>	<b>(493)</b>
Variance Due to:	
Outstanding Debtors	(437)
Outstanding GST refund	(363)
<b>Total Variance</b>	<b>(800)</b>
<b>Unrestricted Cash/(Shortfall)</b>	<b>307</b>
(due to timing of income and expenditure)	

**ITEM NO. 3**

**FILE NO: 24/314382  
EDRMS NO: PSC2017-00180**

**SIX MONTHLY GRANTS REPORT TO 31 DECEMBER 2024**

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

**BACKGROUND**

The purpose of this report is to provide the status of the Six Monthly Grants Report to 31 December 2024.

There have been 9 successful grant applications for the period 1 July 2024 to 31 December 2024 totalling \$4,231,447 and 12 unsuccessful grant applications which indicates a success rate of 43%.

There are a further 28 grant applications for which Council is awaiting determination.

**ATTACHMENTS**

1) Six Monthly Grants Report - July to December 2024.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 SIX MONTHLY GRANTS REPORT - JULY TO DECEMBER 2024.



**Six-Monthly Grants Statement**  
**For the period 1 July 2024 – 31 December 2024**

<b>Successful Grant Applications</b>				
<b>Grant</b>	<b>Section / Department</b>	<b>Project Title</b>	<b>Project Summary</b>	<b>Value</b>
2024-25 Regional Road Block Grant	Assets – Civil Projects	Various Projects	Annual grant for preservation, restoration and enhancement works on regional roads.	\$1,068,000
Australia Day 2025 Community Grant	Communications and Customer Experience - Vibrant Places	Port Stephens Australia Day	Five events across the PSC LGA to celebrate Australia Day 2025.	\$15,000
Australian Cricket Infrastructure Fund 2023/24	Assets - Community Assets	Salamander Sports Complex Drainage Upgrade	Drainage upgrade through the installation of a slit drainage system on the turf wicket playing surfaces (field 1 and 2).	\$40,000
Community War Memorials Fund - Round 1 2024/25	Assets - Community Assets	Seaham Knitting Circle Memorial Refurbishment	Repair components of flagpole, replace timber fence and acrylic coating to be applied to the rendered memorial.	\$12,672
Housing Support Program - Stream 1	Strategy and Environment - Strategic Planning	Port Stephens Housing Delivery Program	The Housing Delivery Program includes a range of actions to support the delivery of 11,000 new homes across Port Stephens.	\$661,000
Towards Zero Safer Roads Program	Assets – Civil Projects	Fingal Bay HPAA	Fingal Bay HPAA - Raised intersections, Pedestrian crossings & Safety Improvements	\$1,154,000
Towards Zero Safer Roads Program	Assets – Civil Projects	Butterwick Rd and Duns Creek Rd	Duns Creek - Butterwick Rd and Duns Creek Rd intersection safety	\$253,000
Towards Zero Safer Roads Program	Assets – Civil Projects	Italia Rd Balickera	Italia Rd Balickera - Fatal Crash location	\$1,023,000

## ITEM 3 - ATTACHMENT 1      SIX MONTHLY GRANTS REPORT - JULY TO DECEMBER 2024.

Successful Grant Applications				
Grant	Section / Department	Project Title	Project Summary	Value
Youth Week 2025	Communications and Customer Experience - Vibrant Places	Battle of the Arts	In a new venue, Battle of the Arts is a showcase of the creative talent of our youth as well as a community minded event. Incorporating a youth talent competition, a barbeque fundraiser, youth service stalls and more.	\$4,775
<b>Total</b>				<b>\$4,231,447</b>

**ITEM NO. 4**

**FILE NO: 24/319150  
EDRMS NO: PSC2024-01273**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

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

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

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

- Senior Development Planner PSC077.
- Senior Ranger PSC762.
- Planning Officer PSC1150.
- Mayor Leah Anderson.
- Councillor Rosalyn Armstrong.
- Councillor Nathan Errington.
- Councillor Mark Watson.
- Councillor Jason Wells.

**ATTACHMENTS**

Nil.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 5**

**FILE NO: 24/329955  
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.

**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

<b>Date exercised</b>	<b>Delegations exercised</b>	<b>Purpose</b>	<b>Role exercising delegation</b>	<b>Reported to Council</b>
5/12/2024	Clause 178 of the Local Government (General) Regulation 2021	RFQ094-2024 - Stabilisation Pre-Patching for Resurfacing Program	General Manager	11 February 2025
20/12/2024	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 3 December 2024.	General Manager	11 February 2025

**ITEM NO. 6**

**FILE NO: 24/329956  
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.





<b>Action Sheets Report</b>	<b>Division:</b>	Community Futures	<b>Date From:</b>	28/11/2023
	<b>Committee:</b>		<b>Date To:</b>	10/12/2024
	<b>Officer:</b>		<b>Printed:</b>	Tuesday, 21 January 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Lamont, Brock	RAMSAR Listing for Mambo Wanda Wetlands	20/02/2026	29/11/2023	
4		Peart, Steven				23/324875
<b>21 Jan 2025</b>						
Two way presentation has been scheduled for Councillors on Tuesday 18 February 2025.						

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		Peart, Steven				24/50158
014						
<b>21 Jan 2025</b>						
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.	25/04/2025		
		Peart, Steven				
<b>21 Jan 2025</b>						
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	25/04/2025	27/11/2024	
1		Peart, Steven				24/318827
<b>21 Jan 2025</b>						
Council is working with Key Stakeholders to develop the Terms of Reference to establish the Disability and Inclusion Advisory Group.						



<b>Action Sheets Report</b>	<b>Division:</b>	Community Futures	<b>Date From:</b>	28/11/2023
	<b>Committee:</b>		<b>Date To:</b>	10/12/2024
	<b>Officer:</b>		<b>Printed:</b>	Tuesday, 21 January 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Falkenmire, Ryan	Anna Bay Resort, Gan Gan Road, Anna Bay	15/07/2025	11/12/2024	
3 148		Peart, Steven				24/333356
<b>21 Jan 2025</b> In accordance with Council's Resolution of 10 December 2024, compliance action will be investigated and a two way presentation will be provided to update Councillors. The two way has been scheduled for 15 July 2025.						

## ITEM 6 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and	Date From:	11/10/2022
	Support		Date To:	10/12/2024
	Committee:			
	Officer:			
			Printed: Thursday, 23 January 2025	

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
<b>20 Jan 2025</b>						
Further clarification on the distribution of funds is underway. A report will be provided back to Council in March 2025.						

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
<b>20 Jan 2025</b>						
Report deferred to allow for further clarification on the distribution of funds. A report will be provided back to Council in March 2025.						

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
<b>20 Jan 2025</b>						
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
<b>20 Jan 2025</b>						
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.						

# ITEM 6 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and	Date From:	11/10/2022
	Support		Date To:	10/12/2024
	Committee:			
	Officer:			
			Printed: Thursday, 23 January 2025	

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
<b>20 Jan 2025</b>						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to a Council meeting in March 2025.						

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
<b>20 Jan 2025</b>						
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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Confidential. Report	Ordinary Council 10/12/2024	Pattison, Zoe	Williamstown Sand Syndicate - Proposed Variation of Lease	30/04/2025	11/12/2024	
1		Pattison, Zoe				24/333356
<b>20 Jan 2025</b>						
Recommendation endorsed to provide in principle support to commence negotiations for a Variation of Lease with Williamstown Sand Syndicate. Once commercial arrangements have been agreed a further report will be provided outlining the terms and conditions of the Variation of Lease for Council's consideration.						

## ITEM 6 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	10/12/2024
	<b>Officer:</b>		<b>Printed:</b>	Tuesday, 21 January 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	27/08/2013	Maretich, John	Campvale Drain	30/06/2025		
243		Kable, Gregory				
<b>21 Jan 2025</b>						
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	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	
2		Kable, Gregory				23/92450
085						
<b>21 Jan 2025</b>						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Maretich, John	Sale of closed roads in Raymond Terrace	30/06/2025	29/11/2023	
1		Kable, Gregory				23/324875
<b>21 Jan 2025</b>						
2 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	Ordinary Council 28/05/2024	Maretich, John	Bus Stop Infrastructure Plan	31/03/2025	29/05/2024	
1		Kable, Gregory				24/131056
<b>21 Jan 2025</b>						
As per Council resolution a review of the Bus Stop Infrastructure will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Pathways Review	31/03/2025	29/05/2024	
2		Kable, Gregory				24/131056
<b>21 Jan 2025</b>						
As per Council resolution, staff will undertake a review of Council's pathways plans.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Maretich, John	Maintenance of Gravel Roads	31/03/2025	10/07/2024	
2		Kable, Gregory				24/176219
<b>21 Jan 2025</b>						
As per Council resolution, staff will undertake a review of the maintenance of gravel roads.						

# ITEM 6 - ATTACHMENT 3      FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	10/12/2024
	<b>Officer:</b>		<b>Printed:</b>	Tuesday, 21 January 2025

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
<b>21 Jan 2025</b>						
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						
<b>21 Jan 2025</b>						
The survey has closed and the results are currently being reviewed.						

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
<b>21 Jan 2025</b>						
A report has been prepared and placed on the agenda for the Council meeting of 11 March 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	31/03/2025	11/12/2024	
1		Kable, Gregory				24/333356
<b>21 Jan 2025</b>						
The Bus Shelter Policy has been revised to accommodate the request in this action. The revised Bus Shelter Policy has been placed on the agenda for the Council meeting scheduled for 11 March 2025.						



Action Sheets Report	Division:	General Manager's Office	Date From:	09/07/2024
	Committee:		Date To:	10/12/2024
	Officer:		Printed:	Tuesday, 21 January 2025

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
21 Jan 2025 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
21 Jan 2025 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 26/11/2024	Wickham, Tony	Local Government Week Council Meetings	31/03/2025	27/11/2024	
5		Crosdale, Timothy				24/318827
21 Jan 2025 Planning is underway.						

# NOTICES OF MOTION



**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 25/4291****EDRMS NO: PSC2024-03148****JET SKIS IN PORT STEPHENS****MAYOR: LEAH ANDERSON**

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**THAT COUNCIL:**

- 1) Recognises the increased usage of jet skis in the Port Stephens area during peak seasons.
  - 2) Acknowledges the importance of balancing the economic benefits of local tourism against potential safety impacts.
  - 3) Requests the General Manager write to the State Member for Port Stephens and Minister for Transport NSW requesting an urgent review into jet ski usage and swimmer safety in Port Stephens. As part of the urgent review, consider implementing jet ski restrictions on highly populated beach locations in Port Stephens.
- 

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

There have been increasing concerns raised by local residents with respect to marine life impacts and swimmer safety in relation to increasing jet ski usage at highly populated beaches in the Port Stephens LGA. NSW Maritime is the authority for regulating personal watercraft activities on NSW waters.

Whilst Council has no jurisdiction in managing jet ski usage in Port Stephens waterways, Council is responding to community concerns and requesting an urgent review by Transport for NSW into jet ski usage and swimmer safety in Port Stephens.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ORDINARY COUNCIL - 11 FEBRUARY 2025**

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

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 25/10641**

**EDRMS NO: PSC2024-03148**

**WASTE & PUBLIC PLACE CLEANING**

**COUNCILLORS: MARK WATSON  
BEN NILAND**

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**THAT COUNCIL:**

- 1) Requests the General Manager prepare a report reviewing public place cleaning and litter collection over the Christmas peak period. The report to include a review of:
    - a) Number of complaints received across the LGA with particular reference to the foreshore areas.
    - b) Scheduling of waste collection and public place cleaning across this period.
    - c) Adherence to schedule by Council staff and Waste Contractor.
    - d) Reconciliation of complaints relating to waste over this period.
    - e) Consider whether the level of infrastructure in place is appropriate.
    - f) Potential improvements that could be trialled over the Easter holiday period including costings of service level increases.
- 

**BACKGROUND REPORT OF: CAMERON DONALDSON – ACTING COMMUNITY SERVICES SECTION MANAGER**

**BACKGROUND**

Following impacts to the management of waste in the Tomaree area over the 2023-2024 peak season, additional provisions were introduced by Council with an aim to improve the management of waste over the 2024-2025 peak season.

An additional 102 public litter bins were placed in foreshore and public places to complement the 600 permanently installed bins across the LGA. Servicing of public bins in all key foreshore and riverside locations was increased with many of these areas receiving daily servicing during the peak period. The deployment of Public Place Cleaning staff was increased to provide additional staff and a daily coverage between 5am and 3pm.

## ORDINARY COUNCIL - 11 FEBRUARY 2025

As part of an ongoing trial, 15 bin sensors were installed around foreshore areas. These sensors allow for the capture of real time data regarding the waste bin capacity and user habits relating to public waste. Community education encouraging responsible disposal of waste was provided by way of stickers placed on many bins surrounds and footpaths in key foreshore and riverside locations.

As Council is a continuous improvement organisation and seeks to enhance all of our services within budgetary constraints, this service provision will be reviewed.

### FINANCIAL/RESOURCE IMPLICATIONS

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

### ATTACHMENTS

Nil.

**NOTICE OF MOTION****ITEM NO. 3****FILE NO: 25/11855****EDRMS NO: PSC2024-03148****TEAM HOSTING - TRAINING FOR WOMEN'S RUGBY LEAGUE WORLD CUP 2026****COUNCILLOR: NATHAN ERRINGTON**

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**THAT COUNCIL:**

- 1) Notes on 26 November 2024, the City of Newcastle unanimously supported a motion to write to the NSW Government to be part of a bid to host games in Newcastle as a part of the Women's Rugby League World Cup 2026.
  - 2) Notes Port Stephens has great facilities to offer teams for accommodation and to train eg Tomaree Sports Complex and Lakeside Sports Complex.
  - 3) Requests that the General Manager writes to the City of Newcastle, the NSW Premier, Sports Minister and Minister for the Hunter to express Council's desire to host teams in Port Stephens for the use of training fields in the lead up to the Women's Rugby League World Cup in 2026.
- 

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

Port Stephens Council is recognised for its strong sporting and recreational facilities which are often used for professional level competition. The LGA hosts multiple national-level competitions throughout the year with sports including Ultimate Frisbee, Rugby League and Touch Football.

The facilities at Lakeside Sports Complex and Tomaree Sports Complex have successfully supported large events such as the NSW Koori Knockout tournament (Rugby League), Nations of Origin (Rugby League), NSW Tooheys Cup finals series (Rugby League), and the Peter Wilson Memorial Cup (Touch Football). These sites are equipped with adequate change rooms, lighting, quality playing surfaces and associated infrastructure to host training. Availability exists within Council's sporting network to accommodate any disruptions to ongoing sports field bookings.

In addition to quality sports facilities, the Port Stephens region has hotel and accommodation facilities, outdoor training facilities, indoor gyms and swimming pools and a host of spectacular beaches. The local grass-roots sporting community would greatly benefit from seeing their role models using these local facilities and the support this could provide to local sporting groups would be of great benefit to the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

## NOTICE OF MOTION

ITEM NO. 4

FILE NO: 25/11925

EDRMS NO: PSC2024-03148

## AUSGRID

COUNCILLOR: PETER FRANCIS

## THAT COUNCIL:

- 1) Requests the General Manager to write to the New South Wales State Government calling upon the Government to return Ausgrid to public ownership, so that they will follow a charter of public service and maintenance of the grid to alleviate the recent disastrous power outages in western New South Wales and the Hunter Valley.

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

## BACKGROUND

Ausgrid is an electricity distribution company which owns, maintains and operates the electrical networks servicing Sydney, Central Coast and the Hunter Region. While the company's heritage dates back to 1904, the company now known as Ausgrid has a history of mergers of several County Councils. The previously named EnergyAustralia was wholly NSW Government owned up until 2016, where just greater than 50% was privatised and the named changed to Ausgrid.

## 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. 5

FILE NO: 25/11940

EDRMS NO: PSC2024-03148

## COUNCIL PRAYER

COUNCILLOR: PETER FRANCIS

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**THAT COUNCIL:**

- 1) No longer offers up prayers to any deity at the commencement of Council meetings nor on any other formal or informal public occasions.
  - 2) In lieu of a prayer, Council observes a minute of silence for those present to offer up silent supplication to their chosen deity.
- 

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION  
MANAGER**
**BACKGROUND**

On 22 October 2024, Minute No. 198 (**ATTACHMENT 1**), Council resolved to adopt the following 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"

**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**

- 1) Council Minute No. 198 - 22 October 2024.



**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ITEM NO. 2****FILE NO: 24/80235  
EDRMS NO: A2004-0372****COUNCIL MEETINGS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt Option 2 as shown in **(ATTACHMENT 1)** for Ordinary Council meetings for the term of this Council.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024  
MOTION**

	<p><b>Mayor Leah Anderson Councillor Jason Wells</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Adopt Option 2 as shown in <b>(ATTACHMENT 1)</b> for Ordinary Council meetings for the term of this Council.</li><li>2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.</li><li>3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.</li><li>4) Adopt the Order of Business as detailed in this report.</li><li>5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.</li></ol>
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Those for the Motion: Mayor Leah Anderson, Crs Nathan Errington and Jason Wells.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

The motion was lost.

Cr Watson introduced the following amendment, which was not accepted by the mover and seconder:

"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"

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024  
AMENDMENT**

	<p><b>Councillor Mark Watson</b> <b>Councillor Chris Doohan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Adopt Option 2 as shown in <b>(ATTACHMENT 1)</b> for Ordinary Council meetings for the term of this Council.</li><li>2) Meet on the second and fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.</li><li>3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.</li><li>4) Adopt the Order of Business as detailed in this report.</li><li>5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows:</li></ol> <p>"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"</p>
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Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis and Jason Wells.

The amendment was carried.

**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

Cr Arnott gave notice of the following foreshadowed amendment.

That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:

"The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council."

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Peter Francis</b></p> <p>That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:</p> <p>The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council.</p>
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Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

Cr Arnott gave notice of the following foreshadowed motion.

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ORDINARY COUNCIL MEETING - 22 OCTOBER 2024  
MOTION**

198	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.</li><li>2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.</li><li>3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.</li><li>4) Adopt the Order of Business as detailed in this report.</li><li>5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows:</li></ol> <p>"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"</p>
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Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Peter Francis and Jason Wells.

The motion was carried.

**BACKGROUND**

The purpose of this report is to allow Council to set its future Council meeting cycle, adopt the Order of Business, the Prayer and Acknowledgement of Country.

The Code of Meeting Practice places a strong emphasis on Council meetings being conducted in an effective and efficient manner. To this end, the previous Council term met on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month commencing at 5:30pm at 116 Adelaide Street, Raymond Terrace.

The current cycle of Council meetings, public access, inspections and two way conversation sessions is shown at **(ATTACHMENT 1)**.

**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

In reviewing the Council meeting cycle, 27 Councils were benchmarked with 23 conducting monthly Council meetings and 4 with a fortnightly meeting cycle (note: 1 of the 4 councils will recommend moving to monthly meetings in this term). Most of the benchmarked councils break for a recess in January.

**ORDER OF BUSINESS**

The proposed Order of Business is below:

- 1) Opening meeting
- 2) Acknowledgement of Country
- 3) Prayer
- 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*

As part of the Order of Business, Council includes the Acknowledgement of the Worimi People of Port Stephens and the prayer, as follows:

**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."

**PRAYER**

"We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith."

**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

All financial implications are provided within the existing budget, based on the current meeting cycle.

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implications would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year in different months. Based on the recommended frequency, Council would meet on 11 occasions.

Clause 3.1 of the Code of Meeting Practice (the Code) requires Council, by resolution, to set the frequency, time, date, and place of its ordinary meetings.

Clause 8.1 of the Code requires Council to fix the general order of business for its meetings of the Council.

## MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993 if it failed to meet at least 10 times a year.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- General Manager.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Council meeting cycle options.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

## MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

## ITEM 2 - ATTACHMENT 1

## COUNCIL MEETING CYCLE OPTIONS.

WEEK	OPTION 1 Current meeting cycle	OPTION 2 Recommended
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting</b>	4.00 to 6.30pm 2-way conversation program
3	4.30 to 6.30pm 2-way conversation program  Presentations and Workshops as required.	4.00 to 6.30pm 2-way conversation program  Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting</b>	4.00 to 5.00pm 2-way conversation program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting</b>
5	No meetings or inspections	No meetings or inspections