

MINUTES – 22 OCTOBER 2024



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 22 October 2024, commencing at 5:38pm.

PRESENT:

Mayor Leah Anderson
Cr Rosalyn Armstrong
Cr Giacomo Arnott
Cr Chris Doohan
Cr Nathan Errington
Cr Peter Francis
Cr Paul Le Mottee
Cr Ben Niland
Cr Mark Watson
Cr Jason Wells
General Manager
Director Community Futures
Director Corporate Strategy and Support
Director Facilities and Infrastructure
Governance Section Manager

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

	There were no apologies or applications for leave of absence.
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	There were no Declaration of Interest received.
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194	Councillor Peter Francis Councillor Chris Doohan It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 23 July 2024 be confirmed.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 24/285355
EDRMS NO: PSC2024-03152**

CONGRATULATIONS TO NEW COUNCIL

THAT COUNCIL:

- 1) Welcome and congratulate the new Council.
-

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

195	Mayor Leah Anderson Councillor Chris Doohan It was resolved to welcome and congratulate the new Council.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to welcome and congratulate the new Council following the recent Local Government election.

Everyone's hard work over the past few months to secure their place on Council is acknowledged and sets the foundations for the opportunity to work closely with both our new and returning Councillors for this term.

Just like our community, our new Council is made up of a diverse group of individuals with unique opinions and ideas and, while we might not always agree, it's important we find ways to work together and focus on delivering meaningful outcomes for the people of Port Stephens.

The heart of our job is to serve our community, so we need to focus our energy on making decisions that we know are important to them.

Improvements to our roads, housing affordability, community input into decision

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making, and protection of our natural environment remain key priorities for our newly elected Councillors and our community.

With a few new faces in the Chamber, our community is encouraged to find out who their local Councillors are – they've put their hand up to represent you and are here to help wherever they can.

ATTACHMENTS

Nil.

MAYORAL MINUTE

ITEM NO. 2

**FILE NO: 24/285149
EDRMS NO: PSC2024-03152**

MAYOR'S DIARY

THAT COUNCIL:

- 1) Note the Mayoral appointments for the period 3 to 22 October 2024.
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**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

196	Mayor Leah Anderson Councillor Jason Wells It was resolved that Council note the Mayoral appointments for the period 3 to 22 October 2024.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the Mayoral appointments for the period 3 to 22 October 2024.

This Mayoral Minute aims to inform the Council and community of the key engagements of the Mayor for the preceding period. This is an initiative I wanted to introduce this term to provide a clear record of the engagements undertaken through the Mayoral office.

Thursday 3 October

- Newcastle Airport Topping Out Ceremony. Invitation from Newcastle Airport to attend the signing and placing of the final beam onto the new International Terminal and to celebrate the significance and opportunities this new terminal expansion will bring to our region.

Friday 4 October

- Mayoral Induction commenced with General Manager, Tim Crosdale.

Tuesday 8 October

- Mayor and Councillor Induction.

Wednesday 9 October

- Mayor and Councillor Induction.

Thursday 10 October - Community Meetings

- COPS Y (Caring for our Port Stephens Youth) - Invited to attend and hear an update on the work COPS Y is doing in the Port Stephens community.
- TRRA (Tomaree Residents and Ratepayers Association) – AGM. Invited to attend and present to TRRA and provide an overview of the election results and Ward representation.

Friday 11 October - Community Event

- “Where’s Your Head At” at King Park, Raymond Terrace. Invited to officially open this event which was held to highlight Mental Health Month. Approximately 35 local community services attended along with market stalls, interactive activities and entertainment.

Tuesday 15 October – Community Meetings

- Sister Cities representatives to discuss delegation from Kushiro and signing of the 30th Anniversary of the Sister Wetland Affiliation.
- Mayor and Councillor Induction.

Wednesday 16 October

- Chair – Tomaree Lodge Community Engagement Committee inaugural meeting.

Thursday 17 October

- Mayor and Councillor Induction.

Saturday 19 October – Community Events

- Culturally Informed Cool Burn Demonstration - Mallabula – This event will demonstrate the benefits of ‘culturally informed cool burns’ and how they improve Koala habitats, re-establish appropriate fire regimes and reduce the risk and impact of wildfires.
- Karuah Oyster & Timber Festival – Karuah – This is an annual festival that features an oyster eating competition, wood chopping events, market stalls and the great Karuah duck race.

Sunday 20 October – Community Meeting

- Fingal Bay Community Association (FBCA) AGM. Presentation to FBCA with an update on Council ‘works’ in Fingal Bay, answered questions from the community and introduced newly elected East Ward Councillors.

Monday 21 October – Mayor’s Office

- Meeting with Hunter Joint Organisation (HJO) – introduction to Director and Advocacy & Government Relations Lead.
- Meeting with Tim Crakanthorp MP to provide an update on Port Stephens Council works and projects within the Newcastle Electorate.

Tuesday 22 October – Mayor’s Office

- Meetings with community.
- Meetings with General Manager and Executive Team.
- Oath of Office and Council meeting.

ATTACHMENTS

Nil.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 24/80220
EDRMS NO: PSC2024-01256**

DEPUTY MAYOR ELECTION

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

RECOMMENDATION IS THAT COUNCIL:

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

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

197	<p>Mayor Leah Anderson Councillor Nathan Errington</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Conduct an election for the Deputy Mayor for the period 22 October 2024 to 23 September 2025.2) Conduct an election for the Deputy Mayor for the period 24 September 2025 to 27 September 2026.3) Conduct an election for the Deputy Mayor for the period 28 September 2026 to 28 September 2027.4) Conduct an election for the Deputy Mayor for the period 29 September 2027 to 8 September 2028.5) The method of voting to elect the Deputy Mayor, for the periods listed above, be by open voting.6) Authorise the General Manager or his delegate to conduct the elections of the Deputy Mayor.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis and Jason Wells.

Those against the Motion: Crs Chris Doohan, Paul Le Mottee, Ben Niland and Mark Watson.

The motion was carried.

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

The Returning Officer informed the Council that it has been resolved to conduct elections for the next 4 years, and the method of voting would be by open voting.

The order of voting for the nominees for each election was determined from a draw of the barrel.

- 1) The election for the Deputy Mayor for the period 22 October 2024 to 23 September 2025.

At the close of nominations 2 nominations were received from:

Cr Chris Doohan
Cr Jason Wells

The results of the election:

Cr Doohan - 4
Cr Wells – 6 – **ELECTED**

- 2) The election for the Deputy Mayor for the period 24 September 2025 to 27 September 2026.

At the close of nominations 3 nominations were received from:

Cr Giacomo Arnott
Cr Chris Doohan
Cr Mark Watson

Prior to the draw from barrel to determine the order of voting, Cr Watson advised he wished to withdraw his nomination. The withdrawal was accepted. Therefore, the nominations were Cr Arnott and Cr Doohan.

The results of the election:

Cr Arnott – 5
Cr Doohan – 5

The election results returned a tied vote. In accordance with Schedule 7 of the Local Government Regulations 2021, the nominees' names were placed in the barrel and the name drawn from the barrel is to be elected.

Cr Doohan – **ELECTED**

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

- 3) The election for the Deputy Mayor for the period 28 September 2026 to 28 September 2027.

At the close of nominations 3 nominations were received from:

Cr Nathan Errington - 6
Cr Ben Niland - 3
Cr Paul Le Mottee – 1

In accordance with Schedule 7 of the Local Government Regulations 2021, the nominee with the lowest vote is excluded.

Cr Le Mottee – **EXCLUDED**

A further round of voting resulted in the following:

Cr Niland - 4
Cr Errington – 6 - **ELECTED**

- 4) The election for the Deputy Mayor for the period 29 September 2027 to 8 September 2028.

At the close of nominations 3 nominations were received from:

Cr Giacomo Arnott - 6
Cr Mark Watson - 1
Cr Paul Le Mottee – 3

In accordance with Schedule 7 of the Local Government Regulations 2021, the nominee with the lowest vote is excluded.

Cr Watson - **EXCLUDED**

A further round of voting resulted in the following:

Cr Arnott – 6 - **ELECTED**
Cr Le Mottee – 4

The meeting was then handed back to the Mayor to proceed with the meeting.

BACKGROUND

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

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

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

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

NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by 2 or more Councillors (1 of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Electronic Transactions Regulation 2017 excludes electronic nominations being received.

The Returning Officer will announce the name (s) of the nominee (s) at the Council meeting at which the election is to be held. If more than 1 Councillor is nominated an election will take place.

DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

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

STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

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>Mayor Leah Anderson Councillor Jason Wells</p> <p>That Council:</p> <ol style="list-style-type: none">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.
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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.

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>Councillor Mark Watson Councillor Chris Doohan</p> <p>That Council:</p> <ol style="list-style-type: none">1) Adopt Option 2 as shown in (ATTACHMENT 1) for Ordinary Council meetings for the term of this Council.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.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 Acknowledgement of Country as detailed in this report and the prayer as follows: <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.

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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>Councillor Giacomo Arnott Councillor Peter Francis</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.

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

198	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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 Acknowledgement of Country as detailed in this report and the prayer as follows: <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.

Note: Council at its meeting on 12 November 2024, resolved to amend point 2 of Item 2 of the Minutes of the Council meeting held on 22 October 2024 to read:

- 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.

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 2nd and 4th 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)**.

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.”

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
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.

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

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.

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 followed by Ordinary Council Meeting	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 followed by Ordinary Council Meeting	4.00 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

ITEM NO. 3**FILE NO: 24/80224
EDRMS NO: A2004-0266****MAYOR AND COUNCILLOR FEES AND SUPERANNUATION**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the fees for the Mayor and Councillors in accordance with the annual Local Government Remuneration Tribunal under the Regional Centre category fee structure.
- 2) Any subsequent fee determination by the Tribunal in future years be set at the same limit as item 1 above for the term of this Council.
- 3) The Deputy Mayor be paid an acting Mayor fee, deducted from the Mayoral allowance, in the absence of the Mayor, and the fee is only payable to the acting Mayor for periods greater than 1 week (7 calendar days) on a pro-rata basis.
- 4) Consider optional superannuation contributions payments to elected members for the term of Council.

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

199	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) The fee be set at the maximum allowable by Local Government Remuneration Tribunal.2) Any subsequent fee determination by the Tribunal in future years be set at the same limit as item 1 above for the term of this Council.3) The Deputy Mayor be paid an acting Mayor fee, deducted from the Mayoral allowance, in the absence of the Mayor, and the fee is only payable to the acting Mayor for periods greater than 1 week (7 calendar days) on a pro-rata basis.4) Councillors may receive superannuation if they choose to do so.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to determine the fees payable to the Mayor and Councillors for the term of this Council and consider optional superannuation contribution payments to elected members.

Elected member fees

The Local Government Remuneration Tribunal (the Tribunal) reviews the annual fees paid to mayors and councillors. Each council is categorised and fees are applied to each of the categories. Port Stephens is categorised as a General Purpose Council – Non-Metropolitan - Regional Centre. The Tribunal has set the increase to Mayor and Councillor allowances at a 3.75% increase for the 2024 to 2025 period.

The Tribunal does not set a fee for the position of Deputy Mayor. A fee is also not prescribed for the Deputy Mayor during times of occupying the role of Mayor. The Deputy Mayor is only paid a fee when the Mayor is absent. This fee is payable to the Deputy Mayor during periods greater than 1 week (7 calendar days) on a pro-rata basis. The fee is required to be deducted from the Mayoral allowance.

The current range of fees payable to a council categorised as a “Regional Centre” are shown in the table below. Council has the ability to determine the fees within the range below.

	Minimum	Maximum		Minimum	Maximum
Councillor	\$15,370	\$27,050	Mayor	\$31,980	\$66,800

A mayor receives the fee payable as a councillor with the additional fee as mayor (ie minimum \$47,350 - maximum \$93,850).

Council’s past practice has been to pay the maximum fees as determined by the Tribunal. However, it is at the discretion of the Council to set the allowance payable within the ranges above.

Superannuation contribution

In May 2021, the NSW Parliament passed the Local Government Amendment Act 2021. The amendment provided a number of changes, including the option to make superannuation contribution payments to Mayors and Councillors. The decision to

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make superannuation contribution payments must be made by resolution at an open Council meeting.

The contribution payments would be equivalent in amount to the superannuation guarantee payments. The current superannuation contribution is 11.5%. It is open to Mayor and Councillors to individually opt in or out of elected member superannuation contributions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

Elected member fees

	Minimum	Maximum		Minimum	Maximum
Councillor	\$15,370	\$27,050	Mayor	\$31,980	\$66,800

Superannuation contribution

Based on the 2024 to 2025 fees payable to the elected members, the superannuation contribution would be approximately \$39,000 in total.

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

Section 241 of the Local Government Act 1993, requires annual fees to be paid to Mayor and Councillors in arrears. Council may set the fees anywhere between the minimum and maximum determined by the Tribunal.

Section 254B of the Local Government Act 1993, makes provision for superannuation contribution payments to be made to mayors and councillors.

Section 254B:

- (1) A council may make a payment (a **"superannuation contribution payment"**) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment -
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
 - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

"Commonwealth superannuation legislation" means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

"Superannuation account" means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council fails to determine a fee structure payable to the Mayor and Councillors, the amount will default to the minimum allowance for the relevant category.	Low	Adopt the recommendation.	Yes.

There is a risk that Council would be in breach of the Local Government Act 1993 if superannuation contribution payments were made in the absence of a Council resolution.	Low	Adopt the recommendation.	Yes.
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Tribunal's report takes into account the current financial situation and the overall impact that increased costs have on Local Government and the social implications.

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

CONSULTATION

Consultation is not required for this report, other than through the Local Government Remuneration Tribunal.

OPTIONS

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

ATTACHMENTS

- 1) Local Government Remuneration Tribunal Determination.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION

Local Government
Remuneration Tribunal

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024



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ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

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Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”
4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal's determination takes effect from 1 July each year.

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Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.

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Section 3 – 2024 Review

2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

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20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
 - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
 - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
 - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
 - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
 - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that

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the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.
23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:
- The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
 - Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
 - 99 towns, villages and nine economic centres across an area of 757 square kilometres
 - An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
 - 1.3 million tourists per year
 - 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
 - Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
 - Operating revenue exceeding \$290 million.

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24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
 25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
 26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
 27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
 28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
 29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

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it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

Categories – movement of Councils within the framework

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

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36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
 37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
 38. Each Council was also assessed against the relevant criteria at Appendix 1.
 39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
 40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

Submissions Received – Remuneration Structure

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
 - Is benchmarked in a more transparent way

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- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

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48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*

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- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

54. Section 249 (5) of the LG act states:

"A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

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57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.


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Section 4 – 2024 Fees

Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:
- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
 - Mitigate economic pressures and the rising cost of living
 - Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
 - Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.
60. LGNSW used economic and wage data to support their argument that included:
- Consumer Price Index
 - Wage Price Index
 - National and State Wage cases
 - Market comparability
61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

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62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
65. Other submissions advocated for remuneration to be set at a level to:
- Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
 - Ensure no one is out of pocket for the work they do for council
 - Attract a diverse range of potential candidates.
66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

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remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”

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Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

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Conclusion

- 72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
- 73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
- 74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
- 75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.

Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

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Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

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TRIBUNAL DETERMINATION****General Purpose Councils - Non-Metropolitan****Major Regional City (2)**

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

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TRIBUNAL DETERMINATION****Regional Rural (14)**

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

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- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

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Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

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General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

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TRIBUNAL DETERMINATION****County Councils****Councillor/Member Annual Fee (\$) effective 1 July 2024**

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

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TRIBUNAL DETERMINATION

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**



Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**



- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION



Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

**ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT REMUNERATION
TRIBUNAL DETERMINATION**



Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

ITEM NO. 4

**FILE NO: 24/80228
EDRMS NO: A2004-0284**

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors 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 Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy dated 11 January 2022, Minute No. 005 should no submissions be received.

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

200	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy shown at (ATTACHMENT 1), subject to the removal of the reference to "75% of the total invoice" at clause 3.44 of the policy.2) Place the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors 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 Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy dated 11 January 2022, Minute No. 005 should no submissions be received.
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Cr Arnott introduced the following amendment, which was accepted by the mover and seconder:

"Addition to the end of point 1 which reads, "with the removal at point 3.44 of the words "75% of the total invoice, to"."

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

The Policy has been reviewed in accordance with Council's regular policy review cycle. The policy is also required to be reviewed within the first 12 months of each term of Council.

The revised policy is provided for Council's consideration at **(ATTACHMENT 1)**.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

The budget makes provision for the associated financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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.

CONSULTATION

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

Internal

- Executive Team.
- General Manager.

External

Following Council adoption, the policy will be placed on public exhibition for a period of 28 days to seeking public comment.

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY.

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- 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.

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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.

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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.

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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.
- 3.64 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.

Council will not meet the legal costs:

Policy

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- 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

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- 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 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).

Engagement of Legal Representatives – Requisite Procedure

- 3.74 66 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

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claim against the Councillor. In the case of the Mayor, the Mayor is to notify the General Manager or Public Officer.

3.72⁶⁷ 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 Mmember's comments on whether the Elected Mmember considers that the Three Criteria are satisfied.

3.73⁶⁸ The Elected Mmember 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.

3.74⁶⁹ The Elected Mmember must at all times without undue delay keep Council fully informed of any oral or written communications made to the Elected Mmember by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

3.75⁷⁰ 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.

3.76⁷¹ 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 Mmember concerned in written form of that view.

3.77⁷² 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 Mmember concerned.

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- 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 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

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- c) All instructions provided to the legal representatives by the Elected Member concerned to be subject to the concurrence of the General Manager.

- 3.84 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.

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:

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- 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 Mmembers 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 Mmembers civic duties. Any postage costs not used will not be carried over to the next year's allocation.

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.

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- 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.

Additional facilities for the Mayor

- 3.96 92 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

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supplied for use on business, professional development and attendance at the Mayor's office.

- 3.97⁹³ 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.
- 3.98⁹⁴ 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.
- 3.99⁹⁵ 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.
- 3.400⁹⁶ Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 3.401⁹⁷ A corporate credit card only to be used for official Council business in accordance with this Policy.
- 3.402⁹⁸ 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.
- 3.403⁹⁹ The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
- 3.404¹⁰⁰ As per Section 3.402⁹⁸, 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.

- 3.405¹⁰¹ Expenses should only be incurred by Elected Members in accordance with the provisions of this Policy.
- 3.406¹⁰² Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 3.407¹⁰³ 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.

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- b) carer costs.
- c) ICT expenditure.

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

Direct payment

3.409¹⁰⁵ 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.

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

Reimbursement

3.444¹⁰⁷ 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

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

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

3.444¹¹⁰ 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.

3.445¹¹¹ 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:

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

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

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.

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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.

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.

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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"> meetings of Council and committees of the whole. 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	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
Regulation	Means the Local Government (General) Regulation 2005 (NSW).
Year	Means 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.

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- b) **Reasonable expenses:** Providing for Elected Mmembers to be reimbursed or costs met by Council for expenses reasonably incurred as part of their role as Elected Mmembers.
- c) **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as an Elected Mmember.
- d) **Equity:** There must be equitable access to expenses and facilities for all Elected Mmembers.
- e) **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- 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.

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6.3 Mayor and Councillors are responsible for complying with the Policy.

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.
- 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.

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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	• \$7,000 per Councillor. • \$7,000 for the Mayor.	• 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	• \$1000 per year for Mayor • \$500 per year for a Councillor	• 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

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY.

Policy



• Clause	• Expense or facility	• Maximum amount	• Frequency
• 3.53	• Carer expenses	• \$6,000 per Councillor.	• Per year
• 3.56	• Home office expenses	• \$500 per Councillor.	• Per year
• 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 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY.

Policy



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

Policy

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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

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ITEM 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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 4 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE 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". 3.69 – 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'. Schedule 1 – insert '75% up to' at 3.44.</p>	TBC
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Policy

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ITEM NO. 5

**FILE NO: 24/80219
EDRMS NO: PSC2009-0965**

DELEGATIONS: MAYOR, GENERAL MANAGER AND ACTING GENERAL MANAGER

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Delegate the Functions in accordance with the Instrument of Delegation to the Mayor attached to this report as **(ATTACHMENT 1)**.
- 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as **(ATTACHMENT 2)**.
- 3) Delegate the Functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
 - a) at the request of the Mayor; or
 - b) if the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c) if there is a casual vacancy in the office of Mayor.
- 4) Appoint the three (3) Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
- 5) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.
- 6) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.

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

	<p>Councillor Peter Francis Councillor Jason Wells</p> <p>That Council:</p> <p>1) Delegate the Functions in accordance with the Instrument of Delegation to the Mayor attached to this Supplementary Information report as (ATTACHMENT 1).</p>
--	---

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

	<ul style="list-style-type: none">2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to the report as (ATTACHMENT 2).3) Delegate the Functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:<ul style="list-style-type: none">a) at the request of the Mayor; orb) if the Mayor is prevented by illness, absence or otherwise from exercising these Functions; orc) if there is a casual vacancy in the office of Mayor.4) Appoint the three (3) Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.5) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.6) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
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**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	<p>Councillor Nathan Errington Councillor Giacomo Arnott</p> <p>That Council amend General Manager's delegations relating to entering into a contract for items over \$1 million to be reported to Council.</p>
--	---

The amendment above was debated and the amendment was replaced with the amendment below.

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

201	<p>Councillor Nathan Errington Councillor Giacomo Arnott</p> <p>It was resolved that Council defer Item 5 for 4 weeks to allow for a Two Way Conversation to be scheduled with the Mayor and Councillors.</p>
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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doochan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the Mayor, General Manager's and acting General Manager's delegations for Council's consideration and adoption.

Council is required to review and adopt all delegations by the elected Council within twelve (12) months of the election.

The Mayor's delegations have been reviewed and are shown at **(ATTACHMENT 1)**. The General Manager's delegations have been reviewed and are shown at **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Mayor and General Manager do not hold the appropriate delegations to exercise the functions of their respective roles.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

- 1) Mayor - Instrument of Delegation.
- 2) General Manager - Instrument of Delegation.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



PORT STEPHENS COUNCIL

INSTRUMENT OF DELEGATION TO Mayor

On Tuesday, 22 October 2024 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

PORT STEPHENS COUNCIL

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- o 'Legislation' means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.

- o 'LG Act' means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p>Mayor Functions –</p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p>Pursuant To –</p> <p>section 226</p>	<p>The following items are to be induced on the Instrument of the Delegation to the Mayor:</p> <ol style="list-style-type: none"> 1. Authority to approve or refuse public access applications in accordance with the Council's policy and Code of Meeting Practice. 2. Authority in the cases of emergency, where it is not practical to wait for the next scheduled meeting of Council, to exercise such functions of council as necessary in the situation, except those functions listed in Schedule 377 of the Local Government Act (The Act) and those regulatory functions under Chapter 7 of the Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under Section 335 of the Act. 3. To make community awards on the recommendation of the Port Stephens Community Awards Panel and after appropriate consultation with all Councillors. 4. Authority to affix the corporate seal of Port Stephens Council to all

		<p>documents necessary for Port Stephens Council to enter into or be a party to any property or commercial transaction, provided that the transaction has already been authorised by specific resolution of Council.</p> <p>5. Authority to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership, Greater Newcastle Aerotropolis Partnership, Newcastle Airport Partnership Company 3 and Newcastle Airport Partnership Company 4.</p>
--	--	---

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 22 October 2024,

Deputy Mayor

Date: Tuesday, 22 October 2024

Review date: Sunday, 22 October 2028

Delegate Acknowledgement of Delegation

I _____ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Mayor of Port Stephens Council

Date:

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PORT STEPHENS COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 22 October 2024 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Tim Crosdale, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.

PORT STEPHENS COUNCIL

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ITEM 5 - ATTACHMENT 2 GENERAL MANAGER - INSTRUMENT OF DELEGATION.

6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a.a the requirements of the relevant Legislation;

 - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and

 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:
 - o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

 - o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.

 - o **"LG Act"** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

ITEM 5 - ATTACHMENT 2 GENERAL MANAGER - INSTRUMENT OF DELEGATION.

Delegator	Instrument Name	Date Of Instrument
N/A	N/A	N/A

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
CP014 - Media Policy	Authority to issue media releases and to provide supporting factual information and comment in accordance with the Media Policy and associated Management Directive.	N/A
CP017 - Annual leave	Authority to approve annual leave applications for staff within his/her section.	N/A
CP018 - Sick/carer's leave	Authority to approve staff applications for sick or carer's leave within his/her section.	N/A
CP019 - Other leave	Authority to approve staff applications for other leave including but not limited to: long service leave, parental leave, bereavement/compassionate leave or career break, in accordance with any corporate processes.	N/A
CP020 - Overtime/leave in lieu	Authority to approve the allocation and payment of overtime, leave in lieu and payment of meal allowances and travelling time to staff within his/her section.	N/A
CP021 - Authorise scheduled training	Authority to approve the attendance of staff within his/her section at scheduled training courses or seminars.	N/A
CP022 - Authorised scheduled training	Authority to approve attendance of staff within his/her Group to attend unscheduled training courses or seminars.	N/A
CP023 - Unscheduled	Authority to approve attendance of staff	N/A

ITEM 5 - ATTACHMENT 2**GENERAL MANAGER - INSTRUMENT OF DELEGATION.**

training	within his/her Section to attend unscheduled training courses or seminars.	
CP024 - Examination leave	Authority to approve examination and study leave for staff within his/her area of responsibility, in accordance with any corporate processes.	N/A
CP025 - Approve timesheets	Authority to approve timesheets for staff within his/her area of responsibility.	N/A
CP026 - Approve flexi time	Authority to approve flexi time leave for staff within his/her area of responsibility.	N/A
CP028 - Rostered days off and rostering working times	Authority to approve variations to rostered day off patterns and rostered working times.	N/A
CP030 - Social Media Spokesperson	Authority to act as a social media spokesperson for the purpose of representing Council's position on matters of policy, and to provide information on Council's activities within their area or responsibility. This function includes the authority to publish content on behalf of Council on social media platforms	N/A
CP031 - Speak to the Media	Authority to act as a spokesperson for Council for the purposes of representing Council's position on matters of policy, and to provide factual background information on Council's administration and operations within their area of responsibility.	N/A
CP032 - Transfer of vote within a program maximum \$10,000	Authority to transfer a vote within a budget program up to a maximum of \$10,000.	N/A
CP033 - Write off bad debts up to \$10,000	Authority to write off bad debts to an amount of \$10,000 in any one instance.	N/A
CP033A - Write off rate or charges up to \$10,000	Authority to write off rate or charges to an amount of \$10,000 in any one instance.	N/A

ITEM 5 - ATTACHMENT 2 GENERAL MANAGER - INSTRUMENT OF DELEGATION.

CP034 - Appoint & replace Directors	Authority to appoint and replace Directors in accordance with the current structure and staff establishment numbers and after consultation with Council.	N/A
CP037 - Written and oral communications	Authority to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of the position.	N/A
CP041 - Authority to sign contracts for sale	Authority to sign contracts of sale in accordance with the Resolution of Council to buy or sell land.	N/A
CP043 - Authority to endorse cheques, bills, promissory notes and EFT	Authority to solely endorse cheques, bills, promissory notes and EFT payable to the Order of the Council in accordance with the duties and functions of the delegates position.	N/A
CP044 - Authority to enter into a contract	Authority to sign and enter into a contract on behalf of Council.	N/A
CP065 - Authority to use purchasing card	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	N/A
CP069 - Authority to approve purchase orders	Authority to approve purchase orders within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	N/A
CP090 - Authority to serve on Newcastle Airport	Authority to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership Company 3 and Newcastle Airport Partnership Company 4	N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 22 October 2024,

ITEM 5 - ATTACHMENT 2 GENERAL MANAGER - INSTRUMENT OF DELEGATION.

Mayor

Date: Tuesday, 22 October 2024

Review date: Tuesday, 10 October 2028

General Manager's acknowledgement of Delegations of Authority

I Tim Crosdale, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Port Stephens Council

Date:

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ITEM NO. 6

**FILE NO: 24/80225
EDRMS NO: A2004-0370**

MEMBERSHIP OF COMMITTEES AND GROUPS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership to Council Committees, 355(c) Committees and regional committees and groups memberships up to the next NSW Local Government general election in September 2028 (**ATTACHMENT 1**).
- 2) Disband the following Committees/Groups:
 - a) Port Stephens Economic Development Advisory Panel;
 - b) Seaham Park and Wetlands Committee; and
- 3) Determine a fee payable (if any) to Port Stephens Council representatives on the Hunter and Central Coast Regional Planning Panel.

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

202	<p>Councillor Giacomo Arnott Councillor Rosalyn Armstrong</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Nominates membership to Council Committees, 355(c) Committees and regional committees and groups memberships up to the next NSW Local Government general election in September 2028 (TABLE 1).2) Disband the following Committees/Groups:<ol style="list-style-type: none">a) Port Stephens Economic Development Advisory Panel;b) Seaham Park and Wetlands Committee; and3) Nominate an alternate delegate for all single Councillor positions (for external bodies where accepted by the body), sister cities committee will become opt in, and the General Manager is to provide a report every six months to a Council meeting outlining the number of meetings that were held for each of the committees, as well as whether the nominated representative(s) were in attendance at each of those meetings.
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Councillor Jason Wells left the meeting at 7:29pm.
Councillor Jason Wells returned to the meeting at 7:33pm.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Cr Ben Niland left the meeting at 7:42pm.
Cr Ben Niland returned to the meeting 7:45pm

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson, Jason Wells.

Those against the Motion: Nil.

The motion was carried.

TABLE 1

355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS SEPTEMBER 2024 TO SEPTEMBER 2028

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities.	Quarterly	Community Futures	As resolved by Council	Mayor Anderson Cr Francis
2	Audit, Risk and Improvement Committee (ARIC) Formerly the Audit Committee	The ARIC is an advisory committee of Council comprising of 1 non-voting Councillor representative and three independent external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the	At least four times a year or when necessary	General Manager's Office	1 non-voting Councillor	Cr Wells Office of Local Government guidelines preclude the Mayor from being a member of the Committee.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		organisation's governance, risk, control and compliance frameworks.				
3	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Le Mottee
4	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
5	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
6	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

7	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Armstrong Cr Errington Cr Watson
8	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Community Futures	1 Councillor from each ward	Mayor Anderson Cr Arnott Cr Francis Cr Errington
9	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange.	Committees are required to hold at least 3 meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	Mayor Anderson Cr Armstrong Cr Francis Cr Wells
10	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Le Mottee
11	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

12	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
13	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly	Community Futures	As resolved by Council	Mayor Anderson Cr Armstrong Cr Francis Cr Wells
14	Tanilba Foreshore Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.	Committees are required to hold at least three meetings per year at a time determined by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
15	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October 3rd Monday	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
16	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering	Committee meets on the 4th Wednesday of February, May, August, November	Facilities & Services	As resolved by Council	Cr Armstrong Cr Errington Cr Watson

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		sports are accurately identified and brought to the attention of Council.				
17	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October 2nd Monday	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Errington Cr Francis Cr Le Mottee

REGIONAL COMMITTEES AND OTHER GROUPS

R	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Delegates
18	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly – March, June, September, December	General Manager's Office	Mayor	Mayor Anderson
19	Birubi Point Cultural Heritage Advisory Panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Community Futures	1 Councillor	Cr Wells <u>Alternate</u> Cr Doohan

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

20	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly - February, May, August and November	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott <u>Alternate, as required</u> Assets Section Manager/ Strategy & Environment Section Manager
21	Cabbage Tree Road Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	Corporate Strategy & Support	1 Councillor	Cr Arnott <u>Alternate</u> Cr Francis
22	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Community Futures	1 Councillor	Mayor Anderson <u>Alternate</u> Cr Armstrong
23	Communication and Engagement Advisory Panel	The purpose is the delivery of transparent communications and meaningful community engagement. To provide information, advice and guidance on development and delivery of Council communications and engagement programs to ensure a diversity of voices participates in decision making for their place.	2 to 6 meetings per year	Community Futures	1 Councillor from each Ward.	Mayor Anderson Cr Armstrong Cr Francis Cr Niland Cr Watson Cr Wells
24	Community Support Fund Formerly Community Funding Program	To make recommendations to Council on applications received through the Grants process.	Annual	Community Futures	Mayor 1 Councillor from each Ward	Mayor Anderson Cr Armstrong Cr Errington Cr Francis Cr Niland <u>Alternate</u> Cr Arnott Cr Doohan Cr Watson Cr Wells

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

25	Environment Advisory Panel	To provide community representation for consultation, advice and advocacy on environmental matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Mayor Anderson (chair) Cr Armstrong <u>Alternate</u> Cr Doohan
26	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 Councillor nominated by Council 1 Councillor nominated by the General Manager	Mayor Anderson Cr Arnott Plus a Councillor nominated at the time by the General Manager
27	Heritage Advisory Panel	To provide community representation for consultation, advice and advocacy of heritage matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Wells (chair) <u>Alternate</u> Cr Armstrong
28	Hunter Joint Organisation	The Hunter Joint Organisation is a collaborative body that brings together the 10 councils in the region to provide a united and local voice for our communities. As the hub for local intergovernmental collaboration, the organisation's statutory mandate includes identifying key regional strategic priorities, advocating for these priorities, and building collaborations around these priorities with other levels of government, industry and community.	Bi-monthly	General Manager's Office	Mayor	Mayor Anderson

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

29	International Women's Day Scholarship Panel	This panel assesses the applications for the International Women's Day scholarship.	Annual	General Manager's Office	Mayor 1 Councillor from each Ward	Mayor Anderson Cr Armstrong Cr Doohan Cr Francis Cr Wells
30	Customer and Community Advisory Group (CCAG)	This committee is an advisory committee to Hunter Water Corporation.	Meets quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Le Mottee
31	Hunter and Central Coast Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Community Futures	2 elected members	Mayor Anderson Cr Arnott <u>Alternates</u> Cr Errington Cr Francis Cr Niland Strategy & Environment Section Manager
32	Local Government Community Safety & Crime Prevention Network NSW Note: This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. **Attendees will be by invitation only, one representative will be invited by the Police from each peak body / organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Facilities & Infrastructure	Mayor	Mayor Anderson

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

33	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Infrastructure	1 Councillor	Mayor Anderson Cr Niland <u>Alternate</u> Cr Errington
34	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Infrastructure	2 Councillors	Cr Arnott Cr Watson <u>Alternate</u> Mayor Anderson
35	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Le Mottee
36	Marine Parks Advisory Panel Ministerial Appointment	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Community Futures	1 Councillor	Mayor Anderson <u>Alternate</u> Cr Armstrong Cr Watson
37	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information	Meets 3 times per year	Facilities & Infrastructure	As resolved by Council	Cr Wells <u>Alternate</u> Cr Armstrong
38	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Infrastructure	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott Cr Errington

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

39	Port Stephens Local Heath Committee	To provide leadership in the community to: <ul style="list-style-type: none"> • Ensure health services meet local community health needs • Promote health services and initiatives • Enhance the health of the community. 	Meets 3 to 4 times per year	Community Futures	1 Councillor 1 alternate	Cr Armstrong <u>Alternate</u> Mayor Anderson
40	Port Stephens/Myal I Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Community Futures	1 Councillor	Cr Armstrong <u>Alternate</u> Mayor Anderson
41	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Infrastructure	1 Councillor	Cr Arnott <u>Alternate</u> Cr Watson
42	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 Councillor	Cr Doohan <u>Alternate</u> Cr Wells
43	Stone Ridge Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott Cr Le Mottee
44	Tomaree Lodge Community Engagement Committee	The purpose of the Community Engagement Committee is to: <ul style="list-style-type: none"> • Act as a community "sounding board" in 	Up to 6 times per year	General Manager's Office	Mayor only	Mayor Anderson

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		<p>Stage 1 planning for the site.</p> <ul style="list-style-type: none"> • Provide feedback, advice and guidance to DCJ on proposed amenity improvements. • Assist DCJ and other NSW Government agencies in developing strategies or approaches to promote the appropriate short-term use of the site while protecting the site's heritage, environmental and culturally significant artefacts, and history. • Act as a key stakeholder in Stage 2 planning to ensure a diversity of voices participate in decision making for this important site. 				
44	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and Agencies.	Annually	General Manager's Office	Mayor	Mayor Anderson (General Manager)
45	Worimi Conservation Lands Board of Management Ministerial Appointment	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 Councillor 1 alternate	Cr Francis <u>Alternate</u> Mayor Anderson

BACKGROUND

The purpose of this report is to review the various committees and groups Council has either established, or is involved with through the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established numerous community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allows Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the **Terms of Reference (ToR)** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the ToR. Any change to delegations to a 355(c) Committee must be affected by resolution of Council.

The key concept is that a 355(c) Committee is a Council committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) Committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

Council has around 20 355(c) Committees with over 600 members.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Advisory Committees
Sporting Ovals	Foreshore Reserves	Sports Council
Cemeteries		

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their ToR. A 355(c) Committee ToR consists of a standard ToR, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) Committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) Committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

Regional Committees and Groups

In addition to the 355(c) Committees, the Mayor, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Committees to be dissolved

The Seaham Park and Wetlands Committee was established as a 355c Committee which is intended to have delegated functions of Council. In December 2023, the Committee advised that the remaining committee members were resigning and there were no new members to maintain the committee, as a result the committee no longer exists and the operation will be returned to Council.

The Port Stephens Economic Development Advisory Panel was established to oversee the implementation of the Economic Development Strategy and to provide information to Council on issues affecting business. Over the past term, the committee had not been re-established with more detailed engagement with local business occurring through partnerships with Business Port Stephens, Destination Port Stephens and other relevant industry associations and community groups. In addition, the introduction of the Port Stephens Business Health Check has provided a more diverse, inclusive and detailed insight into issues impacting local business. This information is used to guide Councils approach to Economic Development across Port Stephens. Dissolving this Advisory Panel will have no negative impact on Councils approach to engaging with local business.

Note: The previous list of Committees and Groups is shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resource implications are provided for within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the Local Government Act 1993, if it fails to appoint the committees/groups/organisations as listed in (ATTACHMENT 1) .	Low	Council appoint elected representatives as outlined in the report and adopt the committees/groups/organisations as listed in (ATTACHMENT 1) .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

- 1) Council employees.
- 2) General Manager.

OPTIONS

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

ATTACHMENTS

- 1) 355(c) Committees and Regional Committees and Groups.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.
**355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS
SEPTEMBER 2024 TO SEPTEMBER 2028**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities.	Quarterly	Community Futures	As resolved by Council	Mayor Palmer Cr Anderson Cr Francis Cr Kafer
2	Audit, Risk and Improvement Committee (ARIC) Formerly the Audit Committee	The ARIC is an advisory committee of Council comprising of 1 non-voting Councillor representative and three independent external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	At least four times a year or when necessary	General Manager's Office	1 non-voting Councillor	Cr Anderson Office of Local Government guidelines preclude the Mayor from being a member of the Committee.
3	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Kafer
4	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
5	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells
6	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Wells
7	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Anderson Cr Bailey
8	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Community Futures	1 Councillor from each ward	Mayor Palmer Cr Anderson Cr Arnott Cr Doohan Cr Dunkley Cr Francis
9	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange.	Committees are required to hold at least 3 meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	Mayor and all Councillors

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
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11	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	C Doohan Cr Tucker Cr Wells
12	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells
13	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly	Community Futures	As resolved by Council	Mayor Palmer Cr Francis Cr Kafer Cr Tucker
14	Tanilba Foreshore Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.	Committees are required to hold at least three meetings per year at a time determined by the committee	Facilities & Infrastructure	As resolved by Council	Cr Tucker Cr Wells
15	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October 3rd Monday	Facilities & Infrastructure	As resolved by Council	Mayor Palmer Cr Doohan Cr Tucker Cr Wells

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17	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October 2nd Monday	Facilities & Infrastructure	As resolved by Council	Mayor Palmer Cr Arnott Cr Francis Cr Kafer

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.
REGIONAL COMMITTEES AND OTHER GROUPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
18	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly – March, June, September, December	General Manager's Office	Mayor	Mayor Palmer
19	Birubi Point Cultural Heritage Advisory Panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Community Futures	1 Councillor	Cr Wells
20	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly - February, May, August and November	General Manager's Office	1 Councillor	Cr Arnott <u>Alternate</u> Cr Kafer <u>Alternate, as required</u> Assets Section Manager/ Strategy & Environment Section Manager
21	Cabbage Tree Road Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	Corporate Strategy & Support	1 Councillor	Cr Kafer <u>Alternate</u> Cr Arnott
22	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Community Futures	1 Councillor	Cr Anderson <u>Alternate</u> Cr Kafer

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

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24	Community Support Fund Formerly Community Funding Program	To make recommendations to Council on applications received through the Grants process.	Annual	Community Futures	Mayor 1 Councillor from each Ward	Mayor Palmer Cr Arnott Cr Doohan Cr Dunkley <u>Alternate</u> Cr Anderson - East Ward Cr Wells - Central Ward
25	Environment Advisory Panel	To provide community representation for consultation, advice and advocacy on environmental matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Anderson (chair) <u>Alternate</u> Cr Francis
26	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 Councillor nominated by Council 1 Councillor nominated by the General Manager	Mayor Palmer Cr Anderson Cr Arnott (nominated by the Council) Plus a Councillor nominated at the time by the General Manager
27	Heritage Advisory Panel	To provide community representation for consultation, advice and advocacy of heritage matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Wells (chair) <u>Alternate</u> Cr Kafer

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

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29	International Women's Day Scholarship Panel	This panel assesses the applications for the International Women's Day scholarship.	Annual	General Manager's Office	Mayor 1 Councillor from each Ward	Mayor Palmer Cr Anderson Cr Francis Cr Tucker
30	Customer and Community Advisory Group (CCAG)	This committee is an advisory committee to Hunter Water Corporation.	Meets quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Kafer
31	Hunter and Central Coast Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Community Futures	2 elected members	Mayor Palmer Cr Arnott <u>Alternates</u> Cr Anderson Cr Tucker Strategy & Environment Section Manager

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
32	Local Government Community Safety & Crime Prevention Network NSW Note: This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. **Attendees will be by invitation only, one representative will be invited by the Police from each peak body / organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Facilities & Infrastructure	Mayor	Mayor Palmer
33	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Infrastructure	1 Councillor	Mayor Palmer Cr Anderson <u>Alternate</u> Cr Kafer
34	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Infrastructure	2 Councillors	Cr Arnott Cr Kafer
35	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 Councillor	Cr Francis
36	Marine Parks Advisory Panel Ministerial Appointment	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Community Futures	1 Councillor	Cr Anderson

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
37	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information	Meets 3 times per year	Facilities & Infrastructure	As resolved by Council	Cr Wells
38	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Infrastructure	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott
39	Port Stephens Local Health Committee	To provide leadership in the community to: <ul style="list-style-type: none"> • Ensure health services meet local community health needs • Promote health services and initiatives • Enhance the health of the community. 	Meets 3 to 4 times per year	Community Futures	1 Councillor 1 alternate	Cr Anderson <u>Alternate</u> Cr Tucker
40	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Community Futures	1 Councillor	Cr Bailey <u>Alternate</u> Cr Anderson
41	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Infrastructure	1 Councillor	Cr Arnott <u>Alternate</u> Mayor Palmer
42	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 Councillor	Cr Doohan <u>Alternate</u> Cr Wells

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
43	Stone Ridge Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott
44	Tomaree Lodge Community Engagement Committee Note: The Mayor has been asked to Chair this Committee.	The purpose of the Community Engagement Committee is to: <ul style="list-style-type: none"> Act as a community "sounding board" in Stage 1 planning for the site. Provide feedback, advice and guidance to DCJ on proposed amenity improvements. Assist DCJ and other NSW Government agencies in developing strategies or approaches to promote the appropriate short-term use of the site while protecting the site's heritage, environmental and culturally significant artefacts, and history. Act as a key stakeholder in Stage 2 planning to ensure a diversity of voices participate in decision making for this important site. 	Up to 6 times per year	General Manager's Office	Mayor only	New
45	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and Agencies.	Annually	General Manager's Office	Mayor	Mayor Palmer (General Manager)
46	Worimi Conservation Lands Board of Management Ministerial Appointment	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 Councillor 1 alternate	Cr Bailey <u>Alternate</u> Cr Francis

ITEM NO. 7

FILE NO: 24/80222
EDRMS NO: PSC2022-02922-0002

LOCAL GOVERNMENT ELECTION - COUNT BACK PROVISIONS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to section 291A(1)(b) of the Local Government Act 1993 (NSW) Port Stephens Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days.

ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION

203	Councillor Jason Wells Councillor Nathan Errington It was resolved that pursuant to section 291A(1)(b) of the Local Government Act 1993 (NSW) Port Stephens Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of Council's decision within 7 days.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to consider the option to fill any councillor casual vacancy by a countback of votes cast at the last election of Council, i.e. election held on 14 September 2024, should a vacancy occur within 18 months of the election.

Section 291A of the Local Government Act 1993 (the Act), provides for casual vacancies of civic office that occur within 18 months of the date of the last ordinary election to be filled by a countback of votes cast at the last election for that office.

To enact section 291A of the Local Government 1993, Council must resolve to fill any casual vacancy by way of the countback provisions at its first meeting following the ordinary election.

If the recommendation is not adopted, any casual vacancy would be filled through the normal by-election process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications are not known at this time. The NSW Electoral Commission estimates the following costs comparison:

Small by-election >\$50,000

Metro by-election >\$500,000

Countback election \$6,000 to \$10,000

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

LEGAL, POLICY AND RISK IMPLICATIONSLocal Government Act 1993 (Act)

Section 291A makes provision for a countback to be held instead of a by-election in certain circumstances.

- (1) This section applies to a casual vacancy in the office of a councillor if -
 - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
 - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected -
 - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or
Note: See section 285 (Voting system for election of councillors).
 - (b) in an election without a poll being required to be held.
Note: See section 311 (Uncontested elections).
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted -
 - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner - by a returning officer appointed by the Electoral Commissioner, or
 - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council - by a returning officer appointed by the electoral services provider.
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election -
 - (a) the returning officer must notify the general manager of the council concerned, and
 - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Local Government (General) Regulation 2021 (Regulation)

Section 393C of the Regulation states:

- (1) A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.
- (2) For the purpose of section 291A of the Act, the prescribed day is 12 September 2020.
- (3) If a council resolves, at its first meeting following an ordinary election of councillors for the area, that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the date of that ordinary election, the General Manager is to notify the election manager of the ordinary election within 7 days of the resolution.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would not be in a position to fill any casual vacancies through the countback method if the recommendation is not adopted.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8**FILE NO: 24/115774
EDRMS NO: A2004-0381****2024-2026 CONFERENCE NOMINATIONS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the 2024 Local Government NSW Annual Conference to be held at the Tamworth Regional Entertainment and Conference Centre from 17-19 November 2024.
- 2) Nominate 4 voting delegates for the 2024 Local Government NSW Annual Conference.
- 3) Nominate Council delegates to attend the 2025 and 2026 Local Government NSW Annual Conferences (dates to be confirmed).
- 4) Nominate 4 voting delegates for the 2025 and 2026 Local Government NSW Annual Conferences.
- 5) Nominate Council delegates to attend the following conferences in 2025 and 2026:
 - a) Local Government NSW Destination and Visitor Economy Conference (location to be confirmed).
 - b) Australian Local Government Association National General Assembly (Canberra).

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

204	Councillor Giacomo Arnott Councillor Rosalyn Armstrong It was resolved that Council: <ol style="list-style-type: none">1) Mayor Anderson, Cr Armstrong, Cr Errington, Cr Francis and Cr Le Mottee are endorsed as the delegates to attend the 2024 Local Government NSW Annual Conference to be held at the Tamworth Regional Entertainment and Conference Centre from 17-19 November 2024.2) Mayor Anderson, Cr Armstrong, Cr Errington and Cr Le Mottee be nominated as the 4 voting delegates for the 2024 Local Government NSW Annual Conference.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to inform Council and call for nominations for upcoming conferences for this Council term.

Ensuring the Port Stephens local government area is well represented in all matters at these conferences will benefit the Port Stephens community. Information received at these conferences will be reported back to Council and distributed to the appropriate members of the community and relevant Council staff.

The upcoming conferences include:

Local Government NSW Annual Conference

Each member Council of LGNSW has a voting entitlement at the conference. The voting entitlement for Port Stephens Council is 4 delegates. Council is requested to nominate its 4 voting delegates who will attend the conference.

This conference is the annual policy-making event for NSW general-purpose councils and associate members. It is the pre-eminent event of the local government year, where local elected members come together to share ideas and debate issues that shape the way local government is governed.

The 2024 Local Government NSW Annual Conference is scheduled from 17-19 November 2024 in Tamworth.

The conference programs/locations for 2025-2026 are to be determined, but will be circulated to elected members as soon as practicable.

The conference is open to all elected members.

Local Government NSW Destination and Visitor Economy Conference

This conference aims to embrace just not tourism, but also a wider aspect of economic development to regional and metropolitan councils.

The conference program program/locations for 2025-2026 are yet to be determined but will be circulated to elected members as soon as practicable.

The conference is open to all elected members.

Australian Local Government Association (ALGA) – National General Assembly

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities.

The conference programs/locations for 2025-2026 are to be determined, but will be circulated to elected members as soon as practicable.

The conference is open to all elected members.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

Registration costs for these conferences are not yet known.

The costs associated with registration, travel and accommodation will be borne from the existing budget, subject to any individual elected member not exceeding the conference budget limits in the policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

**FILE NO: 24/80231
EDRMS NO: A2004-0709**

TERMS OF REFERENCE FOR 355(C) COMMITTEES

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the 355(c) Committee Terms of Reference (adopted by Council on 9 May 2017, Minute No. 106) **(ATTACHMENT 1)**.
 - 2) Adopt the revised 355(c) Committee Terms of Reference shown at **(ATTACHMENT 2)**.
 - 3) Revoke 355(c) Committee Terms of Reference Appendices for the following committees:
 - a) Hinton School of Arts Committee
 - b) Karuah Community Hall Committee
 - c) Lemon Tree Passage Old School Committee
 - d) Nelson Bay Hall Committee
 - e) Port Stephens Sister Cities Committee
 - f) Raymond Terrace Senior Citizens Hall Committee
 - g) Salt Ash Community Hall Committee
 - h) Salt Ash Sports Ground Committee
 - i) Tanilba Foreshore Hall Committee
 - 4) Adopt the revised 355(c) Committee Appendices for the following committees **(ATTACHMENT 3)**:
 - a) Hinton School of Arts Committee
 - b) Karuah Community Hall Committee
 - c) Lemon Tree Passage Old School Committee
 - d) Nelson Bay Hall Committee
 - e) Port Stephens Sister Cities Committee
 - f) Raymond Terrace Senior Citizens Hall Committee
 - g) Salt Ash Community Hall Committee
 - h) Salt Ash Sports Ground Committee
 - i) Tanilba Foreshore Hall Committee
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ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION

205	<p>Councillor Jason Wells Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Revoke the 355(c) Committee Terms of Reference (adopted by Council on 9 May 2017, Minute No. 106) (ATTACHMENT 1).2) Adopt the revised 355(c) Committee Terms of Reference shown at (ATTACHMENT 2).3) Revoke 355(c) Committee Terms of Reference Appendices for the following committees:<ol style="list-style-type: none">a) Hinton School of Arts Committeeb) Karuah Community Hall Committeec) Lemon Tree Passage Old School Committeed) Nelson Bay Hall Committeee) Port Stephens Sister Cities Committeef) Raymond Terrace Senior Citizens Hall Committeeg) Salt Ash Community Hall Committeeh) Salt Ash Sports Ground Committeei) Tanilba Foreshore Hall Committee4) Adopt the revised 355(c) Committee Appendices for the following committees (ATTACHMENT 3):<ol style="list-style-type: none">a) Hinton School of Arts Committeeb) Karuah Community Hall Committeec) Lemon Tree Passage Old School Committeed) Nelson Bay Hall Committeee) Port Stephens Sister Cities Committeef) Raymond Terrace Senior Citizens Hall Committeeg) Salt Ash Community Hall Committeeh) Salt Ash Sports Ground Committeei) Tanilba Foreshore Hall Committee
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to recommend to Council the adoption of revised 355(c) Committee Terms of Reference and individual committee Appendices.

As part of the review, the following committees required new Terms of Reference Appendices, as their current Constitution Schedules are out of date. The table below outlines when the Constitution Schedules were adopted and/or amended by Council.

Name of Committee	Date Adopted by Council
Hinton School of Arts Committee	Adopted 09/06/2020 (Min No. 092)
Karuah Community Hall Committee	Adopted 27/03/2018 (Min No. 068)
Lemon Tree Passage Old School Committee	Adopted 27/03/2018 (Min No. 068)
Nelson Bay Hall Committee	Adopted 27/03/2018 (Min No. 068)
Port Stephens Sister Cities Committee	Adopted 27/03/2018 (Min No. 068)
Raymond Terrace Senior Citizens Hall Management Committee	Adopted 10/12/2019 (Min No. 250)
Salt Ash Community Hall Committee	Adopted 25/06/2019 (Min No. 133)
Salt Ash Sports Ground Committee	Adopted 27/03/2018 (Min No. 068)
Tanilba Foreshore Hall Committee	Adopted 10/12/2019 (Min No. 249)

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
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	Risk Ranking	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.

CONSULTATION

Consultation with key stakeholders was undertaken by the Community Services Section. Consultation both within Council and with the community is vital for key governance documents such as this to ensure requirements are met in the operation of community volunteers under the Local Government Act 1993.

Internal

Thorough consultation was undertaken with internal stakeholders to review the 355(c) Committee Terms of Reference, including:

- 1) Community Services Section
- 2) Community Assets Team
- 3) Governance Section Manager

External

Consultation has occurred with the committees regarding proposed additions and/or changes to the 355(c) Committee Terms of Reference. Some additions have been considered as direct feedback from committees. Individual committees have contributed to updating their 355(c) Committee Terms of Reference Appendix for their committee.

OPTIONS

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

ATTACHMENTS

- 1) 355(c) Committee Terms of Reference - 9 May 2017.
- 2) Revised 355(c) Committee Terms of Reference 2024.
- 3) Revised Appendices to 355c Committees Terms of Reference.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



355(c) Committee Terms of Reference

Version 2.0
Adopted by Council: 9 May 2017
Minute No: 106



**ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9
MAY 2017.****Table of Contents**

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ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9 MAY 2017.

Definitions:

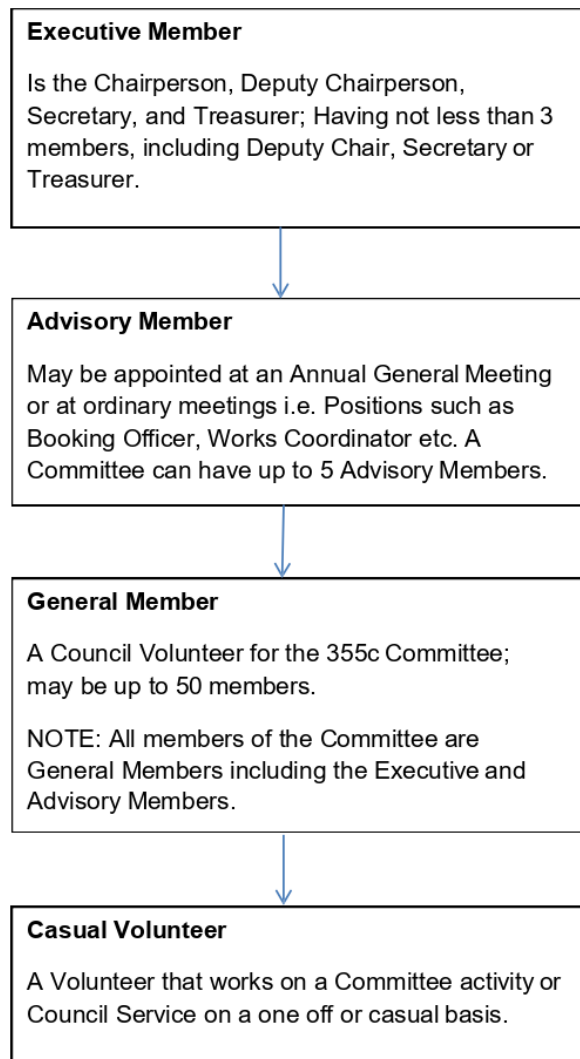
Advisory Member	A Council Volunteer who holds an <i>advisory position</i> of that Committee in accordance with Clause 6 of the Terms of Reference. There can be up to a maximum of five (5) Advisory Members;
Annual General Meeting	A General Meeting held once per year in February/March to elect Executive and Advisory Members;
Appendix	The Appendix for each s355c Committee attached to this Terms of Reference;
Casual Volunteer	A person who volunteers with a Committee or Council Service on a one off or casual basis, and has participated in relevant Work Health and Safety requirements in accordance with Clause 7. A Casual Volunteer does not attend Committee Meetings;
Committee	A 355c Committee of Port Stephens Council consisting of the whole group of Executive, Advisory and General members;
Council	Port Stephens Council;
Deputy Chair	The Deputy Chair of the Committee who assists the Chair, serves as Chair in the absence of the Chair or when a motion involving the Chair is being discussed;
Chair	The Chair of the Committee who presides over the meetings;
Council Volunteer	A person who has been accepted by Council to be a volunteer with an approved Council Committee or Service, and has been entered into Council's "Committees and Volunteers Register". This includes, but is not limited to, volunteers with 355(c) Committees, Sports Councils, Advisory Panels, Libraries and Visitor Information Centre;
EPA Act	The <i>Environmental Planning and Assessment Act</i> , 1979 (as amended);
Executive Member	A Council Volunteer who is a General Member of a Committee who holds a <i>position of office</i> of that Committee, whose appointment has been approved by Council in accordance with Clause 6 of the Terms of Reference. There can be no less than three (3) Executive members;
Financial year	The period from 1 January to 31 December in a calendar year;
General Manager	The person appointed or acting in the position of General Manager of Port Stephens Council;

ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9 MAY 2017.

General Member	A Council Volunteer of that Committee. There can be up to fifty (50) General Members. Executive and Advisory Members are considered General members of the Committee;
Group Manager	The manager of the Group set out in Item 10 of the Appendix;
Intellectual Property	Includes copyrights, trademarks, registered designs, patents and databases. In particular, it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases;
Law	Any statute along with any regulation, rule, planning instrument, policy or plan having effect under any such statute;
LGA	The <i>Local Government Act, 1993</i> (as amended);
Personal Information	Privacy and Personal Information Act (PPIPA) 1998, Section 4;
Record	Recorded information, in any form, including data, in computer systems, created or received and maintained by an organization or person in the transaction of business or the conduct affairs and kept as evidence of such activity;
Responsible Manager	The person nominated by the General Manager as specified in Item 10 of Appendix;
Responsible Officer	The Council staff officer nominated by the Group Manager or other delegated person/s as specified in Item 10 of the Appendix;
Secretary	The Secretary of the Committee who ensures the meetings are effectively organised and Minuted;
Terms of Reference	Includes this document along with all Appendices referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Appendix;
Treasurer	The Treasurer of the Committee who manages all aspects of the Committees finances;
Committees & Volunteers Register	The database managed by Council for all Council's committees and volunteers;
WHS	Work Health and Safety documentation relating to Work Health and Safety legislation. This includes procedures, processes or manual or other document forming part of or associated with Council's Work Health and Safety commitment;

ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9 MAY 2017.**Committee Structure**

All members must be Council Volunteers (i.e. an approved volunteer who has been registered with Council)



ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9 MAY 2017.**1. Name of the Committee**

- 1.1 The name of the Committee shall be set out in item 1 of the Committee's Appendix.

2. Purpose of the Committee

- 2.1 Under the Local Government Act 1993, Council is able to delegate some of its functions to a Committee of Council. A Committee is appointed and reappointed in accordance with the provisions of s355 and s377 of the Local Government Act, 1993.
- 2.2 A Committee of Council is acting on Council's behalf, the Committee is part of Council and any action which the Committee undertakes is Council's responsibility.
- 2.3 The Terms of Reference provides a mandatory set of rules that defines the functions that Council has delegated to the Committee, the manner in which those delegated functions are to be undertaken by the Committee, and an administrative structure and procedures to ensure that the Council is able to monitor the conduct and performance of the Committee. This is particularly in regard to managing potential liabilities that might arise as a result of the activities of the Committee, in a similar manner to that which Council monitors others performing Council's functions under delegation.
- 2.4 The specific purpose of each Committee is set out in Item 2 of the Committee's Appendix.

3. Functions of the Committee

- 3.1 The Committee may, subject to sub-clauses 3.2 - 3.5 (inclusive), exercise any function of Council set out in Item 3 of the Appendix subject to any restrictions set out in Item 4 of the Appendix.
- 3.2 The Committee must comply with any law, including but not limited to the LGA, in exercising any function delegated by sub-clause 3.1.
- 3.3 The Committee must comply strictly with the Terms of Reference and any Council Policy or Legislation set out in Item 5 of the Appendix when exercising any function delegated by sub-clause 3.1.
- 3.4 Notwithstanding anything contained in Item 3 of the Appendix, the Committee may engage a contractor or person for goods and or services, subject to written approval from the Responsible Officer of Council and the administration of such contractor or person being in accordance with Council's Procurement Management Directive as amended.
- 3.5 Notwithstanding sub-clause 3.1, the Committee:
- Must not give, or purport to give, any consent or approval (under the EP&A Act, the LGA or any other law) to any development or building works on

ITEM 9 - ATTACHMENT 1 355(C) COMMITTEE TERMS OF REFERENCE - 9 MAY 2017.

any land but may, if requested to do so by Council, make recommendations in respect of any such development or building works for consideration by Council;

- Must not, by virtue of s355 of the LGA, undertake or perform any of the following functions of Council:
 - the appointment of a General Manager;
 - the making of a rate under the LGA;
 - a determination under s549 of the LGA as to the levying of a rate;
 - the making of a charge or the fixing of a fee;
 - the borrowing of money;
 - the voting of money for expenditure on works, services or operations of Council;
 - the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (not including the sale of items of plant or equipment);
 - the acceptance of any tender that Council is required to invite under the LGA;
 - the adoption of an operational plan under s405 of the LGA; Management Plan under the LGA;
 - the adoption of a Financial Statement included in an Annual Financial Report under LGA;
 - a decision to classify or re-classify public land under Division 1 of Part 2 of Chapter 6 of the LGA;
 - the fixing of an amount or rate for the carrying out by Council of work on private land;
 - the decision to carry out work on private land for an amount that is less than the amount or rate fixed by Council for the carrying out of such work;
 - the review of a determination made by Council, and not by a delegate of Council, or an application for approval;
 - the power of Council to authorise the use of reasonable force for the purpose of gaining entry to premises under s194 of the LGA;
 - the decision under s356 of the LGA to contribute money or otherwise grant financial assistance to persons;
 - a decision under s234 of the LGA to grant leave of absence to the holder of a civic office;
 - the making of an application, or giving of notice, to the Governor of New South Wales or Minister this power of delegation, and
 - any function that is expressly required to be exercised by resolution of Council.
- Must not, unless the Committee has obtained written approval from the Responsible Officer of Council, provide or deliver goods and or services for a payment of any consideration or fee.

- 3.6 The Committee must not do anything or allow any person acting under its direction to do anything contrary to the interests of Council. For the purposes of this sub-clause this includes but is not limited to prohibiting the following:
- a) Acting contrary to any direction from Council, which includes a direction from the General Manager, Responsible Manager or Responsible Officer.

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- b) Acting contrary to Council's policies, whether as contained in Item 4 of the Appendix or otherwise.
- c) Advising any person that they may have a legal right or action against Council or any Councillor, Council employee or Council contractor exercising a function of Council.
- d) Making any admission of liability or accepting liability on behalf of Council or the Committee.
- e) Acting contrary to Council's Code of Conduct.
- f) Acting outside the limits of the Committee's delegation.
- g) Acting or presenting the Committee as independent of Council.

4. Term

- 4.1 This Terms of Reference operates for a term commencing from the date on which Council, by resolution, adopts this Terms of Reference and concluding on the date set out in Item 6 of the Appendix, or three months after the date of the Council election immediately following the date of commencement of this Terms of Reference (whichever occurs first), unless terminated earlier in accordance with this Terms of Reference.
- 4.2 Membership is on a quadrennial basis for the term of Council. Committees are formally appointed by the Councillors in office, therefore three months after the General Election of Councillors, all Members will cease to hold office. Committees must then hold their first Annual General Meeting by the end of March that follows the General Election of Councillors, and following the adoption of the 355(c) Committee Terms of Reference at the first Council meeting of the new Council.
- 4.3 If a Committee does not have any nominations for Committee membership, then the Council will determine the process for the future management of the Committee. A Committee can only be dissolved by a resolution of Council, and in the instance that it is dissolved, all financial monies and equipment and/or assets of that Committee shall be returned to Council.

5. The Committee

- 5.1 There shall be no more than fifty (50) General Members of the Committee and not less than three.
- 5.2 Each member of the Committee is entitled to one vote on any issue put to the vote of members at any meeting of the Committee.
- 5.3 No member is permitted to participate in any debate before the Committee or vote put to the Committee where that member has, either directly or indirectly, a pecuniary interest in the issue(s) debated or subject of that vote.
- 5.4 Each member is required to notify the Committee in writing of the nature of any pecuniary interest referred to in sub-clause 5.3.
- 5.5 Council may, either by resolution of Council or by written notice signed by the General Manager, terminate any person's membership of the Committee. Such

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written notice must be provided to each Executive Member of the Committee and to the person whose membership has been terminated pursuant to this sub-clause. Such termination takes effect on the date specified in the notice regardless of any request under this sub-clause for a review. The General Manager may, at his or her absolute discretion, withdraw any notice issued pursuant to this sub-clause without prejudice to the General Manager's ability to issue further notices under this sub-clause. Any member of the Committee may seek a review of the General Manager's termination of any membership pursuant to this sub-clause by submitting notice in writing to the General Manager, who will then refer the matter to the next available meeting of Council for determination of that review by Council.

- 5.6 The Committee must contain at least the number of Councillors and/or the number of Council employees set out in Items 9 and 10 of the Appendix.
- 5.7 Each Executive, Advisory and General Member of the Committee provides any labour on an honorary and voluntary basis. No member of the Committee shall be entitled to any remuneration or wage from Council as a result of that person's membership of the Committee.
- 5.8 Executive Members are only permitted to communicate with the media in their capacity as an Executive Member or appointed Advisory Member of a 355(c) committee on committee functions and activities (such as working bees and promotion of that Committee). No members of a Committee are permitted to speak to the media on matters of any nature that is likely to generate negative publicity.

6. The Executive and Advisory Positions

- 6.1 The Committee must, at its first meeting, elect an Executive having not less than three members.
 - a) The Committee, at a minimum, must appoint a Chair/Deputy Chair, Secretary and a Treasurer in accordance with Item 8 of the Committee's Appendix.
 - b) The Committee may appoint General Members to Advisory positions, such as Bookings Officer and Works Coordinator up to a maximum of five Advisory Members for one Committee in any twelve (12) month term, in accordance with Item 8 of the Appendix.
 - c) The Committee may appoint a combined Secretary/Treasurer position if the minimum requirement of three Executive positions is met.
 - d) The Committee, in the case of Sports Councils, may vary the positions of the Executive to include President, Vice President, Booking Officer (Booking Officer may not necessarily be on the Executive). These positions will be specified in Item 8 of the Sports Council's Appendix.
 - e) The Committee, in the case of a Sports Council, may form a Management Committee (sub-committee). This sub-committee will be specified in Item 7 of the Appendix.

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- 6.2 The appointment of Advisory Members to identified roles does not operate as a delegation to such members or sub-committees of any function of Council for the purposes of the LGA and all such members remain subject to the terms of this Terms of Reference.
- 6.3 Only General Members of the Committee may be members of the Executive. All Executive and Advisory members are considered General Members.
- 6.4 Where the Mayor or a Councillor is a member of the Committee and that Mayor/Councillor indicates that he or she wishes to be Chair of the Committee, that Mayor/Councillor shall be the Chair of the Committee. Where no Mayor/Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.
- 6.5 Subject to sub-clause 6.3, each member of the Executive shall hold the position on the Executive for at least a period of twelve (12) months from the date of such appointment or on the expiration of the Terms of Reference, whichever occurs first.
- 6.6 A General Member shall not hold a position of Executive Membership for longer than three consecutive years, unless there are no alternative nominations. They can hold an Executive position again in twelve (12) months' time.
- 6.7 One Executive Member should remain as an Executive Member in each election to retain Committee knowledge. The Executive Members decide on which Executive Member retains the position. If a decision cannot be reached, a vote is undertaken by the Executive prior to the Committee being dissolved and all positions being declared vacant at the Annual General Meeting.
- 6.8 A maximum of two persons where there is a relationship between the parties can be Executive Members of the same 355(c) Committee in the same term. Only one of those related Executive Members are permitted to be a signatory to the Committee's bank account.

7. Work Health and Safety

- 7.1 A volunteer is a *worker* under Work Health and Safety (WHS) legislation. Council has a primary duty of care to all workers under the WHS Act. This duty includes, but is not limited to, ensuring as far as reasonably practicable while the workers are at work, the health and safety of:
 - a) Workers engaged or caused to be engaged by Council.
 - b) Workers whose activities in carrying out work are as directed or influenced by Council.
- 7.2 Council will ensure that Council Volunteers and Casual Volunteers are provided the highest level of protection against harm to their health, welfare and safety at work, so far as is reasonable practicable.
- 7.3 Council staff, in consultation with Council Volunteers, will undertake a risk assessment of the volunteer activity using the hierarchy of risk control to

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determine if:

- a) The activity is suitable for the volunteer(s).
- b) The activity does not place the volunteer(s) at risk to their health and safety.
- c) The volunteer has the physical capacity to undertake the activity.
- d) The volunteer has the knowledge and skills required to undertake the activity in a safe manner.

7.4 All members of the Committee and other Casual Volunteers undertaking work or activities on Council land are subject to Work Health & Safety Legislation.

7.5 The Committee must ensure that any member of the Committee or Volunteer on the work site meets the requirements of the Work Health and Safety Act, 2011 and the Work Health and Safety Regulations, 2011. This includes:

- a) Cooperate with Council by complying with all health and safety initiatives.
- b) Ensure all activities undertaken are supported by sound Work Health and Safety practices and follow the risk management approach developed by Council.
- c) Take reasonable care for the health and safety of themselves and others, including those who may be affected by the work site or the actions of another.
- d) Utilise information instruction, training and supervision from Council to ensure volunteers understand Work Health and Safety and how it relates to the work undertaken.
- e) Participate, in consultation about matters affecting their health, safety and welfare.

7.6 Ensure all Members and other Casual Volunteers comply with the following before undertaking activities on any work site:

- a) The person is aged not less than fifteen (15) years unless the person is part of a group (supervised by an adult/s), or is supervised by a parent or guardian.
- b) The person is aged not less than ten (10) years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and is prepared to indemnify Council. Council's personal accident insurance does not cover anyone less than ten (10) years of age.
- c) The person is aged no more than ninety (90) years. Council's personal accident insurance does not cover a person over ninety (90) years of age.
- d) Refer to Council's Procedures and the Committees Safe Work Method Statements on the relevant activity before any activity is undertaken.
- e) Not undertake activities under the influence of alcohol or any other drug that will prevent them from performing duties in a safe manner.
- f) The work site and activity/activities are approved by a Council Responsible Officer.

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- g) A copy of the Work Health and Safety Handbook for Volunteers and other WHS documentation is available at relevant activities (eg Specific Worksite Assessment Toolbox Form, Safe Work Method Statements, Safety Alerts, and Daily Attendance Form).
 - h) All Volunteers (Council Volunteers and Casual Volunteers) involved in work activities must be inducted to the site, activity or project prior to the initial commencement of work. This is to be documented using the Specific Worksite Assessment and Toolbox form (SWAT form), which is to be completed by a Council Responsible Officer in conjunction with committee representatives.
 - i) All Volunteers must use the Daily Attendance Form each time they volunteer for activities, such as working bees, to sign on and off from the activity.
 - j) Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years, is required to be on site working with the young person in question. Committees, in the case of Sports Councils, are exempt from this Clause as they operate under their individual Clubs when on site.
- 7.7 Report to the Responsible Officer, within 24 hours, any incident, accident, illness, or near miss that relates to the health and safety of the voluntary activity:
- a) Council's Incident Report Form must be completed according to instructions inside the Risk Incident/Hazard Report book. The Risk Incident/Hazard Report book must be on site at Committee activities.
 - b) Where there are witnesses to the injury or incident, the Committee must attempt to obtain and record the name, address and contact telephone number of each such witness.
- 7.8 The Committee shall ensure that all documents and records of compliance required by Council shall be tendered at the next ordinary meeting of the committee and shall form part of the minutes of that meeting.
- 7.9 Provide the General Manager or their delegated officer with information, documents and records of compliance in accordance with Council's requirements and the State Records Act, 1998.

8. Meetings

- 8.1 The Chair shall preside at all meetings of the Committee at which the Chair is present, and in the absence of the Chair, the Deputy Chair shall preside. If both the Chair and the Deputy Chair are absent, the first business of every such meeting shall be to elect an Acting Chair to preside over that meeting and, for the purpose of so presiding, that person shall have all the powers of the Chair.
- 8.2 The Chair shall have a second casting vote in the case of an equal number of votes in any resolution put to the meeting.

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- 8.3 At the Annual General Meeting of the Committee, a quorum is 50% plus one of all members, or at least ten (10) members, whichever is the smaller number. At ordinary meetings, the quorum is a minimum of two Executive Members, and any number of members.
- 8.4
- a) The Committee shall hold meetings at least three times per year on a day and at a time to be decided upon by the Committee, of which all Executive and Advisory Members are encouraged to attend.
 - b) All Executive, Advisory and General Members of the Committee must be invited to the Annual General Meeting, with the option to attend the ordinary meetings, with all Members having voting rights.
 - c) The Committee shall hold an Annual General Meeting by the end of March to receive annual reports and elect a Committee of Executive and Advisory Members once every twelve months.
 - d) Committees are obligated to publicly advertise the date time and location of their Annual General Meetings. Council will advertise the Annual General Meeting in the local press on the Committee's behalf, but notice of the details of the AGM must be given to Council with a minimum of four weeks' notice.
 - e) The 355(c) Committee Terms of Reference and the Committee's Appendix to the Terms of Reference must be tabled at the Annual General Meeting for notation and review. Council's Code of Conduct and Work Health and Safety information must also be tabled at Annual General Meetings.
- 8.5
- a) The Secretary may, upon receipt of written authority of the Chair or on receipt of a written request signed by no less than three members of the Committee, call a special meeting at a time and at a place determined by the Secretary provided that the time is not less than forty eight (48) hours prior to the giving of notice of this special meeting by the Secretary. Any such notice must specify the agenda for the special meeting. Failure to receive notice of a special meeting shall not affect the validity of a special meeting.
 - b) Unless all members of the Committee unanimously consent to business other than that contained in the agenda for the special meeting being determined at that special meeting, no special meeting shall consider any business other than that for which the special meeting was convened and as contained in the agenda for that special meeting.
- 8.6 The minutes of the Committee Meetings must be distributed to the elected Councillor/s for that Committee. Where any Councillor objects to a resolution carried at a meeting of the Committee, such objections must be received by the Secretary of that Committee within two weeks of the date of receipt of the minutes. Any such resolution shall not be valid (and so must not be acted upon or implemented by the Committee) until the Committee meets to discuss the objection, with the Councillor/s present that has made the objection.

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- 8.7 The majority of the members of a Committee may resolve that a General Member of the Committee is to be disqualified. Such resolution shall be recorded in the minutes of any such meeting and those minutes must be submitted to the General Manager by the Secretary within seven days of the meeting at which the Committee made that resolution. Such resolution is of no effect unless confirmed by resolution of the General Manager of Council whose determination shall be final and absolute.
- 8.8 If any Executive Member of the Committee is absent, without leave of the Committee, from three consecutive meetings (other than special meetings) of the Committee, such member shall be disqualified from acting as an Executive Member of the Committee but shall be eligible for re-appointment in the following twelve (12) month term, and shall be notified in writing.

9. Finances

- 9.1 Committees appointed under s355(c) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.
- 9.2 Committees who handle funds, on behalf of Council, are required to comply with Council procedures and instructions, which are designed to ensure that records and day-to-day transactions are handled according to required standards and in accordance with Item 13 of the Appendix.
- 9.3 The Treasurer of a Committee is responsible for monthly and annual financial reporting to Council's Responsible Officer for Finance.

10. Records and Record Keeping

- 10.1 Creation of retention of records:
- a) The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.
- 10.2 The Secretary is responsible for:
- a) Preparing agendas, notices of meetings and circulating same and minutes of meetings.
 - b) Recording the minutes of all meetings. In respect of any meeting of the Committee, each committee member shall be required to sign an attendance sheet, which will form part of the minutes.
 - c) Conducting all correspondence on behalf of the Committee.
 - d) Retaining copies of all outgoing correspondence that is external of Council.
 - e) Retaining the original of all incoming correspondence that is external of Council.

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- 10.3 Committees need to be aware of the importance of minutes because of their legal status and their liability to subpoena in court cases:
- a) An agenda is to be sent out to all Members and Committee's appointed Councillor/s at least one week prior to the meeting.
 - b) Minutes of the matters discussed will be kept. A copy of the minutes shall be forwarded to the Committee's Responsible Officer for administration, Committee Members and the Committee's Councillor/s within two weeks of the meeting date.
 - c) The Chair/Deputy Chair is required to pass a motion to accept the minutes of a meeting as the true record of proceedings of the meeting. Upon ratification of the previous minutes, the Chairperson of the meeting at which the minutes are ratified is to sign the minutes, after which they may not be altered. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.
 - d) The Chair/Deputy Chair and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.
- 10.4 Ownership and legislation:
- a) In respect to record keeping, the Committee must act in accordance with Council's Records Management Directive, and associated procedures as determined by Council's Business Systems Support Section Manager.
 - b) The Management Directive and procedures reflect the requirements of public offices in the creation, management and protection of their records as legally required by the State Records Act of 1998.
 - c) As determined by the State Records Act 1998, neither the Committee nor Council is the owner of records created and maintained by them. As a public office Council's records are officially records of the state and must be managed by Council and Committees accordingly.
- 10.5 Destruction of records:
- a) No incoming or outgoing correspondence that is external of Council may be destroyed, with the exception of advertising material, newsletters, and magazines.
- 10.6 Storage and custody of records:
- a) Records should be stored in an area away from potential hazards, eg fuel, water, fire and vermin. Records should be stored in a secure location eg locked cupboard or room.
 - b) Release of original or photocopied records to any person, other than a current Committee Member or an authorised officer of the Council, is prohibited.

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- 10.7 Access to records by persons:
- a) Access to records by persons other than current members or an authorised officer of the Council is prohibited.
 - b) Request for access to records, for persons other than those stated above, must be made through Council's Freedom of Right to Information Officer.
 - c) The Committee acknowledges it has a responsibility under the Privacy and Personal Information Protection Act 1998 to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a Committee Member or Council any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.
- 10.8 Return of records to Council:
- a) Any records still held by a Committee must be returned to Council for archival storage. Access to these records can be arranged through Council's Responsible Officer for administration.
 - b) Electronic and other records, other than previously submitted agendas/ minutes, annual and financial reporting are to be provided to the Responsible Officer for administration.
 - c) Return of records to Council is to be done annually following each individual Committee's Annual General Meeting.
- 10.9 Access to Committee records and information:
- a) Any Committee that falls under this Terms of Reference will be required to provide Council with any records, documents or other information that is held by the Committee for the purposes of Council meeting its obligations under the *Government Information (Public Access) Act 2009*.

11. Reports

As specified in Item 13 of the Appendix.

12. Intellectual Property

- 12.1 The Committee acknowledges and agrees:
- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
 - b) The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
 - c) Council retains ownership of all intellectual property created by Members in the course of their Committee work.

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- d) Council will acknowledge the Committee or Committee Member if publishing or reproducing copy of a Committees research, including images and historical data.

12.2 The Committee refers to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

13 Dispute Resolution

Where the Committee is unable to reach a determination of any issue, the Committee must refer that issue to the Responsible Officer for determination. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Responsible Officer it may, by notice in writing to the Responsible Manager, request that the matter be referred to the Responsible Manager for determination of the dispute. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Responsible Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Committee.

14 Termination

Notwithstanding any other provision of the Terms of Reference Council may, by resolution and in its absolute discretion, terminate membership of any or all members of the Committee, and may resolve to withdraw or modify any delegation of any function of Council to the Committee.

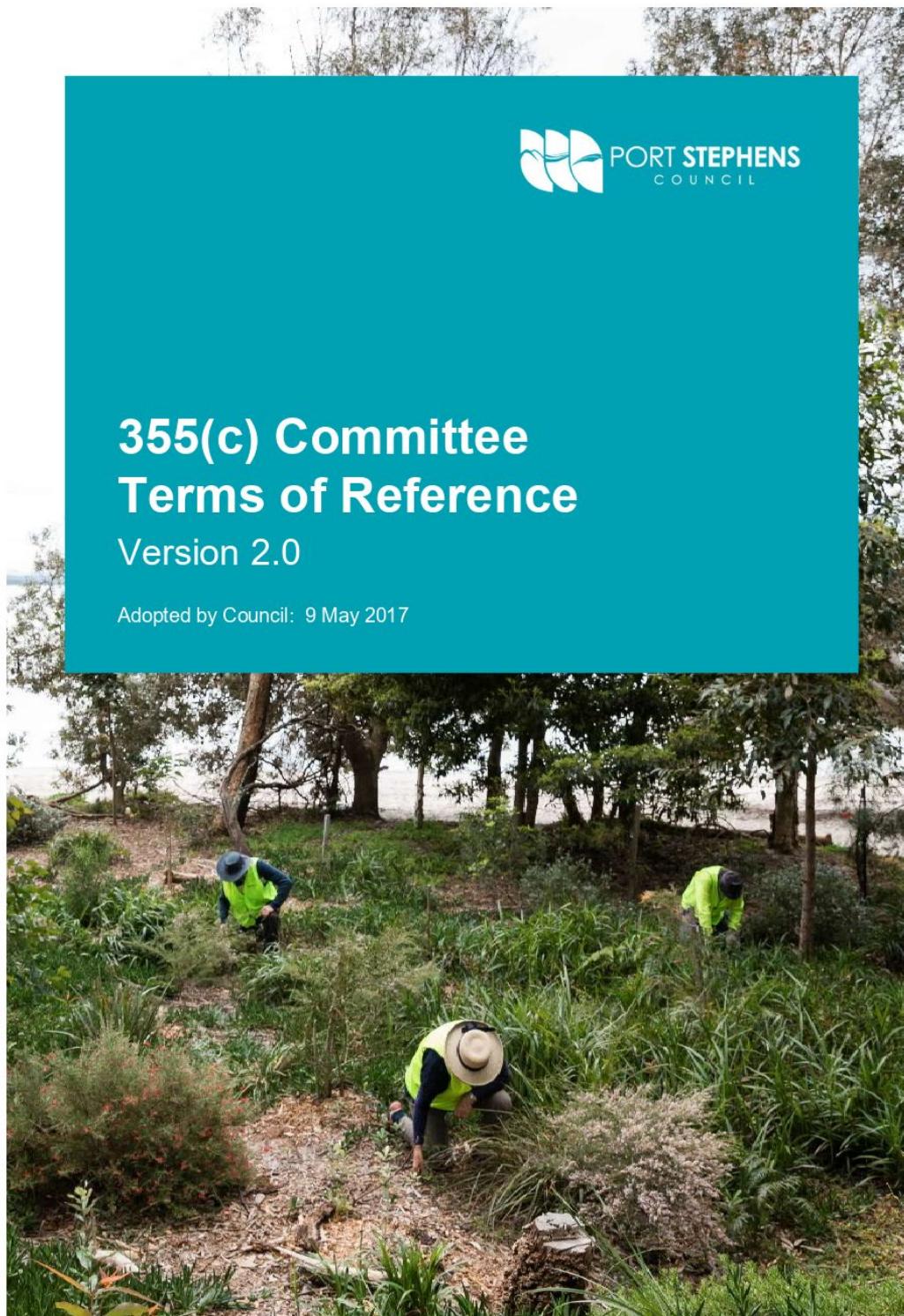
15. Amendment of the Terms of Reference

15.1 The Terms of Reference may only be altered by resolution of the Council and noted at Item 14 of the Appendix.

15.2 The Committee may request Council to consider an amendment to their Terms of Reference Appendix once the proposed alteration is submitted to an ordinary meeting of the Committee and the notice convening such a meeting contains the proposed alteration or the effect thereof and such proposed alteration is approved by at least three quarters of the members present at such an ordinary meeting.

16. Additional clauses

As specified in Item 15 of the Appendix.



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Definitions:

Advisory Member	A Council Volunteer who holds an <i>advisory position</i> of that Committee in accordance with Clause 6 of the Terms of Reference. There can be up to a maximum of five (5) Advisory Members;
Annual General Meeting	A General Meeting held once per year in February/March to elect Executive and Advisory Members;
Appendix	The Appendix for each s355c Committee attached to this Terms of Reference;
Casual Volunteer	A person who volunteers with a Committee or Council Service on a one off or casual basis, and has participated in relevant Work Health and Safety requirements in accordance with Clause 7. A Casual Volunteer does not attend Committee Meetings;
Committee	A 355c Committee of Port Stephens Council consisting of the whole group of Executive, Advisory and General members;
Council	Port Stephens Council;
Deputy Chair	The Deputy Chair of the Committee who assists the Chair, serves as Chair in the absence of the Chair or when a motion involving the Chair is being discussed;
Chair	The Chair of the Committee who presides over the meetings;
Council Volunteer	A person who has been accepted by Council to be a volunteer with an approved Council Committee or Service, and has been entered into Council's "Committees and Volunteers Register". This includes, but is not limited to, volunteers with 355(c) Committees, Sports Councils, Advisory Panels, Libraries and Visitor Information Centre;
EPA Act	The <i>Environmental Planning and Assessment Act</i> , 1979 (as amended);
Executive Member	A Council Volunteer who is a General Member of a Committee who holds a <i>position of office</i> of that Committee, whose appointment has been approved by Council in accordance with Clause 6 of the Terms of Reference. There can be no less than three (3) Executive members;
Financial year	The period from 1 January to 31 December in a calendar year;
General Manager	The person appointed or acting in the position of General Manager of Port Stephens Council;

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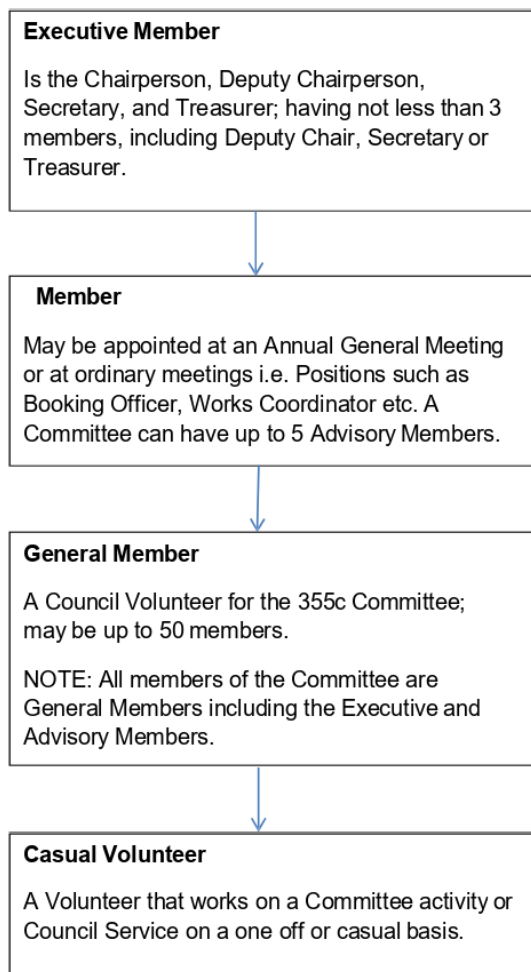
General Member	A Council Volunteer of that Committee. There can be up to fifty (50) General Members. Executive and Advisory Members are considered General members of the Committee;
Group-Manager Director	The manager of the Group set out in Item 10 of the Appendix;
Intellectual Property	Includes copyrights, trademarks, registered designs, patents and databases. In particular, it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases;
Law	Any statute along with any regulation, rule, planning instrument, policy or plan having effect under any such statute;
LGA	The <i>Local Government Act, 1993</i> (as amended);
Personal Information	Privacy and Personal Information Act (PPIPA) 1998, Section 4;
Record	Recorded information, in any form, including data, in computer systems, created or received and maintained by an organization or person in the transaction of business or the conduct affairs and kept as evidence of such activity;
Responsible Manager	The person nominated by the General Manager as specified in Item 10 of Appendix;
Responsible Officer	The Council staff officer nominated by the Group-Manager Director or other delegated person/s as specified in Item 10 of the Appendix;
Secretary	The Secretary of the Committee who ensures the meetings are effectively organised and Minuted;
Terms of Reference	Includes this document along with all Appendices referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Appendix;
Treasurer	The Treasurer of the Committee who manages all aspects of the Committees finances;
Committees & Volunteers Register	The database managed by Council for all Council's committees and volunteers;
WHS	Work Health and Safety documentation relating to Work Health and Safety legislation. This includes procedures, processes or manual or other document forming part of or associated with Council's Work Health and Safety commitment;

ITEM 9 - ATTACHMENT 2 REVISED 355(C) COMMITTEE TERMS OF REFERENCE 2024.**Committee Structure**

All members must be **registered** Council Volunteers (i.e. an approved volunteer who has been registered with Council)

To become a registered Council Volunteer, a Volunteer Expression of Interest Form must be completed and submitted. This can be found on Council's website as an online form.

Note: A volunteer is not registered until they receive an acceptance email from the Volunteer Program Officer.



ITEM 9 - ATTACHMENT 2 REVISED 355(C) COMMITTEE TERMS OF REFERENCE 2024.**1. Name of the Committee**

- 1.1 The name of the Committee shall be set out in item 1 of the Committee's Appendix.

2. Purpose of the Committee

- 2.1 Under the Local Government Act 1993, Council is able to delegate some of its functions to a Committee of Council. A Committee is appointed and reappointed in accordance with the provisions of s355 and s377 of the Local Government Act, 1993.
- 2.2 A Committee of Council is acting on Council's behalf, the Committee is part of Council and any action which the Committee undertakes is Council's responsibility.
- 2.3 The Terms of Reference provides a mandatory set of rules that defines the functions that Council has delegated to the Committee, the manner in which those delegated functions are to be undertaken by the Committee, and an administrative structure and procedures to ensure that the Council is able to monitor the conduct and performance of the Committee. This is particularly in regard to managing potential liabilities that might arise as a result of the activities of the Committee, in a similar manner to that which Council monitors others performing Council's functions under delegation.
- 2.4 The specific purpose of each Committee is set out in Item 2 of the Committee's Appendix.

3. Functions of the Committee

- 3.1 The Committee may, subject to sub-clauses 3.2 - 3.5 (inclusive), exercise any function of Council set out in Item 3 of the Appendix subject to any restrictions set out in Item 4 of the Appendix.
- 3.2 The Committee must comply with any law, including but not limited to the LGA, in exercising any function delegated by sub-clause 3.1.
- 3.3 The Committee must comply strictly with the Terms of Reference and any Council Policy or Legislation set out in Item 5 of the Appendix when exercising any function delegated by sub-clause 3.1.
- 3.4 Notwithstanding anything contained in Item 3 of the Appendix, the Committee may engage a contractor or person for goods and or services, subject to written approval from the Responsible Officer of Council and the administration of such contractor or person being in accordance with Council's Procurement Management Directive as amended.
- 3.5 Notwithstanding sub-clause 3.1, the Committee:
- Must not give, or purport to give, any consent or approval (under the EP& A Act, the LGA or any other law) to any development or building works on

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any land but may, if requested to do so by Council, make recommendations in respect of any such development or building works for consideration by Council;

- Must not, by virtue of s355 of the LGA, undertake or perform any of the following functions of Council:
 - the appointment of a General Manager;
 - the making of a rate under the LGA;
 - a determination under s549 of the LGA as to the levying of a rate;
 - the making of a charge or the fixing of a fee;
 - the borrowing of money;
 - the voting of money for expenditure on works, services or operations of Council;
 - the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (not including the sale of items of plant or equipment);
 - the acceptance of any tender that Council is required to invite under the LGA;
 - the adoption of an operational plan under s405 of the LGA; Management Plan under the LGA;
 - the adoption of a Financial Statement included in an Annual Financial Report under LGA;
 - a decision to classify or re-classify public land under Division 1 of Part 2 of Chapter 6 of the LGA;
 - the fixing of an amount or rate for the carrying out by Council of work on private land;
 - the decision to carry out work on private land for an amount that is less than the amount or rate fixed by Council for the carrying out of such work;
 - the review of a determination made by Council, and not by a delegate of Council, or an application for approval;
 - the power of Council to authorise the use of reasonable force for the purpose of gaining entry to premises under s194 of the LGA;
 - the decision under s356 of the LGA to contribute money or otherwise grant financial assistance to persons;
 - a decision under s234 of the LGA to grant leave of absence to the holder of a civic office;
 - the making of an application, or giving of notice, to the Governor of New South Wales or Minister this power of delegation, and
 - any function that is expressly required to be exercised by resolution of Council.
- Must not, unless the Committee has obtained written approval from the Responsible Officer of Council, provide or deliver goods and or services for a payment of any consideration or fee.

- 3.6 The Committee must not do anything or allow any person acting under its direction to do anything contrary to the interests of Council. For the purposes of this sub-clause this includes but is not limited to prohibiting the following:
- a) Acting contrary to any direction from Council, which includes a direction from the General Manager, Responsible Manager or Responsible Officer.

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- b) Acting contrary to Council's policies, whether as contained in Item 4 of the Appendix or otherwise.
- c) Advising any person that they may have a legal right or action against Council or any Councillor, Council employee or Council contractor exercising a function of Council.
- d) Making any admission of liability or accepting liability on behalf of Council or the Committee.
- e) Acting contrary to Council's Code of Conduct.
- f) Acting outside the limits of the Committee's delegation.
- g) Acting or presenting the Committee as independent of Council.

4. Term

- 4.1 This Terms of Reference operates for a term commencing from the date on which Council, by resolution, adopts this Terms of Reference and concluding on the date set out in Item 6 of the Appendix, or three months after the date of the Council election immediately following the date of commencement of this Terms of Reference (whichever occurs first), unless terminated earlier in accordance with this Terms of Reference.
- 4.2 Membership is on a quadrennial basis for the term of Council. Committees are formally appointed by the Councillors in office, therefore three months after the General Election of Councillors, all Members will cease to hold office. Committees must then hold their first Annual General Meeting by the end of March that follows the General Election of Councillors, and following the adoption of the 355(c) Committee Terms of Reference at the first Council meeting of the new Council.
- 4.3 If a Committee does not have any nominations for Committee membership, then the Council will determine the process for the future management of the Committee. A Committee can only be dissolved by a resolution of Council, and in the instance that it is dissolved, all financial monies and equipment and/or assets of that Committee shall be returned to Council.

5. The Committee

- 5.1 There shall be no more than fifty (50) General Members of the Committee and not less than three.
- 5.2 Each member of the Committee is entitled to one vote on any issue put to the vote of members at any meeting of the Committee.
- 5.3 No member is permitted to participate in any debate before the Committee or vote put to the Committee where that member has, either directly or indirectly, a pecuniary interest in the issue(s) debated or subject of that vote.
- 5.4 Each member is required to notify the Committee in writing of the nature of any pecuniary interest referred to in sub-clause 5.3.
- 5.5 Council may, either by resolution of Council or by written notice signed by the General Manager, terminate any person's membership of the Committee. Such

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written notice must be provided to each Executive Member of the Committee and to the person whose membership has been terminated pursuant to this sub-clause. Such termination takes effect on the date specified in the notice regardless of any request under this sub-clause for a review. The General Manager may, at his or her absolute discretion, withdraw any notice issued pursuant to this sub-clause without prejudice to the General Manager's ability to issue further notices under this sub-clause. Any member of the Committee may seek a review of the General Manager's termination of any membership pursuant to this sub-clause by submitting notice in writing to the General Manager, who will then refer the matter to the next available meeting of Council for determination of that review by Council.

- 5.6 The Committee must contain at least the number of Councillors and/or the number of Council employees set out in Items 9 and 10 of the Appendix.
- 5.7 Each Executive, Advisory and General Member of the Committee provides any labour on an honorary and voluntary basis. No member of the Committee shall be entitled to any remuneration or wage from Council as a result of that person's membership of the Committee.
- 5.8 Executive Members are only permitted to communicate with the media in their capacity as an Executive Member or appointed Advisory Member of a 355(c) committee on committee functions and activities (such as working bees and promotion of that Committee). No members of a Committee are permitted to speak to the media on matters of any nature that is likely to generate negative publicity.

6. The Executive and Advisory Positions

- 6.1 The Committee must, at its first meeting, elect an Executive having not less than three members.
 - a) The Committee, at a minimum, must appoint a Chair/Deputy Chair, Secretary and a Treasurer in accordance with Item 8 of the Committee's Appendix.
 - b) The Committee may appoint General Members to Advisory positions, such as Bookings Officer and Works Coordinator up to a maximum of five Advisory Members for one Committee in any twelve (12) month term, in accordance with Item 8 of the Appendix.
 - c) The Committee may appoint a combined Secretary/Treasurer position if the minimum requirement of three Executive positions is met.
 - d) The Committee, in the case of Sports Councils, may vary the positions of the Executive to include President, Vice President, Booking Officer (Booking Officer may not necessarily be on the Executive). These positions will be specified in Item 8 of the Sports Council's Appendix.
 - e) The Committee, in the case of a Sports Council, may form a Management Committee (sub-committee). This sub-committee will be specified in Item 8 of the Appendix.

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- 6.2 The appointment of Advisory Members to identified roles does not operate as a delegation to such members or sub-committees of any function of Council for the purposes of the LGA and all such members remain subject to the terms of this Terms of Reference.
- 6.3 Only General Members of the Committee may be members of the Executive. All Executive and Advisory members are considered General Members.
- 6.4 Where the Mayor or a Councillor is a member of the Committee and that Mayor/Councillor indicates that he or she wishes to be Chair of the Committee, that Mayor/Councillor shall be the Chair of the Committee. Where no Mayor/Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.
- 6.5 Subject to sub-clause 6.3, each member of the Executive shall hold the position on the Executive for at least a period of twelve (12) months from the date of such appointment or on the expiration of the Terms of Reference, whichever occurs first.
- 6.6 A General Member shall not hold a position of Executive Membership for longer than three consecutive years, unless there are no alternative nominations. They can hold an Executive position again in twelve (12) months' time.
- 6.7 One Executive Member should remain as an Executive Member in each election to retain Committee knowledge. The Executive Members decide on which Executive Member retains the position. If a decision cannot be reached, a vote is undertaken by the Executive prior to the Committee being dissolved and all positions being declared vacant at the Annual General Meeting.
- 6.8 A maximum of two persons where there is a relationship between the parties can be Executive Members of the same 355(c) Committee in the same term. Only one of those related Executive Members are permitted to be a signatory to the Committee's bank account.

7. Work Health and Safety

- 7.1 A volunteer is a *worker* under Work Health and Safety (WHS) legislation. Council has a primary duty of care to all workers under the WHS Act. This duty includes, but is not limited to, ensuring as far as reasonably practicable while the workers are at work, the health and safety of:
 - a) Workers engaged or caused to be engaged by Council.
 - b) Workers whose activities in carrying out work are as directed or influenced by Council.
- 7.2 Council will ensure that Council Volunteers and Casual Volunteers are provided the highest level of protection against harm to their health, welfare and safety at work, so far as is reasonable practicable.
- 7.3 Council staff, in consultation with Council Volunteers, will undertake a risk assessment of the volunteer activity using the hierarchy of risk control to

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determine if:

- a) The activity is suitable for the volunteer(s).
- b) The activity does not place the volunteer(s) at risk to their health and safety.
- c) The volunteer has the physical capacity to undertake the activity.
- d) The volunteer has the knowledge and skills required to undertake the activity in a safe manner.

7.4 All members of the Committee and other Casual Volunteers undertaking work or activities on Council land are subject to Work Health & Safety Legislation.

7.5 The Committee must ensure that any member of the Committee or Volunteer on the work site meets the requirements of the Work Health and Safety Act, 2011 and the Work Health and Safety Regulations, 2017. This includes:

- a) Cooperate with Council by complying with all health and safety initiatives.
- b) Ensure all activities undertaken are supported by sound Work Health and Safety practices and follow the risk management approach developed by Council.
- c) Take reasonable care for the health and safety of themselves and others, including those who may be affected by the work site or the actions of another.
- d) Utilise information instruction, training and supervision from Council to ensure volunteers understand Work Health and Safety and how it relates to the work undertaken.
- e) Participate, in consultation about matters affecting their health, safety and welfare.

7.6 Ensure all Members and other Casual Volunteers comply with the following before undertaking activities on any work site:

- a) The person is aged not less than fifteen (15) years unless the person is part of a group (supervised by an adult/s), or is supervised by a parent or guardian.
- b) The person is aged not less than ten (10) years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and is prepared to indemnify Council. Council's personal accident insurance does not cover anyone less than ten (10) years of age.
- c) The person is aged no more than ninety (90) years. Council's personal accident insurance does not cover a person over ninety (90) years of age.
- d) Refer to Council's Procedures and the Committees Safe Work Method Statements on the relevant activity before any activity is undertaken.
- e) Not undertake activities under the influence of alcohol or any other drug that will prevent them from performing duties in a safe manner.
- f) The work site and activity/activities are approved by a Council Responsible Officer.

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- g) A copy of the Work Health and Safety Handbook for Volunteers and other WHS documentation is available at relevant activities (eg Specific Worksite Assessment Toolbox Form, Safe Work Method Statements, Safety Alerts, and Daily Attendance Form).
 - h) All Volunteers (Council Volunteers and Casual Volunteers) involved in work activities must be inducted to the site, activity or project prior to the initial commencement of work. This is to be documented using the Specific Worksite Assessment and Toolbox form (SWAT form), which is to be completed by a Council Responsible Officer in conjunction with committee representatives.
 - i) All Volunteers must use the Daily Attendance Form each time they volunteer for activities, such as working bees, to sign on and off from the activity.
 - j) Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years, is required to be on site working with the young person in question. Committees, in the case of Sports Councils, are exempt from this Clause as they operate under their individual Clubs when on site.
- 7.7 Report to the Responsible Officer, within 24 hours, any incident, accident, illness, or near miss that relates to the health and safety of the voluntary activity:
- a) Council's Incident Report Form must be completed according to instructions inside the Risk Incident/Hazard Report book. The Risk Incident/Hazard Report book must be on site at Committee activities.
 - b) Where there are witnesses to the injury or incident, the Committee must attempt to obtain and record the name, address and contact telephone number of each such witness.
- 7.8 The Committee shall ensure that all documents and records of compliance required by Council shall be tendered at the next ordinary meeting of the committee and shall form part of the minutes of that meeting.
- 7.9 Provide the General Manager or their delegated officer with information, documents and records of compliance in accordance with Council's requirements and the State Records Act, 1998.

8. Meetings

- 8.1 The Chair shall preside at all meetings of the Committee at which the Chair is present, and in the absence of the Chair, the Deputy Chair shall preside. If both the Chair and the Deputy Chair are absent, the first business of every such meeting shall be to elect an Acting Chair to preside over that meeting and, for the purpose of so presiding, that person shall have all the powers of the Chair.
- 8.2 The Chair shall have a second casting vote in the case of an equal number of votes in any resolution put to the meeting.

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- 8.3 At the Annual General Meeting of the Committee, a quorum is 50% plus one of all members, or at least ten (10) members, whichever is the smaller number. At ordinary meetings, the quorum is a minimum of two Executive Members, and any number of members.
- 8.4
- a) The Committee shall hold meetings at least three times per year on a day and at a time to be decided upon by the Committee, of which all Executive and Advisory Members are encouraged to attend.
 - b) All Executive, Advisory and General Members of the Committee must be invited to the Annual General Meeting, with the option to attend the ordinary meetings, with all Members having voting rights.
 - c) The Committee shall hold an Annual General Meeting by the end of March to receive annual reports and elect a Committee of Executive and Advisory Members once every twelve months.
 - d) Committees are obligated to publicly advertise the date time and location of their Annual General Meetings. Council will advertise the Annual General Meeting in the local press on the Committee's behalf, but notice of the details of the AGM must be given to Council with a minimum of four weeks' notice.
 - e) The 355(c) Committee Terms of Reference and the Committee's Appendix to the Terms of Reference must be tabled at the Annual General Meeting for notation and review. Council's Code of Conduct and Work Health and Safety information must also be tabled at Annual General Meetings.
- 8.5
- a) The Secretary may, upon receipt of written authority of the Chair or on receipt of a written request signed by no less than three members of the Committee, call a special meeting at a time and at a place determined by the Secretary provided that the time is not less than forty eight (48) hours prior to the giving of notice of this special meeting by the Secretary. Any such notice must specify the agenda for the special meeting. Failure to receive notice of a special meeting shall not affect the validity of a special meeting.
 - b) Unless all members of the Committee unanimously consent to business other than that contained in the agenda for the special meeting being determined at that special meeting, no special meeting shall consider any business other than that for which the special meeting was convened and as contained in the agenda for that special meeting.
- 8.6 The minutes of the Committee Meetings must be distributed to the elected Councillor/s for that Committee. Where any Councillor objects to a resolution carried at a meeting of the Committee, such objections must be received by the Secretary of that Committee within two weeks of the date of receipt of the minutes. Any such resolution shall not be valid (and so must not be acted upon or implemented by the Committee) until the Committee meets to discuss the objection, with the Councillor/s present that has made the objection.

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- 8.7 The majority of the members of a Committee may resolve that a General Member of the Committee is to be disqualified. Such resolution shall be recorded in the minutes of any such meeting and those minutes must be submitted to the General Manager by the Secretary within seven days of the meeting at which the Committee made that resolution. Such resolution is of no effect unless confirmed by resolution of the General Manager of Council whose determination shall be final and absolute.
- 8.8 If any Executive Member of the Committee is absent, without leave of the Committee, from three consecutive meetings (other than special meetings) of the Committee, such member shall be disqualified from acting as an Executive Member of the Committee but shall be eligible for re-appointment in the following twelve (12) month term, and shall be notified in writing.

9. Finances

- 9.1 Committees appointed under s355(c) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.
- 9.2 Committees who handle funds, on behalf of Council, are required to comply with Council procedures and instructions, which are designed to ensure that records and day-to-day transactions are handled according to required standards and in accordance with Item 13 of the Appendix.
- 9.3 The Treasurer of a Committee is responsible for monthly and annual financial reporting to Council's Responsible Officer for Finance.
- 9.4 Committees must provide a bank statement or updated cashbook as at 30 June which must be submitted to Council by 31 July.

10. Records and Record Keeping

- 10.1 Creation of retention of records:
- a) The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.
- 10.2 The Secretary is responsible for: (Sports Council – Council Representative)
- a) Preparing agendas, notices of meetings and circulating same and minutes of meetings.
 - b) Recording the minutes of all meetings. In respect of any meeting of the Committee, each committee member shall be required to sign an attendance sheet, which will form part of the minutes.
 - c) Conducting all correspondence on behalf of the Committee.
 - d) Retaining copies of all outgoing correspondence that is external of Council.

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- e) Retaining the original of all incoming correspondence that is external of Council.
- 10.3 Committees need to be aware of the importance of minutes because of their legal status and their liability to subpoena in court cases:
- a) An agenda is to be sent out to all Members and Committee's appointed Councillor/s at least one week prior to the meeting.
 - b) Minutes of the matters discussed will be kept. A copy of the minutes shall be forwarded to the Committee's Responsible Officer for administration, Committee Members and the Committee's Councillor/s within two weeks of the meeting date.
 - c) The Chair/Deputy Chair is required to pass a motion to accept the minutes of a meeting as the true record of proceedings of the meeting. Upon ratification of the previous minutes, the Chairperson of the meeting at which the minutes are ratified is to sign the minutes, after which they may not be altered. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.
 - d) The Chair/Deputy Chair and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.
- 10.4 Ownership and legislation:
- a) In respect to record keeping, the Committee must act in accordance with Council's Records Management Directive, and associated procedures as determined by Council's Business Systems Support Section Manager.
 - b) The Management Directive and procedures reflect the requirements of public offices in the creation, management and protection of their records as legally required by the State Records Act of 1998.
 - c) As determined by the State Records Act 1998, neither the Committee nor Council is the owner of records created and maintained by them. As a public office Council's records are officially records of the state and must be managed by Council and Committees accordingly.
- 10.5 Destruction of records:
- a) No incoming or outgoing correspondence that is external of Council may be destroyed, with the exception of advertising material, newsletters, and magazines.
- 10.6 Storage and custody of records:
- a) Records should be stored in an area away from potential hazards, eg fuel, water, fire and vermin. Records should be stored in a secure location eg locked cupboard or room.
 - b) Release of original or photocopied records to any person, other than a

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current Committee Member or an authorised officer of the Council, is prohibited.

10.7 Access to records by persons:

- a) Access to records by persons other than current members or an authorised officer of the Council is prohibited.
- b) Request for access to records, for persons other than those stated above, must be made through Council's Freedom of Right to Information Officer.
- c) The Committee acknowledges it has a responsibility under the Privacy and Personal Information Protection Act 1998 to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a Committee Member or Council any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

10.8 Return of records to Council:

- a) Any records still held by a Committee must be returned to Council for archival storage. Access to these records can be arranged through Council's Responsible Officer for administration.
- b) Electronic and other records, other than previously submitted agendas/ minutes, annual and financial reporting are to be provided to the Responsible Officer for administration.
- c) Return of records to Council is to be done annually following each individual Committee's Annual General Meeting.

10.9 Access to Committee records and information:

- a) Any Committee that falls under this Terms of Reference will be required to provide Council with any records, documents or other information that is held by the Committee for the purposes of Council meeting its obligations under the *Government Information (Public Access) Act 2009*.

11. Reports

As specified in Item 13 of the Appendix.

12. Intellectual Property

12.1 The Committee acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- b) The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.

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- c) Council retains ownership of all intellectual property created by Members in the course of their Committee work.
- d) Council will acknowledge the Committee or Committee Member if publishing or reproducing copy of a Committees research, including images and historical data.

12.2 The Committee refers to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

13 Dispute Resolution

Where the Committee is unable to reach a determination of any issue, the Committee must refer that issue to the Responsible Officer for determination. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Responsible Officer it may, by notice in writing to the Responsible Manager, request that the matter be referred to the Responsible Manager for determination of the dispute. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Responsible Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Committee.

14 Termination

Notwithstanding any other provision of the Terms of Reference Council may, by resolution and in its absolute discretion, terminate membership of any or all members of the Committee, and may resolve to withdraw or modify any delegation of any function of Council to the Committee.

15. Amendment of the Terms of Reference

15.1 The Terms of Reference may only be altered by resolution of the Council and noted at Item 14 of the Appendix.

15.2 The Committee may request Council to consider an amendment to their Terms of Reference Appendix once the proposed alteration is submitted to an ordinary meeting of the Committee and the notice convening such a meeting contains the proposed alteration or the effect thereof and such proposed alteration is approved by at least three quarters of the members present at such an ordinary meeting.

16. Additional clauses

As specified in Item 15 of the Appendix.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Hinton School of Arts Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Hinton School of Arts. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups, to participate in programs benefiting Hinton. 7. Be an avenue through which Council can engage with the community on matters that affect them.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site

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		<p>induction has been completed. Once completed, all works must receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director Community Services Section Manager Community Services Section Community Contracts Coordinator Community Assets Coordinator Community Facilities Officer Trades Coordinator Volunteers Program Officer Financial Services Section Manager Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Commonwealth Bank Society Cheque Account
Item 12	Name of any account operated by the committee	Hinton School of Arts Committee, a 355c committee of Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office. c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.

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		<ul style="list-style-type: none"> ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements. iii. The totals of each month are entered onto the Annual Financial Summary reporting page. d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies. e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments. f) Issuing of tax invoices. g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include: <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. 4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix. 5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager. <ul style="list-style-type: none"> a. Only Executive members of the 355c committee may be a signatory to the accounts. b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee. c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix. d. All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.
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		<p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration. This information is required to be forwarded to Council's Responsible Officer for Volunteers prior to 31 March each year.</p> <ul style="list-style-type: none"> ▪ An uninsured '<i>Casual Hirer</i>' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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**ITEM 9 - ATTACHMENT 3
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Minute No 322. Amended Terms of Reference adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Schedule to Constitution for Hinton School of Arts Committee adopted 27 March 2001, Minute No. 137. Amended to Hinton School of Arts, Parks & Foreshore Committee at Council meeting 25 September 2012, Minute No, 237.</p> <p>Appendix for Hinton School of Arts, Parks & Foreshore Committee adopted by Council 27 March 2018, Minute No. 068. Amended to Hinton School of Arts Committee 9 June 2020, Minute No. 092.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Karuah Community Hall Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Karuah Community Hall. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community at Karuah.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must

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		<p>receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p> <p>Community Assets Coordinator</p> <p>Community Facilities Officer</p> <p>Trades Coordinator</p> <p>Volunteers Program Officer</p> <p>Financial Services Section Manager</p> <p>Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Commonwealth Bank Society Cheque Account
Item 12	Name of any account operated by the committee	Karuah Community Hall Committee 355C
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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ITEM 9 - ATTACHMENT 3
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REVISED APPENDICES TO 355C COMMITTEES

		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$100.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Schedule to Constitution for Karuah Community Centre Committee adopted by Council on 28 May 2002, Min No. 193.</p> <p>Amendment to Schedule Items (6-7) adopted by Council on 18 January 2005, Min No. 014.</p> <p>Change of name to Karuah Hall Committee 25 September 2012, Min No. 237.</p> <p>355c Committee Terms of Reference adopted by Council on 27 October 2015, Min No. 322. Amended Terms of Reference adopted by Council on 9 May 2017, Min No. 106.</p> <p>Terms of Reference Appendix for Karuah Community Hall Committee adopted by Council on 27 March 2018, Min No. 068.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Lemon Tree Passage Old School Centre Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Lemon Tree Passage Old School Centre. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community of Lemon Tree Passage.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must

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		<p>receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p> <p>Community Assets Coordinator</p> <p>Community Facilities Officer</p> <p>Trades Coordinator</p> <p>Volunteers Program Officer</p> <p>Financial Services Section Manager</p> <p>Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Greater Bank Passbook Account
Item 12	Name of any account operated by the committee	Lemon Tree Passage Old School Centre, a 355c Committee Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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ITEM 9 - ATTACHMENT 3
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		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Schedule to Constitution for Tilligerry Community Centre Committee adopted by Council 28 May 2002, Min No. 193.</p> <p>Amended Schedule adopted by Council 12 April 2011, Min No. 114.</p> <p>Committee renamed Lemon Tree Passage Old School Centre Committee, adopted by Council 23 August 2014, Min No. 240.</p> <p>Appendix for Lemon Tree Passage Old School Centre Committee adopted by Council 27 March 2018, Min No. 068.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Nelson Bay Community Hall Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Nelson Bay Community Hall. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community of Nelson Bay.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must

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		<p>receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p> <p>Community Assets Coordinator</p> <p>Community Facilities Officer</p> <p>Trades Coordinator</p> <p>Volunteers Program Officer</p> <p>Financial Services Section Manager</p> <p>Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Newcastle Permanent Club Account
Item 12	Name of any account operated by the committee	Nelson Bay Community Hall Committee, a 355c Committee Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Nelson Bay Senior Citizens Hall Committee Schedule adopted by Council 23 May 2006, Min No. 526.</p> <p>Committee name change to Nelson Bay Community Hall Committee adopted by Council 23 September 2014, Min No. 240.</p> <p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Nelson Bay Community Hall Committee Terms of Reference Appendix adopted by Council 27 March 2018, Min No. 068.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Port Stephens Sister Cities Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	<p>Functions delegated by Council to committee</p> <p>(Objectives)</p>	<ol style="list-style-type: none"> 1. Coordinate Council's participation in Sister Cities relationships and events/activities subject to Council approval of business plan, funding, insurance coverage available and mayoral availability for civic functions. 2. Support and promote the social, cultural, economic and trade opportunities created by people to people programs which are intended to: <p>Further develop and enhance Port Stephens' rich diversity of culture;</p> <p>Provide personal development opportunities for the youth of Port Stephens;</p> <p>Create new opportunities for trade and investment; and</p> <p>Assist communities in underdeveloped nations to improve living standards.</p> 3. Provide support and coordinate activities/events relating to designated overseas visitors/groups to the area on behalf of Council where agreed. 4. Where the membership assists the objectives of the committee and Council, maintain membership of Sister Cities Australia (SCA). The Committee will prepare and submit to Council a 3 year Business Plan annually with the proposed activities for the next twelve months detailed and costed.

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		<p>5. The Committee will prepare individual submissions for opportunities that arise outside prepared Business Plan.</p> <p>6. Council will consider the business plan/submissions and may adopt, modify or reject the business plan.</p> <p>7. The Business Plan will detail:</p> <ul style="list-style-type: none"> a) The programs in which the Committee intends to concentrate its efforts and the objective of each program; b) Initiatives and actions to be taken in pursuit of each program objective; c) Anticipated revenue and expenditure associated with each program to include implementation; d) Performance indicators for each program which seek to measure the success or otherwise of the program in meetings its objective. <p>8. All activities, events and programs will require a Risk Assessment Plan to be submitted to Council's insurers.</p> <p>9. Liaison with Government departments and the media press regarding Sister Cities matters.</p>
Item 4	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the General Manager.</p> <p>All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice

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		<ul style="list-style-type: none"> ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Coordination by Mayor's Executive Assistant</p> <p>Community Services Section Manager</p> <p>Volunteer Program Officer</p> <p>Financial Accountant</p>
Item 11	Name of financial institution and type of account/s	<p>Newcastle Permanent</p> <p>Statement Savings</p> <p>Term Deposit Account</p>
Item 12	Name of any account operated by the committee	Port Stephens Sister Cities Committee, a 355c Committee of Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for

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		<p>inclusion in Council's monthly Business Activity Statements (BAS).</p> <p>d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.</p> <p>3. The Treasurer shall be responsible for ensuring:</p> <p>a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.</p> <p>b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee.</p> <p>c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.)</p> <p>i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year.
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		<ul style="list-style-type: none"> ▪ copies of documentation supporting all increases and decreases in any investment accounts. <ol style="list-style-type: none"> 4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix. 5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager. <ol style="list-style-type: none"> a. Only Executive members of the 355c committee may be a signatory to the accounts. b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee. c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix. d. All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs. e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name. f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting. 6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee. 7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee. 8. Financial year shall be the period from the 1 July to 30 June. <p>General Reporting</p>
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		<p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM. ▪ 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. ▪ Updated list of all Members, including notification of the elected Executive and Advisory Members, and bank account signatories.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Schedule to Constitution adopted by Council 19 October 2004, Min No. 367.</p> <p>Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Terms of Reference Appendix adopted by Council 27 March 2018, Min No. 068.</p>
Item 15	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>Committee requirements:</p> <ul style="list-style-type: none"> ▪ No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Raymond Terrace Senior Citizens Hall Management Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Raymond Terrace Senior Citizens Hall. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community of Raymond Terrace.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site

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		<p>induction has been completed. Once completed, all works must receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director Community Services Section Manager Community Services Section Community Contracts Coordinator Community Assets Coordinator Community Facilities Officer Trades Coordinator Volunteers Program Officer Financial Services Section Manager Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Newcastle Permanent Club Account and Investment Account
Item 12	Name of any account operated by the committee	Raymond Terrace Senior Citizens Hall Management Committee, a 355c Committee of Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> ▪ Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Former Constitution Schedule amended and adopted by Council 18 January 2005, Min No. 14.</p> <p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>355(c) Committee Terms of Reference Appendix for Raymond Terrace Senior Citizens Hall Management Committee adopted by Council 10 December 2019, Min No. 250.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> ▪ Utility Charges ▪ Cleaning costs ▪ Agreed contribution to repairs, maintenance and grounds maintenance ▪ Consumables, e.g. toilet paper, hand towel and stationary ▪ Any new additions/installations ▪ Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> ▪ Council rates ▪ Sewerage charges ▪ Waste collection ▪ Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> ▪ No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. ▪ All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

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APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Salt Ash Community Hall Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Salt Ash Community Hall. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community of Salt Ash.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must

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		<p>receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p> <p>Community Assets Coordinator</p> <p>Community Facilities Officer</p> <p>Trades Coordinator</p> <p>Volunteers Program Officer</p> <p>Financial Services Section Manager</p> <p>Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Greater Bank
Item 12	Name of any account operated by the committee	Salt Ash Community Hall Committee, a 355c Committee Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Schedule for Salt Ash Community Hall, Reserves and Tennis Court Committee adopted by Council 19 September 2000, Min No. 506.</p> <p>Appendix for Salt Ash Community Hall, Park and Reserve Committee adopted by Council 9 May 2017, Min No. 106.</p> <p>Appendix for Salt Ash Community Hall Committee adopted by Council 25 June 2019, Min No. 133.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

Appendix

PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Salt Ash Sports Ground Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that sporting and recreational facilities are provided and maintained at an acceptable standard. 2. Make recommendation to Council as to the planning, development and management of Salt Ash Sports Ground. 3. Refer requests for additional work on Sports Ground to Council for consideration and setting of priorities. 4. Coordinate working bees, liaise with Council staff regarding working bees in relation to Salt Ash Sports Ground. 5. Encourage and support the community and/or community groups to participate in programs benefiting the community of Salt Ash. 6. Make recommendations to Council on appropriate charges for use of sporting and recreational facilities. 7. Recommend to Council on the allocation of sporting facilities for use by all groups and organisations. 8. Cooperate with Council, Government Departments and other bodies/organisations to ensure that wherever possible optimum use is made of existing facilities. 9. Assist with the promotion of local sporting events. 10. Cooperate with other agencies to keep the community fully informed of those facilities and clubs that exist within the district.

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Item 4	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the Community and Recreation Coordinator or Parks Program Officer Coordinator.</p> <p>All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to eight (8) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p>

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		Community Assets Coordinator Community Facilities Officer Trades Coordinator Volunteers Program Officer Financial Services Section Manager Financial Accountant
Item 11	Name of financial institution and type of account/s	Greater Bank Access Account
Item 12	Name of any account operated by the committee	Salt Ash Sports Ground Committee, a 355c Committee of Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> All committees are covered under Council's Australian Business Number (16744377876). Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only

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		<p>those Committees with quarterly bank statements may choose to report quarterly instead of monthly.)</p> <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format. ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements. iii. The totals of each month are entered onto the Annual Financial Summary reporting page. <ol style="list-style-type: none"> d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies. e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments. f) Issuing of tax invoices. g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include: <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <ol style="list-style-type: none"> 4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix. 5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager. <ol style="list-style-type: none"> a. Only Executive members of the 355c committee may be a signatory to the accounts. b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.
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		<p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p>
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		<p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year"</i>. Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Salt Ash Sports Ground Committee Appendix adopted by Council 27 March 2018, Min No. 068.</p>
Item 15	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>The committee may appoint General Members to Advisory positions, up to a maximum of eight (8) Advisory Members for one committee in any twelve (12) month term, in accordance with Item 8 of the Appendix.</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

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PORT STEPHENS COUNCIL



APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE

Item 1	Name of committee	Tanilba Foreshore Hall Committee
Item 2	Purpose of the committee	<p>6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.</p> <p>The 355c Committee undertakes some functions of Council and is appointed under Section 355 of the Local Government Act 1993. The committee acts on Council's behalf and action which the committee undertakes is Council's responsibility. The majority of our 355c committees are for facility management and community development and engagement.</p>
Item 3	Functions delegated by Council to committee (Objectives)	<ol style="list-style-type: none"> 1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2. Undertake the functions of: <ul style="list-style-type: none"> ▪ arranging bookings for hire of facility in line with Council's policies and procedures ▪ receiving and banking fees and charges ▪ arranging cleaning and other operating functions ▪ managing income and expenditure and providing accurate, timely records to Council ▪ providing reports to Council on maintenance requirements. 3. Liaise with Council as to the development, planning and management of Tanilba Foreshore Hall. 4. Make recommendations to Council on appropriate fees and charges for the use of the facility. 5. Provide forward works priorities to Council for consideration and planning of future works. 6. Encourage and support the community and/or community groups to participate in programs benefiting the community of Tanilba Bay.
Item 4	Restrictions on functions delegated	All proposed asset improvements and works at a Facility must be submitted in writing to Council by completing the Works on Council Land Application process. Proposed works may only commence once approval has been issued by Council and a site induction has been completed. Once completed, all works must

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		<p>receive final approval from a member of the Council Community Assets Team.</p> <p>Committees are restricted from changing any fees, charges and subsidies including the waving of any fees or charges.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 ▪ Work Health and Safety Act 2011 ▪ Privacy and Personal Information Protection Act 1998 ▪ State Records Act 1998 ▪ PSC Code of Conduct ▪ PSC Code of Meeting Practice ▪ PSC Accessing Information Policy ▪ PSC Procurement Policy ▪ PSC WHS Statement of Commitment ▪ PSC Community Wellbeing Policy
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	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> ▪ Chairperson ▪ Vice Chairperson ▪ Treasurer ▪ Secretary <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Facilities and Infrastructure Director</p> <p>Community Services Section Manager</p> <p>Community Services Section</p> <p>Community Contracts Coordinator</p> <p>Community Assets Coordinator</p> <p>Community Facilities Officer</p> <p>Trades Coordinator</p> <p>Volunteers Program Officer</p> <p>Financial Services Section Manager</p> <p>Financial Accountant</p>

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Item 11	Name of financial institution and type of account/s	Greater Bank
Item 12	Name of any account operated by the committee	Tanilba Foreshore Hall Committee, a 355c Committee Port Stephens Council
Item 13	Reporting	<p>Financial Record Keeping and Reporting</p> <ol style="list-style-type: none"> 1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix. 2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> a) All committees are covered under Council's Australian Business Number (16744377876). b) Committees are responsible for administering the requirements of GST legislation that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office (ATO). c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS). d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO. 3. The Treasurer shall be responsible for ensuring: <ol style="list-style-type: none"> a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager. b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee. c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ol style="list-style-type: none"> i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income,

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		<p>expenditure, GST and reconciliations in a simple format.</p> <p>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</p> <p>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</p> <p>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</p> <p>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</p> <p>f) Issuing of tax invoices.</p> <p>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:</p> <ul style="list-style-type: none"> ▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year. ▪ copies of documentation supporting all increases and decreases in any investment accounts. <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p> <p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a. Only Executive members of the 355c committee may be a signatory to the accounts.</p> <p>b. Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>c. All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>d. All committees are required to advise Council of the details of the persons who are authorised signatories of</p>
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		<p>the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>e. All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>f. The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. Financial year shall be the period from the 1 July to 30 June.</p> <p>General Reporting</p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> ▪ Minutes of AGM and Account Signatories. ▪ 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. ▪ Updated list of all Members. <p>2. Recommendations for Fees and Charges to be forwarded to Council by mid-November each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration.</p> <ul style="list-style-type: none"> ▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association,</i>
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**ITEM 9 - ATTACHMENT 3
TERMS OF REFERENCE.**
REVISED APPENDICES TO 355C COMMITTEES

		<p><i>corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year".</i></p> <ul style="list-style-type: none"> Notification to Council should also include a brief description of the type of use on those occasions, e.g. birthday party, family reunion etc.
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>Schedule to Constitution adopted by Council 26 June 2001, Min No. 237.</p> <p>Terms of Reference adopted by Council 27 October 2015, Min No. 322.</p> <p>Amended Terms of Reference adopted by Council 9 May 2017, Min No. 106.</p> <p>Appendix for Tanilba Bay Parks Reserves and Hall Committee adopted by Council 23 August 2016, Min No. 238.</p> <p>Appendix for Tanilba Foreshore Hall Committee adopted by Council 10 December 2019, Min No. 249.</p>
Item 15	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>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> Utility Charges Cleaning costs Agreed contribution to repairs, maintenance and grounds maintenance Consumables, e.g. toilet paper, hand towel and stationary Any new additions/installations Maintenance of any new additions/installations <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> Council rates Sewerage charges Waste collection Structural maintenance and repairs (existing) <p>Committee requirements:</p> <ul style="list-style-type: none"> No personal email accounts are to be used for Council business. Secure Council email addresses are provided for Committees to conduct all Council business. All 355c Committees must use the Skedda online booking system to keep the booking calendar updated at all times.

ITEM NO. 10

**FILE NO: 24/80232
EDRMS NO: PSC2021-04195**

WIND FARM OFF PORT STEPHENS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the matter in accordance with the previous resolution and reaffirm Council's position on the matter.
-

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

206	Councillor Giacomo Arnott Mayor Leah Anderson It was resolved that Council: <ol style="list-style-type: none">1) Notes the decision of Council from 10 and 24 October 2023.2) Agrees to continue the position from the 10 October 2023 motion as Council's ongoing position, which is to oppose the offshore wind project.
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Cr Wells introduced the inclusion of '24 October 2023' into the motion. The mover and seconder accepted the amendment.

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

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

The motion was carried on the casting vote of the Mayor.

Cr Doohan gave notice of the following foreshadowed motion:

That Council:

- 1) Notes that the community of Port Stephens vehemently opposes any further progress of exploratory works investigating the possibility of a Wind Turbine Zone off the coast of our beautiful Port Stephens.

- 2) Notes that during the recent Local Government Elections in Port Stephens, 100% of successful candidates aligned themselves to take a unanimous approach in resisting any support for the proposed Wind Turbine Zone off the coast of Port Stephens.
- 3) The General Manager re-engages with our local State and Federal Members to reiterate Councils collective stance refuting any further investigative efforts on the aforementioned Wind Turbine Zone, with the intention of eliminating the project in its entirety.
- 4) Reports back to the elected body of any progress and/or outcomes at the earliest opportunity.

BACKGROUND

The purpose of this report is to respond to a resolution of the previous Council.

Council resolved at its meeting held on 10 October 2023 (Minute No. 230) **(ATTACHMENT 1)**, that the General Manager provide a report to Council seeking the Council's opinion on whether to continue opposing the offshore wind farm, or whether to support it, at the following stages:

- a. When the Environmental Impact Statement has been made available
- b. At the first meeting at the start of the new term of Council in 2024 to reaffirm Council's position.

Council resolved a further Notice of Motion at the 24 October 2023 Council meeting in relation to the Offshore Wind Power Zone **(ATTACHMENT 2)**.

Following these resolutions, Council has actively contributed to consultation activities and advocated community concerns during the following Federal Government consultation activities for offshore wind projects:

- Council met with the Federal Department of Climate Change, Energy, the Environment and Water (DCCEE) during the public consultation period for the declaration of offshore wind area to raise the community concerns and ensure that Council had all available information to make a valuable submission.
- Council provided a submission to DCCEE regarding the declaration of the offshore wind area, encouraging further consultation to be undertaken with the community and highlighting potential impacts on visual amenity, cultural heritage, marine and coastal environments and local industry and business.
- Council provided a submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) regarding the draft Energy Policy Guidelines, noting community concerns and requesting guidance regarding how the State Government will regulate offshore wind and related transmission infrastructure, requesting that this be included in the guidelines.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

- Council wrote to and a delegation met with the Hon. Chris Bowen MP, Federal Minister for Climate Change and Energy, to highlight community concerns.
- Council wrote to and a delegation met with Meryl Swanson MP, Federal Member for Paterson, to highlight community concerns.
- Council wrote to the Hon. Kate Washington MP, State Member for Port Stephens, to highlight community concerns.
- Council included an action (DI001) within the Port Stephens Coastal Management Program (CMP) to work collaboratively and share information with key stakeholders about any major projects proposed in the open coastal waters, to ensure compliance with the vision and objectives of the Coastal Management Program and the objects of the Coastal Management Act.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Provide and implement strategic direction and governance of Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the outstanding resolution of Council is not dealt with as the resolution was made.	Low	Deal with the item to reach resolution.	Yes

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

There is a risk that Council does not have an endorsed position relating to offshore wind projects.	Medium	Deal with the item to reach resolution.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The report is in response to a previous resolution of Council seeking to reaffirm Council's position on the matter. The sustainability implications of the matter will vary depending upon the position resolved by Council.

CONSULTATION

Further consultation on the matter is not required as the report seeks only to deal with an outstanding resolution of the former Council.

OPTIONS

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

ATTACHMENTS

- 1) Ordinary Council Minutes 10 October 2023 - Minute No. 230.
- 2) Notice of Motion - 24 October 2023 - Offshore Wind Power Zone.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES 10 OCTOBER 2023 - MINUTE NO. 230.**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023**

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

Those against the Motion: Nil.

The motion was carried.

URGENT MOTION 1

Cr Giacomo Arnott moved to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

The motion was granted by Mayor Palmer.

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2023
MOTION**

230	Councillor Giacomo Arnott Councillor Leah Anderson It was resolved that Council: <ol style="list-style-type: none">1) Notes the ongoing consultative process the Federal Government is undertaking with the community and other stakeholders into whether an offshore wind farm industry should be established off the coast of Port Stephens and Newcastle.2) Notes that the Federal Government Minister for Energy Chris Bowen states that an offshore wind farm in this location has the potential to create 3,000 construction jobs and 1,500 ongoing jobs, as well as 5gigawatts of electricity for the East Coast Energy grid.3) Notes that there are 1,454 published responses to the proposal on the Australian Government Department of Climate Change, Energy, the Environment and Water consultation hub web page.4) Notes that the Federal Government Minister for Energy Chris Bowen, the Federal Member for Paterson Meryl Swanson, and several MPs from the opposition and alternative parties have met with residents of Port Stephens to discuss this project.5) Notes that the Federal Government will still engage in 3 consultation phases before any works actually start, and that it is unlikely that any works would begin for several years from now due to the enormous amount of reports and consultation that is required to be undertaken.6) Notes the concerns raised by the community about the project, including its potential impact on the fishing industry in Port Stephens, potential impact on the environment including marine life, potential noise pollution, potential impact on the tourism industry, and what such an industry would look like when viewed from Port Stephens.7) Notes that Local Government, in particular Port Stephens Council, has had nothing to do with the proposal so far, and has no role to
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ITEM 10 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES 10 OCTOBER 2023 - MINUTE NO. 230.**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023**

	play in the consideration, approval or consultation of any offshore wind farm now or into the future.
8)	Agrees that until environmental impact statements and other scientific evidence is made available to the community in a full, open and transparent manner, it is opposed to the construction of any wind farm off the coast of Port Stephens.
9)	Requests the General Manager write a letter to the Federal Minister for Energy Chris Bowen and Federal Member for Paterson Meryl Swanson, noting Council's position, and requesting their attendance at a Council briefing to allow Councillors to better understand the proposal and to pass on the concerns of the community.
10)	Requests the General Manager provide a report to Council at each stage of the consultative process, outlining any recent progress on the matter.
11)	Requests the General Manager provide a report to Council seeking the Council's opinion on whether to continue opposing the offshore wind farm, or whether to support it, at the following stages:
a.	When the Environmental Impact Statement has been made available, and
b.	At the first meeting at the start of the new term of Council in 2024 to reaffirm Council's position.

Councillor Matthew Bailey left the meeting at 5:44pm.

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

Those against the Motion: Nil.

The motion was carried.

Councillor Matthew Bailey returned to the meeting at 5:46pm.

**ITEM 10 - ATTACHMENT 2 NOTICE OF MOTION - 24 OCTOBER 2023 -
OFFSHORE WIND POWER ZONE.****MINUTES ORDINARY COUNCIL - 24 OCTOBER 2023****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 23/261922****EDRMS NO: PSC2021-04195****PORT STEPHENS OFFSHORE WIND POWER ZONE****COUNCILLOR: CHRIS DOOHAN****THAT COUNCIL:**

- 1) Acknowledges the Circa 2,000 people that rallied against a Port Stephens Offshore Wind Power Zone on Saturday 7 October 2023.
- 2) Opposes the issuing of any exploration licences for the proposed offshore wind power zones.
- 3) Supports local efforts by community groups seeking to stop the offshore wind power zones.
- 4) Writes to the Hon. Chris Bowen MP, Minister for Climate Change and Energy seeking a moratorium on any currently unapproved offshore wind power zones.
- 5) Writes to Ms Meryl Swanson MP, Member for Paterson and the Hon. Kate Washington MP, Member for Port Stephens to secure their support for the opposition to the offshore wind power zone and ask for a response confirming or rejecting support by 3 November 2023 and, if rejecting, state reasons why.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2023
MOTION**

249	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Acknowledges the Circa 2,000 people that rallied against a Port Stephens Offshore Wind Power Zone on Saturday 7 October 2023.2) Opposes the issuing of any exploration licences for the proposed offshore wind power zones.3) Supports local efforts by community groups seeking to stop the offshore wind power zones.4) Writes to the Hon. Chris Bowen MP, Minister for Climate Change and Energy seeking a moratorium on any currently unapproved offshore wind power zones.5) Writes to Ms Meryl Swanson MP, Member for Paterson and the Hon. Kate Washington MP, Member for Port Stephens to secure their support for the opposition to the offshore wind power zone and ask for a response confirming or rejecting support by 3 November 2023 and, if rejecting, state reasons why.
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ITEM 10 - ATTACHMENT 2 NOTICE OF MOTION - 24 OCTOBER 2023 - OFFSHORE WIND POWER ZONE.**MINUTES ORDINARY COUNCIL - 24 OCTOBER 2023**

- | | |
|--|--|
| | 6) Organise a delegation from Council, including the Mayor and other councillors such to their availability, to visit Parliament House to meet with the Hon. Chris Bowen MP and relevant departmental officers about the Offshore Wind Power proposal. |
|--|--|

The inclusion of point 6 in the motion was accepted by the mover and seconder.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Peter Francis and Jason Wells.

The motion was carried.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2023
AMENDMENT**

	Councillor Giacomo Arnott Councillor Peter Francis
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That Council:

- | | |
|--|--|
| | <ol style="list-style-type: none">1) Re-affirms its support for the 10 October 2023 resolution of Council relating to the offshore wind zone matter, which opposes the wind farm proposal, with a review of that position when the environmental studies are received.2) Organise a delegation from Council, including the Mayor and other councillors subject to their availability, to visit Parliament House to meet with the Hon. Chris Bowen MP and relevant departmental officers about the Offshore Wind Power proposal. |
|--|--|

Cr Peter Kafer foreshadowed amendment.

"Organise a delegation from Council, including the Mayor and other councillors to confirm their availability, to visit Parliament House to meet with the Hon. Chris Bowen MP and relevant departmental officers about the Offshore Wind Power proposal."

The inclusion of point 2 in the amendment was accepted by the mover and seconder.

Those for the amendment: Crs Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

Those against the amendment: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley and Steve Tucker.

The amendment was lost on the casting vote of the Mayor.

ITEM NO. 11

FILE NO: 24/265619
EDRMS NO: PSC2017-00180

2023-2024 DRAFT FINANCIAL STATEMENTS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives the draft Financial Statements for the year ended 30 June 2024 and formally refers them to the Audit Office of New South Wales, in accordance with Section 413(1) of the Local Government Act 1993 (Act) **(ATTACHMENT 1)**.
- 2) Authorises the signing of the declaration by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements for the year ended 30 June 2024 **(ATTACHMENT 2)**.
- 3) Upon receiving the Auditor's Report, place the 2023-2024 draft Financial Statements on public exhibition in accordance with Section 418(4) of the Local Government Act 1993 (Act), noting the intention to return the audited statements to Council for formal adoption at the meeting on 26 November 2024.

ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION

001	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receives the draft Financial Statements for the year ended 30 June 2024 and formally refers them to the Audit Office of New South Wales, in accordance with Section 413(1) of the Local Government Act 1993 (Act) (ATTACHMENT 1).2) Authorises the signing of the declaration by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements for the year ended 30 June 2024 (ATTACHMENT 2).3) Upon receiving the Auditor's Report, place the 2023-2024 draft Financial Statements on public exhibition in accordance with Section
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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

	418(4) of the Local Government Act 1993 (Act), noting the intention to return the audited statements to Council for formal adoption at the meeting on 26 November 2024.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

These draft Financial Statements include:

- General Purpose Financial Statements.
- Special Schedules.

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

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

A copy of the declaration is shown at **(ATTACHMENT 2)** and must be completed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

It is anticipated that upon receiving the signed declaration from Council the NSW Audit Office will issue an unqualified opinion in the Auditor's Report on the draft Financial Statements for the year ended 30 June 2024.

The audit process is required to be finalised by 31 October 2024 with the lodgment of the audited statements with the Office of Local Government.

Upon completion of the audit and receipt of the Auditors Report, Council is required to fix a date for a meeting at which the report will be presented, and give public notice

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

of that date. Section 419(2) of the Local Government Act 1993 requires this date to be at least 7 days after the date on which notice is given, and not more than 5 weeks after the auditor's report is issued to Council.

The nominated meeting date for presentation to Council is 26 November 2024 with public notice of the meeting date and copies of the Statements to be published on Council's website from 19 November 2024.

Following presentation of the 2023-2024 audited Financial Statements to Council on 26 November 2024, submissions from the public will be accepted for 7 days after the meeting date, from 27 November 2024 to 3 December 2024 inclusive, in accordance with relevant legislation.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The 2023-2024 General Purpose Financial Reports will be prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

The draft Financial Statements were presented to the Audit Risk and Improvement Committee on 10 October 2024 and presented to the Mayor and Councillors during an information session on 15 October 2024.

Public notice of meeting to present the 2023-2024 audited Financial Statements will be advertised on Council's website from 19 November 2024 with submissions from the public being accepted from 27 November 2024 to 3 December 2024 inclusive, in accordance with relevant legislation.

Internal

- Councillors
- Audit, Risk and Improvement Committee
- Executive Team

External

- The Audit Office of New South Wales

OPTIONS

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

ATTACHMENTS

- 1) 2023-2024 Draft Financial Statements. (Provided under separate cover)
- 2) Statement by Councillors and Management 30 June 2024.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 11 - ATTACHMENT 2 STATEMENT BY COUNCILLORS AND
MANAGEMENT 30 JUNE 2024.**

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2024

Statement by Councillors and Management

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 22 October 2024.

[Mayor]

Mayor

22 October 2024

Councillor

22 October 2024

Tim Crosdale

General Manager

22 October 2024

Glen Peterkin

Responsible Accounting Officer

22 October 2024

ITEM NO. 12**FILE NO: 24/277681
EDRMS NO: PSC2022-02308****INFORMATION PAPERS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 22 October 2024.

No:	Report Title	Page:
1	Designated Persons Return	260
2	Annual Designated Persons Returns - Pecuniary Interest 1 July 2023 to 30 June 2024	261
3	Cash and Investment Portfolio - July, August and September 2024	264
4	Council Resolutions	290

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

208	<p>Councillor Chris Doohan Councillor Nathan Errington</p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 22 October 2024.</p> <p>-----</p> <table><tr><td>No:</td><td>Report Title</td><td></td></tr><tr><td>1</td><td>Designated Persons Return</td><td></td></tr><tr><td>2</td><td>Annual Designated Persons Returns - Pecuniary Interest 1 July 2023 to 30 June 2024</td><td></td></tr><tr><td>3</td><td>Cash and Investment Portfolio - July, August and September 2024</td><td>264</td></tr><tr><td>4</td><td>Council Resolutions</td><td></td></tr></table>	No:	Report Title		1	Designated Persons Return		2	Annual Designated Persons Returns - Pecuniary Interest 1 July 2023 to 30 June 2024		3	Cash and Investment Portfolio - July, August and September 2024	264	4	Council Resolutions	
No:	Report Title															
1	Designated Persons Return															
2	Annual Designated Persons Returns - Pecuniary Interest 1 July 2023 to 30 June 2024															
3	Cash and Investment Portfolio - July, August and September 2024	264														
4	Council Resolutions															

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 24/183841
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 the 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:

- Building Surveyor PSC439.
- Environmental Officer PSC971.
- Ranger PSC017.

In addition to the above items, two further positions will be included in the annual returns for 2024 to 2025:

- Parking Officer PSC1235.
- Planning Officer PSC1150.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Returns.

ITEM NO. 2

**FILE NO: 24/227402
EDRMS NO: PSC2022-01241**

**ANNUAL DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 1 JULY
2023 TO 30 JUNE 2024**

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

BACKGROUND

The purpose of this report is to advise Council of designated persons who have submitted returns for the 2023 to 2024 period.

Elected Members

Mayor Ryan Palmer
Cr Leah Anderson
Cr Giacomo Arnott
Cr Matthew Bailey
Cr Glen Dunkley
Cr Chris Doohan
Cr Peter Francis
Cr Steve Tucker
Cr Jason Wells

Audit, Risk and Improvement Committee

Chairperson
Independent members (2)

General Manager's Office

General Manager
Governance Section Manager
Legal Services Manager
Lawyer

Corporate Strategy and Support Directorate

Director Corporate Strategy and Support
Organisation Support Section Manager
Financial Services Section Manager
Holiday Parks Section Manager
Business Development & Marketing Manager
Strategic Property Coordinator
Integrated Planning & Excellence Coordinator
Principal Property Planner

Community Futures Directorate

Building & Certification Coordinator
Building Surveyor (4)
Building Surveyor (Fire Safety)
Communications Section Manager
Compliance Coordinator
Development and Compliance Section Manager
Development Compliance Officer (3)
Development Planner (3)
Environmental Health Officer (2)
Environmental Health Team Leader
Environmental Officer
Environmental Planner
Director Community Futures
Natural Systems Coordinator
Development Planning Coordinator
Principal Building Surveyor
Principal Strategic Planner
Ranger (4)
Ranger Team Leader
Senior Building Surveyor
Senior Building Surveyor (Fire Safety)
Senior Development Planner (2)
Senior Environmental Health Officer
Senior Environmental Planner
Senior Ranger
Senior Strategic Planner (2)
Strategic Planner (2)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Vegetation Management Officer
Vibrant Places Coordinator
Compliance Team Leader

Facilities and Infrastructure Directorate

Assets Section Manager
Capital Works Section Manager
Community Services Section Manager
Director Facilities & Infrastructure
Public Domain and Services Section Manager
Senior Development Engineer

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Annual Designated Persons Returns - Pecuniary Interest 1 July 2023 to 30 June 2024.

ITEM NO. 3

FILE NO: 24/273193
EDRMS NO: PSC2017-00180

CASH AND INVESTMENT PORTFOLIO - JULY, AUGUST AND SEPTEMBER 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 July 2024
- 31 August 2024
- 30 September 2024

Council's total portfolio of investments was \$74 million with an additional \$2.2 million held in Council's operational account as at 30 September 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 5.18% p.a. on a rolling 1 year performance, which was 0.77% above the benchmark with investment income on target to meet or exceed budget.

The total restricted cash position of Council is in deficit partly due to advance payments for insurances and licenses which will be consumed over the financial year. The restricted cash position will continue to be monitored.

ATTACHMENTS

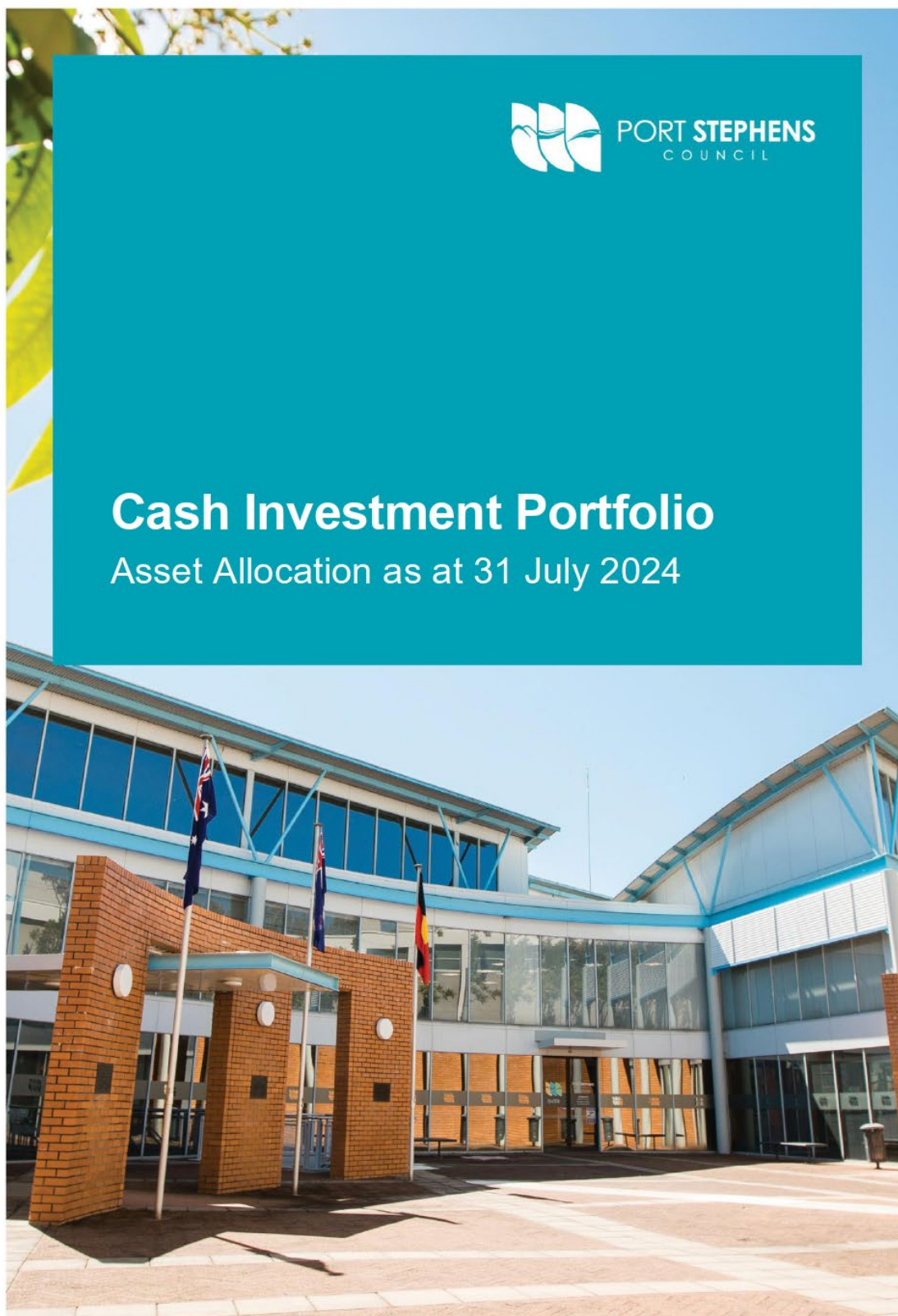
- 1) July 2024 Cash and Investments Report.
- 2) August 2024 Cash and Investments Report.
- 3) September 2024 Cash and Investments Report.

COUNCILLORS' ROOM/DASHBOARD

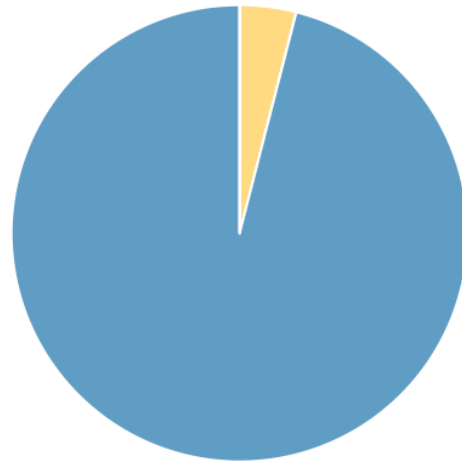
Nil.

TABLED DOCUMENTS

Nil.



Cash Investment Portfolio Holdings



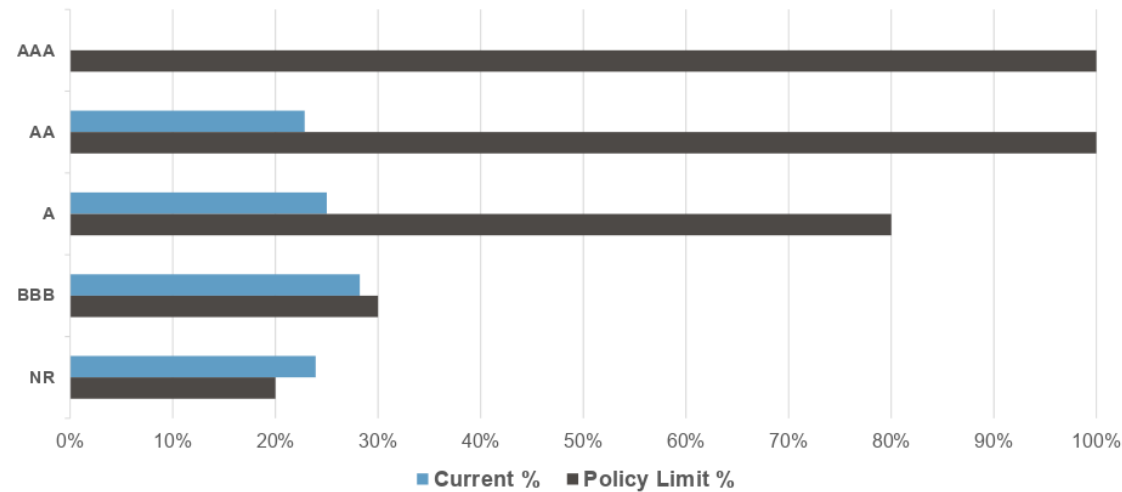
■ At Call ■ Cash ■ At Notice ■ TD ■ Managed Fund

Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	2,785,283	✓
At Notice	-	
TD	66,861,840	✓
Managed Fund	-	
	69,647,123	

✓ = Yes
✗ = No

Rating Exposure

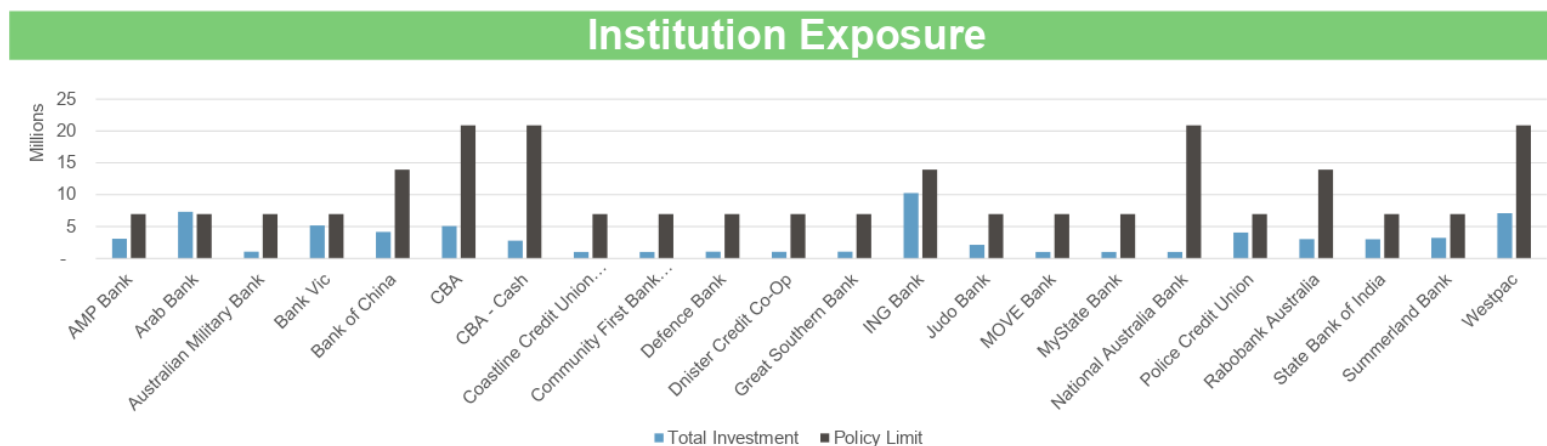
Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	15,914,070	23%	100%	✓
A	17,416,453	25%	80%	✓
BBB	19,660,222	28%	30%	✓
NR	16,656,378	24%	20%	✗
	69,647,123	100%		

✓ = Yes

✗ = No

ITEM 3 - ATTACHMENT 1 JULY 2024 CASH AND INVESTMENTS REPORT.


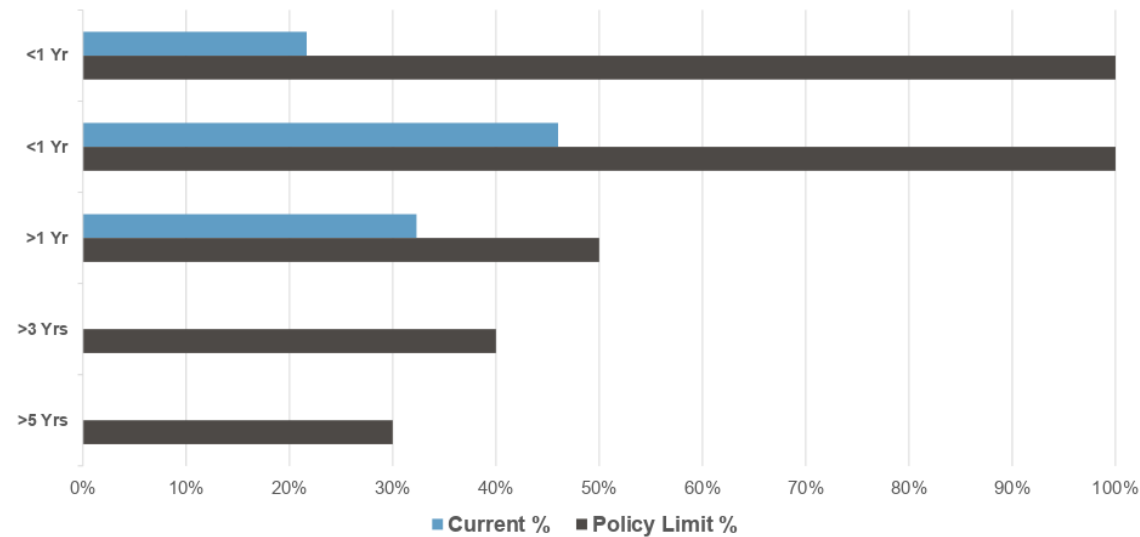
Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,077,281	4%	10%	3,887,432	✓
Arab Bank	NR	7,324,017	11%	10%	359,305	✗
Australian Military Bank	BBB	1,051,545	2%	10%	5,913,167	✓
Bank Vic	BBB	5,174,565	7%	10%	1,790,147	✓
Bank of China	A	4,154,186	6%	20%	9,775,239	✓
CBA	AA	5,070,764	7%	30%	15,823,373	✓
CBA - Cash	AA	2,785,283	4%	30%	18,108,854	✓
Coastline Credit Union Limited	BBB	1,021,168	1%	10%	5,943,544	✓
Community First Bank Ltd	BBB	1,021,085	1%	10%	5,943,628	✓
Defence Bank	BBB	1,061,434	2%	10%	5,903,278	✓
Dnister Credit Co-Op	NR	1,036,949	1%	10%	5,927,763	✓
Great Southern Bank	BBB	1,048,041	2%	10%	5,916,671	✓
ING Bank	A	10,246,574	15%	20%	3,682,850	✓
Judo Bank	BBB	2,124,073	3%	10%	4,840,640	✓
MOVE Bank	NR	1,009,312	1%	10%	5,955,400	✓
MyState Bank	BBB	1,020,819	1%	10%	5,943,893	✓
National Australia Bank	AA	1,005,095	1%	30%	19,889,042	✓
Police Credit Union	NR	4,059,415	6%	10%	2,905,298	✓
Rabobank Australia	A	3,015,693	4%	20%	10,913,732	✓
State Bank of India	BBB	3,010,397	4%	10%	3,954,315	✓
Summerland Bank	NR	3,226,685	5%	10%	3,738,027	✓
Westpac	AA	7,102,741	10%	30%	13,791,396	✓
Total		69,647,123				

✓ = Yes

✗ = No

ITEM 3 - ATTACHMENT 1 JULY 2024 CASH AND INVESTMENTS REPORT.

Term to Maturity Limits



Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	15,090,285	22%	100%	✓
Between 90 Days and 365 Days	32,051,597	46%	100%	✓
Between 366 Days and 3 Years	22,505,241	32%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	69,647,123	100%		

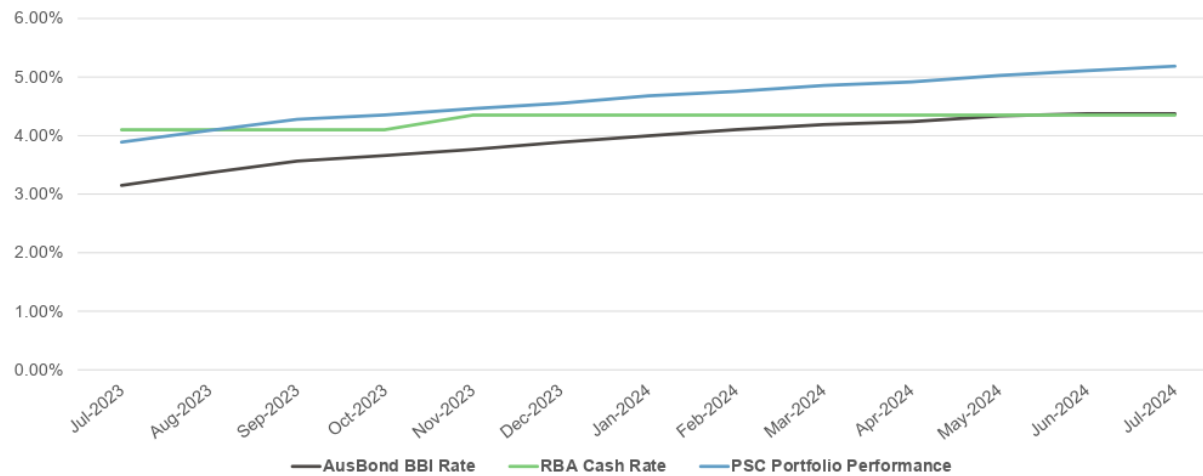
✓ = Yes

* = No

ITEM 3 - ATTACHMENT 1 JULY 2024 CASH AND INVESTMENTS REPORT.

Portfolio Performance

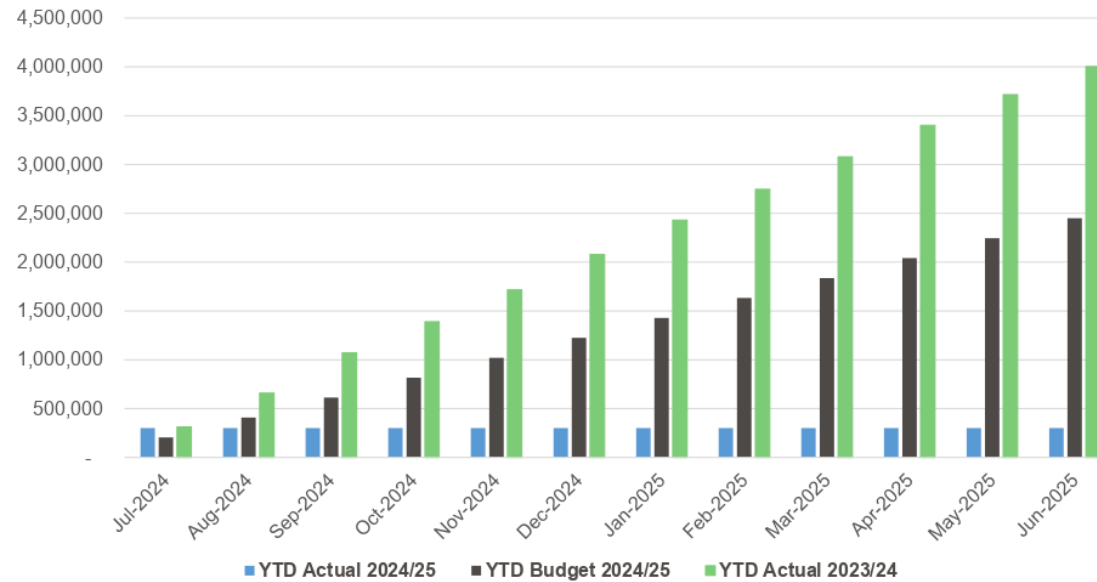
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.37%	1.10%	2.18%	0.37%	4.37%
PSC Investment Portfolio	0.48%	1.44%	2.69%	0.46%	5.19%
Outperformance/(underperformance)	0.10%	0.33%	0.50%	0.09%	0.81%

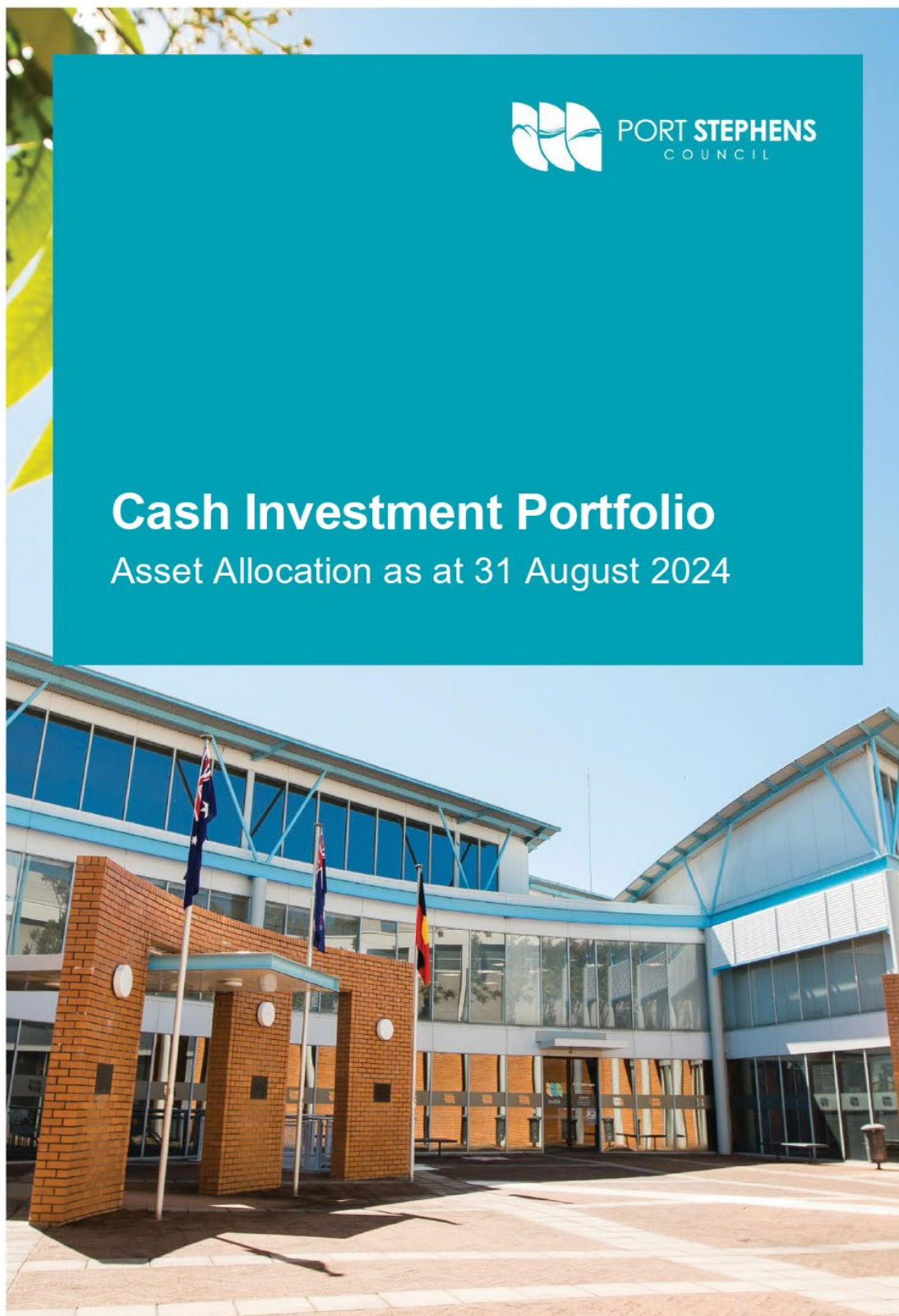
Income Earned vs Budget

Monthly Investment Income - Actual to Budget

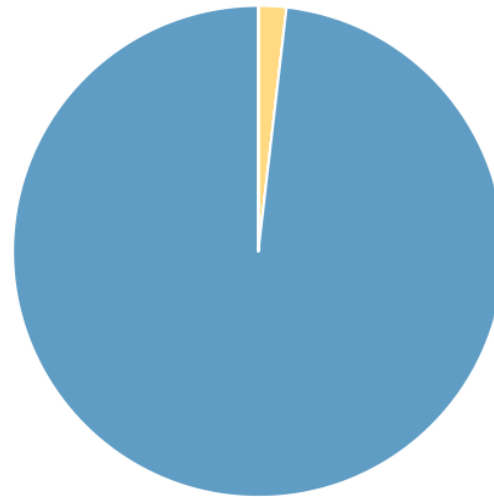


Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	2,785,283	1		31/07/2024	1/08/2024	AA
Police Credit Union	1,023,106	538	5.02%	14/02/2023	5/08/2024	NR
Westpac	1,009,745	538	5.01%	21/02/2023	12/08/2024	AA
Defence Bank	1,061,434	479	4.95%	5/05/2023	26/08/2024	BBB
CBA	1,004,488	396	5.46%	3/08/2023	2/09/2024	AA
Bank Vic	1,069,317	544	5.02%	15/03/2023	9/09/2024	BBB
Police Credit Union	1,012,103	500	5.02%	5/05/2023	16/09/2024	NR
Police Credit Union	1,012,103	507	5.02%	5/05/2023	23/09/2024	NR
CBA	1,004,455	424	5.42%	3/08/2023	30/09/2024	AA
ING Bank	1,027,824	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,048,041	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,028,145	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,004,241	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,011,948	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Bank	1,078,477	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Bank	1,078,477	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,029,589	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,029,959	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,003,871	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,012,103	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,007,504	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,007,504	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,062,856	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,007,504	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,063,731	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,003,896	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,046,943	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,047,218	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,063,731	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,046,852	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,069,732	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,047,218	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,045,422	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,041,738	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,013,562	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,013,699	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,011,370	727	5.00%	9/05/2023	5/05/2025	BBB
MOVE Bank	1,009,312	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,037,052	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,020,988	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,005,095	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,061,216	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,020,819	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,052,212	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,051,545	726	5.27%	9/08/2023	4/08/2025	BBB
ING Bank	1,051,984	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,046,852	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,046,852	724	5.12%	1/09/2023	25/08/2025	A
Dnister Credit Co-Op	1,036,949	647	5.55%	1/12/2023	8/09/2025	NR
Arab Bank	1,037,149	661	5.58%	1/12/2023	22/09/2025	NR
Community First Bank Ltd	1,021,085	586	5.03%	29/02/2024	7/10/2025	BBB
Bank Vic	1,035,951	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,036,084	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,036,084	717	5.42%	1/12/2023	17/11/2025	BBB
Westpac	1,007,055	538	5.15%	11/06/2024	1/12/2025	AA
Coastline Credit Union Limited	1,021,168	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,027,919	733	5.02%	10/01/2024	12/01/2026	NR
Rabobank Australia	1,008,101	601	5.28%	5/06/2024	27/01/2026	A
Rabobank Australia	1,006,887	607	5.13%	12/06/2024	9/02/2026	A
ING Bank	1,004,422	602	5.38%	1/07/2024	23/02/2026	A
ING Bank	1,004,422	616	5.38%	1/07/2024	9/03/2026	A
State Bank of India	1,003,466	623	5.50%	8/07/2024	23/03/2026	BBB
State Bank of India	1,003,466	637	5.50%	8/07/2024	6/04/2026	BBB
State Bank of India	1,003,466	651	5.50%	8/07/2024	20/04/2026	BBB
Bank of China	1,013,632	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,000,705	661	5.15%	26/07/2024	18/05/2026	A
Total	69,647,123					



Cash Investment Portfolio Holdings



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

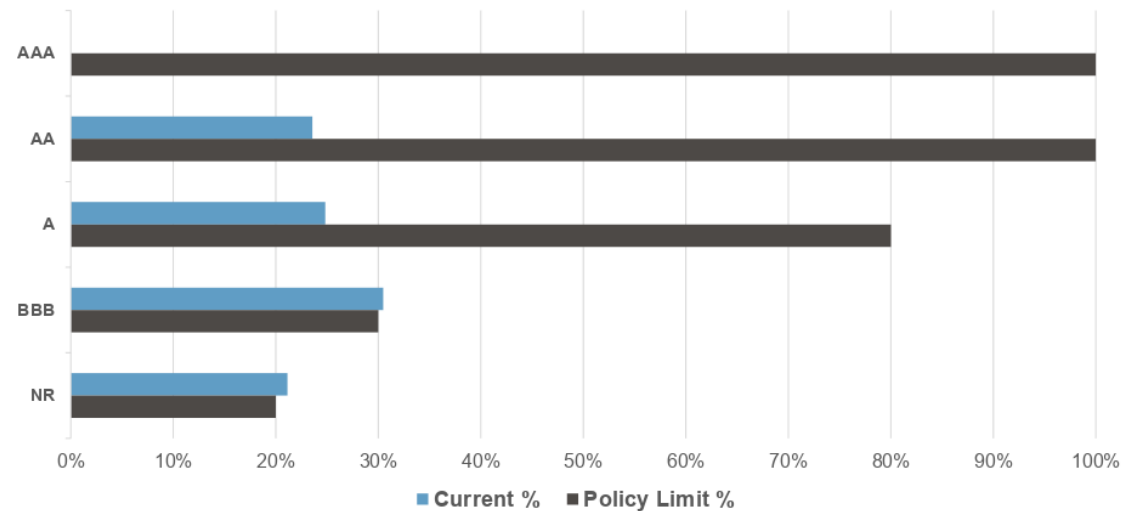
Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	1,357,867	✓
At Notice	-	
TD	72,931,139	✓
Managed Fund	-	
	74,289,006	

✓ = Yes

✗ = No

Rating Exposure

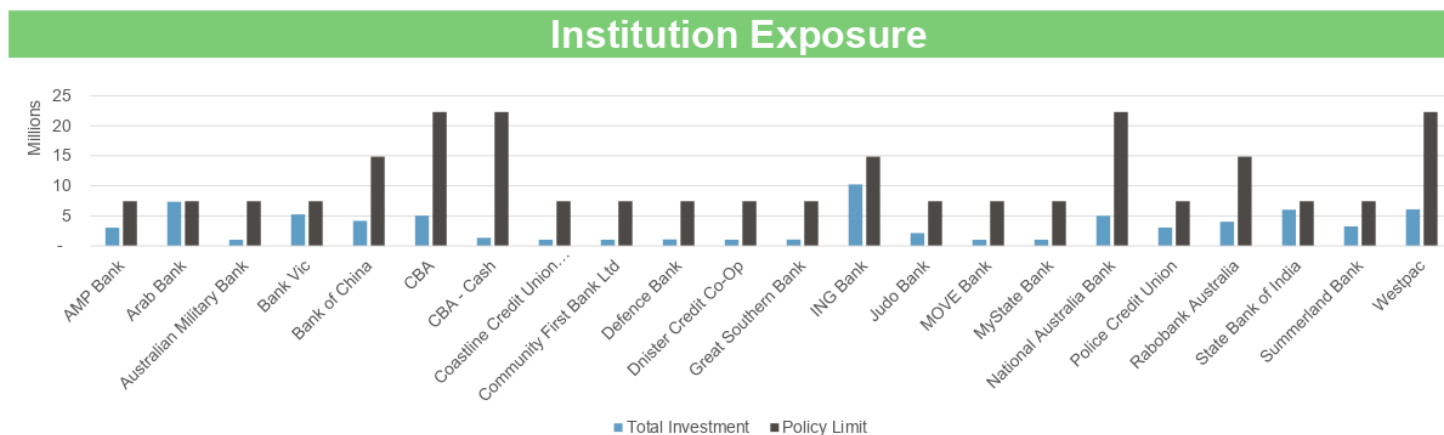
Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	17,507,745	24%	100%	✓
A	18,439,038	25%	80%	✓
BBB	22,642,525	30%	30%	✗
NR	15,699,698	21%	20%	✗
	74,289,006	100%		

✓ = Yes

✗ = No

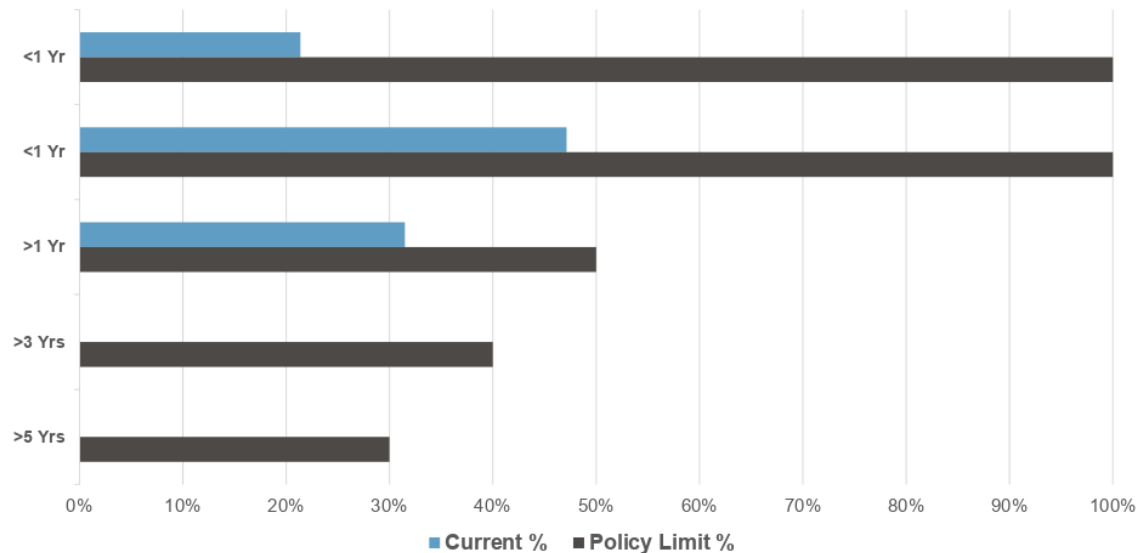
ITEM 3 - ATTACHMENT 2 AUGUST 2024 CASH AND INVESTMENTS REPORT.


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,037,158	4%	10%	4,391,743	✓
Arab Bank	NR	7,356,376	10%	10%	72,525	✓
Australian Military Bank	BBB	1,003,176	1%	10%	6,425,724	✓
Bank Vic	BBB	5,246,792	7%	10%	2,182,109	✓
Bank of China	A	4,171,775	6%	20%	10,686,026	✓
CBA	AA	5,042,600	7%	30%	17,244,102	✓
CBA - Cash	AA	1,357,867	2%	30%	20,928,835	✓
Coastline Credit Union Limited	BBB	1,025,458	1%	10%	6,403,443	✓
Community First Bank Ltd	BBB	1,025,357	1%	10%	6,403,544	✓
Defence Bank	BBB	1,065,638	1%	10%	6,363,262	✓
Dnister Credit Co-Op	NR	1,041,663	1%	10%	6,387,238	✓
Great Southern Bank	BBB	1,052,500	1%	10%	6,376,401	✓
ING Bank	A	10,235,844	14%	20%	4,621,957	✓
Judo Bank	BBB	2,133,797	3%	10%	5,295,103	✓
MOVE Bank	NR	1,013,686	1%	10%	6,415,214	✓
MyState Bank	BBB	1,025,151	1%	10%	6,403,750	✓
National Australia Bank	AA	5,014,749	7%	30%	17,271,952	✓
Police Credit Union	NR	3,049,100	4%	10%	4,379,801	✓
Rabobank Australia	A	4,031,419	5%	20%	10,826,382	✓
State Bank of India	BBB	6,027,499	8%	10%	1,401,402	✓
Summerland Bank	NR	3,238,873	4%	10%	4,190,028	✓
Westpac	AA	6,092,529	8%	30%	16,194,173	✓
Total		74,289,006				

✓ = Yes

* = No

Term to Maturity Limits



Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	15,874,680	21%	100%	✓
Between 90 Days and 365 Days	35,021,600	47%	100%	✓
Between 366 Days and 3 Years	23,392,726	31%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	74,289,006	100%		

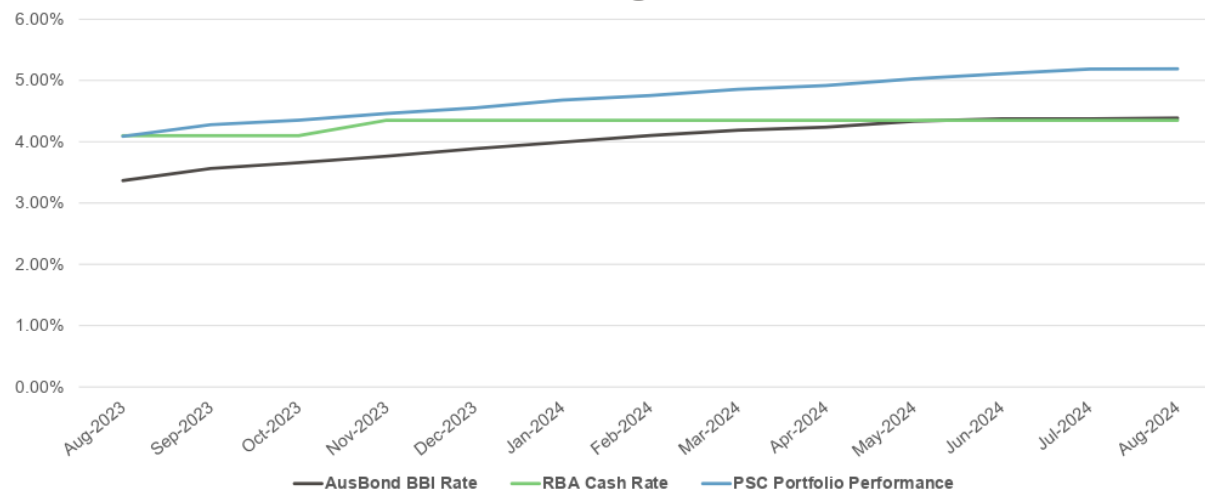
✓ = Yes

* = No

ITEM 3 - ATTACHMENT 2 AUGUST 2024 CASH AND INVESTMENTS REPORT.

Portfolio Performance

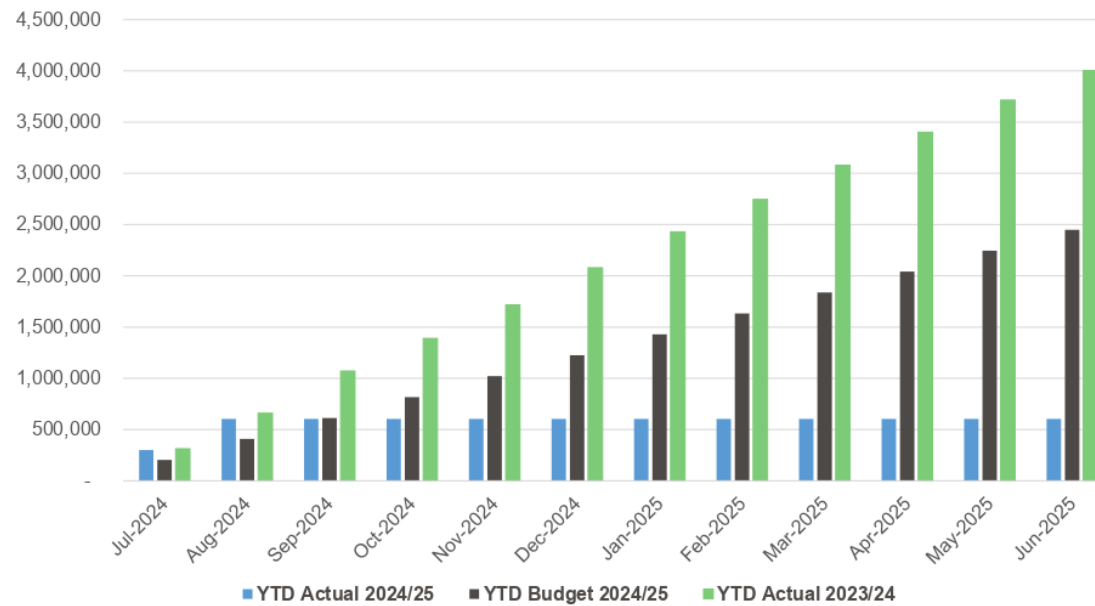
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.38%	1.11%	2.22%	0.75%	4.39%
PSC Investment Portfolio	0.45%	1.36%	2.73%	0.89%	5.19%
Outperformance/(underperformance)	0.07%	0.25%	0.51%	0.13%	0.80%

Income Earned vs Budget

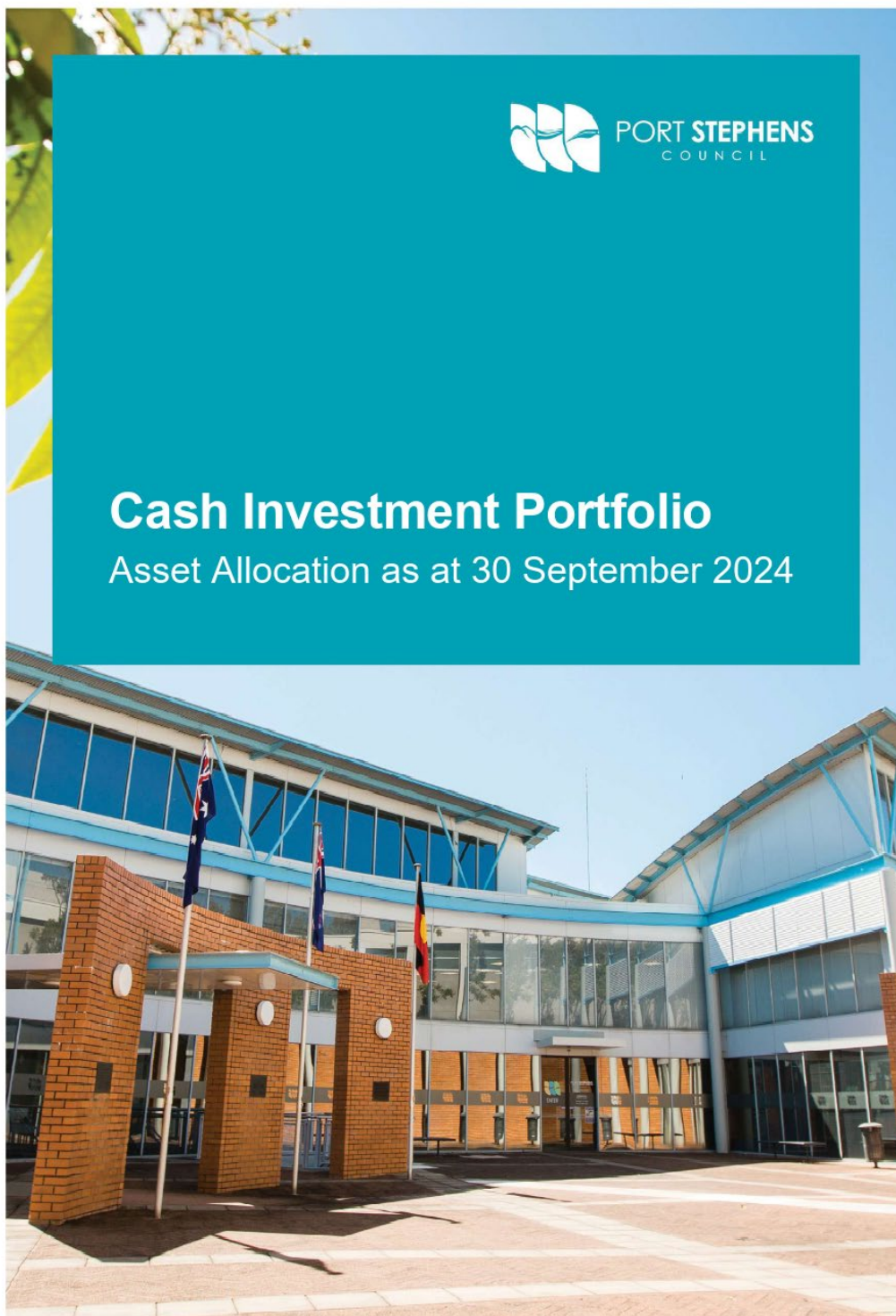
Monthly Investment Income - Actual to Budget



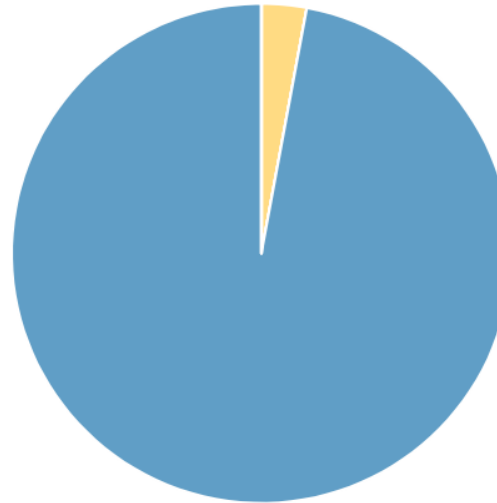
ITEM 3 - ATTACHMENT 2 AUGUST 2024 CASH AND INVESTMENTS REPORT.

Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	1,357,867	1		31/08/2024	1/09/2024	AA
CBA	1,009,125	396	5.46%	3/08/2023	2/09/2024	AA
Bank Vic	1,073,581	544	5.02%	15/03/2023	9/09/2024	BBB
Defence Bank	1,065,638	493	4.95%	5/05/2023	9/09/2024	BBB
Police Credit Union	1,016,367	500	5.02%	5/05/2023	16/09/2024	NR
Police Credit Union	1,016,367	507	5.02%	5/05/2023	23/09/2024	NR
CBA	1,009,058	424	5.42%	3/08/2023	30/09/2024	AA
ING Bank	1,031,798	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,052,500	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,032,136	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,008,624	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,003,356	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Bank	1,082,426	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Bank	1,082,426	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,033,411	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,033,781	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,007,872	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,016,367	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,011,734	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,011,734	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,067,740	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,011,734	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,068,682	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,007,922	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,051,300	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,051,600	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,068,682	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,051,200	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,074,021	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,051,600	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,049,907	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,046,392	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,004,370	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,017,945	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,015,616	727	5.00%	9/05/2023	5/05/2025	BBB
Rabobank Australia	1,002,510	272	5.09%	13/08/2024	12/05/2025	A
MOVE Bank	1,013,686	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,041,740	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,025,269	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,009,741	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,066,058	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,025,151	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,003,596	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,003,176	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,002,236	355	5.10%	15/08/2024	5/08/2025	AA
National Australia Bank	1,002,500	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,003,340	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,051,200	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,051,200	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,000,272	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,000,419	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,041,663	647	5.55%	1/12/2023	8/09/2025	NR
Arab Bank	1,041,888	661	5.58%	1/12/2023	22/09/2025	NR
Community First Bank Ltd	1,025,357	586	5.03%	29/02/2024	7/10/2025	BBB
Bank Vic	1,040,537	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,040,687	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,040,687	717	5.42%	1/12/2023	17/11/2025	BBB
Westpac	1,011,429	538	5.15%	11/06/2024	1/12/2025	AA
Coastline Credit Union Limited	1,025,458	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,032,183	733	5.02%	10/01/2024	12/01/2026	NR
Rabobank Australia	1,012,585	601	5.28%	5/06/2024	27/01/2026	A
State Bank of India	1,002,258	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,011,244	607	5.13%	12/06/2024	9/02/2026	A
ING Bank	1,008,991	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,000,411	545	5.00%	28/08/2024	24/02/2026	BBB
ING Bank	1,008,991	616	5.38%	1/07/2024	9/03/2026	A
State Bank of India	1,008,137	623	5.50%	8/07/2024	23/03/2026	BBB
State Bank of India	1,008,137	637	5.50%	8/07/2024	6/04/2026	BBB
State Bank of India	1,008,137	651	5.50%	8/07/2024	20/04/2026	BBB
Bank of China	1,018,175	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,005,079	661	5.15%	26/07/2024	18/05/2026	A
Total	74,289,006					



Cash Investment Portfolio Holdings



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

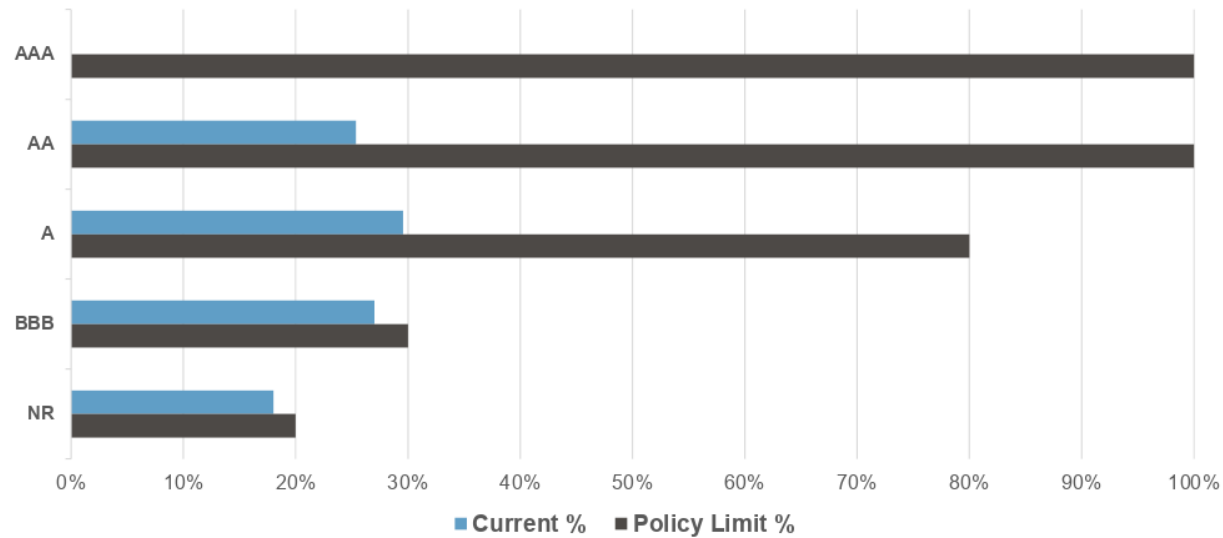
Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	2,213,363	✓
At Notice	-	
TD	73,958,955	✓
Managed Fund	-	
	76,172,318	

✓ = Yes

✗ = No

Rating Exposure

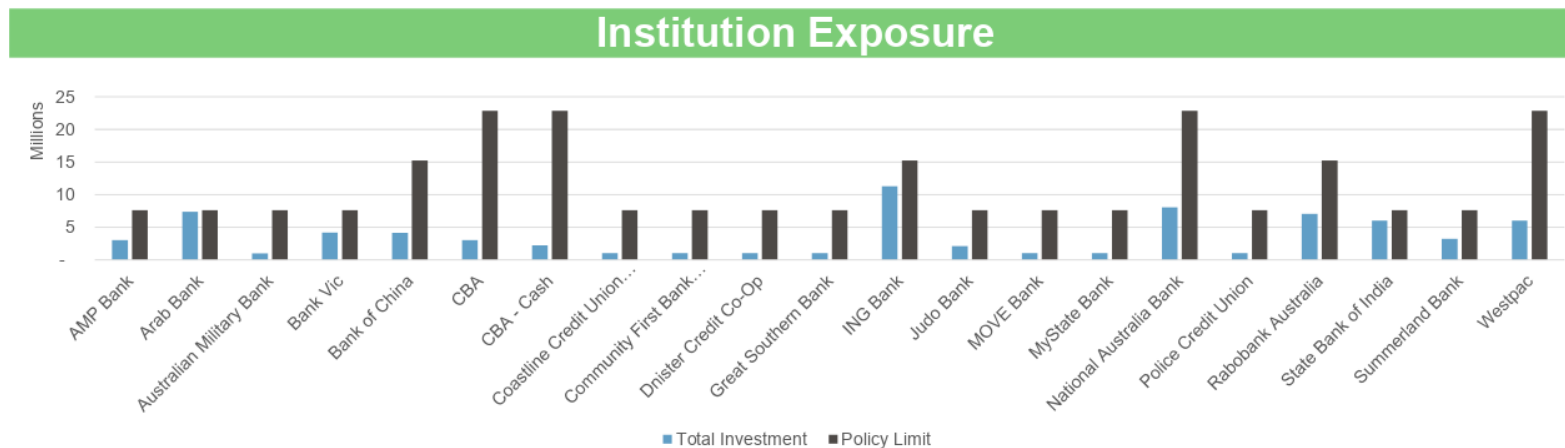
Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	19,332,618	25%	100%	✓
A	22,526,671	30%	80%	✓
BBB	20,590,035	27%	30%	✓
NR	13,722,995	18%	20%	✓
	76,172,318	100%		

✓ = Yes

✗ = No

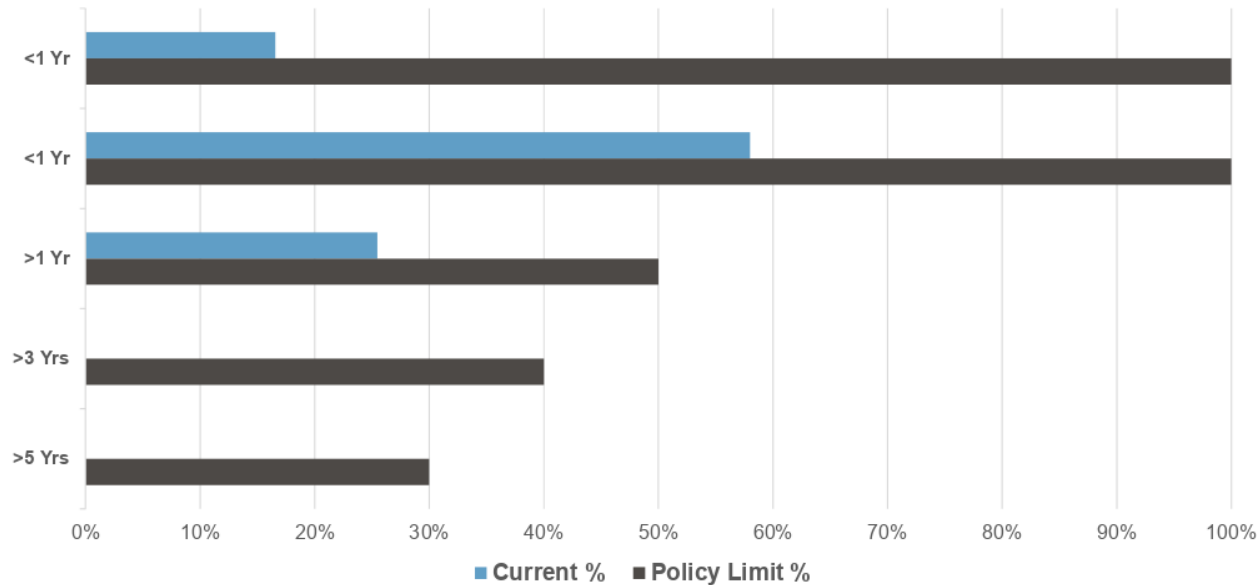
ITEM 3 - ATTACHMENT 3 SEPTEMBER 2024 CASH AND INVESTMENTS REPORT.


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,049,692	4%	10%	4,567,540	✓
Arab Bank	NR	7,387,691	10%	10%	229,541	✓
Australian Military Bank	BBB	1,007,508	1%	10%	6,609,724	✓
Bank Vic	BBB	4,190,776	6%	10%	3,426,456	✓
Bank of China	A	4,188,797	5%	20%	11,045,666	✓
CBA	AA	3,036,425	4%	30%	19,815,271	✓
CBA - Cash	AA	2,213,363	3%	30%	20,638,333	✓
Coastline Credit Union Limited	BBB	1,029,608	1%	10%	6,587,624	✓
Community First Bank Ltd	BBB	1,029,491	1%	10%	6,587,741	✓
Dnister Credit Co-Op	NR	1,046,225	1%	10%	6,571,007	✓
Great Southern Bank	BBB	1,056,815	1%	10%	6,560,417	✓
ING Bank	A	11,278,386	15%	20%	3,956,077	✓
Judo Bank	BBB	2,143,208	3%	10%	5,474,024	✓
MOVE Bank	NR	1,017,919	1%	10%	6,599,313	✓
MyState Bank	BBB	1,029,342	1%	10%	6,587,889	✓
National Australia Bank	AA	8,043,333	11%	30%	14,808,362	✓
Police Credit Union	NR	1,020,493	1%	10%	6,596,739	✓
Rabobank Australia	A	7,059,487	9%	20%	8,174,977	✓
State Bank of India	BBB	6,053,595	8%	10%	1,563,637	✓
Summerland Bank	NR	3,250,667	4%	10%	4,366,565	✓
Westpac	AA	6,039,497	8%	30%	16,812,198	✓
Total		76,172,318				

✓ = Yes

✗ = No

Term to Maturity Limits



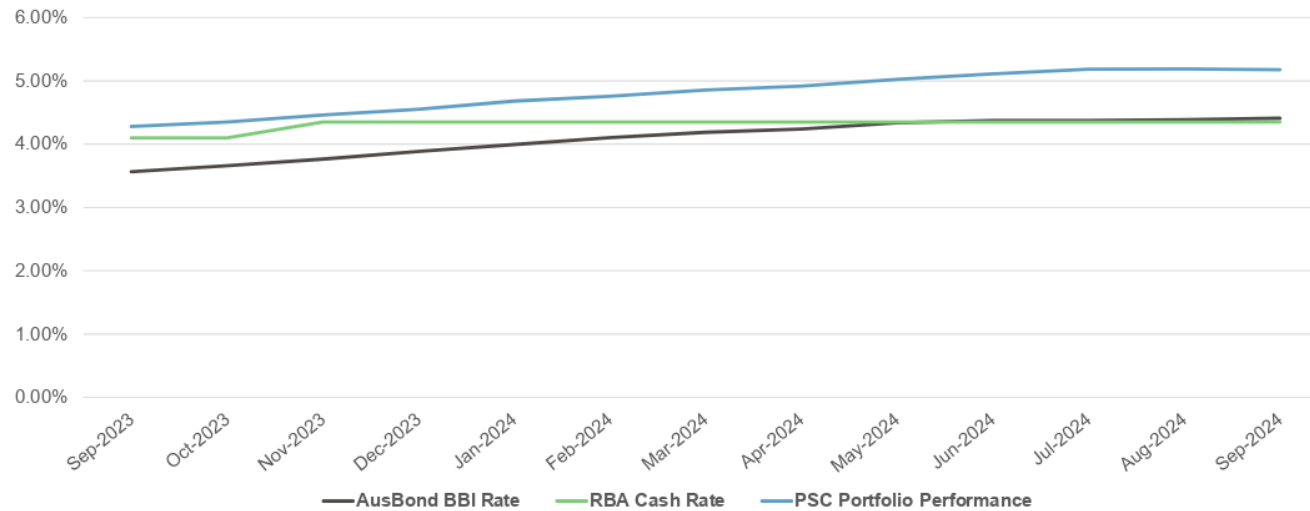
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	12,620,898	17%	100%	✓
Between 90 Days and 365 Days	44,163,515	58%	100%	✓
Between 366 Days and 3 Years	19,387,905	25%	50%	✓
Between 3 Years and 5 Years	-	0%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	76,172,318	100%		

✓ = Yes

* = No

Portfolio Performance

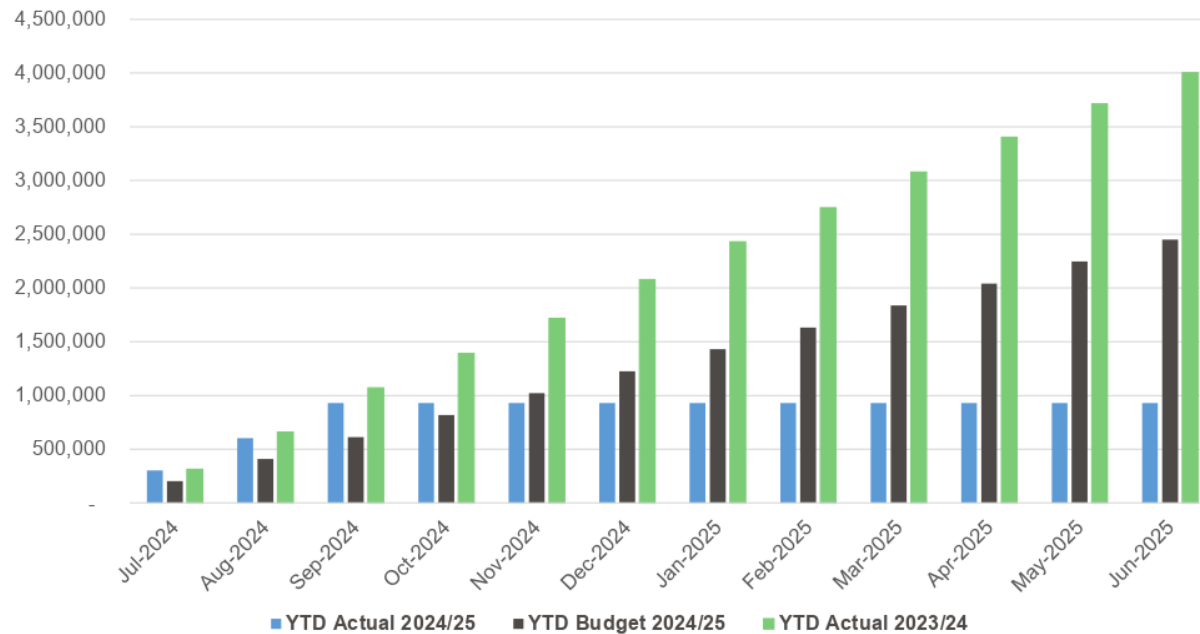
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.36%	1.11%	2.21%	1.11%	4.41%
PSC Investment Portfolio	0.46%	1.34%	2.74%	1.34%	5.18%
Outperformance/(underperformance)	0.10%	0.23%	0.54%	0.23%	0.77%

Income Earned vs Budget

Monthly Investment Income - Actual to Budget



ITEM 3 - ATTACHMENT 3
REPORT.

SEPTEMBER 2024 CASH AND INVESTMENTS

Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	2,213,363	1		30/09/2024	1/10/2024	AA
ING Bank	1,035,645	655	4.68%	23/12/2022	8/10/2024	A
Great Southern Bank	1,056,815	409	5.25%	1/09/2023	14/10/2024	BBB
ING Bank	1,035,999	661	4.70%	23/12/2022	14/10/2024	A
CBA	1,012,865	416	5.16%	1/09/2023	21/10/2024	AA
Westpac	1,007,384	732	4.90%	3/11/2022	4/11/2024	AA
Summerland Bank	1,086,248	719	4.65%	23/11/2022	11/11/2024	NR
Summerland Bank	1,086,248	726	4.65%	23/11/2022	18/11/2024	NR
ING Bank	1,037,110	724	4.50%	2/12/2022	25/11/2024	A
ING Bank	1,037,479	738	4.50%	2/12/2022	9/12/2024	A
CBA	1,011,743	731	4.71%	20/12/2022	20/12/2024	AA
Police Credit Union	1,020,493	612	5.02%	5/05/2023	6/01/2025	NR
ING Bank	1,015,827	587	4.98%	6/06/2023	13/01/2025	A
Westpac	1,003,275	594	4.98%	6/06/2023	20/01/2025	AA
Judo Bank	1,072,466	579	5.75%	28/06/2023	27/01/2025	BBB
Westpac	1,003,275	602	4.98%	6/06/2023	28/01/2025	AA
Arab Bank	1,073,474	593	5.83%	28/06/2023	10/02/2025	NR
CBA	1,011,818	733	4.74%	8/02/2023	10/02/2025	AA
Bank Vic	1,055,516	535	5.13%	1/09/2023	17/02/2025	BBB
Arab Bank	1,055,841	542	5.16%	1/09/2023	24/02/2025	NR
Arab Bank	1,073,474	607	5.83%	28/06/2023	24/02/2025	NR
Bank of China	1,055,408	556	5.12%	1/09/2023	10/03/2025	A
Summerland Bank	1,078,171	726	5.05%	15/03/2023	10/03/2025	NR
Arab Bank	1,055,841	563	5.16%	1/09/2023	17/03/2025	NR
Westpac	1,001,013	550	5.28%	21/09/2023	24/03/2025	AA
ING Bank	1,050,896	515	5.48%	27/10/2023	25/03/2025	A
Westpac	1,008,890	515	5.50%	2/11/2023	31/03/2025	AA
AMP Bank	1,022,055	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,019,726	727	5.00%	9/05/2023	5/05/2025	BBB
Rabobank Australia	1,006,694	272	5.09%	13/08/2024	12/05/2025	A
MOVE Bank	1,017,919	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,046,277	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,029,412	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,014,237	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,070,742	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,029,342	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,007,911	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,007,508	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,006,288	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,006,667	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,007,696	734	5.30%	8/08/2023	11/08/2025	A
Bank of China	1,055,408	717	5.12%	1/09/2023	18/08/2025	A
Bank of China	1,055,408	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,008,442	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,004,611	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,046,225	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,002,566	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,011,096	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,046,475	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,002,566	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,002,566	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,029,491	586	5.03%	29/02/2024	7/10/2025	BBB
Bank Vic	1,044,975	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,045,142	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,045,142	717	5.42%	1/12/2023	17/11/2025	BBB
Westpac	1,015,662	538	5.15%	11/06/2024	1/12/2025	AA
Coastline Credit Union Limited	1,029,608	655	5.05%	29/02/2024	15/12/2025	BBB
Arab Bank	1,036,309	733	5.02%	10/01/2024	12/01/2026	NR
State Bank of India	1,006,490	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,016,925	601	5.28%	5/06/2024	27/01/2026	A
Rabobank Australia	1,015,460	607	5.13%	12/06/2024	9/02/2026	A
ING Bank	1,013,413	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,004,521	545	5.00%	28/08/2024	24/02/2026	BBB
ING Bank	1,013,413	616	5.38%	1/07/2024	9/03/2026	A
State Bank of India	1,012,658	623	5.50%	8/07/2024	23/03/2026	BBB
State Bank of India	1,012,658	637	5.50%	8/07/2024	6/04/2026	BBB
State Bank of India	1,012,658	651	5.50%	8/07/2024	20/04/2026	BBB
Bank of China	1,022,573	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,009,312	661	5.15%	26/07/2024	18/05/2026	A
ING Bank	1,001,496	733	4.55%	18/09/2024	21/09/2026	A
Total	76,172,318					

ITEM 3 - ATTACHMENT 3
REPORT.

SEPTEMBER 2024 CASH AND INVESTMENTS

Restricted Cash

Reserve	As at September 2024 \$'000
External	
Deposits, retentions and bonds	1,204
Grants and Contributions	9,056
Developer contributions (inc Haulage)	20,306
Domestic Waste Management	7,207
Crown Reserve	6,452
Internal	
Asset Rehab/Reseals	2,708
Drainage	1,738
Commercial Property	3,686
Election Reserve	558
Employee Leave Entitlements (ELE)	1,000
Federal Assistance Grant in Advance	6,995
Fleet	913
Resilience fund	3,000
Grants Co-contribution	1,118
Emergency & Natural Disaster	4,403
Other Waste	6
Council Parking	622
IT	1,885
Sustainable energy and water reserve	65
Repealed	1,681
Transport levy	120
Admin Building	615
Ward Funds	62
Community Halls	101
Community Loans	200
Total	75,701
Cash and Investment Report	76,172
Variance Cash Reserves to Bank Account	471
Variance Due to:	
Outstanding Debtors	627
Loans not funded through a reserve	251
Outstanding GST refund	647
Total Variance	1,525
Unrestricted Cash/(Shortfall)	1,996
Reserves listed above are indicative only due to end of financial year adjustments not being completed at the time this report was extracted	

ITEM NO. 4

**FILE NO: 24/277394
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Community Futures resolutions.
- 2) Corporate Strategy and Support resolutions.
- 3) Facilities and Infrastructure resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division:	Community Futures	Date From:	10/10/2023
	Committee:		Date To:	09/10/2024
	Officer:		Printed: Wednesday, 9 October 2024	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/10/2023	Lamont, Brock	URGENCY MOTION: Wind Farm Industry	30/03/2025		
		Peart, Steven				
04 Oct 2024						
The General Manager has written to the requested delegates as outlined within the motion. A Councillor briefing with DCCEEW was undertaken on 20 February 2024. Council's delegation met with the Minister on 19 March 2024. A report is scheduled for consideration at the 22 October 2024 Council meeting as per the resolution made on 10 October 2023.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Road Network and Parking (Electric Vehicles)	1/12/2024	28/02/2024	
3 014		Peart, Steven				24/50158
04 Oct 2024						
Council resolved to endorse the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) and provide public notice. Outstanding actions have been integrated into forward work plans.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 23/07/2024	Gardner, Janelle	URGENCY MOTION: Youth Interagency - see Minutes for actions.	28/02/2025		
		Peart, Steven				
03 Oct 2024						
The next Youth Interagency meeting will be hosted by Port Stephens Family Neighbourhood Centre. At this meeting, it is intended that the facilitation role will be handed over to Port Stephens Council to lead going forward. Council staff have been coordinating with PSFANs to confirm a date for the meeting, as it has not yet been scheduled. Additionally, the Raymond Terrace working group will be established during this meeting to support local youth initiatives. As part of the ongoing review of the Youth Action and Advisory Plan (YAAP), efforts are being made to reinvigorate the group, with a focus on incorporating younger members in the new year.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.


Division:	Corporate Strategy and Support	Date From:	11/10/2022
Committee:		Date To:	09/10/2024
Officer:			
Action Sheets Report		Printed:	Wednesday, 9 October 2024

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/03/2025	12/10/2022	
1		Pattison, Zoe				22/273002
9 Oct 2024 Public Exhibition will commence once requested amendments are made and further clarification on the distribution of funds is resolved.						

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
9 Oct 2024 Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/06/2025	12/04/2023	
5 088		Pattison, Zoe				23/92450
9 Oct 2024 Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay, and the development of a Vegetation Management Plan, to provide the best opportunity to enable a successful long-term rehabilitation of the site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	30/06/2025		
1 193		Pattison, Zoe				23/214729
9 Oct 2024 Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Peterkin, Glen	Proposed Sale or Lease of 528 Hunter Street, Newcastle	28/02/2025	29/05/2024	
1		Pattison, Zoe				24/131056
9 Oct 2024 Marketing underway for a sale or lease scenario. The outcome of the negotiations will be reported back to Council.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	11/10/2022
	Committee:		Date To:	09/10/2024
	Officer:		Printed: Wednesday, 9 October 2024	

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
9 Oct 2024						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to a future Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2024	Peterkin, Glen	Draft Financial Reserves Policy	31/12/2024	26/06/2024	
8		Pattison, Zoe				24/157809
9 Oct 2024						
The exhibition period has closed. The policy will go back to a future Council meeting.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.


Division:	Facilities and Infrastructure	Date From:	27/08/2013
Committee:		Date To:	09/10/2024
Officer:		Printed:	Wednesday, 9 October 2024
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
243	Ordinary Council 27/08/2013	Maretich, John Kable, Gregory	Campvale Drain	30/06/2025		
04 Oct 2024						
Reassigned in line with recent structural changes within the property section.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 085	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	23/92450
04 Oct 2024						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	30/06/2025	29/11/2023	23/324875
04 Oct 2024						
Reassigned in line with recent organisational structure changes within the property section.						

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

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

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

**ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.**



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	09/10/2024
	Officer:		Printed:	Wednesday, 9 October 2024

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

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 4 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE RESOLUTIONS.



Action Sheets Report	Division:	General Manager's Office	Date From:	23/07/2024
	Committee:		Date To:	09/10/2024
	Officer:		Printed:	Wednesday, 9 October 2024

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

There being no further business the meeting closed at 8:02pm.