

NOTICE OF ORDINARY MEETING

26 JULY 2022



PORT STEPHENS COUNCIL

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	The Greenhouse, Pacific Dunes Golf Club, Medowie
Followed by:	Ordinary Meeting	The Greenhouse, Pacific Dunes Golf Club, Medowie

Please Note:

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

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

ORDINARY COUNCIL - 26 JULY 2022

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

INDEX

SUBJECT

PAGE NO

COUNCIL REPORTS..... 15

1.	T015-2022 SUPPLY OF PRECAST CONCRETE PRODUCTS.....	16
2.	SMART PARKING	20
3.	2022 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE	47
4.	POLICY REVIEW: INTERNAL REPORTING	54
5.	REQUEST FOR FINANCIAL ASSISTANCE	79
6.	INFORMATION PAPERS	82

INFORMATION PAPERS 83

1.	JUNE 2022 CASH AND INVESTMENTS.....	84
2.	TOMAREE ROAD PATHWAY	87
3.	FINGAL BAY.....	90
4.	ELECTED MEMBERS PROFESSIONAL DEVELOPMENT AND EXPENSES REPORTS - 1 JANUARY 2022 TO 30 JUNE 2022.....	98
5.	COUNCIL RESOLUTIONS	101

NOTICES OF MOTION 112

1.	FLOODING PROBABILITY	113
2.	DELEGATION REPORT	115

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 3) Prayer - We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 12 July 2022.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close the meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager's reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of Motion – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1) Exercise of functions generally

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

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

2) Decision-making

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

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

3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into 4 focus areas:

OUR COMMUNITY – Port Stephens is a thriving and strong community respecting diversity and heritage.

OUR PLACE – Port Stephens is a liveable place supporting local economic growth.

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 26 JULY 2022

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

ORDINARY COUNCIL - 26 JULY 2022

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 22/154950
EDRMS NO: T015-2022**

T015-2022 SUPPLY OF PRECAST CONCRETE PRODUCTS

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act 1993, the Council resolve to close to the public that part of its meetings to discuss Item 1 on the Ordinary Council agenda namely T015-2022 Supply of Precast Concrete Products.
 - 2) That the reasons for closing the meeting to the public for consideration of this item be that:
 - a) The report and discussion may include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - b) In particular, the report includes confidential pricing information relating to the T015-2022 Supply of Precast Concrete Products tender.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers, and adversely affect Council's future ability to attract competitive tenders for other contracts.
 - 4) That any report from the closed part of the meeting is to remain confidential and that Council makes public its decision, including all relevant details, in accordance with Clause 179 of the Local Government (General) Regulation 2021.
 - 5) Reject all tenders submitted for this tender as it is likely to increase the overall cost to Council should this panel be accepted.
-

BACKGROUND

The purpose of this report is to recommend the rejection of all tender submissions received from: B.R. Durham & Sons Pty Ltd, CIA Precast & Steel Pty Ltd T/A Advanciv, Humes, and Rocla T/A Civilmart for the Supply of Precast Concrete Products.

The tender closed on 6 May 2022 with a total of 4 submissions received at the close of the tender period, a summary of which is provided at **(ATTACHMENT 1)**.

Evaluation Summary:

Each of the 4 tenderers submitted pricing for only part of the range of products required by Council. Based on the lack of reliable pricing from all tenderers, and the inability of all tenderers to be able to provide product as nominated by the tender specification; the final evaluation and ranking was inconclusive.

A number of other suppliers chose not to submit a tender, thus reducing Council's choice from which to choose a reliable panel of suppliers. It is the understanding of the tender evaluation committee that market pressures due to COVID-19, industry indices, transport, labour and general CPI rises are some of the reasons why suppliers have not responded to this tender.

The pricing review and evaluation determined that in the current market and climate, it is in Council's best interest to seek individual project Request for Quotations (RFQ's) in line with the Procurement Management Directive. Reduction of time (quotation and response) and flexibility of suppliers (product range and availability), will assist Council staff in the short to medium term.

Council staff will monitor future market fluctuations and as product availability increases and pricing becomes more competitive, this panel contract may be retendered in the future.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Business Capability (product catalogue)	10
Price	40
Schedule of rates	20
Referees	5
Quality Assurance	10
Work Health & Safety	10
Customer Service	5
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2022 to 2032.

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial implications from rejecting this tender, as Council is currently subject to precast concrete product market pricing fluctuations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Detailed project works and existing repairs and maintenance.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy and risk implications.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Capital Works Section.

Internal

- Assets
- Public Domain & Services
- Project Support – Capital Works

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL T015-2022 Supply of Precast Concrete Products TENDER EVALUATION.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 22/114478
EDRMS NO: PSC2019-05143**

SMART PARKING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the continued rollout of SMART Parking at:
 - Shoal Bay
 - The expansion of the Nelson Bay area including:
 - Fly Point
 - Little Beach
 - Laman Street
 - 2) Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
 - 3) Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
 - 4) Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
 - 5) Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
 - 6) Invest the funds raised from SMART Parking back into SMART Parking precincts.
-

BACKGROUND

The purpose of this report is to provide information regarding the continued roll out of SMART Parking at the following locations:

- Shoal Bay
- Fly Point
- Little Beach
- Laman Street

Council intends to commence investigation and community consultation for the continuation of the expansion of the SMART Parking Scheme at other key locations.

The expansion of the Smart Parking Scheme addresses the SMART Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 (**ATTACHMENT 1**) relevant to Shoal Bay and Nelson Bay.

Shoal Bay

The installation of SMART Parking at Shoal Bay is supported by the 2021 Shoal Bay Traffic and Movement Report, and the outcomes from the community consultation.

The extent of the SMART Parking Scheme to be established at Shoal Bay has been mapped on the Shoal Bay SMART Parking Scheme Extents (**ATTACHMENT 2**). Installation of SMART Parking infrastructure will assist in addressing the community's concerns with parking and movement in Shoal Bay, particularly during peak holiday periods. The establishment of a SMART Parking Scheme will enable funds to be raised for infrastructure. These funds will be invested back into SMART Parking precincts.

Community consultation for Shoal Bay included online and face to face workshops and a follow up survey. The feedback received was that the expansion of the SMART Parking Scheme to Shoal Bay was a viable solution to assist with a range of parking and movement issues.

An independent Traffic and Movement Report for Shoal Bay was undertaken to determine the parking demand and management in Shoal Bay. The assessment was based on traffic surveys carried out in April and May of 2021. This period enabled the capture of a peak period (Easter) and a typical weekday and weekend. Analysis of the survey results provided evidence of a significant parking shortage on weekends and during holiday periods. The shortage and low turnover rates result in road network congestion caused by vehicle circulation attempting to find available parking spots. The installation of SMART parking would assist in managing the high demand at peak periods and increase vehicle turnover.

The installation of SMART parking and associated infrastructure at Shoal Bay is not currently funded. It is proposed to use the income generated from the installation of parking meters to fund the project.

Nelson Bay Extension

The expansion of the existing SMART Parking Scheme in the Nelson Bay precinct will include the areas of Fly Point, Little Beach and Laman Street. This expansion will further assist in addressing the communities concerns with parking demand and supply in the greater Nelson Bay area.

The expansion of the SMART Parking Scheme to be installed in the Nelson Bay precinct has been mapped for the Fly Point, Little Beach and Laman Street locations on the Nelson Bay Expansion Map 1 Fly Point SMART Parking Scheme Extents (**ATTACHMENT 3**), Nelson Bay Expansion Map 2 Little Beach SMART Parking Scheme Extents (**ATTACHMENT 4**), Nelson Bay Expansion Map 3 Laman Street SMART Parking Scheme Extents (**ATTACHMENT 5**).

The expansion of the SMART Parking Scheme will enable additional funds to be raised for infrastructure. These funds will be invested back into SMART Parking precincts.

Council will continue to engage with the business community as part of the ongoing roll out of the SMART Parking Scheme.

The installation of SMART parking and associated infrastructure at Fly Point, Little Beach and Laman Street is not currently funded. It is proposed to use the income generated from the installation of parking meters to fund the project.

Birubi Headland

Investigation into the proposed installation of SMART Parking at Birubi Headland has commenced with a Parking Assessment Report completed in early 2022. Community consultation is to be undertaken at Birubi Headland to address the SMART Parking Notice of Motion from the Ordinary Council Meeting of 10 December 2019 **(ATTACHMENT 1)** relevant to Birubi Headland.

Other Key Locations

Based on feedback regarding parking supply and demand after the installation of SMART Parking in the Nelson Bay town centre, it has been identified that there are opportunities at other key locations which experience a high demand for parking. Council intend to commence investigation and community consultation regarding the continuation of the roll out of SMART Parking at the following key locations:

- Anna Bay
- Fingal Bay
- One Mile

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2022-2032

FINANCIAL/RESOURCE IMPLICATIONS

The forecast revenue generated from the establishment of an expanded SMART Parking Scheme has been included in the Integrated Planning and Reporting documents which were adopted at the Ordinary Council Meeting of 28 June 2022.

The roll out of SMART Parking at Shoal Bay, Fly Point, Little Beach and Laman Street is estimated to cost \$623,000.

Financial modelling forecasts that revenue from the parking meter installation will provide an opportunity to fund the Shoal Bay SMART Parking Infrastructure Program

projects as noted in **(ATTACHMENT 6)**. Revenue generated from the Fly Point, Little Beach and Laman Street locations will go towards expediting the projects identified on the Nelson Bay SMART Parking Infrastructure Program – Summary Sheet **(ATTACHMENT 7)**. This financial modelling is based on data collected as part of the Nelson Bay Smart Parking scheme which includes free parking for residents, rate payers, and employees of local businesses.

The forecast revenue generated per year from the SMART Parking Scheme is estimated to be at least \$750,000 per annum, which includes a forecasted reduction to accommodate the change in demand between the Nelson Bay area and the other locations.

The financial modelling is generally based on pre-existing COVID-19 usage rates in the Nelson Bay Foreshore Area, with updated data from more recent peak periods and the Nelson Bay CBD area has been included. Reduction factors have been included, providing a conservative approach in the modelling. The impact of any future NSW Government restrictions regarding movement and gatherings is not known and has not been factored in. Given the long term nature of the model, and the relatively short term duration of restrictions it is considered a low risk that the long term revenue projections in the financial modelling will not be realised.

Shoal Bay

The Shoal Bay SMART Parking Infrastructure Program projects are currently listed within the Strategic Asset Management Plan (SAMP) 11 Capital Works Plan Plus. Once the forecast parking meter revenue is realised, these projects will be moved into the Capital Works Program for delivery.

Nelson Bay Expansion

Extending the existing SMART Parking Scheme in Nelson Bay to include Fly Point, Little Beach and Laman Street will enable the projects listed on the SMART Parking Infrastructure Program for the Nelson Bay area to be expedited. Council anticipates the additional revenue raised will allow for further projects to be funded in future.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	623,000	Funded from SMART Parking income.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the forecast revenue is not realised leading to revenue estimations/capital work projections not being met.	Medium	Conservatism has been incorporated into the financial modelling. Additionally, track actual revenue compared to forecast revenue, and adjust capital expenditure accordingly.	Yes
There is a risk that the smart parking technology will not be embraced by the community leading to a low usage or avoidance.	Medium	Ensure the user interfaces are intuitive and community education is included as part of the project delivery.	Yes
There is a risk that the collection, storage and use of personal information associated with the SMART parking scheme may be inappropriately used and/or disclosed.	High	Ensure the requirements of Council's Privacy Management Plan and the prevailing laws are strictly adhered to in a system design and binding contracts with any external parties.	Yes

The parking charges and any fee exemptions are covered by the advertised and adopted schedule of fees and charges.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is anticipated that the continued roll out of SMART Parking will provide an ongoing source of funds which will be used for infrastructure projects within SMART Parking precincts.

CONSULTATION

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

Internal

- Financial Services Section – to validate the financial modelling and proposed procurement methodology.

- Assets Section – Traffic and Asset Engineering to determine practicality and regulatory pathways for implementation.
- Compliance Team – To ensure enforceability and safety of compliance staff.
- Economic Development Team – to assist in place activation/events initiatives and assist in assessing the potential impacts of SMART parking to businesses.
- Information Communication and Technology Team – to assist in optimising and assessing the integration requirements of SMART parking into Council’s existing systems.
- Communications and Engagement Teams – to assist in developing, implementing and reporting on community engagement strategy.
- Councillors – Two Way Information Session held 26 April 2022.

External

Shoal Bay

Consultation has been undertaken over a period of time, and has included targeted and non-targeted general public consultation. The results of the consultation are detailed in the Shoal Bay SMART Parking Engagement Report May 2022 **(ATTACHMENT 8)** and are summarised below:

- Generally supportive for the installation of SMART Parking in Shoal Bay to assist with a range of parking and movement issues.
- Support for the SMART Parking scheme including the permits to allow free parking for employees of local businesses, residents and rate payers of the Port Stephens local government area.
- Support for the delivery of projects in Shoal Bay using the funds generated from the SMART Parking Scheme.
- Concern that a one-way arrangement would have a negative impact on local streets. Any future one-way proposals would require further consultation and is not included in the scope of this project.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Smart Parking - 10 December 2019. [↓](#)
- 2) Shoal Bay SMART Parking Scheme Extents. [↓](#)
- 3) Fly Point SMART Parking Scheme Extents. [↓](#)
- 4) Little Beach SMART Parking Scheme Extents. [↓](#)
- 5) Laman Street SMART Parking Scheme Extents. [↓](#)
- 6) Shoal Bay SMART Parking Infrastructure Program. [↓](#)
- 7) Nelson Bay Smart Parking Infrastructure Program - Summary Sheet - 12 May 2020. [↓](#)
- 8) Engagement Report Smart Parking May 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

NOTICE OF MOTION

ITEM NO. 3

**FILE NO: 19/378259
EDRMS NO: PSC2017-00019**

SMART PARKING

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.
- 2) Continue community consultation in Nelson Bay around the installation of SMART Parking.
- 3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.
- 5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
- 6) Each precinct shall have its own reserve to managing funding.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019
MOTION**

261	<p>Mayor Ryan Palmer Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.2) Continue community consultation in Nelson Bay around the installation of SMART Parking.3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
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MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

- | | |
|--|--|
| | 6) Each precinct shall have its own reserve to manage funding. |
|--|--|

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

Smart parking schemes help to influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended primarily:

- a. to ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b. to provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c. to help manage the competition between short-medium term parking and all day parking
- d. to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them
- e. to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Roads & Maritime Services (RMS) concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters/machines and certain pavement marking are prescribed traffic control devices and therefore must go through the Local Traffic Committee before they can be installed. A review of the regulations and RMS guidelines confirm that Council may introduce a concurrent permit parking scheme which would allow permit holders to park without charge and/or time restrictions in relevant pay parking spaces.

The proposed smart parking scheme is supported by the Nelson Bay Strategy/Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program through recommendations of the Citizens Parking Panel. Additionally, the technical Traffic and Parking Studies parking studies and community consultation recommendations 9 and 15 - Parking in Nelson Bay: Engagement Report (AKA Independent Citizens Parking Panel Report).

9. Rationalise parking limits and times, with:

- a. a review of the different time zones (eg 5, 10, 15 minute parking zones) and of their location
- b. paid parking in certain areas/car parks
- c. permits/times for locals.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

15. Investigate 'smart parking' opportunities, including but not limited to the following:

- a. Signage to include count of available spaces and direction/distance to
- b. Cameras linked to signage to identify and direct to available spaces
- c. Plate recognition to identify parking users, generate data, but also enable remote payment ie users (potentially only non-locals) are identified by a sensor as they enter the CBD and start paying a fee after a given number of hours (or straightaway depending on the time of the year)
- d. Technology linked to smartphones via applications
- e. Use Artificial Intelligence (drone parking).

Recommendations P3 and P5 in the Nelson Bay Traffic and Parking Study Update:

- P3 – Improve town centre off-street parking facilities
- P5 – Expand paid parking coverage.

The Birubi Headland and Shoal Bay CBD precinct/foreshore area will need further investigation to be reported back to Council.

ATTACHMENTS

Nil.

Shoal Bay SMART Parking Scheme Extents



ITEM 2 - ATTACHMENT 3 FLY POINT SMART PARKING SCHEME EXTENTS.

Nelson Bay Expansion Map 1 Fly Point SMART Parking Scheme Extents



ITEM 2 - ATTACHMENT 6 SHOAL BAY SMART PARKING INFRASTRUCTURE PROGRAM.

Shoal Bay Infrastructure Program – Summary Sheet

#	Item	FY	Source of work
1	One way traffic CBD – direction to be confirmed and further consultation – additional parking spots created	2023	Traffic/Parking
2	Carpark formalisation - Cnr Shoal Bay road & Government road (Coral Tree carpark)		Traffic/Parking
3	Carpark formalisation - Tennis court – Messines Street		Traffic/Parking
4	Carpark formalisation – Beach Road/ANZAC Park.		Traffic/Parking
5	Carpark formalisation – Shoal Bay Road (east of CBD near boat ramp)		Traffic/Parking
6	Pathway – Hallifax Holiday Park via Beach Road to Shoal Bay Holiday Park		SAMP Capital Works Plus Plan
7	Parks and Reserves Assets - Shoal Bay Foreshore - Implementation of the master plan		SAMP Capital Works Plus Plan
8	Parks and Reserves Assets – Shoal Bay West Accessible Beach Ramp		SAMP Capital Works Plus Plan
9	Fingal Bay to Shoal Bay missing link - Government Road		SAMP Capital Works Plus Plan
10	Shared Path - Beach Road, Shoal Bay. From Harwood Avenue to Shoal Bay Road.		SAMP Capital Works Plus Plan
11	Pathway Shared Path - Government Road, Shoal Bay. From Messines Street to Peterie Street.		SAMP Capital Works Plus Plan
12	Pathway Shared Path - Government Road, Shoal Bay. From Peterie Street to Sylvia Street.		SAMP Capital Works Plus Plan
13	Pathway Shared Path - Shoal Bay Road, Shoal Bay. From Beach Road to End of existing.		SAMP Capital Works Plus Plan
14	Pathway Shared Path - Sylvia Street, Shoal Bay. From Government Road to Horace Street.		SAMP Capital Works Plus Plan
15	Pavement Assets - Tomaree Road, Shoal Bay - 42 Tomaree Rd to 86 Tomaree Rd		SAMP Capital Works Plus Plan
16	Pavement Assets - Tomaree Road, Shoal Bay - 86 Tomaree Rd to 136 Tomaree Rd		SAMP Capital Works Plus Plan
17	Pavement Assets - Tomaree Road, Shoal Bay - Messines St to 42 Tomaree Rd		SAMP Capital Works Plus Plan
18	Pavement Rehabilitation. Tomaree Road - Shoal Bay From Verona Road to Messines Road		SAMP Capital Works Plus Plan
19	CBD Improvements Shoal Bay Road, Shoal Bay.		SAMP Capital Works Plus Plan
20	Playground Assets – Shoal Bay – Exercise Gym/Equipment		SAMP Capital Works Plus Plan

**ITEM 2 - ATTACHMENT 7 NELSON BAY SMART PARKING
INFRASTRUCTURE PROGRAM - SUMMARY SHEET - 12 MAY 2020.**

Smart Parking Infrastructure Program - Summary Sheet

#	Item	FY	Source of work
1	Review current town centre parking restriction for consistency and effectiveness	2021	Traffic/ Parking
2	Convert Yacaaba St and Stockton St to one way flow (Donald to Tomaree St)	2021	Traffic/ Parking
3	Donald Street East - Demolish existing structure.	2020	Traffic/ Parking
4	Donald Street East - New at-grade carpark. Design & construct at grade car parking	2020	Traffic/ Parking
5	Parking Meter expansion covering town centre	2021	Traffic/ Parking
6	Stockton/Tomaree Carpark (leased site) - design and construct at grade car parking	2021	Traffic/ Parking
7	Pavement mark all spaces within town centre	2021	Traffic/ Parking
8	Expansion of 40km/h high pedestrian area	2021	Traffic/ Parking
9	Update shared zone pavement marking and signage to reflect contemporary guidelines	2021	Traffic/ Parking
10	Sensors, apps and signage for parking management	2021	Traffic/ Parking
11	Upgrade existing parking meters to 'pay by plate'	2021	Traffic/ Parking
12	APEX Park/VIC - Formalise perimeter footpath, adjustment to pedestrian access ramps and widening stairs	2022	PDP
13	Convert existing Stockton Street traffic signals to allow pedestrian scramble and widen crossing;	2022	PDP
14	48A Stockton St and surrounding road verge. (AKA Worimi Park) - Design and Construct at grade parking	2023	Traffic/ Parking
15	Stockton Street - Large Vision	2025	PDP
16	Intersection Upgrade - Church Street with Donald Street	2025	Traffic/ Parking
17	Overflow parking - Tom Dwyer Memorial Oval	2026	Traffic/ Parking
18	Nelson Bay Wayfinding Signage Strategy	2026	Traffic/ Parking
19	Remove Stockton Street Stage	2027	PDP
20	Stockton St and Yacaaba Street - Complete missing footpath connections and improve pedestrian crossing amenities at Tomaree intersection;	2027	PDP
21	Improve signage and lighting to assist visitor wayfinding	2028	PDP
22	Eastern Foreshore - Implement wayfinding and interpretative signage;	2029	PDP
23	69 Victoria Parade (AKA Victoria Parade Reserve) - Design and Construct at grade parking	2030	Traffic/ Parking
24	Park and Ride – Investigation, design and construction, incl coach parking facilities.	2030	Traffic/ Parking
25	Eastern Foreshore - Upgrade and expand existing playground, provide shade canopies, and connecting footpaths	2031	PDP
26	Eastern Foreshore - BBQ Amenities and shelter	2031	PDP
27	Magnus Street Village Precinct - Large Vision Concept	2031	PDP



Shoal Bay Smart Parking Engagement Report – May 2022

Summary

In December 2019 a notice of motion to investigate the extension of smart parking to Birubi and Shoal Bay was made.

The following report is focused only on Shoal Bay and builds on information gained from an independent Parking and Movement study undertaken in 2021 and early 2022.

The issue of parking and movement was also a large part of the discussion at the Place Plan workshops for Shoal Bay. However, at this time Council staff was unable to address this issue effectively as the Parking and Movement study had not been fully completed. A short summary of the discussion from these workshops in August 2021 is attached as Appendix A.

Project Description

One of the key aspects of the engagement for this project was to ensure that the local Shoal Bay businesses and the community were included in these early discussions.

Overall finding

Feedback at the community workshops and through the results from the follow up survey was that the extension of Smart Parking to Shoal Bay was considered a viable solution to assist with a range of parking and movement issues.

Communications and Engagement approach

- Parking is very much on the business and communities agenda – the parklets trial triggered new conversation and angst including petitions and regular contact from the community
- In the Liveability Index 2020 for Shoal Bay, ‘*ease of driving and parking*’ was identified as a medium priority that was negatively affecting liveability
- Ensure existing known stakeholders especially those who had been engagement through the previous place plan workshops engagement are invited personally to the upcoming workshops
- Continuing a proactive engagement with the community will:
 - Build trust and relationships with key stakeholders
 - Limit delays in delivery of smart parking
 - Ensure full understanding of community concerns prior to delivery

COMMUNICATIONS METHODS		
ACTIVITY	DESCRIPTION	REACH
Project webpage	EHQ project to host engagement tools and project document	148 visits
Newsletter	Project information and invitation to workshop to key stakeholders including businesses along Shoal Bay foreshore and residents in Messines Street, Government Road and part of Tomaree Road	350+ distributed
Direct emails	Direct invites to known stakeholders	74 + 1349
	Email to Councillors to ask that information is shared with their local networks	1
	Follow up email to workshop participants to complete survey	34
	Email invite via ‘have your say’ e-newsletter	1500+
	Email invite part of PSToday e-newsletter	2500+
Social media	1 paid post (targeting Shoal Bay);	971
	2 x event posts for each workshop;	3515
	1 post re: cancellation of drop in (due to weather) and survey	2609
	Post shared on Business Port Stephens Facebook and local community Facebook pages	Unknown

ENGAGEMENT METHODS		
DATE	METHOD	REACH
Key stakeholder meeting	A meeting with representatives from Port Stephens Business Chamber (meeting included reference to other projects)	2
Workshop - Online and Face to Face	The workshops involved a structured presentation and deeper exploration of issues, potential solutions for Parking and Movement for four separate precincts.	10 attended online session; 24 attended face to face workshop Overall 34 attendees
Online Survey Open 8 April to 19 April 2022	Testing level of support for potential parking and movement mitigation strategies	27 surveys completed

Key findings

Engagement Activity

1. Workshop

A total of 34 attendees participated in a 2hr workshop session (10 attended online workshop session and 24 attended face to face workshop session).

A short presentation for the workshop was prepared and the groups were then split into four separate precinct areas to work through the parking and movement issues, constraints and solutions for the different precincts.

Each group circled through a discussion on each precinct area for approximately 20mins focusing on issues, constraints and pros and cons of potential solutions.

It should be noted that Precinct 1 – Town Centre (green) and Precinct 2 – Foreshore East (yellow) are the primary precincts out of the four precinct areas where smart parking would be installed and as such is the focus for this report. A short precis of the other two precincts also follows however greater detail will be included in the Shoal Bay Place Plan engagement report.

ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.



These precinct areas are Precinct 1: Town centre (green); Precinct 2: Foreshore East (yellow); Precinct 3: Foreshore West (red) and Precinct 4: Local streets (blue).

Precinct 1: Town centre (green)

In this precinct we know from the traffic study findings, previous place plan workshop discussions and complaint history that at peak times parking is over capacity and there are no car parking spaces. This problem is exacerbated by circulating traffic looking for car parking which increases congestion in the area. It should be noted that on a typical weekday there is spare parking capacity. There are also known missing pedestrian links in the area and the town centre is currently well serviced by public transport.

Some ideas from the workshop specifically around smart parking include:

- Convert existing gravel Crown land car park to sealed Smart Parking carpark to help generate turnover and availability of carparking for the area. This project is a potentially whilst this would result in some of the trees being removed most of these are coral trees which are a noxious weed;
- Smart Parking would also generate income which could be spent on the area and would help to implement Place Plan actions;
- Bullecourt Street could be used as an allocated business parking area to support worker parking for the shopping precinct area. Electronic signage or indicator boards informing of parking availability would also help with easing circulating traffic looking for car parking spaces in Bullecourt Street;
- Smart Parking implementation would mean potentially more parking in local residential streets as people aim to avoid paying for parking during peak periods and also could potentially push traffic to Fingal Bay for the same reason.

Further discussion around one-way options around the town centre was undertaken. There was strong support for a one way option particularly from members of the Shoal Bay Community Association who have been advocating this as a solution over a number of years. A one-way arrangement would create more carparking spaces

ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.

and in conjunction with Smart Parking would assist with the turnover of carparking in an area of Shoal Bay which needs it the most.

Any one-way proposal would need to be considered together with other accompanying traffic changes for example:

- Potential changes to nearby streets to cater for traffic flow changes
- Shared zones (10km/hr) to be implemented along foreshore area
- Wider pedestrian paths and on-road cyclist allocations
- Easy access to shops and beach for people with access difficulties

There was no particular one-way proposal put to the workshop attendees or in the follow up survey and traffic flow either way around the town centre would work as per the traffic study findings. Any future one-way proposals would need further consultation with the key stakeholders, including businesses and residents.

Other more general ideas or suggestions for the CBD precinct include:

- Move loading zones to Bullecourt Street would help ensure encourage an 'eat' street atmosphere along Shoal Bay Road
- Explore potential additional formed parking availability near Tennis court area
- Explore options to make Bullecourt Street a through road by purchasing nearby land
- Explore option to move playground and use this area as additional formed parking

Precinct 2: Foreshore east (yellow)

We know from traffic study findings, place plan discussions and complaint history is that congestion can get bad during peak times in this precinct and this is compounded by the dead end at Tomaree Lodge. There is also a lack of parking supply along Shoal Bay Road and near to the beaches during peak periods. The parking around the Shoal Bay boat ramp is also being used by cars rather than vehicles with trailers. There are also evidence of considerable illegal parking and overstaying of vehicles, trailers and motorhomes around this precinct.

Some ideas from the workshop specifically around Smart Parking include:

- Workshop participants were generally supportive of paid parking along Shoal Bay Road especially to help flow of new patrons and customers to local seasonal businesses;
- The formalisation of parking around the boat ramp would assist with providing additional parking opportunities and would reduce illegal parking and overstaying;
- Electronic signage or indicator boards would also help improve congestion from vehicles circling looking for parking spots;
- Smart Parking revenue could be used to fund improvements particularly in this very popular recreation area of Shoal Bay

Some of the bigger ideas or suggestions for the foreshore east precinct include:

- The future of Tomaree lodge use and also the extension of the coastal walk need to be considered in future planning especially around parking
- Construction of a suitable turning bay at the Tomaree headland access gate

ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.

- Moving the existing boom gate back to allow public access to the old cricket pitch area of Tomaree Lodge and existing amenities could provide additional parking availability and access to amenities.

Precinct 3: Foreshore west (red)

We know from traffic study findings, place plan discussions and complaint history is that congestion can get bad during peak times due to traffic lights, pedestrian crossing and the large volume trying to enter Shoal Bay Road on the one in/out road. The current parking supply located at Beach Road near Harbourside Haven is also not formalised and could provide additional parking supply.

This precinct area includes the well-known missing link section of pathway between Shoal Bay Road and the beach which is also tied to dune stabilisation problems.

Some of the bigger ideas or suggestions for the Foreshore west precinct include:

- Undertake beach stabilisation and build suitable pathway to provide much needed missing shared path missing link
- Upgrade dirt road and connect Shoal Bay Road to Harwood Avenue would improve traffic movement and connectivity and would also provide an additional beach destination point
- Investigate potential use of cycle/pedestrian path and APZ area at the rear of Harbourside Haven as either a new one-way or as an emergency access road
- Relocate playground at Bernie Thompson reserve to this precinct

Precinct 4: Local streets (blue)

We know from the traffic study findings, previous place plan workshop discussions and complaint history that people use the local streets to park during peak times and that the streets are generally narrow and are not necessarily set up for on road parking. These existing parking problems would be exacerbated by Smart Parking introduction as it would push car parking into this area.

Some of the bigger ideas or suggestions for the local streets precinct include:

- This area would need better kerb and guttering and flood mitigation measures including kerb and guttering to allow for car parking to be able to spread into this area.
- Road pavement improvements in the local streets particularly along Tomaree Road would need to be continued.
- Funding pathway connections between the local school, housing, business and foreshore areas would be a significant safety improvement and would also provide better access for people with high accessibility needs including those using prams and mobility scooters.

2. Online Survey

General overall data and demographics

- A total of 27 surveys were received – responses were sourced via direct emails to workshop participants and from social media.
- Of those who completed the survey, 44% (or 12 respondents) had attended one of the two parking and movement workshop held on the 31 March or 1 April, and are considered highly informed. 56% (or 15 respondents) had not attended a workshop and are considered moderately informed.
- 59% (or 16 respondents) indicated that they either learnt about the project via targeted direct email, leaflet or word of mouth which indicates that they are Shoal Bay locals. The remaining 41% (11 responses) indicated that they learnt about the project via social media. Almost half of these respondees (5/11) did not complete an email address indicating that they are not willing to keep up to date with this project.

Parking and movement community experiences

When asked of their experience of the following traffic and movement aspects, respondents indicated parking demands as their most unsatisfactory element in Shoal Bay. Traffic safety, traffic flows and illegal parking were also considered unsatisfactory. Pedestrian flows were considered the most satisfactory movement element.

Please see the table below for the more detail:

Satisfaction with parking and movement elements in Shoal Bay			
Aspect	Unsatisfactory	Satisfactory	Unsure
Parking demands	63%	30%	7%
Traffic safety	56%	44%	-
Traffic flows	52%	44%	4%
Illegal parking	52%	33%	11%
Duration of stays	44%	44%	11%
Pedestrian flows	44%	56%	-

ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.

Parking and movement community experiences

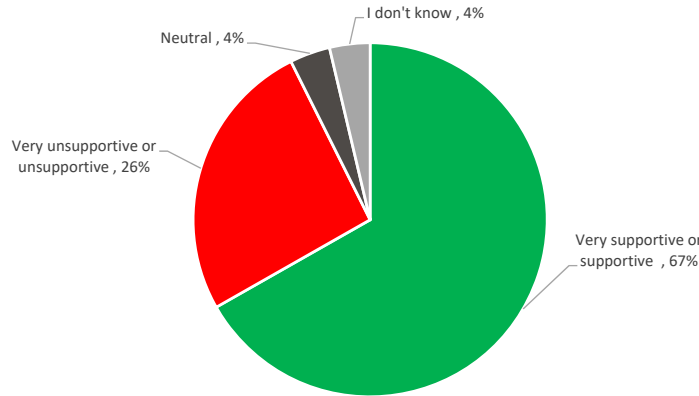
The statements below were taken from findings from the recent Shoal Bay traffic study and tested against local responses with respondees asked whether they agree with the following statements. The following table shows strong community agreement with the findings of the recent Shoal Bay traffic study.

Statement	Level of agreement with Traffic Study findings		
	Definitely agree or somewhat agree	Definitely disagree or somewhat disagree	Neutral
Lack of parking availability along waterfront and to access Tomaree headland and nearby beaches	70%	11%	19%
Illegal parking and significant safety issues in and around access roads to nearby beaches	74%	8%	19%
Active transport options are fragmented	63%	11%	26%
Consideration of public transport and shared spaces options	67%	4%	30%

Smart Parking support levels

When asked for a level of support for Smart Parking to be introduced to Shoal Bay, 67% of all respondents indicated they were very supportive or supportive. It should be noted that 100% of highly informed respondents (those people who attended the workshops) were either supportive or very supportive.

Support for Smart Parking in Shoal Bay



Shoal Bay Smart Parking May 2022
Engagement Report
8/11

ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.

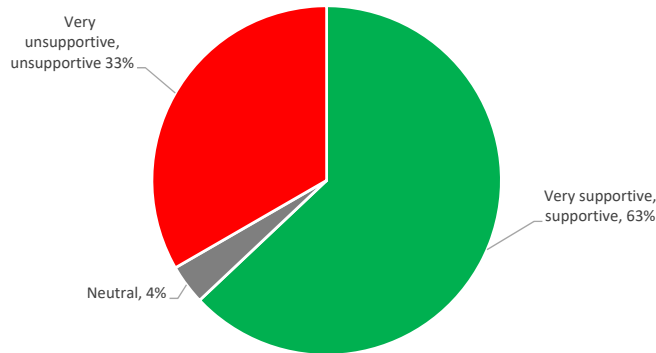
The three (3) comments made to further explain their level of support for Smart Parking in Shoal Bay were:

- *I would like to see the crown land on the corner Shoal Bay Rd and Government Rd next to the caravan park developed into a smart parking area. Could be developed into a 2 storey car park. This would encourage people to park and walk into the shops or the beach. This would alleviate a lot of the congestion. I would like to see the current parking on the foreshore stay as is so our older residents have close parking facilities for their shopping. [Level of support: supportive]*
- *As long as all generated income is used to improve the Shoal Bay CBD Public Domain [Level of support: very supportive]*
- *Needs clearer business case - evidence of costs:benefit equation (inc. net revenue from Nelson Bay precedent + of reaction of visitors to having to pay what amounts to a 'tourist tax'. Question logic of free parking for residents of the whole of Pt Stephens (other than political expediency) [Level of support: don't know/unsure/need more information]*

Level of support for further investigation into one-way option at Shoal Bay

When asked for a level of support for further investigation into a one-way traffic arrangement in Shoal Bay town centre (involving Messines Street and part of Tomaree Road), 63% of respondents were either very supportive or supportive.

General level of support for further investigation into one-way arrangement at Shoal Bay




ITEM 2 - ATTACHMENT 8 ENGAGEMENT REPORT SMART PARKING MAY 2022.

The five (5) comments made to further explain their level of support for further investigation into a one-way traffic arrangement in Shoal Bay were:

- *I don't think it will solve the problem only move it to another street [Level of support: Unsupportive]*
- *You already have working traffic flows on Shoal Bay Road with the installation of the traffic lights. To suggest changing it to one way and making Messines St the other option is ludicrous to put that busy road during Tourist season through a RESIDENTAL area [Level of support: Very unsupportive]*
- *Need to be very carefull so as not to be gatively impact on Shoal Bay Businesses Also important to address Bullicourt st traffic management And parking . Eg loading zones should not be 24 hours and not on Sundays as iShoal Bay is becoming an eatstreet [Level of support: Supportive]*
- *Only solution to developing problem which can only worsen over time, particularly with promotion on coastal path by NPWS and future visitor use of Tomaree Lodge site. Would also allow low speed shared use zone along commercial frontage on SB Rd and change to parking config. Pros and cons of both ways round the circuit. [Level of support: Very supportive]*
- *I think it is unnecessary as the only time that there is an issue with traffic flow is peak times, 3-4 weeks of the year...and then traffic is backed up from Fingal Bay to Nelson Bay so disturbing the residents in Messine St by forcing the traffic through there is not going to make any difference. [Level of support: Very unsupportive]*

Appendix A

Place Plan workshop summary from September 2021



Shoal Bay

Workshop 1 – 14 Sep 2021 + Workshop 2 – 21 Sep 2021 = 28 people attended **both** workshops

Great ideas we've heard for Shoal Bay


Quick wins	Big Picture
Clean up day	Beach front stabilisation to prevent erosion
Entertainment on foreshore or village square	Develop change rooms along foreshore
Continue community collaboration effort	Develop community gardens on vacant land
Native garden between boat ramp and Tomaree Lodge	Safe shared pathway between Beach Road and foreshore
Signage to prevent heavy vehicles using residential areas and waterfront	Lighting along foreshore walk between wharf and Tomaree Lodge
Sandstone blocks to prevent parking on vegetated areas near parking areas	Create a natural amphitheater out of Murrumbanga Reserve
Install more information signage	Upgrade ANZAC Park
Three minute drop off zone in front of beaches	Future of Tomaree Lodge
Lighten new amenities block replacing every third roof sheet with clear roofing sheet	Height limits in new developments
	Upgrade the Shoal Bay business centre

Most popular ideas we action planned

Markets and/or entertainment on foreshore	Beach front stabilisation to prevent erosion
Clean up day	Future of Tomaree Lodge
Native garden between boat ramp and Tomaree Lodge	Safe shared pathway between Beach Road and foreshore
	Keep village feel of Shoal Bay

Emerging themes

- **Protecting open space and reserves**
Liveability priorities – protection of the natural environment + local history, historic buildings/features
- **Congestion, access and lack of car parking**
Liveability priority – ease of driving and parking
- **Business area feels old and dated**
Liveability priorities – locally owned and operated businesses + local businesses that provide for daily needs
- **More pathway connections esp. missing links**
Liveability priorities – walking/jogging/ bike paths that connect to communal amenity + access and safety of walking, cycling and/or public transport



Our Engagement Journey | February 2022

ITEM NO. 3

**FILE NO: 22/116907
EDRMS NO: PSC2017-02839**

2022 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the 2022 Local Government NSW Annual Conference to be held at the Crowne Plaza Hunter Valley from 23-25 October 2022.
- 2) Nominate 4 voting delegates.

BACKGROUND

The purpose of this report is to inform Council of the 2022 Local Government NSW Annual Conference to be held from 23-25 October 2022.

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 conference program is included at **(ATTACHMENT 1)**.

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

The registration fee for the conference is \$1088 per delegate.

The costs associated with registration are covered within existing budget – subject to an Elected Member not exceeding budget limits set out in the Payment of Expenses

ORDINARY COUNCIL - 26 JULY 2022

and Provision of Facilities to Mayor and Councillors Policy. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

Each Elected Member has an annual conference budget of \$3000 per year.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As per the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As per the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, approval to participate in a conference or seminar is subject to approval of a full Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by not participating in the national debate on key Local Government matters in NSW.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Elected Members participating in this conference to ensure the local government area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Local Government NSW Conference 2022 - Program. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT NSW CONFERENCE 2022 - PROGRAM.

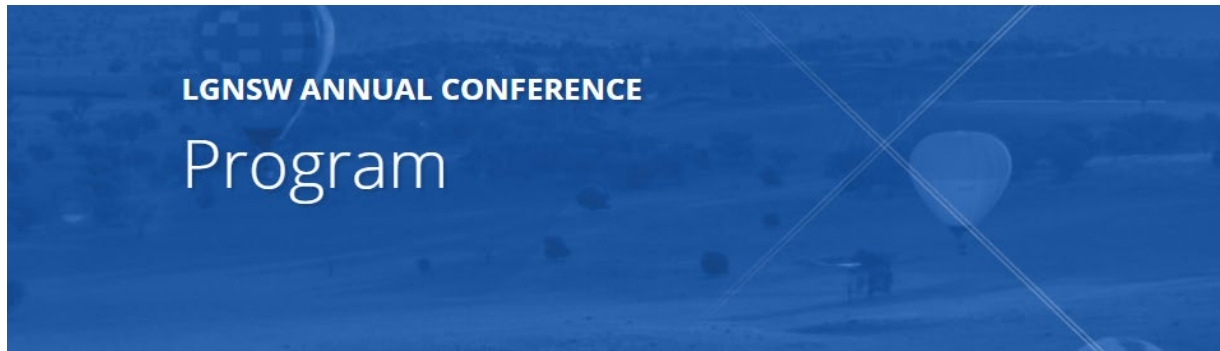


23 OCTOBER

* **Conference program** may be subject to change

12.15pm	Pre-booked bus transfers to Crowne Plaza Hunter Valley from selected hotels
12.30pm – 7.45pm	Galleria foyer (ground level) Registration desk operational
1.30pm – 3.00pm	Semillon Room 1 (level 2) Workshop #1: Universal Urban Design and local government: creating welcoming, vibrant, safe and inclusive communities
1.30pm – 3.00pm	Semillon Room 2 (level 2) Workshop #2: Creating Smart Places – How Your LGA can Benefit
1.30pm – 3.00pm	Semillon Room 3 (level 2) Workshop #3: Managing Pests and weeds: Biosecurity and your council protecting the economy, environment and community
1.30pm – 3.00pm	Verdelho Room (level 2) Workshop #4: Building a new, resilient LG sector – Reset, Reshape and Resilience
2.45pm	Pre-book bus transfers to Crowne Plaza Hunter Valley from selected hotels
3.00pm – 3.40pm	Trade Area (Exhibition Centre, ground level) Refreshment Break
3.45pm – 3.50pm	Cabernet Merlot Room (ground level) Keynote sponsor introduction by TPG Telecom
3.50pm – 4.40pm	Cabernet Merlot Room (ground level) Keynote address: John Brogden AM (Lifeline International)
4.45pm – 5.00pm	Cabernet Merlot Room (ground level) Presentation of the A.R. Bluett Awards by the Trustees
5.00pm – 5.15pm	Cabernet Merlot Room (ground level) Official Opening LGNSW Conference
5.15pm – 7.45pm	Poolside, Crowne Plaza Hunter Valley President’s Welcome Reception sponsored by Statewide Mutual (featuring Hunter Valley food and wine)

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT NSW CONFERENCE 2022 - PROGRAM.



24 OCTOBER

From 7.30am	Pre-booked bus transfers to Crowne Plaza Hunter Valley from selected hotels Trade Area (Exhibition Centre, ground level) Light refreshments
7.30am - 5.00pm	Galleria foyer (ground level) Registration desk operational
9.05am - 9.10am	Cabernet Merlot Room (ground level) Conference Introduction by Scott Phillips , Chief Executive, LGNSW
9.10am - 9.15am	Cabernet Merlot Room (ground level) Welcome to Country on behalf of Metropolitan Local Aboriginal Land Council
9.15am - 10.00am	Cabernet Merlot Room (ground level) Opening of the Federal and State conferences, adoption of standing orders, business sessions and consideration of motions and conference business. Opening Address by Cr Darriea Turley AM President, LGNSW Presentation of financial reports (Treasurer)
10.00am	Cabernet Merlot Room (ground level) Demonstration of voting procedure. Commencement of consideration of motions and conference business
10.55am - 11.00am	Cabernet Merlot Room (ground level) Presentation from Cr Linda Scott , President Australian Local Government Association (ALGA)
11.00am	Trade Area (Exhibition Centre, ground level) Refreshment break with distinguished partner Transport For NSW
11.30am - 11.35am	Cabernet Merlot Room (ground level) Address by Premier Partner nbn
11.35am - 1.00pm	Cabernet Merlot Room (ground level) Consideration of Conference Business (continued)
1.00pm - 1.05pm	Cabernet Merlot Room (ground level) Address by Elite Sponsor StateCover Mutual
1.05pm - 2.15pm	Trade Area (Exhibition Centre, ground level) Lunch with Elite Sponsor StateCover Mutual
1.05pm - 2.20pm	Semillon Ballroom (level 2) StateCover Mutual Members' Lunch - GMs and CEOs are invited to join StateCover Mutual for a member networking event

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT NSW CONFERENCE 2022 - PROGRAM.



2.20pm - 3.30pm	Cabernet Merlot Room (ground level) Consideration of Conference Business (continued)
3.30pm - 4.00pm	Trade Area (Exhibition Centre, ground level) Refreshment Break with Distinguished Partner Landcom
4.00pm - 5.05pm	Cabernet Merlot Room (ground level) Consideration of Conference Business
5.05pm - 5.35pm	Trade Area (Exhibition Centre, ground level) Networking
5.15pm	Pre-booked bus transfers from Crowne Plaza Hunter Valley to selected hotels
6.30pm	Pre-booked bus Transfers to Hope Estate Vineyards from selected hotels
From 7.00pm	Hope Estate Vineyards Local Government NSW Conference Dinner and entertainment with Elite Sponsor StateCover Mutual . Presentation of Local Government Service Awards
10.30pm	Pre-booked bus Transfers from Hope Estate Vineyards to selected hotels

ITEM 3 - ATTACHMENT 1 LOCAL GOVERNMENT NSW CONFERENCE 2022 - PROGRAM.



25 OCTOBER

From 7.30am	<p>Galleria foyer (ground level) Registration desk operational</p> <p>Pre-booked bus transfers to Crowne Plaza Hunter Valley from selected hotels</p> <p>Trade Area (Exhibition Centre, ground level) Light refreshments</p>
7.30am - 8.45am	<p>Semillon Ballroom (level 2) Australian Local Government Women's Association (ALGWA NSW) Breakfast</p>
9.00am - 10.00am	<p>Cabernet Merlot Room (ground level) Housekeeping and introduction</p> <p>Keynote address followed by Q&A - The Future of Local Government</p>
10.00am - 10.05am	<p>Address from Distinguished partner Transport For NSW</p>
10.05am - 10.40am	<p>Trade Area (Exhibition Centre, ground level) Refreshment break with Distinguished Partner Active Super</p>
10.40am - 10.45am	<p>Address from Distinguished partner Active Super</p>
10.45am - 11.40am	<p>Cabernet Merlot Room (ground level) Keynote address - Re-imagining Our Future Workforce with Simon Kuestenmacher, followed by case studies and Q&A</p>
11.40am - 11.45am	<p>Address from Distinguished partner Landcom</p>
11.45am - 12.45pm	<p>Cabernet Merlot Room (ground level) Final Keynote Session - Crime Prevention in NSW</p>
12.45pm - 1.00pm	<p>Cabernet Merlot Room (ground level) Final remarks from President LGNSW, including Annual Conference 2023 announcement and Conference Close</p>
1.00pm - 2.00pm	<p>Trade Area (Exhibition Centre, ground level) Collect and go - lunch box style. Trade Exhibition closes at 2.00pm</p> <p>Pre-booked bus transfers from Crowne Plaza Hunter Valley to selected hotels</p>

ITEM NO. 4

**FILE NO: 22/179478
EDRMS NO: PSC2010-00009**

POLICY REVIEW: INTERNAL REPORTING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Internal Reporting policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Internal Reporting 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 Internal Reporting policy dated 23 June 2020, Minute No. 116 should no submissions be received.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Internal Reporting policy.

The policy details roles and responsibilities of all parties to a public interest disclosure. It provides a framework for public interest disclosures to be made to Council by public officials.

The policy has been reviewed as part of Council's ongoing policy review program and is shown at **(ATTACHMENT 1)**.

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

The policy is presented for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Provide a strong ethical governance structure.

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

As part of good governance, this policy will assist Council in managing public interest disclosures. It is a requirement of the Public Interest Disclosure Act 1994 that Council has a policy in place.

The Public Interest Disclosure Act 1994 has been reviewed and will be replaced by the new Public Interest Disclosure Act 2022. The new Public Interest Disclosures Act 2022 was assented to on 13 April 2022. This Act has a commencement of up to 18 months from assent. Further advice and guidance will be provided by the NSW Ombudsman with respect to the commencement of the new Act and will include a new model policy framework. A new internal reporting policy will be presented to Council in due course.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of policy framework, Council would not meet the requirements of the Public Interest Disclosure Act 1994.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

Internal

- Executive Team.
- General Manager.

External

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

OPTIONS

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

ATTACHMENTS

- 1) Revised Internal Reporting Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2010-00009

TITLE: INTERNAL REPORTING

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of the Internal Reporting Policy (the 'policy') is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Port Stephens Council (Council), what can be reported and how reports of wrongdoing will be dealt with by Port Stephens Council.
- 1.2 This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act).
- 1.3 This policy is just one in the suite of Port Stephens Council's complaint handling policies.
- 1.4 The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the staff grievance process. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the staff grievance process.

2. CONTEXT/BACKGROUND:

- 2.1 The PID Act requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.
- 2.2 A review of the Protected Disclosures Act 1994, in 2010 amended the title of the Act to the Public Interest Disclosures Act 1994.

3. SCOPE:

- 3.1 Who does this policy apply to?
- 3.1.1 This policy will apply to:

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Policy

- a) Mayor and Councillors
- b) permanent employees, whether full-time or part-time, temporary or casual employees
- c) consultants
- d) individual contractors and their employees working for Port Stephens Council
- e) other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

3.1.2 The policy also applies to public officials of another council or public authority who report wrongdoing relating to Port Stephens Council.

3.2 Roles and responsibilities

A. The role of council staff and Councillors

3.2.1 Staff, and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and Councillors are obliged to:

- a) report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- b) if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- c) treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- d) respect the rights of any person the subject of reports.

3.2.2 Staff and Councillors must not:

- a) make false or misleading reports of wrongdoing
- b) victimise or harass anyone who has made a report.

3.2.3 Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code could result in disciplinary action.

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B. The role of Port Stephens Council

- 3.2.4 Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.
- 3.2.5 Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.
- 3.2.6 Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every 6 months.
- 3.2.7 To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

C. Roles of key positions

General Manager

- 3.2.8 The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:
- a) assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
 - b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
 - c) ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
 - d) make decisions following any investigation or appoint an appropriate decision-maker
 - e) take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified

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- f) refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- g) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

3.2.9 The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- a) assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- c) coordinate the Council's response to a report
- d) acknowledge reports and provide updates and feedback to the reporter
- e) assess whether it is possible and appropriate to keep the reporter's identity confidential
- f) assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- g) where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- h) ensure the Council complies with the PID Act
- i) provide 6 monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures officers

3.2.10 Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting Policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

3.2.11 Disclosures officers have a responsibility to:

- a) document in writing any reports received verbally, and have the document signed and dated by the reporter
- b) make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- c) discuss with the reporter any concerns they may have about reprisal or workplace conflict

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Policy

- d) carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Mayor

- 3.2.12 The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:
- a) assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
 - b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
 - c) refer reports to an investigating authority, where appropriate
 - d) liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
 - e) refer actual or suspected corrupt conduct to the ICAC
 - f) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and managers

- 3.2.13 Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers are responsible for:
- a) encouraging staff to report known or suspected wrongdoing within the organisation and support staff when they do
 - b) identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
 - c) implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
 - d) notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.
- 3.3 What should be reported?
- 3.3.1 You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

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- 3.3.2 Reports about 5 categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the Government Information (Public Access) Act 2009 (GIPA Act), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman’s ‘Guideline B2: What should be reported?’
- 3.2.3 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Code of Conduct.
- 3.2.4 Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.
- A. Corrupt conduct
- 3.3.5 Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
- 3.3.6 For example, this could include:
- a) the improper use of knowledge, power or position for personal gain or the advantage of others
 - b) acting dishonestly or unfairly, or breaching public trust
 - c) a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.
- B. Maladministration
- 3.3.7 Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
- 3.3.8 For example, this could include:
- a) making a decision and/or taking action that is unlawful
 - b) refusing to grant an approval for reasons that are not related to the merits of their application.

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C. Serious and substantial waste of public money

3.3.9 Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

3.3.10 For example, this could include:

- a) not following a competitive tendering process for a large scale contract
- b) having bad or no processes in place for a system involving large amounts of public funds.

D. Breach of the GIPA Act

3.3.11 A breach of the Government Information (Public Access) Act 2009 (GIPA Act) is a failure to properly fulfil functions under that Act.

3.3.12 For example, this could include:

- a) destroying, concealing or altering records to prevent them from being released
- b) knowingly making decisions that are contrary to the legislation
- c) directing another person to make a decision that is contrary to the legislation.

E. Local government pecuniary interest contravention

3.3.13 A local government pecuniary interest contravention is a failure to comply with requirements under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

3.3.14 For example, this could include:

- a) a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- b) a Councillor participating in consideration of a development application for a property they or their family have an interest in.

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- 3.4 Assessment of reports
- 3.4.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.
- 3.4.2 The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.
- 3.5 When will a report be treated as a public interest disclosure?
- 3.5.1 Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:
- a) the report must be about one of the following 5 categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
 - b) the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
 - c) the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 3.6), an investigating authority or in limited circumstances to a Member of Parliament (MP) or journalist (see section 3.7).
- 3.5.2 Reports by staff are not public interest disclosures if they:
- a) mostly question the merits of government Policy (see section 3.15)
 - b) are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 3.16).
- 3.6 Who can receive a report within Port Stephens Council?
- 3.6.1 Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

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- 3.6.2 The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 3.2).
- 3.6.3 If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.
- a) General Manager – phone contact: 4988 0246
 - b) Mayor (for reports about the General Manager only) – phone contact: 4988 0245
 - c) Disclosures Coordinator – Governance Section Manager, phone contact: 4988 0187.

Disclosures Officers:

- a) Organisation Support Section Manager, phone contact: 4988 0371
 - b) Human Resources Manager, phone contact: 4988 0381
 - c) Legal Services Manager, phone contact: 4988 0377.
- 3.7. Who can receive a report outside of the Council?
- 3.7.1 Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:
- a) An investigating authority;
 - b) A Member of Parliament or a journalist, but only in the limited circumstances outlined below.
- A. Investigating authorities
- 3.7.2 The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.
- 3.7.3 The relevant investigating authorities for the Council are:
- a) the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct

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Policy

- b) the Ombudsman — for reports about maladministration
 - c) the Information Commissioner — for disclosures about a breach of the GIPA Act
 - d) the Office of Local Government— for disclosures about local councils.
- 3.7.4 You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.
- 3.7.5 You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.
- B. Members of Parliament or journalists**
- 3.7.6 To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:
- a) the General Manager
 - b) a person nominated in this policy, including the Mayor for reports about the General Manager
 - c) an investigating authority.
- 3.7.7 Also, the Council or the investigating authority that received your initial report must have either:
- a) decided not to investigate the matter
 - b) decided to investigate the matter, but not completed the investigation within 6 months of the original report
 - c) investigated the matter but not recommended any action as a result
 - d) not told the person who made the report, within 6 months of the report being made, whether the matter will be investigated.
- 3.7.8 Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 3.15).

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C. Other external reporting

- 3.7.9 If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Code of Conduct – by, for example, disclosing confidential information.
- 3.7.10 For more information about reporting wrongdoing outside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.
- 3.8. How to make a report.
- 3.8.1 You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.
- 3.8.2 If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.
- 3.9. Can a report be anonymous?
- 3.9.1 There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.
- 3.9.2 It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.
- 3.10. Feedback to staff who report wrongdoing.
- 3.10.1 Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

A. Acknowledgement

- 3.10.2 When you make a report, the Council will contact you to confirm that your report has been received and to advise:

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- a) the timeframe within which you will receive further updates
 - b) the name and contact details of the people who can tell you what is happening or handle any concerns you may have.
- 3.10.3 After a decision is made about how your report will be dealt with, the Council will send you an acknowledgement letter, providing:
- a) information about the action that will be taken in response to your report
 - b) the likely timeframes for any investigation or other action
 - c) information about the internal and external resources or services available that you can access for support.
- 3.10.4 We will provide this information to you within 10 working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.
- 3.10.5 Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.
- B. Progress updates
- 3.10.6 While your report is being dealt with, such as by investigation or making other enquiries, you will be given:
- a) information about the progress of the investigation or other enquiries and reasons for any delay
 - b) advice of any decision by the Council not to proceed with the matter
 - c) advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.
- C. Feedback
- 3.10.7 Once the matter has been finalised you will be given:
- a) enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
 - b) advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

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- 3.11. Maintaining confidentiality.
- 3.11.1 Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.
- 3.11.2 Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.
- 3.11.3 If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.
- 3.11.4 If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.
- 3.11.5 Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.
- 3.12. Managing the risk of reprisal and workplace conflict
- 3.12.1 When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 3.12.2 Depending on the circumstances, Council may:
- a) relocate the reporter or the staff member who is the subject of the allegation within the current workplace
 - b) transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
 - c) grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

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- 3.12.3 These courses of action are not punishment and will only be taken in consultation with the reporter.
- 3.13. Protection against reprisals.
- 3.13.1 Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.
- 3.13.2 The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.
- 3.13.3 Detrimental action means action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.
- 3.13.4 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.
- 3.13.5 It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

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Policy



- A. Responding to allegations of reprisal
- 3.13.6 If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.
- 3.13.7 All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.
- 3.13.8 If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:
- a) assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
 - b) if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
 - c) if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
 - d) take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
 - e) refer any breach of Part 9 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government
 - f) refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.
- 3.13.9 If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.
- 3.13.10 If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

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B. Protection against legal action

3.13.11 If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

3.14. Support for those reporting wrongdoing

3.14.1 Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

3.14.2 Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator or by contacting Human Resources.

3.15. Sanctions for making false or misleading statements

3.15.1 It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of staff and Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

3.16. The rights of persons the subject of a report

3.16.1 Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

3.16.2 If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- a) advised of the details of the allegation
- b) advised of your rights and obligations under the relevant related policies and procedures

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Policy

- c) kept informed about the progress of any investigation
 - d) given a reasonable opportunity to respond to any allegation made against you
 - e) told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.
- 3.17.1 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.
- 3.17. Review.
- 3.17.1 This policy will be reviewed by Council every ~~two~~ **3** years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.
- 3.18. More information.
- 3.18.1 More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.
- 3.19. Resources.
- 3.19.1 The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
 Phone: 02 8281 5999
 Toll free: 1800 463 909
 For TTY Users: NRS Speak & Listen
 Tel: 1300 555 727 and quote 02 8281 5999
 Facsimile: 02 9264 5364
 Email: icac@icac.nsw.gov.au
 Web: www.icac.nsw.gov.au
 Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000
 Postal: **GPO Box 500, Sydney, NSW 2001.**

For disclosures about maladministration:

NSW Ombudsman
 Phone: ~~02-9286-1000~~ **1800 451 524**
 Toll free (outside Sydney metro): 1800 451 524
 For TTY Users: NRS Speak & Listen Tel: 1300 555 727 and quote ~~02-9286-1000~~ **1800 451 524**
 Facsimile: 02 9283 2911
 Email: nswombo@ombo.nsw.gov.au
 Web: www.ombo.nsw.gov.au
 Address: Level 24, 580 George Street, Sydney NSW 2000

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Policy

For disclosures about breaches of the GIPA Act:

Information Commissioner
 Toll free: 1800 472 679
 Facsimile: 02 6446 9518
 National Relay Service: 133 677
 Email: ipcinfo@ipc.nsw.gov.au
 Web: www.ipc.nsw.gov.au
 Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000. Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
 Postal address: GPO Box 7011 Sydney NSW 2001

For disclosures about local councils:

Office of Local Government
 Phone: 02 4428 4100
 Facsimile: 02 4428 4199
 Email: olg@olg.nsw.gov.au
 Web: www.olg.nsw.gov.au
 Address: 5 O'Keefe Avenue, Nowra, NSW 2541 OR Level 5, 66 Harrington St, The Rocks, NSW 2000
 Postal Address: Locked Bag 3015, Nowra, NSW 2541

4. DEFINITIONS:

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

Contractor	A person or organisation engaged by Port Stephens Council.
Contractor employee	A person employed by a contractor of Port Stephens Council.
Corruption	Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
Council	Port Stephens Council.
Councillor	Means Mayor and/or Councillor
Council employee	A person employed by Port Stephens Council.
Disclosure Coordinator	The Governance Section Manager.
Disclosure officers	The Organisation Support Section Manager, Human Resources Manager and Legal Services Manager.
GIPA Act	Government Information (Public Access) Act 2009.
ICAC	Independent Commission Against Corruption.
Maladministration	Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
PID Act	Public Interest Disclosure Act 1994.
Public interest disclosure	Is a disclosure of corruption, maladministration or serious and substantial waste.

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Serious and substantial waste Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

5. STATEMENT:

5.1 Port Stephens Council is committed to ensuring that disclosures of corruption, maladministration or serious and substantial waste are dealt with in an appropriate way; maintaining confidentiality and providing support for all parties. Council encourages individuals to come forward with any matter that they become aware where wrongdoing may have occurred.

6. RESPONSIBILITIES:

- 6.1 The Mayor and General Manager are responsible for implementing, complying with, monitoring and providing advice on the policy.
- 6.2 The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.3 Disclosure officers are responsible for complying with and providing advice on the policy.
- 6.4 Supervisors and managers are responsible for implementing, complying with, and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct
- 7.2 Local Government Act 1993
- 7.3 Public Interest Disclosures Act 1994
- 7.4 Government Information (Public Access) Act 2009
- 7.5 Independent Commission Against Corruption Act 1988

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2010-00009	EDRMS record No	20/241329 TBC
Audience	Mayor, Councillors, staff, contractors, volunteers		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	Two 3 years	Next review date	30 June 2022 30 June 2025
Adoption date	14 December 2010		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Adopted by Council	409
2.0	11/2/2014	Executive Officer	Adopted by Council	017
3.0	10/05/2016	Governance Manager	Updated with the new model policy of the NSW Ombudsman and transferred to the new policy template.	118
3.1	22/5/2018	Governance Manager	Policy review included numbering to paragraphs and update of version control. 1.1 – included the name of the policy. 3.6.3 – updated contact numbers. 3.5.1, 3.5.2, 3.6.2, 3.6.3, 3.7.8 – updates section	137

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Policy



Version	Date	Author	Details	Minute No.
			<p>references to new paragraph numbering.</p> <p>3.19.1 – Updates contact details.</p> <p>4.1 – insert the definition of a councillor.</p>	
3.2	23/06/20	Governance Section Manager	<p>Policy review including:</p> <p>Policy Owner insert 'Section'.</p> <p>1.2 and 2.2 Insert 'Public Interest Disclosures Act 1994'.</p> <p>3.1.1, 3.2.1, 3.2.2, 3.2.8 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.3.6, 3.3.8, 3.3.10, 3.3.12, 3.3.14, 3.5.1, 3.5.2, 3.6.3, 3.7.1, 3.7.3, 3.7.6, 3.7.7 3.10.3, 3.10.6, 3.10.7, 3.12.2, 3.13.3, 3.13.8, 3.16.2 updated bullet points to alpha list.</p> <p>3.2.6 – delete 'six' insert '6'.</p> <p>3.2.9 i) – delete 'six' insert '6'.</p> <p>3.3.2 and 3.3.11 – insert 'Government Information (Public Access) Act 2009'.</p> <p>3.3.13 and 3.13.4 – insert 'Local Government Act 1993'.</p>	116

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Policy

Version	Date	Author	Details	Minute No.
			3.5.1 a) – delete 'five', insert '5'. 3.6.3 c) – insert 'Section'. 3.6.3 d) – insert 'Support Section'. 3.7.7 b) and d) – delete 'six', insert '6'. 3.19.1 – insert 'For TTY Users: NRS Speak & Listen Tel:'. Insert 'Address: Level 17, 201 Elizabeth ... NSW 2001'. 4 – Disclosure Coordinator – insert 'Section'. Disclosure officers – insert 'Organisation Support'.	
3.3		Governance Section Manager	The policy has been updated in the new policy template and updated the version control. Minor grammatical errors corrected. 3.2.10 – updated policy title. 3.13.8 e) – updated part 8 to part 9. 3.19.1 – updated agency contact details.	

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ITEM NO. 5

**FILE NO: 22/181201
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-
 - a. Rotary Club of Raymond Terrace – Mayoral funds - \$690 donation towards leasing space for a shipping container to house furniture for the community furniture bank.
 - b. Trek4Kidz – Mayoral funds - \$500 donation towards rally car sponsorship for the Trek4Kidz event to raise funds for the Starlight Children's Foundation.

BACKGROUND

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

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

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

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

The requests for financial assistance are shown below:

MAYORAL FUNDS – Mayor Palmer

Rotary Club of Raymond Terrace	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$690	Donation towards leasing space for shipping container to house furniture for the community furniture bank.
Trek4Kidz	A non-profit organisation founded in 1982 for hospitalised children and their families.	\$500	Donation towards rally car sponsorship for the Trek4Kidz event to raise funds for the Starlight Children’s Foundation.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.

c) applicants do not act for private gain.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been undertaken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

**FILE NO: 22/184763
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 July 2022.

No:	Report Title	Page:
1	June 2022 Cash and Investments	84
2	Tomaree Road Pathway	87
3	Fingal Bay	90
4	Elected Members Professional Development and Expenses Reports - 1 January 2022 to 30 June 2022	98
5	Council Resolutions	101

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/169156
EDRMS NO: PSC2017-00180**

JUNE 2022 CASH AND INVESTMENTS

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 June 2022.

ATTACHMENTS

1) June 2022 Cash and Investments. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 JUNE 2022 CASH AND INVESTMENTS.

Cash and Investments Held as at 30 June 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Commonwealth Bank of Australia	CBA	AA	TD	0.90%	67	5-Jul-22	2,500,000	2,500,000
Mutual Bank	Curve	NR	TD	1.00%	123	5-Jul-22	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	0.80%	361	8-Jul-22	750,000	750,000
AMP Bank	Laminar	BBB	TD	1.00%	375	8-Jul-22	750,000	750,000
AMP Bank	Laminar	BBB	TD	1.00%	368	8-Jul-22	750,000	750,000
AMP Bank	Laminar	BBB	TD	1.00%	390	8-Jul-22	1,000,000	1,000,000
AMP Bank	Laminar	BBB	TD	1.00%	405	8-Jul-22	800,000	800,000
AMP Bank	Laminar	BBB	TD	1.35%	550	8-Jul-22	585,000	585,000
Judo Bank	RIM	BBB	TD	0.75%	392	19-Jul-22	1,000,000	1,000,000
BNK Bank	RIM	NR	TD	1.02%	356	2-Aug-22	1,000,000	1,000,000
Judo Bank	Laminar	BBB	TD	0.80%	349	18-Aug-22	875,000	875,000
BNK Bank	Laminar	NR	TD	0.77%	376	14-Sep-22	875,000	875,000
Southern Cross Credit Union	Curve	NR	TD	2.50%	95	27-Sep-22	1,000,000	1,000,000
Judo Bank	Laminar	BBB	TD	0.80%	390	28-Sep-22	875,000	875,000
National Australia Bank	Curve	AA-	TD	1.20%	181	11-Oct-22	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	2.86%	131	26-Oct-22	1,000,000	1,000,000
Arab Bank	Laminar	NR	TD	0.86%	369	8-Nov-22	1,000,000	1,000,000
Mutual Bank	Curve	NR	TD	1.10%	397	3-Jan-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	1.57%	271	10-Jan-23	1,000,000	1,000,000
Judo Bank	Laminar	BBB	TD	0.99%	368	31-Jan-23	470,000	470,000
Bank of Queensland	BOQ	BBB	TD	0.80%	382	14-Feb-23	955,000	955,000
Westpac	Westpac	AA-	TD	0.95%	391	14-Mar-23	1,000,000	1,000,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	397	29-Mar-23	1,000,000	1,000,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	411	12-Apr-23	1,000,000	1,000,000
Judo Bank	Curve	BBB	TD	1.05%	425	26-Apr-23	650,000	650,000
G & C Mutual Bank	IAM	BBB	TD	1.00%	432	3-May-23	600,000	600,000
Commonwealth Bank of Australia	CBA	AA	TD	3.17%	365	9-May-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.12%	454	16-May-23	1,000,000	1,000,000
Mutual Bank	Curve	NR	TD	1.25%	551	6-Jun-23	1,000,000	1,000,000
Bank of Queensland	BOQ	BBB	TD	3.40%	389	26-Jun-23	1,500,000	1,500,000
Macquarie Bank	Curve	A+	TD	0.95%	487	4-Jul-23	1,000,000	1,000,000
Defence Bank	IAM	BBB	TD	4.38%	379	5-Jul-23	1,000,000	1,000,000
Illawarra Credit Union	Laminar	NR	TD	3.52%	403	11-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.30%	517	18-Jul-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	3.28%	424	1-Aug-23	1,000,000	1,000,000
Maitland Mutual	Curve	NR	TD	3.40%	438	14-Aug-23	1,000,000	1,000,000
Australian Unity Bank	Curve	BBB+	TD	3.40%	468	12-Sep-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.39%	467	27-Sep-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.41%	481	11-Oct-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.42%	495	25-Oct-23	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.48%	629	7-Nov-23	1,000,000	1,000,000

ITEM 1 - ATTACHMENT 1 JUNE 2022 CASH AND INVESTMENTS.

Cash and Investments Held as at 30 June 2022

ISSUER	Broker	Rating*	Type	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Commonwealth Bank of Australia	CBA	AA	TD	4.45%	524	23-Nov-23	1,000,000	1,000,000
ING Bank	ING	A	TD	4.22%	531	7-Dec-23	1,000,000	1,000,000
Commonwealth Bank of Australia	CBA	AA	TD	4.48%	552	21-Dec-23	1,000,000	1,000,000
ING Bank	ING	A	TD	4.33%	559	4-Jan-24	1,000,000	1,000,000
ING Bank	ING	A	TD	4.35%	566	16-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.53%	732	30-Jan-24	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.53%	746	13-Feb-24	1,000,000	1,000,000
Westpac	Westpac	AA-	TD	1.72%	741	27-Feb-24	1,000,000	1,000,000
Bank of Queensland	BOQ	BBB	TD	2.60%	727	26-Mar-24	900,000	900,000
Suncorp	Suncorp	AA-	TD	2.71%	735	8-Apr-24	1,000,000	1,000,000
Judo Bank	IAM	BBB	TD	3.35%	732	23-Apr-24	825,000	825,000
Judo Bank	IAM	BBB	TD	3.35%	746	7-May-24	825,000	825,000
Total Term Deposits (\$)							51,485,000	51,485,000
Macquarie Bank	Laminar	A+	At Call	0.95%			3,000,000	3,002,980
Total Investments (\$)							54,485,000	54,487,980
Cash at Bank (\$)							2,206,373	2,206,373
Total Cash and Investments (\$)							56,691,373	56,694,354
Cash at Bank Interest Rate		0.95%						
3 month BBSW		1.60%						
Average Investment Rate of Return on TD's		2.14%						
TD = Term Deposit								
*Standard & Poors Long Term Rating								
Certificate of Responsible Accounting Officer								
I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulation (2005) and Council's Cash Investment Policy.								
Tim Hazell								
Financial Services Section Manager								

ITEM NO. 2

**FILE NO: 22/169030
EDRMS NO: PSC2021-04195**

TOMAREE ROAD PATHWAY

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

BACKGROUND

The purpose of this report is to provide information on the status of the Tomaree Road footpath following the Council Notice of Motion resolution at Council meeting on 8 February 2022, Minute No. 026. (**ATTACHMENT 1**).

Tomaree Road footpath is identified in the Council adopted Pathway Plan. With the recent road rehabilitation, 680m of new pathway was completed on Tomaree Road, from Rigney Street to Verona Road. This leaves 2 missing links in the pathway network on Tomaree Road; 431m from Verona Road to Messines Street and 87m from Rigney Street to Marine Drive.

Road rehabilitation of Verona Road to Messines Street is listed in the Capital Works Program for the 2029-2030 financial year. Subsequently the section between Rigney Street to Marine Drive is listed in the Capital Works Program for the 2026-2027 financial year. As part of these works footpath and kerb and gutter will be included where the road reserve allows.

Sections of the Tomaree Road reserve corridor are narrow and the inclusion of a footpath for the entire length may not be possible without restricting residential access. As part of the project planning a detailed survey and design will need to be undertaken to ascertain if a footpath is achievable. If the addition of the footpath is achievable, the path will include provisions for DDA (Disabled Discrimination Act 1992) compliant kerb ramp to allow all ability access.

ATTACHMENTS

1) Notice of Motion - Tomaree Road Footpath. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 NOTICE OF MOTION - TOMAREE ROAD FOOTPATH.

MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022

NOTICE OF MOTION

ITEM NO. 13

FILE NO: 21/288487

EDRMS NO: PSC2017-00019

TOMAREE ROAD FOOTPATH

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that wheelchair bound residents currently have to use the road to travel along parts of Tomaree Road where there is no provided footpath.
- 2) Asks the General Manager to provide a report outlining when a footpath will be provided for the rest of Tomaree Road.

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

026	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that wheelchair bound residents currently have to use the road to travel along parts of Tomaree Road where there is no provided footpath.2) Asks the General Manager to provide a report outlining when a footpath will be provided for the rest of Tomaree Road.
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The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to provide background information to allow consideration of the Notice of Motion.

With the recent road rehabilitation, 680m of new pathway was completed on Tomaree Road, from Rigney Street to Verona Road. This leaves 2 missing links in the pathway network on Tomaree Road; 431m from Verona Road to Messines Street and 87m from Rigney Street to Marine Drive.

ITEM 2 - ATTACHMENT 1 NOTICE OF MOTION - TOMAREE ROAD FOOTPATH.**MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022**

Completion of the footpath on Tomaree Road is identified within the 2018 Pathways Plan. The construction of the Verona Road to Messines Street pathway is scheduled to be completed with the road rehabilitation listed in the Capital Works Program for the 2029-2030 financial year. The Rigney Street to Marine Drive missing link is currently unfunded.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM NO. 3

**FILE NO: 22/165969
EDRMS NO: PSC2021-04195**

FINGAL BAY

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

BACKGROUND

The purpose of this report is to provide information on the requested works at Fingal Bay in response to the Council resolution (Minute No.139) at the Council meeting of 24 May 2022 (**ATTACHMENT 1**).

The Council adopted resolutions is tabulated together with Council responses in (**ATTACHMENT 2**).

ATTACHMENTS

- 1) Council Resolution - Minute No. 139, 24 May 2022 Fingal Bay. [↓](#)
- 2) Fingal Bay - Response to Resolution Action Items. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 24 MAY 2022

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 22/126004

EDRMS NO: PSC2021-04195

FINGAL BAY

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Acknowledges the Community of Fingal Bay called a meeting with Mayor Palmer and all East Ward Councillors on Thursday 24 March 2022 to discuss a list of issues that were concerning some local residents.
- 2) Notes that Mayor Palmer and East Ward Councillor Anderson attended the meeting and were provided with the following list of issues at Fingal Bay:-
 - a. Repair fence on foreshore or replace with suitable vegetation.
 - b. Cut vegetation back on stairs leading to the beach, and check access points as to the step required from end of steps to sand (some are quite low).
 - c. Remove overgrowth of vegetation especially the amount of Bitou Bush and Lantana along the foreshore embankment.
 - d. Levelling of the footpath between Boulder Bay Road and Tuna Crescent to make it easier for walkers, especially the elderly, disabled, and mothers with prams.
 - e. Utilisation of the in ground sprinkler system.
 - f. Public chairs and tables need painting and repairs, covers also required in hot weather and rainy days.
 - g. Repairs to existing outdoor showers, consider 2 shower heads and drinks stations (similar to Shoal Bay).
 - h. Shade sail over children's play area at surf club.
 - i. Pedestrian crossing at the holiday park.
 - j. Creek pollution - Advise Hunter Water to check regarding possible storm water pollution.
 - k. Provide an update on the Marine Drive landslip and when it will be fixed.
 - l. Advise why Fingal Bay is not listed on the 10 Year works plan anywhere.
 - m. Provide a detailed reason why the sale proceeds of 4 blocks of land at Fingal Bay are going to fund a development at Salamander Bay.
- 3) Acknowledges that the Fingal Bay Community Group "Fingal Bay News and Views" invited Mayor Palmer and all East Ward Councillors via their Facebook group to attend a wider community forum, including the Federal Members of

MINUTES ORDINARY COUNCIL - 24 MAY 2022

Parliament, to discuss what both local and federal levels of Government can promise in terms of support to the Fingal Bay community.

- 4) Notes that only East Ward Councillor Anderson attended the community meeting on Thursday 5 May 2022.
- 5) Notes The Fingal Bay Community Group titled the Community Meeting "Forgotten Fingal" and spoke to the 100 locals who turned up that afternoon. They informed the residents that Council does not have a Place Plan for Fingal and there is no schedule of works planned in Council's 10 year plan of works for Fingal Bay, even though Fingal Bay is rated Number 12 out of Australia's top 20 beaches (2020) and is one of the Tomaree Peninsula's top tourist spots.
- 6) Requests the General Manager to provide a report to Council on the cost of the list of improvements requested by Fingal residents and what Council can do to allocate funds to fix these issues, so that Fingal is no longer forgotten.

ORDINARY COUNCIL MEETING - 24 MAY 2022
MOTION

139	<p>Councillor Leah Anderson Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Acknowledges the Community of Fingal Bay called a meeting with Mayor Palmer and all East Ward Councillors on Thursday 24 March 2022 to discuss a list of issues that were concerning some local residents. 2) Notes that Mayor Palmer and East Ward Councillor Anderson attended the meeting and were provided with the following list of issues at Fingal Bay:- <ol style="list-style-type: none"> a. Repair fence on foreshore or replace with suitable vegetation. b. Cut vegetation back on stairs leading to the beach, and check access points as to the step required from end of steps to sand (some are quite low). c. Remove overgrowth of vegetation especially the amount of Bitou Bush and Lantana along the foreshore embankment. d. Levelling of the footpath between Boulder Bay Road and Tuna Crescent to make it easier for walkers, especially the elderly, disabled, and mothers with prams. e. Utilisation of the in ground sprinkler system. f. Public chairs and tables need painting and repairs, covers also required in hot weather and rainy days.
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MINUTES ORDINARY COUNCIL - 24 MAY 2022

	<ul style="list-style-type: none">g. Repairs to existing outdoor showers, consider 2 shower heads and drinks stations (similar to Shoal Bay).h. Shade sail over children's play area at surf club.i. Pedestrian crossing at the holiday park.j. Creek pollution - Advise Hunter Water to check regarding possible storm water pollution.k. Provide an update on the Marine Drive landslip and when it will be fixed.l. Advise why Fingal Bay is not listed on the 10 Year works plan anywhere.m. Provide a detailed reason why the sale proceeds of 4 blocks of land at Fingal Bay are going to fund a development at Salamander Bay. <p>3) Acknowledges that the Fingal Bay Community Group "Fingal Bay News and Views" invited Mayor Palmer and all East Ward Councillors via their Facebook group to attend a wider community forum, including the Federal Members of Parliament, to discuss what both local and federal levels of Government can promise in terms of support to the Fingal Bay community.</p> <p>4) Notes that only East Ward Councillor Anderson attended the community meeting on Thursday 5 May 2022.</p> <p>5) Notes The Fingal Bay Community Group titled the Community Meeting "Forgotten Fingal" and spoke to the 100 locals who turned up that afternoon. They informed the residents that Council does not have a Place Plan for Fingal and there is no schedule of works planned in Council's 10 year plan of works for Fingal Bay, even though Fingal Bay is rated Number 12 out of Australia's top 20 beaches (2020) and is one of the Tomaree Peninsula's top tourist spots.</p> <p>6) Requests the General Manager to provide a report to Council on the cost of the list of improvements requested by Fingal residents and what Council can do to allocate funds to fix these issues, so that Fingal is no longer forgotten.</p> <p>7) All access stairs on Fingal Beach are inspected and repaired with urgency as a matter of safety.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 24 MAY 2022**BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

Given the range of issues within this Notice of Motion, if supported, staff shall prepare a report detailing each issue raised.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM 3 - ATTACHMENT 2 FINGAL BAY - RESPONSE TO RESOLUTION ACTION ITEMS.

Attachment 2: Responses to Resolution Action Items

Notice of Motion Points	Council Response
<p>1) Repair fence on foreshore or replace with suitable vegetation.</p> <p>2) Cut vegetation back on stairs leading to the beach, and check access points as to the step required from end of steps to sand (some are quite low).</p> <p>3) Remove overgrowth of vegetation especially the amount of Bitou Bush and Lantana along the foreshore embankment.</p>	<p>These maintenance works will proceed in a prioritised order. Unfortunately given the recent rains, the focus on Council's funds has been on road repairs. These works will be undertaken in this financial year.</p>
<p>4) Levelling of the footpath between Boulder Bay Road and Tuna Crescent to make it easier for walkers, especially the elderly, disabled, and mothers with prams.</p>	<p>There are currently no allocated funds for this project. As the project has not yet been surveyed or designed the cost is a very indicative estimate of in excess of \$120K.</p>
<p>5) Utilisation of the in ground sprinkler system.</p>	<p>There are currently no allocated funds for this project.</p>
<p>6) Public chairs and tables need painting and repairs, covers also required in hot weather and rainy days.</p>	<p>At present Council has not yet allocated funds for additional tables and shelters as requested. Existing park furniture are scheduled to be replaced in the 2023/24 financial year.</p> <p>Additional funding sources are also being reviewed to identify opportunities for foreshore improvements in conjunction with other capital work projects such as the amenities upgrade.</p> <p>Another option is if paid parking (free for locals) was introduced in this area we would have a source of income to build additional tables and shelters. As the project has not yet been scoped the cost is a very indicative estimate of in excess of \$40K.</p>
<p>7) Repairs to existing outdoor showers, consider 2 shower heads and drinks stations (similar to Shoal Bay).</p>	<p>The amenities are proposed for replacement in the 2022/23 financial year and will incorporate outdoor shower upgrades with drinking stations.</p>
<p>8) Shade sail over children's play area at surf club.</p>	<p>At present Council has not yet allocated funds for additional shade sails as</p>

ITEM 3 - ATTACHMENT 2 FINGAL BAY - RESPONSE TO RESOLUTION ACTION ITEMS.

	requested, however does have a pending grant application. Though if paid parking (free for locals) was introduced in this area we would have a source of income to build additional tables and shelters. As the project has not yet been scoped the cost is a very indicative estimate in excess of \$200K.
9) Pedestrian crossing at the holiday park.	Pedestrian crossings are approved by Transport for NSW. At present this location would not meet the criteria for a full pedestrian crossing. There is currently a pedestrian refuge in the centre of the road.
10) Creek pollution - Advise Hunter Water to check regarding possible storm water pollution.	Water quality monitoring of our beaches is ongoing through Hunter Water. The community is notified of any water quality issues and the beaches are closed. Council will undertake additional checks of this drain.
11) Provide an update on the Marine Drive landslip and when it will be fixed.	Council has recently been notified that we have been successful in gaining natural disaster funding contribution to undertake the repair works. Contractor availability will dictate the timing of these works.
12) Advise why Fingal Bay is not listed on the 10 Year works plan anywhere.	Works are prioritised across the whole local government area and take into account many factors such as safety, risk, condition of the asset, financial responsibility to name a few. Though as suitable grants become available the Capital Works Program will change.
13) Provide a detailed reason why the sale proceeds of 4 blocks of land at Fingal Bay are going to fund a development at Salamander Bay.	Property development projects are undertaken to provide a source of non-rate revenue to Council. Net profits from property development projects are reinvested into further development projects or as otherwise provided for in the Property Investment Strategy, to ensure a continued non-rate revenue stream. The net profits from the sale of lands in Fingal Bay would be available for Council to reinvest for property development projects, such as that identified at Salamander Bay.

ITEM 3 - ATTACHMENT 2 FINGAL BAY - RESPONSE TO RESOLUTION ACTION ITEMS.

<p>14) Requests the General Manager to provide a report to Council on the cost of the list of improvements requested by Fingal residents and what Council can do to allocate funds to fix these issues, so that Fingal is no longer forgotten.</p>	<p>The above proposed planned works are to be funded from Council's maintenance budget. The proposed capital works projects are noted in the above line items. AS noted above, as these proposals have not been scoped or designed the line items are indicative only. For capital projects located on Crown Land, and where they are consistent with relevant legislative requirements, an opportunity may exist to fund some of these projects from the Crown reserve subject to consultation with Crown Lands. Development contributions cannot be used for maintenance. Items within the Contributions Plan need to demonstrate an nexus to new development.</p>
<p>15) All access stairs on Fingal Beach are inspected and repaired with urgency as a matter of safety.</p>	<p>An inspection was carried out following the Council Meeting held 24 May 2022 and minor works were completed on 8 June 2022 to the beach access ways between the Surf Club and the Boat Ramp. Maintenance works will proceed in a prioritised order. Unfortunately given the recent rains, the focus on Council's funds has been on road repairs. These works will be undertaken in this financial year.</p>

ITEM NO. 4

**FILE NO: 22/179882
EDRMS NO: PSC2017-00739**

**ELECTED MEMBERS PROFESSIONAL DEVELOPMENT AND EXPENSES
REPORTS - 1 JANUARY 2022 TO 30 JUNE 2022**

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

BACKGROUND

Professional Development

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period January to June 2022. Professional Development expenses are shown in **(ATTACHMENT 1)**.

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 January 2022 to 30 June 2022. These expenses are shown in **(ATTACHMENT 2)**.

The costs in the report are those incurred by the Elected Members that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total costs incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

- 1) Elected Members Professional Development Expenses. [↓](#)
- 2) Elected Members Expense Report - 1 January 2022 - 30 June 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 ELECTED MEMBERS PROFESSIONAL DEVELOPMENT EXPENSES.

TOTAL ELECTED MEMBERS PROFESSIONAL DEVELOPMENT

	Mayor Palmer	Cr Anderson	Cr Arnott	Cr Bailey	Cr Doohan	Cr Dunkley	Cr Francis	Cr Kafer	Cr Tucker	Cr Wells
Planning for Non Planners	\$381.82	\$381.82			\$381.82		\$381.82			
LGNSW Special conference ¹	\$890		\$890	\$200			\$890		\$890	
Destination & Visitor Economy Conference	\$890.91					\$890.90			\$1045.45	
Code of Conduct	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10	\$278.10
Mayor & Councillors' Strategic Planning Workshop	\$1733	\$1717	\$1733	\$1733	\$1733	\$1630	\$0	\$0	\$1733	\$1717
Hunter Director's Briefing						\$70				
AICD Membership ²	\$605					\$605			\$605	
ALGA National General Assembly ³	\$1099.84				\$1211.73	\$1099.84				
Business Hunter Seminar		\$104.90								\$104.90
AR Bluett Local Government Handbook			\$170.67							\$170.67
Hunter Global Summit	\$150									
Total	\$6028.67	\$2481.82	\$3071.77	\$2211.10	\$3604.65	\$4573.85	\$1549.92	\$278.10	\$4551.55	\$2270.67

¹LGNSW – Local Government NSW

²AICD – Australian Institute of Company Directors

³ALGA – Australian Local Government Association

ITEM 4 - ATTACHMENT 2 ELECTED MEMBERS EXPENSE REPORT - 1 JANUARY 2022 - 30 JUNE 2022.

Elected Members Expense Report 1 January 2022 to 30 June 2022

		Mayor Ryan Palmer	Cr Leah Anderson	Cr Giacomo Annett	Cr Matthew Bailey	Cr Chris Doolan	Cr Glen Dunkley	Cr Peter Francis	Cr Peter Kafer	Cr Steve Tucker	Cr Jason McGillis	TOTALS
Total Number of Council Meetings Attended (10 held)		10	10	10	9	10	9	10	6	10	10	
Total Number of Months Reimbursed during the period		6	6	0	5	5	6	2	0	5	1	
Description of Expense	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$430.00	\$150.00		\$208.85	\$48.75	\$48.75	\$249.00			\$89.25	\$1,224.60
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												\$0.00
Councillor Internet	75% up to \$60 per month	\$360.00			\$239.96	\$71.25	\$94.28	\$104.98				\$870.47
Councillor Intrastate Travel Expenses	\$7000 per year	-\$1,061.46	\$1,254.26		\$799.68	\$708.24	\$556.08			\$3,038.45		\$5,295.25
Councillor Interstate Travel (out of NSW)	\$2000 per year											\$0.00
Councillor Interstate Accommodation (out of NSW)												\$0.00
Councillors Intrastate Accommodation		\$3,419.56				\$769.13	\$1,633.69	\$918.00		\$1,721.46		\$8,461.84
Councillor Conferences / Training	\$30,000 annually for all elected members	\$3,690.67	\$764.82	\$1,168.10	\$478.10	\$1,871.65	\$2,268.85	\$1,549.92	\$278.10	\$2,213.55	\$383.00	\$14,666.76
Councillor Partner Expenses	Mayor \$1000 per year Cr's \$500 per year (excluding LGNSW Annual Con.)	\$150.00										\$150.00
Councillor ICT Devices (incl. Mobile phones)	\$5000 per term		\$4,996.00	\$5,000.00	\$2,828.00	\$1,849.00	\$3,489.60	\$3,433.00		\$1,753.90	\$1,546.00	\$24,895.50
Councillor Stationery	\$300 per year		\$63.64		\$63.64		\$94.60	\$63.64			\$63.64	\$349.16
Councillor Awards/Ceremonies/Dinners		\$250.91	\$29.91	\$168.47		\$90.91				\$86.36		\$626.56
Councillor Child Care Costs	\$6000 per year				\$1,516.25							\$1,516.25
Councillor Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile					\$993.18	\$538.50			\$694.01		\$2,225.69
Councillor Uniforms		\$44.22	\$131.89									\$176.11
Councillor Professional Development	\$15,000 per term	\$2,338.00	\$1,717.00	\$1,903.67	\$1,733.00	\$1,733.00	\$2,305.00	\$0.00	\$0.00	\$2,338.00	\$1,887.67	\$15,955.34
TOTALS		\$9,621.90	\$9,107.52	\$8,240.24	\$7,867.48	\$8,135.11	\$11,029.35	\$6,318.54	\$278.10	\$11,845.73	\$3,969.56	\$76,413.53
Councillor Allowances	Mayor \$86,090 pa Cr's - \$24,810 pa	\$50,219.12	\$12,948.76	\$13,130.24	\$12,948.76	\$12,405.00	\$13,152.67	\$12,948.76	\$12,948.76	\$13,152.67	\$12,948.76	\$166,803.50
TOTALS		\$59,841.02	\$22,056.28	\$21,370.48	\$20,816.24	\$20,540.11	\$24,182.02	\$19,267.30	\$13,226.86	\$24,998.40	\$16,918.32	\$243,217.03

ITEM NO. 5

**FILE NO: 22/184036
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

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

ATTACHMENTS

- 1) Corporate Services Group resolutions. [↓](#)
- 2) Development Services Group resolutions. [↓](#)
- 3) Facilities and Services Group resolutions. [↓](#)
- 4) General Manager's Office resolutions. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division: Corporate Services	Date From: 27/08/2013
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 2708/2013	Pattison, Zoe	Campvale Drain	30/12/2022		
		Crosdale, Timothy				
15 Jul 2022						
Two private owners, Hunter Water Corporation and National Parks and Wildlife Service (NPWS). Matter ongoing.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Pattison, Zoe	Proposed Closure and Sale of Pathway in Boat Harbour	30/06/2023	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
15 Jul 2022						
Matter ongoing.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Division: Development Services **Date From:** 13/07/2021
Committee: **Date To:** 12/07/2022
Officer: **Printed:** Monday, 18 July 2022

[Action Sheets Report](#)

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 14/06/2022	Drinan, Kate Peart, Steven	Policy Review – Planning matters to be reported to Council Policy	19/08/2022	16/06/2022	22/155619
18 Jul 2022						
Endorsed: Place the revised Planning Matters to be Reported to Council policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 7 060	Ordinary Council 22/02/2022	Drinan, Kate Peart, Steven	Minor DA Modification Reporting	27/08/2022	25/02/2022	22/57049
18 Jul 2022						
In accordance with the Resolution, the Planning Matters to be Reported to Council Policy will be amended, exhibited and reported back to Council (should submissions be received) by August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 12/07/2022	Peart, Steven Peart, Steven	Koala Signage	27/07/2022	13/07/2022	22/186061
18 Jul 2022						
Compliance approach to continue. Assets section to liaise with signage group to reach agreement on approach to signage moving forward.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 12/07/2022	Lamont, Brock Peart, Steven	Policy Review: Community Development	26/08/2022	13/07/2022	22/186061
18 Jul 2022						
Currently on public exhibition until 12 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8	Ordinary Council 14/06/2022	Gardner, Janelle Peart, Steven	Communications & Engagement Strategy	29/07/2022	16/06/2022	22/155619
18 Jul 2022						
Communication & Engagement Strategy has been placed on public exhibition for a period of 28 days and should no submissions be received, the strategy will be adopted, without a further report to Council.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	12/07/2022
	Officer:		Printed:	Monday, 18 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	31/07/2022	15/09/2021	
1 240		Peart, Steven				21/252518
18 Jul 2022 Background work has been undertaken on the Waterways Strategy to define what this could look like for Port Stephens. Consultation with marine and related industries is now required which will take place following the completion of a range of other projects, including the Medowie Place Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	29/07/2022		
3 178		Peart, Steven				21/190429
18 Jul 2022 Legal request submitted. Awaiting further information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	31/08/2022	25/02/2022	
2 055		Peart, Steven				22/57049
18 Jul 2022 Council Report being drafted and will be reported to Council meeting 23 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	Flying-fox issues at Ross Wallbridge Reserve	30/09/2022	14/02/2022	
7 032		Peart, Steven				22/45826
18 Jul 2022 Report is being drafted and will be reported to Council meeting 9 August 2022.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	12/07/2022
	Officer:		Printed:	Monday, 18 July 2022

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

ITEM 5 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division: Facilities & Services	Date From: 8/12/2020
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

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

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

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

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

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

ITEM 5 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division: Facilities & Services	Date From: 8/12/2020
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

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

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

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

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

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

ITEM 5 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services **Date From:** 8/12/2020
Committee: **Date To:** 12/07/2022
Officer: **Printed:** Monday, 18 July 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	30/09/2022	14/02/2022	
5030		Kable, Gregory				22/45826
15 Jul 2022 Report shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Mitchell, Darren	Hydrogen and Electric Vehicles in Council's Fleet	16/08/2022		
2177		Kable, Gregory				21/190429
15 Jul 2022 Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/09/2022		
4208		Kable, Gregory				21/218740
15 Jul 2022 Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	19/08/2022	26/05/2021	
5128		Kable, Gregory				21/138820
15 Jul 2022 This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division: Facilities & Services	Date From: 8/12/2020
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton , Paul	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/08/2022		
2		Kable, Gregory				21/33235
012						
15 Jul 2022						
Two-Way Council briefing is scheduled for September 2022 to discuss the future of this land. A report will then be prepared.						

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

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

ITEM 5 - ATTACHMENT 3 FACILITIES AND SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division: Facilities & Services	Date From: 8/12/2020
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Mitchell, Darren	Kirrang Drive, Medowie Shared Pathway	17/08/2022	13/08/2021	
8 217		Kable, Gregory				21/218740
15 Jul 2022 Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.						

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



Action Sheets Report	Division: General Manager's Office	Date From: 28/06/2022
	Committee:	Date To: 12/07/2022
	Officer:	Printed: Monday, 18 July 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3	Ordinary Council 12/07/2022	Wickham, Tony Wallis, Wayne	Policy Review: Receipt of Petitions	19/08/2022	13/07/2022	22/186061
18 Jul 2022 Policy has been placed on public exhibition until 16 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 12/07/2022	Wickham, Tony Wallis, Wayne	Policy Review: Statement of Business Ethics	19/08/2022	13/07/2022	22/186061
18 Jul 2022 Policy has been placed on public exhibition until 16 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 28/06/2022	Wickham, Tony Wallis, Wayne	Policy Review: Council Prosecutions	5/08/2022	29/06/2022	22/171244
18 Jul 2022 Policy has been placed on public exhibition until 1 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3	Ordinary Council 28/06/2022	Wickham, Tony Wallis, Wayne	Policy Review: Alternative Dispute Resolution	5/08/2022	29/06/2022	22/171244
18 Jul 2022 Policy has been placed on public exhibition until 1 August 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5	Ordinary Council 28/06/2022	Wickham, Tony Wallis, Wayne	Code of Meeting Practice Review	19/08/2022	29/06/2022	22/171244
18 Jul 2022 The Code of Meeting Practice has been placed on public exhibition and is open for submissions until 15 August 2022.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 22/187469

EDRMS NO: PSC2021-04195

FLOODING PROBABILITY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that there is significant confusion in the community about what exactly phrases such as “1 in 100 year” and “1 in 1000 year” mean.
- 2) Agrees that simplifying language so the community and Councillors can better understand it is important to opening up Council decision-making.
- 3) Directs the General Manager to provide a simple explanation of what these kinds of phrases mean each time they are written in a Council report, planning assessment reports or on any Council information.
 - a. For example: “1 in 100 year event (this means there is a 1 in 100 or 1% chance of an event of this level or worse occurring in any given year)”.
 - b. For example: “1 in 1000 year event (this means there is a 1 in 1000 or 0.1% chance of an event of this level or worse occurring in any given year)”.

BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT AND COMPLIANCE SECTION MANAGER

BACKGROUND

Flooding probability is generally expressed by Council as the percentage chance of a flood of a given or larger size occurring in any 1 year. This is called the Annual Exceedance Probability (AEP) as referenced in the NSW Floodplain Development Manual, Australian Rainfall and Runoff Guidelines and Council documents. For example, Council’s flood certificates and development control plan reference a 1% AEP flood event, being a 1% chance of that event occurring in any 1 year or a 5% AEP flood event, being a 5% chance of that event occurring in any 1 year.

Phrases such as ‘1 in 100 year’ are not the adopted standard for discussing flooding probability within Council documents and Council reports given a 1% AEP event could occur a number of times within a 100 year period. Terminology and phrasing has evolved in recent years in acknowledgement of the above.

If supported, Council documents which discuss flooding probability can include additional information in accordance with the resolution of Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 22/191694

EDRMS NO: PSC2021-04195

DELEGATION REPORT

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the General Manager and the Mayor have many powers that are delegated to them personally to enable the day-to-day functioning of Council, and of Council's public image in between Council meetings.
- 2) Requests that the General Manager keep a record of each time the General Manager personally uses a legislative power under delegation (that is, not sub-delegated), and each time the Mayor uses a power under delegation.
- 3) Notes that powers under section 226 of the Local Government Act 1993 (LG Act), 'Role of the Mayor' and section 335 of the LG Act, 'Functions of the General Manager' are powers granted to the relevant positions and can be exercised without any reference to a delegation, as such would not form a power of delegation within item 2 above, except where Council has resolved to delegate functions of the Council.
- 4) Requires a new item be added to each Council meeting's Information Papers, outlining each occasion delegated powers have been used since the prior Council meeting as follows:
 - a. Delegated power used
 - b. Date power was used
 - c. Purpose power was used

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

The Mayor and General Manager's delegations were adopted by Council on 11 January 2022. These delegations allow the roles to perform a variety of legislative requirements to ensure the effective and efficient operations across the Council.

Section 226 of the Local Government Act 1993 (LG Act) provides for powers and functions for the role of Mayor. The powers under section 226 of the LG Act are not delegations as they are granted to any person holding the office of Mayor.

Section 226 – Role of Mayor

The role of the mayor is as follows-

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

Section 335 of the LG Act provides the functions of the general manager of a council. The functions are granted to any person holding the position of general manager. The functions of the general manager are not delegations granted by the Council.

Section 335 – Functions of the General Manager

The general manager of a council has the following functions-

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,

- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

Similarly, there will be other legislation whereby the General Manager or Mayor may have statutory obligations which are not delegated by the Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.