



Ordinary Council

Business Paper

date of meeting: Wednesday, 15 August 2012

location: Laurieton School of Arts Hall, corner Bold and Laurie Streets, Laurieton

time: 5.30pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.



**PORT MACQUARIE
HASTINGS**

Council's Vision

A sustainable high quality of life for all.

Council's Mission

To provide regional leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.

Council's Corporate Values

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Council's Guiding Principles

- ★ Ensuring good governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting. These are:

Addressing Council on an Agenda Item:

If the matter **is** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Group Manager Governance & Executive Services prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Group Manager Governance & Executive Services by 4.30pm on the day prior to the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. Council may ask questions of speakers but speakers **cannot** ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).



**PORT MACQUARIE
HASTINGS**

Ordinary Council Meeting

Wednesday, 15 August 2012

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Council and Charles Sturt University

Adoption of Recommendations from Confidential Session



**PORT MACQUARIE
HASTINGS**



Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02**Subject: LOCAL GOVERNMENT PRAYER**

A Minister from the Combined Churches of Port Macquarie will be invited to deliver the Local Government Prayer.

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 04**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 25 July 2012 be confirmed.

PRESENT

Members:

Neil Porter (Administrator)
Tony Hayward (General Manager)
Jeffery Sharp (Director of Infrastructure Services)
Craig Swift-McNair (Director of Corporate & Business Services)
Matt Rogers (Director of Development & Environment Services)
Lesley Atkinson (Director of Community & Cultural Development)
Stewart Todd (Group Manager Governance & Executive Services)
Lyndal Harper (Acting Communications Manager)
Bronwyn Lyon (Governance Support Officer)

The meeting opened at 5.30pm.

01 WELCOME TO COUNTRY

The Administrator welcomed everyone in the gallery, thanked the people of Wauchope for their support to both him and the previous Administrators and wished success to the candidates who are standing for Council in the upcoming elections.

The Administrator invited Mr Frank Parsons, Board Member of the Bunyah Land Council, to deliver the Welcome to Country.

Mr Frank Parsons delivered the Welcome to Country.

02 LOCAL GOVERNMENT PRAYER

Pastor Carl Moses from the Combined Churches of Port Macquarie delivered the Local Government Prayer.

03 APOLOGIES

There were no apologies.

04 CONFIRMATION OF MINUTES

RESOLVED: Administrator/Porter

1. That the Minutes of the Ordinary Council Meeting held on 27 June 2012 be confirmed.
 2. That the Minutes of the Extra-Ordinary Council Meeting held on 4 July 2012 be confirmed.
-

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

08.01 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Administrator/Porter

That Council determine that the attachments to Item numbers 8.12, 8.13, 8.14, 10.01, 12.06 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

06 PUBLIC FORUM

The Administrator advised of applications to address Council in the Public Forum from:

Leigh Fitz-Alan in regard to the Sale of Council Owned Land in Belah Road.

06.01 SALE OF COUNCIL OWNED LAND IN BELAH ROAD

Leigh Fitz-Alan addressed Council in regard to the sale of Belah Road for less than what Council bought it for.

The Administrator outlined why Council purchased the land in Belah Road and explained the stormwater drainage works carried out to date have been to rectify stormwater problems in that area. The Director of Infrastructure Services advised that further drainage relief works are scheduled to be constructed this financial year.

07 .01 ADMINISTRATOR MONTHLY DUTIES AND QUARTERLY REPORT ON EXPENSES

RESOLVED: Administrator/Porter

1. That the Administrator's Duties for the period 28 June to 25 July 2012 inclusive be noted.
 2. That the Quarterly Expenses of the Administrator's Office for the period 1 April to 30 June 2012 be noted.
-

08.09 2011/2012 CARRY-OVER PROJECTS

The Administrator advised of a request to address Council from Diane Gilbert (supporting the recommendation).

Diane Gilbert addressed Council in support of carrying over funds in relation to the Wauchope Pool project.

RESOLVED: Administrator/Porter

That the list of 2011/2012 carry-over projects outlined in the report attached be adopted and included in the 2012/13 works budget.

08.11 REGIONAL DEVELOPMENT PANEL

The Administrator advised of a request to address Council from Rob Hamilton (supporting the recommendation).

Mr Hamilton, representing the Regional Development Panel, addressed Council in support of the recommendation.

RESOLVED: Administrator/Porter

That the recommendation contained in the report be referred to the newly elected Council for consideration following the September 2012 elections.

10.02 PORT MACQUARIE AIRPORT - PROPOSED STAGE 1 UPGRADE

The Administrator advised of a request to address Council from Leigh Fitz-Alan (opposing the recommendation).

Mr Fitz-Alan addressed Council in opposition to the recommendation.

RESOLVED: Administrator/Porter

That Council:

1. Adopt the airside components (runway, taxiways, and RPT apron) as currently designed as the scope of works for the proposed Stage 1A upgrade of Port Macquarie Airport.
 2. Proceed to obtain tenders from suitably experienced contractors for the proposed Stage 1A upgrade, being works required to the runway, taxiways and RPT apron to cater for initial operations of Code 4C (B737 / A320) aircraft, via an open tendering process.
 3. Defer the proposed landside components (terminal building and car park improvements) to Stage 1B pending further consultation with the Civil Aviation Safety Authority (CASA) and a review of the Airport Master Plan 2010.
 4. Proceed with further detailed planning and design for a new rental car and staff car park as identified in the Airport Master Plan 2010, with this work being planned as part of a standalone business case.
-

12.07 REALLOCATION OF FUNDING IN THE 2012/13 BUDGET FROM SARAHS CRESCENT TO KING CREEK ROAD

The Administrator advised of a request to address Council from Stephen Cross (opposing the recommendation).

Mr Cross addressed Council in opposition to the recommendation.

RESOLVED: Administrator/Porter

That Council:

Reallocate the 2012/13 FY capital works budget of \$900,000.00 for the Stage 1 reconstruction of Sarahs Crescent to King Creek Road to allow the continuation of the works completed in 2011/12 FY on King Creek Road.

Note that roads maintenance and heavy repairs to Sarahs Crescent (and Council's road network in general) be undertaken, in accordance with Council's adopted risk management approach and processes.

That a report be brought back to Council at the August 2012 Meeting outlining the sections of King Creek Road to be rehabilitated.

**12.09 DEFERRAL OF PAYMENT OF DEVELOPMENT CONTRIBUTIONS FOR
SUBDIVISION**

The Administrator advised of a request to address Council from Tony Thorne (supporting the recommendation).

Mr Thorne addressed Council in support of the recommendation.

RESOLVED: Administrator/Porter

That Council:

1. Allow the deferral of payment of development contributions in relation to residential and rural residential subdivision for a period of up to two years from the release of the Subdivision Certificate subject to:
 - a) contributions being paid prior to the sale of the lot and outstanding contributions being secured to Council's satisfaction by either:
 - i) Bank Guarantee,
 - ii) Charge on Land,
 - iii) Caveat on each individual lot, or
 - iv) Voluntary Planning Agreement.
 - b) Where security is by way of a bank guarantee or charge, a 2 year interest amount calculated at the average rate of Council's investments performance over the past 12 months plus 1% is to be added to the amount secured.
 - c) Contributions to be calculated at the rate applicable at the time of payment.
2. Review the policy framework for deferral of payment of development contributions in relation to residential subdivision in 12 months.
3. Delegate Authority to the General Manager to enter into and execute Deeds of Agreement for the deferral of payment of development contributions.

12.11 YALUMA DRIVE PUBLIC RESERVE MATERIAL PUBLIC BENEFIT APPLICATION (PIN 33379)

The Administrator advised of a request to address Council from Leo Koppers (opposing the recommendation).

Mr Koppers addressed Council in opposition to the recommendation.

RESOLVED: Administrator/Porter

That Council:

That consideration of this item be deferred until the August 2012 Council Meeting to allow further consultation with affected residents.

12.12 JOHN OXLEY DRIVE PRECINCT - DRAFT STRUCTURE PLAN - FOLLOWUP ON REVIEW OF SUBMISSIONS (PP2011-0007 PIN 48392)

The Administrator advised of a request to address Council from:

Michael Mowle (opposing the recommendation)
Chris Condon (supporting the recommendation)
Graham Linn (opposing the recommendation)
Tony Horne (supporting the recommendation)

Michael Mowle addressed Council in opposition to the recommendation.
Chris Condon addressed Council in support of the recommendation.
Graham Linn addressed Council in opposition to the recommendation.
Tony Horne addressed Council in support of the recommendation.

RESOLVED: Administrator/Porter

That Council:

Formally adopt the John Oxley Drive Precinct Structure Plan as attached to this report, with the following changes:

- Changing references to 'Bulky Goods/Commercial' to "Business Investigation", with inclusion of the explanatory note included in this report;
 - In relation to the planned upgrades of John Oxley Drive, update the text in line with this report, and remove delineation of road widening from the maps; and
 - In section 6.2 Proposed Land Use Outcomes, in relation to No 18 John Oxley Drive, expand the point relating to No 28 John Oxley Drive to:
"Must be subject to development controls in relation to noise, access, privacy and overshadowing to protect the residential
-

amenity of residents of No 28 John Oxley Drive.”

In relation to the proposals in the Structure Plan relating to No 18 John Oxley Drive:

Prepare a Planning Proposal (for amendment to the LEP in terms of Section 55 of the *Environmental Planning and Assessment Act 1979*), and

Prepare supporting amendments to *Port Macquarie-Hastings Development Control Plan 2011*.

Establish with the proponent a statutory mechanism to ensure that any future development of No.18 John Oxley Drive is designed in accordance with the future development control provisions in b) above, relating to the amenity of residents of No 28 John Oxley Drive, prior to the exhibition of the Planning Proposal and Development Control Plan.

Specifically engage with the owners and residents of No 28 John Oxley Drive as part of the preparation of a Planning Proposal, Development Control Plan and future development application for No.18 John Oxley Drive.

08.03 SUBMISSION TO THE LOCAL GOVERNMENT ASSOCIATION OF NSW

RESOLVED: Administrator/Porter

That Council submits the following motions to the Local Government Association of NSW for inclusion on their 2012 Annual Conference agenda.

Infrastructure Funding

Council proposes that the LGA continues to lobby the Federal Government for a process whereby there is direct and equitable funding from Personal Income Tax (or similar) to Local Government across Australia, specifically for the purpose of renewal and maintenance of the roads and bridges network. In doing so the Federal Government would recognise the insurmountable task that faces regional Councils in otherwise funding the renewal of failed road and bridge networks.

Coastal Erosion

Council proposes that the LGA seeks State and Federal funding assistance for the coastal erosion issues on our coastline, given the high costs and the limited capacity of Local Government to fund these works.

Local Government access to Federal funding

Council proposes that the LGA seeks continued support and increase the current level of Financial Assistance Grants (FAG) to ensure a sufficient level of direct funding between the Federal Government and Local Government.

08.04 GOVERNANCE POLICY FRAMEWORK

The Administrator thanked the Governance Consultation Panel for their commitment and outcomes achieved.

RESOLVED: Administrator/Porter

That Council adopt the following Policies:

1. Councillor Induction Policy.
 2. Councillor Education and Training Policy.
 3. Good Governance Policy.
 4. Lobbying Policy.
 5. Provision of Information and interaction between Councillors and Council Staff Policy.
 6. Listening to the Community Policy.
 7. Media Relations Policy.
 8. Mayoral Discretionary Fund Policy.
 9. Payment of Expenses and Provision of Facilities to Councillors Policy.
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08.05 WEBCASTING OF COUNCIL MEETINGS

RESOLVED: Administrator/Porter

That Council:

1. Suspend the webcasting of Council Meetings as at 25 July 2012.
 2. Request that the General Manager prepare a report for presentation to the October 2012 Council Meeting outlining the costs, previous audience numbers and the risks associated with the webcasting of Council Meetings.
-

09.01 ACCEPTANCE OF THE INDIGENOUS CHRONIC DISEASE FUNDING FOR THE MOVE EAT LIVE WELL PROGRAM - ABORIGINAL FOCUS

RESOLVED: Administrator/Porter

That Council accepts the offer of funding of \$365,055.68 from the Department of Health and Ageing Indigenous Chronic Disease Fund for the Move Eat Live Well program – Aboriginal Focus.

09.02 GLASSHOUSE 3 YEAR ANNIVERSARY REPORT 2012

RESOLVED: Administrator/Porter

That Council note the Glasshouse Port Macquarie Third Anniversary Report.

10.01 DISPOSAL OF COUNCIL PROPERTY - 40-44 FLYNN STREET, PORT MACQUARIE

RESOLVED: Administrator/Porter

That Council:

1. Following the forthcoming 2012-2013 Christmas / New Year holiday period of bookings, cease to operate the Port Macquarie Holiday Cabins.
 2. Consider a further report on the options for disposal of the Council property at 40-44 Flynn Street, Port Macquarie at a future meeting of Council.
-

11.01 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE - LAKE CATHIE COASTLINE MANAGEMENT STUDY STAGE 2

RESOLVED: Administrator/Porter

That Council:

1. Proceed with the preparation of the Lake Cathie Coastal Zone Management Plan incorporating a revetment and beach nourishment as the management option for Illaroo Road.
 2. Include the following provisions in the Lake Cathie Coastal Zone Management Plan:
 - a) Construction of the revetment at an appropriate trigger point.
 - b) Funding source options for the management and maintenance works including State Government, ratepayers and residents benefiting from the works.
 - c) Geological testing up to the currently defined 2100 zone of reduced foundation capacity to confirm the geological profile and the extent of Coffee rock and other material that may impact on the rate of erosion and the extent of the zone of reduced foundation capacity.
 - d) Long term development control provisions.
 - e) A review of s149 Certificate Notations.
 3. Lift the current prohibition on development for properties forward (seaward) of the 2050 zone of slope adjustment and apply the following interim controls for this area pending the adoption of the Lake Cathie Coastline Management Plan and construction of the revetment.
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- a) Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area.
 - b) Any redevelopment or reconstruction above 10% being undertaken as relocatable structures.
 - c) New detached garages and outbuildings being relocatable structures.
 - d) No subdivision including strata subdivision.
4. Apply the following interim controls for properties behind the (landward) 2050 zone of slope adjustment and forward of the 2050 zone of reduced foundation capacity.
- a) Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area or provide for foundation footings to extend into the stable foundation zone.
 - b) All new buildings (that are not relocatable) be subject to a requirement for foundation footings to extend into the stable foundation zone.
5. Adopt the Lake Cathie Emergency Action Plan.
-

12.03 MAINTENANCE OF SLIPPING OF HIBBARD FERRY

RESOLVED: Administrator/Porter

That Council:

1. Under Section 55 (3) (i) of the Local Government Act 1993 resolve not to call tenders for the maintenance slipping of the Hibbard Ferry due to the unavailability of competitive or reliable tenders;
 2. Accept the quotation from Birdon Pty Ltd in the amount of \$349,962 (exclusive of GST) as per the attached schedule of works;
 3. Endorse the actions planned for the maintenance slipping of the Hibbard Ferry.
-

12.04 ROAD NETWORK CONDITION ASSESSMENT RESULTS

RESOLVED: Administrator/Porter

That Council:

1. Use the road network condition data as described in this report to determine the FY 2012/13 pavement resurfacing priorities and program.
 2. Use the road network condition data as described in this report to determine the FY 2012/13 pavement rehabilitation priorities and program;
 3. Utilise the network condition data as a driver in the development of future Capital Works Programs;
 4. Undertake a further whole of network road condition assessment in late 2012/13 and then annually to monitor improvements and/or further deterioration of the road network.
-

12.05 TIMBER BRIDGES

RESOLVED: Administrator/Porter

That Council:

1. Commence Level 2 bridge inspections on a 3 monthly basis for those bridges identified in earlier level 3 inspections as having a reduced load bearing capacity; and
 2. Escalate inspections to level 3 inspections and undertake recommended remediation works where level 2 inspections identify deterioration of bridge structures.
 3. Engage a suitably qualified consultant to undertake further inspections of Kindee Bridge, associated with recommendations 2 – 4 made in the 2010 Integrity Testing report, funded from the annual Asset Inspections budget.
 4. Generate a stand-alone Asset Management Plan for Bridge and major culvert assets.
-

12.06 THRUMSTER DIRECTIONAL DRILLING

The Director of Infrastructure Services advised of an amendment in the report on page 117 of the agenda where reference to Council Meeting on 22 July 2007 should be 22 July 2009.

RESOLVED: Administrator/Porter

That Council:

1. Recommence works in accordance with Tender T-09-04 and subsequent negotiations undertaken in accordance with the terms and conditions of the Deed of Agreement, and accept the revised contract price from Pipeline Drillers Group to complete the installation of 2 directional drilled pipes at Thrumster for the value of \$2,109,004 Exc GST.
 2. Provide delegated authority to the General Manager to approve variations up to an additional \$200,000 should hard rock be encountered.
-

12.13 LAURIETON CENOTAPH (PIN 33233)

RESOLVED: Administrator/Porter

That the project be funded from existing funding allocations for the road network and works to be completed in the current financial year.

THE FOLLOWING ITEMS WERE ADOPTED IN THE BLOCK:

08.02 JULY 2012 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Administrator/Porter

That the information in the July 2012 Status of Outstanding Reports to Council be noted.

**08.06 RECOMMENDED ITEM FROM AUSTRALIA DAY SUB-COMMITTEE
MEETING HELD 22 JUNE 2012
ITEM 06 - EXPRESSIONS OF INTEREST - AUSTRALIA DAY
CELEBRATIONS IN THE CAMDEN HAVEN**

RESOLVED: Administrator/Porter

That:

1. The Expressions of Interest received from Camden Haven Chamber of Commerce to assist in the planning and staging of Australia Day activities in the Camden Haven be accepted.
 2. The Camden Haven Chamber of Commerce be advised, in writing, of their appointment to the Australia Day Sub-Committee.
-

08.07 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - TOWN CENTRE MASTER PLAN SUB-COMMITTEE APPOINTMENTS

RESOLVED: Administrator/Porter

Council endorse the ongoing membership of Mr Brian Tierney and Mr Jeff Gillespie as members of the Town Centre Master Plan Sub Committee for a further twelve (12) months (27 July 2012 to 26 July 2013). The membership will conclude at the July 2013 Town Centre Master Plan Sub Committee Meeting.

**08.08 RECOMMENDATION FROM TOWN CENTRE MASTER PLAN SUB
COMMITTEE - EXTRA ORDINARY MEETING 18/07/12 - WORKS
PROGRAMME AND FINANCIAL MODEL**

RESOLVED: Administrator/Porter

That Council:

1. Adopt the Town Centre Master Plan revised financial model as attached to this report;
 2. Revise the financial model following Council's adoption of works to carry over to 2012/13 and finalisation of all 2011/12 master plan works accounts and;
 3. Amend Council's Operational Plan 2012/13 – Town Centre Master Plan works be amended to list all 2012/13 works as shown in the table attached to this report and revised financial model.
-

08.10 INVESTMENTS - JUNE 2012

RESOLVED: Administrator/Porter

That Council receive and note the investment report for June 2012.

**08.12 TENDER T-12-17 PROJECT MANAGER SERVICES, TOWN CENTRE
MASTER PLAN**

RESOLVED: Administrator/Porter

That Council:

1. Decline to accept any of the tenders for Tender T-12-17 for Project Manager Services for the Town Centre Master Plan;
 2. Carry out the requirements of the role of the Project Manager – Port Macquarie Town Centre Master Plan using Council staff as allowed for in Clause 178 (3) (e) of the Local Government (General) Regulation which states that Council can decline to accept any tenders and undertake the proposed contract itself.
-

08.13 TENDER T-12-09 SUPPLY & SPRAYING OF BITUMEN

RESOLVED: Administrator/Porter

That Council:

1. Accept the tender from SRS Roads Pty Ltd for the Supply & Spraying of Bitumen for an initial period of thirty six (36) months, commencing on 1st August 2012, with a further option of twenty four (24) months available.
2. Affix the seal of Council to the necessary documents.

08.14 TENDER T-12-16 MANAGEMENT OF WAUCHOPE WASTE TRANSFER STATION

RESOLVED: Administrator/Porter

That Council:

1. Accept the tender of \$216,410.40 (GST Exclusive) from Subloo's Pty Ltd for the Management of Wauchope Waste Transfer Station for a period of twenty four (24) months.
2. Affix the seal of Council to the necessary documents.

08.15 RECOGNITION OF COMPLIMENTS TO COUNCIL STAFF

RESOLVED: Administrator/Porter

That Council note the information in the Recognition of Compliments to Council Staff April – June 2012.

08.16 COMPLAINT HANDLING REPORT APRIL TO JUNE 2012

RESOLVED: Administrator/Porter

That Council note the Complaints Handling Report for April to June 2012.

10.03 SCHEDULE OF FEES AND CHARGES 2012-13. CHANGE TO FEES FOR THE 2012 HOLIDAY COAST CREDIT UNION TASTINGS ON HASTINGS

RESOLVED: Administrator/Porter

That Council:

1. Adopt the amended Fees and Charges for the 2012 HCCU Tastings on Hastings as detailed in and attached to this report.
 2. Advertise the amended 2012 HCCU Tastings on Hastings Fees and Charges for a period of 28 days.
 3. Review the 2013/14 HCCU Tastings on Hastings charges for the 2013/14 financial year following a review of the 2012 event.
-

11.02 RECOMMENDED ITEM FROM HASTINGS LGA FLOODPLAIN SUB-COMMITTEE 09/05/12 - CAMDEN HAVEN FLOOD STUDY

RESOLVED: Administrator/Porter

That Council:

1. Publically exhibit the draft Camden Haven River & Lakes System Flood Study for a period of six (6) weeks.
 2. Hold an Information Session during the exhibition period to assist the community in preparing submissions.
 3. Prepare additional explanatory material for exhibition with the Study Report.
-

12.01 LOANS TO INCORPORATED SPORTING BODIES AND INCORPORATED COMMUNITY GROUPS

RESOLVED: Administrator/Porter

That Council adopt the Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy.

**12.02 LAND ACQUISITION FOR PUBLIC ROAD PURPOSES - LORNE ROAD,
LORNE (PIN 62473)**

RESOLVED: Administrator/Porter

That Council:

1. Pay compensation in the amount of \$4,200 (GST Exclusive) to the owners of Lot 2 Deposited Plan 1173853 for the acquisition of that part of Lot 2 Deposited Plan 1173853 more particularly described as Lot 2 in Plan of Acquisition DP1172194.
 2. Affix the Common Seal to the Contract for Sale/Deed of Acquisition.
 3. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign the Land Titles Office Transfer Form.
 4. On acquisition of Lot 2 Deposited Plan 1172194 dedicate it as public road.
-

12.08 OFFERS TO ENTER INTO VOLUNTARY PLANNING AGREEMENTS

RESOLVED: Administrator/Porter

That Council delegate authority to the General Manager to determine and execute the following documents:

1. Fernbank Creek Planning Agreement.
 2. Sancrox Employment Land Road Construction Planning Agreement Amendment.
 3. Coastside Environmental Land Planning Agreement.
 4. Chimneys Planning Agreement.
-

**12.10 BUILDING BETTER REGIONAL COMMUNITIES GRANT OFFER AND
ASSOCIATED VOLUNTARY PLANNING AGREEMENTS**

RESOLVED: Administrator/Porter

That Council delegate authority to the General Manager:

1. To execute the Building Better Regional Cities Funding Agreement.
 2. To determine and execute the following documents:
 - a) Sovereign Hills Estate Planning Agreement – First Deed of Variation.
 - b) Innes Peninsula Planning Agreement – Brierley Hill.
 - c) Innes Peninsula Planning Agreement – Diteleigh.
-

ADJOURN MEETING

RESOLVED: Administrator/Porter

The Ordinary Council Meeting adjourn at 7.50pm to reconvene on 26 July 2012 at 9.00am, Committee Room, PMHC Headquarters, Burrawan Street, Port Macquarie.

RESUME MEETING

RESOLVED: Administrator/Porter

The Ordinary Council Meeting resumed at 9.02am on 26 July 2012.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Administrator/Porter

1. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:

Item 13.01 New Depot Site

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 13.02 Acquisition and Disposal of Land at Kendall (PIN 20962-31769-40934)

This item is considered confidential under Sect 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
-

ADJOURN MEETING

RESOLVED: Administrator/Porter

The Ordinary Council Meeting adjourned at 9.03am.

RESUME MEETING

RESOLVED: Administrator/Porter

The Ordinary Council Meeting resumed at 9.23am.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Administrator/Porter

That the undermentioned recommendations from Confidential Committee of the Whole (Closed Session) be adopted:

Item 13.01 New Depot Site

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION:

That Council:

1. Provide delegated authority to the General Manager to identify and negotiate the purchase of a suitable depot site (based on independent valuation) including the signing of contracts and necessary documentation;
2. Affix the Council seal if necessary to transfer documents associated with the purchase of this property;
3. Note that a further report will be provided to a future meeting of Council once the purchase has been finalised, setting out details of the purchase.

Item 13.02 Acquisition and Disposal of Land at Kendall (PIN 20962-31769-40934)

This item is considered confidential under Sect 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RECOMMENDATION:

That Council:

1. Endorse the terms of the Heads of Agreement as negotiated during mediation conducted on Friday 6 July 2012.
2. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign:
 - a. The Heads of Agreement;
 - b. The Contracts for the sale of land/Deed of Acquisition for Lot 1 DP1053068 and the purchase/acquisition of Lot 2 Section B DP7734 and that part of Lot 1 Section B DP7734 more particularly described in the plan of acquisition as Lot 1 DP1151264;
 - c. Land Title Office Transfer forms for the subject lands.
3. Advertise the draft resolution " It is intended to classify Lot 2 Section B DP 7734 (River Street, Kendall) as Operational Land".
4. On acquisition of that part of Lot 1 Section B DP7734 more particularly described in the plan of acquisition as Lot 1 DP1151264 dedicate Lot 1 DP1151264 as public road pursuant to Section 10 of the Roads Act 1993.

The meeting closed at 9.24am.

.....
Neil Porter
Administrator

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

Pecuniary:

Take no part in the consideration and voting and be out of sight of the meeting.

Non-Pecuniary - Significant Interest:

Take no part in the consideration and voting and be out of sight of the meeting.

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:

.....

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

Pecuniary Interest

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

Non-Pecuniary

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests 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 a financial nature.

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

The management of a non-pecuniary interest will depend on whether or not it is significant.

Non Pecuniary – Significant Interest

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

Non Pecuniary – Less than Significant Interest

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>) ⁱ	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST	
Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

Councillor's Signature: **Date:**

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of 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.

-
- i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may 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.
 - ii. Section 442 of the *Local Government Act 1993* 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 section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
 - iii. 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 section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
 - iv. **Relative** is defined by the *Local Government Act 1993* 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.

Item: 07

**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING**

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.4.3 Build trust and improve Council's public reputation through transparency and accountability

RECOMMENDATION

That Council determine that the attachments to Item number ##### be considered as confidential, in accordance with section 11(3) of the Local Government Act.

Discussion

The following confidential attachment has been submitted to the Ordinary Council Meeting.

Item No.: ##
Subject: Heritage Arts & Culture Priorities Advisory Group - Expressions of Interest Received
Attachment Description: Confidential Attachment EOI-14-02 - Independent Members of the Heritage, Arts and Culture Priorities Advisory Group - Evaluation Master
Confidential Reason: Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item No.: ##
Subject: Sancrox Reservoir Construction
Attachment Description: Proposal for Project Management of the Procurement and Construction Phase for Sancrox Reservoir
Confidential Reason: Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item: 08**Subject: PUBLIC FORUM**

Residents are able to address Council in the Public Forum of the Ordinary Council Meeting on any Council-related matter not listed on the agenda.

A maximum of eight speakers can address any one Council Meeting Public Forum and each speaker will be given a maximum of five minutes to address Council. Council may wish to ask questions following an address, but a speaker cannot ask questions of Council.

Once an address in the Public Forum has been completed, the speaker is free to leave the chambers quietly.

If you wish to address Council in the Public Forum, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak in Public Forum at Ordinary Council Meeting Form'. This form is available at Council's offices or online at www.pmhc.nsw.gov.au.

Ensuring Good Governance

What are we trying to achieve?

A collaborative community that works together and recognises opportunities for community participation in decision making that is defined as ethically, socially and environmentally responsible.

What will the result be?

- A community that has the opportunity to be involved in decision making.
- Open, easy, meaningful, regular and diverse communication between the community and decision makers.
- Partnerships and collaborative projects, that meet the community's expectations needs and challenges.
- Knowledgeable, skilled and connected community leaders.
- Strong corporate management that is transparent.

How do we get there?

- 1.1 Engage the community in decision making by using varied communication channels that are relevant to residents.
- 1.2 Create professional development opportunities and networks to support future community leaders.
- 1.3 Create strong partnerships between all levels of government and their agencies so that they are effective advocates for the community.
- 1.4 Demonstrate conscientious and receptive civic leadership.
- 1.5 Implement innovative, fact based business practices.

Ensuring Good Governance

Item: 09.01

Subject: AUGUST 2012 STATUS OF OUTSTANDING REPORTS TO COUNCIL

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That the information in the August 2012 Status of Outstanding Reports to Council be noted.

Discussion

Report	Status	Reporting Officer	Current Anticipated Date for Report
Wall Reserve, North Haven - Management of Parkland (Item 13 - ORD 26/08/09)	LPMA updating cadastre for reserve lots and Council still awaiting advice.	INFRA	2012
North Shore Public Amenities Community Consultation Results (Item 08 - ORD 24/11/10)		INFRA	Reported to Council on 28/09/11
Rotary Park traffic issues community consultation results (Item 11 - ORD 24/11/10)	Subject to completion of current works being undertaken and future funding.	INFRA	2012
Kooloonbung Creek – Relocation of Flying Foxes (Item 08.16 ORD 27/06/12)		D&ES	June 2013
Reallocation of Funds to King Creek Road (Item 07.02 – ORD 27/06/12) (Item 12.07 – ORD 25/07/12)		INFRA	August 2012
Advertising – Newspaper Policy (Item 08.04 – ORD 27/06/12)		EXEC	Sept 2012
Webcasting of Council Meetings (Item 08.05 – ORD 25/07/12)		EXEC	Oct 2012

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: ORDINARY COUNCIL MEETINGS 2012 - CHANGE OF DATES

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council set the Ordinary Council Meeting dates for the remainder of 2012 as follows:

**10 October
14 November; and
12 December.**

Executive Summary

With the Local Government elections occurring in September this year and the scheduling of a Councillor induction Program, a review of the Ordinary Council Meeting dates has taken place for the remainder of 2012.

Discussion

Council, at its meeting held on 28 September 2011, resolved the following Ordinary Council Meeting schedule:

15 February (3rd Wednesday)
28 March
18 April (brought forward 1 week due to Anzac day)
23 May
27 June
25 July
15 August
5 September
24 October
28 November
19 December (3rd Wednesday)

This schedule has been reviewed with the approaching Local Government election and draft Councillor Induction Program. It is now proposed to amend the dates of the October, November and December Ordinary Council Meetings.

Ensuring Good Governance

Options

The current scheduled meetings for the remainder of 2012 are:

5 September
24 October
28 November
19 December

Consultation/Submissions

General Manager
Group Manager Governance and Executive Services
Governance Support Officer

Planning & Policy Implications

Nil

Financial & Economic Implications

Nil

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: RECOMMENDED ITEMS FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 2 AUGUST 2012

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

That Council grant:

1. **Sam Bull \$500.00 (ex GST) to compete as part of the NSW State Team to compete at the School Sport Australian Swimming Championships to be held at Homebush, Sydney from 29 July to 3 August 2012 inclusive.**
2. **Kane Pollard \$300.00 (ex GST) to compete as part of the Northern NSW Football Squad to compete in Singapore from 20 September to 28 September 2012 inclusive.**
3. **Mid North Coast Special Olympic Team \$500.00 (ex GST) to assist with expenses they will incur competing at the Trans Tasman Tournament to be held in Cairns, Queensland from 8 October to 12 October 2012 inclusive.**
 - 1.

Executive Summary

The Port Macquarie-Hastings has a fine tradition of outstanding talent when it comes to sporting ability and sports achievements at all levels. With this tradition comes awareness for the community to recognise and nurture our young local sporting talents. A major problem associated with developing our local sporting talent has been the lack of financial assistance available to athletes in order that they may pursue their sporting goals.

Pursuing sporting dreams, in reality, is an expensive exercise. Athletes must travel extensively in order to face competitors, attend training camps and source new opportunities within their chosen sport. Increasingly, sports people turn to the local community and businesses for financial assistance. It is from these requests that in 1999 the Port Macquarie-Hastings Sporting Fund (formerly known as the Mayor's Sporting Fund) was established.

In 1999 the then Mayor, Wayne Richards, recognised the need for such a fund after receiving numerous requests for financial assistance from young local athletes or their parents to assist their child to compete at an elite level. The Mayor acknowledged that young athletes selected to compete in State; National or

Ensuring Good Governance

International competitions incur considerable costs, as Council had no specific fund to help out, and the Mayor was only able to pass on their requests to local businesses. The formation of the Port Macquarie-Hastings Sporting Fund provided the opportunity for young local athletes to make application to Council for assistance to help ease this financial strain placed on these families by the sporting success of their children.

The Port Macquarie-Hastings Sporting Fund holds two major fund raising events each year. The Coca Cola Sporting Fund Golf Day Challenge and the Coca Cola Sporting Fund Golden Thong Bowls Day Challenge. Since the Fund's formation, over \$210,000 has been distributed to young local athletes selected to compete at State, National and International competitions to assist them in meeting the costs they will incur travelling and competing at such an elite level.

The Port Macquarie-Hastings Sporting Fund Sub-Committee at its meeting held on 2 August 2012 considered the following applications for assistance:

1. Sam Bull selected to compete as part of the NSW State Team to compete at the School Sport Australian Swimming Championships to be held at Homebush, Sydney from 29 July to 3 August 2012 inclusive.
2. Kane Pollard selected to compete as part of the Northern NSW Football Squad to Tour Singapore from 20 September to 28 September 2012 inclusive.
3. Mid North Coast Special Olympic Team to compete in the sport of Basketball and Ten Pin Bowling at the Trans Tasman Tournament to be held in Cairns, Queensland from 8 October to 12 October 2012 inclusive.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

Subject: MONTHLY REVIEW OF FINANCIAL POSITION - JULY 2012

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council adopt the adjustments included in the 'Financial Implications' section of the report for July 2012.

Executive Summary

Each month Council's budgets are reviewed by Managers and Directors and any required adjustments are reported.

Discussion

The July budget review forecasts a deficit for the 2012/13 financial year of \$711,739. This is an improvement of \$17,850 over the original budget.

Commentary of Key Variance Items

1. The primary factor in the reduction of the deficit for July is increased income expected to be received in Development & Environment due to staffing alterations.
2. As reported at this meeting the Financial Assistance Grant have been reduced for 2012/13. A reduction of \$74,315 in the budgeted income has been included in this review.
3. The majority of other adjustments are due to grants and contributions that have been received and were not included in the original budget.

Options

Council may adopt the recommendations as proposed or amend as required.

Consultation/Submissions

Consultation in this matter has occurred across each division and section with input from Directors and Managers

Ensuring Good Governance

Planning & Policy Implications

Nil

Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The net budget movement amounts to a surplus of \$17,850.

Responsible Accounting Officer Statement

The approved budget deficit for 2012/13 currently stands at \$729,589. The adjustments included in this report will reduce this deficit to \$711,739. This is considered an unsatisfactory result for the year. Budgets will have to be monitored closely during the year so that any savings can be applied to this deficit.

Attachments

1. 2012-13 July Budget Review

Ensuring Good Governance

Item: 09.05

Subject: 2011/2012 DRAFT FINANCIAL STATEMENTS

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council refer to audit the draft Financial Statements as at 30 June 2012 and that the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and one Councillor as required by the Local Government Act, 1993.

Executive Summary

Section 413(1) of the Local Government Act, 1993 requires that *"a council must prepare financial reports for each year and refer them to audit as soon as practicable"*. Council must also prepare a Statement by Councillors and Management as to their opinion on the general purpose and the special purpose financial statements.

Discussion

The draft financial statements for the year ended 30 June 2012 are nearing completion. The external audit is due to commence on the 3 September 2012 and will run for approximately two weeks. The auditors aim is to complete their audit by 14 September 2012 which means the statutory deadline of 31 October 2012 will be met. A copy of the audited financial statements is due at the Division of Local Government by 7 November 2012.

This resolution allows Council to refer the draft statements to the auditors for the purpose of conducting the final audit. It also allows for the signing of the two "Statements by Councillors and Management" in the approved form as to Council's opinion on the general purpose financial statements and the special purpose financial statements.

Ensuring Good Governance

After the audit is complete, a full set of the financial statements will be distributed to Council and staff and then put to a meeting of Council.

Options

There are no options available.

Consultation/Submissions

Consultation in completing the financial statements has taken place with all Divisions.

Planning & Policy Implications

There are no planning and policy implications.

Financial & Economic Implications

There are no financial and economic implications

Attachments

Nil

Ensuring Good Governance

Item: 09.06

Subject: REDUCTION IN FINANCIAL ASSISTANCE GRANTS

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council:

- 1. Note the negative adjustment in relation to the 2011/12 financial assistance grant (FAG).**
- 2. Note the budgetary shortfall in relation to 2012/13.**
- 3. Take steps to fund this shortfall in 2012/13 via the budget review process.**
- 4. Incorporate the associated shortfall in revenue in future budgets and long term financial plans.**

Executive Summary

On 13 July 2012, the Local Government Grants Commission (LGGC) wrote to Council indicating that there would be a negative adjustment in relation to Council's 2011/2012 financial assistance grant. In addition, Council was notified that the 2012/2013 allocation would be significantly less than previously indicated.

Discussion

Local Government Financial Assistance Grants (FAGs) are general purpose grants that are paid to local councils under the provisions of the Commonwealth Local Government (Financial Assistance) Act 1995. There are two components to the grants:

- A general purpose component which is determined based on each State's share of the national population. This is around 70% of the total sum to be distributed.
- A local roads component, which accounts for around 30% of the total allocation.

Grants are distributed on an estimates basis for population and CPI. If projections are not realised, an upward or downward adjustment is made in subsequent years.

Ensuring Good Governance

Once NSW receives its share of the grants, it is then distributed through the NSW LGGC to local Councils.

As a result of CPI and population statistics being lower than projected, the Commonwealth has recently determined that a National overpayment of some \$52.9M was made during 2011/12. The share of this overpayment for NSW equates to \$15.7M, of which Council's share of this negative adjustment is \$200,228. This amount will be deducted from funds paid to Council in 2012/13.

The second aspect to this adjustment relates to the 2012/13 FAG entitlement. Council was advised on 3 July 2012 by the Grants Commission that their preliminary recommendation was \$8,893,252 for 2012/13. However, on 13 July 2012, the LGGC advised Council that it will be revised down to \$8,721,185, which is a reduction of \$172,067. Over the longer term, this has a flow on effect due to the fact that future allocations will be made on a lower than expected baseline. As Council determined its budget in May, this information was received after the 2012/13 budget and the 10 year long term financial plan were adopted.

Council's adopted budget includes \$8,795,500 for FAG revenue, comprising \$2,494,700 for the road component and \$6,300,800 for the general component. Hence, Council is facing a budget shortfall of \$74,315. Had the original recommendation been adopted, this would have resulted in a budgetary gain of \$82,246. Council is now \$156,563 worse off under the revised allocation.

The impact of the 2011/12 negative adjustment will be that Council's 2011/12 cash position will be reduced by \$200,228 going forward into 2012/13.

Options

This report is for information purposes.

Consultation/Submissions

A letter from Council's General Manager to the Minister for Local Government stating Council's objection to the reduction in Council's FAG allocation is attached to this report.

Planning & Policy Implications

The reduction in income described in this report will need to be incorporated into Council's revised budget and long term financial plan.

Financial & Economic Implications

A comparison of the revised ten year FAG projections compared with Council's current Long Term Financial Plan is tabled below. As illustrated by the graph, the cumulative impact on Council's budget over a ten year period is approximately \$852,000. In order to absorb this decrease in revenue, Council will need to review its expenditure through efficiency savings or service level adjustments.

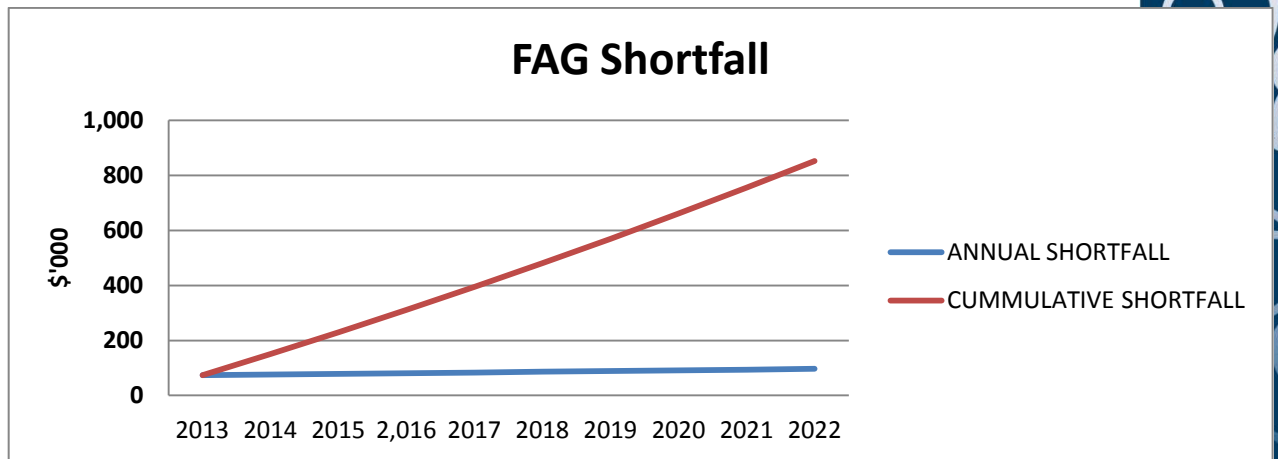
LONG TERM FINANCIAL PLAN - FAG REVENUE

Ensuring Good Governance

Year	2013	2014	2015	2,016	2017	2018	2019	2020	2021	2022
Roads	2,495	2,570	2,647	2,726	2,808	2,892	2,979	3,068	3,160	3,255
General	6,301	6,490	6,685	6,885	7,092	7,304	7,523	7,749	7,982	8,221
Total	8,796	9,059	9,331	9,611	9,899	10,196	10,502	10,817	11,142	11,476

REVISED FAG PROJECTION (reduced 12/13 baseline increased by 3% CPI)

Year	2013	2014	2015	2,016	2017	2018	2019	2020	2021	2022
Roads	2,496	2,571	2,648	2,728	2,810	2,894	2,981	3,070	3,162	3,257
General	6,225	6,412	6,604	6,802	7,006	7,216	7,433	7,656	7,885	8,122
Total	8,721	8,983	9,252	9,530	9,816	10,110	10,414	10,726	11,048	11,379



Attachments

1. Financial Assistance Grants allocation - Letter from LGGC
2. Letter from the General Manager to Minister For Local Government
3. LGSA Media Release FAG

Ensuring Good Governance

Item: 09.07

Subject: REVISED INVESTMENT POLICY

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council adopt the Revised Investment Policy as detailed in this report, noting that no submissions were received in relation the draft Revised Investment Policy during the 28 day exhibition period which concluded on 3 August 2012.

Executive Summary

On 27 June 2012, a revised Investment Policy was presented to Council. Council resolved the following:

"That Council publicly exhibit the draft revised Investment Policy for a period of 28 days and a further report be brought back to Council after the exhibition period."

The purpose of this report is to adopt the draft Revised Investment Policy, noting that no public submissions were received during the exhibition period.

Discussion

As stated in the report to Council on 27 June 2012, Council is required to maintain an investment policy that complies with the Local Government Act and Regulations, the Ministerial Investment Order and ensures that its representatives exercise care, diligence and skill that a prudent person would exercise in investing Council funds.

The NSW Division of Local Government Investment Policy Guidelines indicates that an investment policy should:

- Set the objectives of investing;
- Outline the legislative requirements;
- Ascertain authority for implementation and management of the policy;

Ensuring Good Governance

- Establish the capital liquidity/duration and expected returns
- Determine the diversity of the investment portfolio
- Determine the risk profile
- Set benchmarks
- Establish monitoring and reporting requirements
- Define duties, obligations and required skills of council and officers; and
- Set a date for the policy to be reviewed.

The Ministerial Investment Order prescribes the types of investments that NSW Councils may invest in under Section 625 of the Local Government Act. Authorised investments are as follows:

- (a) Any public funds or securities issued by or guaranteed by the Commonwealth, any state of the Commonwealth or a territory;
- (b) Any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- (c) Interest bearing deposits with, or any debenture or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Commonwealth)), but excluding subordinated debt obligations;
- (d) Any bill of exchange which has a maturity date of not more than 200 days and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Prior to the revised Ministerial Investment Order of July 2008, NSW Councils were able to invest in any security issued by a body or company that had a credit rating of "A" or better. However, a "grandfathering" provision was made whereby Councils were able to continue to hold such investments that were on hand at the time. Council still holds several such legacy investments which will be held to maturity or until such time as it is practicable to dispose of them.

The content of the revised policy is similar to the existing policy which was based on the NSW Division of Local Government Investment Policy Guidelines, which provides a framework to assist councils in preparing an investment policy. The revised policy provides greater clarity around roles and responsibilities (Clause 7) and strengthens the segregation of duties by requiring two appropriate officers to authorise the placing of investments (Clause 8).

Options

Ensuring Good Governance

Council can amend the proposed policy or adopt it in its current form. However, any amendment would require the policy to go back on public exhibition for a further 28 days.

Consultation/Submissions

No submissions were received in relation to the draft policy during the 28 day public exhibition period, which concluded on 3 August 2012.

Planning & Policy Implications

If adopted, the draft policy will become a policy of Council.

Financial & Economic Implications

This policy guides the process by which Council funds are invested and hence has an impact on Council's revenue stream.

Attachments

1. Investment Policy

Ensuring Good Governance

Item: 09.08

Subject: PROJECT MANAGEMENT AND GATEWAY POLICY

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services

RECOMMENDATION

That Council:

1. Endorse the draft "Project Management and Gateway Policy" to be placed on public exhibition for a period of 28 days.
2. Upon receipt and consideration of any submissions received during the exhibition period, consider the "Project Management and Gateway Policy" for adoption at a future meeting of Council.
3. Upon adoption of the "Project Management and Gateway Policy", rescind the current Gateway Policy, which the new "Project Management and Gateway Policy" replaces.

Executive Summary

An internal review into Council's approach to Project Management has identified that a framework for all Council projects should be implemented to provide a consistent approach to project management. The current Gateway Review Policy provides a Policy position on only high risk procurements and other procurements valued at \$500,000 or more. The attached draft Project Management and Gateway Policy will apply to all projects delivered by Council.

Discussion

At the Ordinary Council Meeting held on 26 March 2008, an Administrators Minute was adopted that required Council to make changes to the way it managed projects. A report was subsequently presented to Council which provided a policy framework (The Gateway Review Policy) to address the issues identified and to strengthen Council's project management approach.

The intent of this Policy was to independently ensure that an appropriate level of discipline is applied across the project cycle and to address potential lack of initial preparation in managing major projects which can lead to significant time and budget overruns; with a mandatory Business Case Gate to be applied for all high-risk procurements and other procurements valued at \$500,000 or more.

Ensuring Good Governance

A full review of Council's approach to Project Management was conducted. The review recommended that an appropriate level of discipline be applied across the project cycle and consistently across the organisation for all projects (and not just those projects deemed to involve high-risk procurements and other procurements valued at \$500,000 or more).

The Project Management and Gateway Policy as drafted is to be applied to all projects delivered by Council. Each project is to be subjected to an initial risk assessment and appropriate project management process. The risk assessment considers the following project elements:

- Timeframe flexibility;
- Strategic or Social/Political Significance;
- Project Dependencies;
- Project Complexity and Familiarity;
- Internal/External Relationships; and
- Project Cost.

Whilst projects of significant cost and risk would still be required to undertake Gateway reviews, the draft Policy extends coverage to other Council projects by requiring an appropriate project management process for all projects. These requirements are determined and adopted by Management in the form of Guidelines. Currently, the Guidelines require all projects (depending on the initial risk assessment) to prepare in the planning phase either a Standard Project Checklist or Project Plan, or to commence Gateway Project Management.

Options

Council could choose not to rescind the existing Gateway Review Policy.

Consultation/Submissions

Not applicable.

Planning & Policy Implications

The attached draft Policy provides a framework to extend the current Gateway Review Policy requirements to enable a consistent project management approach to all Council projects.

Financial & Economic Implications

An appropriate project planning approach can mitigate potential budget overruns.

Attachments

1. Gateway Review Policy
2. Project Management and Gateway Policy - Draft

Ensuring Good Governance

Item: 09.09

Subject: TENDER T-11-14 SUPPLY & DELIVERY OF COLD MIX & RETARDED HOT MIX

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services

RECOMMENDATION

That Council:

1. Note that Fulton Hogan Industries Pty Ltd are not able to fulfil the obligations of this tender for the Supply & Delivery of Cold Mix & Retarded Hot Mix.
2. Re-tender for the Supply & Delivery of these products.

Executive Summary

The purpose of this report is to advise Council of a letter received from Fulton Hogan advising that the Wauchope Asphalt Plant has ceased production and will be closed as of 31 July 2012. Fulton Hogan will therefore no longer be able to supply and deliver Cold Mix and Retarded Hot Mix as per the tender agreement.

Discussion

At the Ordinary Council Meeting held on 27 July 2011, Council's Administrator accepted the tender from Fulton Hogan for the Supply and Delivery of Cold Mix & Retarded Hot Mix for the period 1 August to 31 July 2013 with a further 12 month option available.

As per the attached letter received on 16 July 2012, Fulton Hogan Industries Pty Ltd have advised Council that due to circumstances beyond their control, they have taken the decision to close the Wauchope Asphalt Plant and are therefore unable to supply Council as agreed as part of this tender.

It is therefore recommended as a result of this notification that Council formally recognise the closure of the Wauchope Asphalt Plant by Fulton Hogan and re-tender for the supply of these products so as not to unduly affect Council's roads maintenance program.

Options

Ensuring Good Governance

The purpose of this report is for information purposes and there are considered to be no other options.

Consultation/Submissions

- Procurement Coordinator
- Group Manager – Infrastructure Operations
- Works Engineer

Planning & Policy Implications

There are no planning and policy impacts associated with this report.

Financial & Economic Implications

There are no Financial or Economic Implications as a result of this report.

Attachments

1. Fulton Hogan Advice of Plant Closure

Looking After Our People

What are we trying to achieve?

Our social infrastructure and community programs create a healthy, inclusive and vibrant community.

What will the result be?

- Community hubs which provide access to services and social connections.
- Services that support an ageing community to live in a way that they desire.
- Available and accessible preventative health and medical services.
- A safe, caring and connected community.
- A healthy and active community that is supported by recreational infrastructure
- A strong community that is able to identify and address social issues.
- Community participation in events, programs, festivals and activities.

How do we get there?

- 2.1 Create an environment and culture that allows the Port Macquarie-Hastings community to feel safe.
- 2.2 Provide young people with a range of leisure activities and opportunities for personal development.
- 2.3 Provide medical and social services for all members of the community.
- 2.4 Develop partnerships within the community to build on existing strengths and improve areas of social disadvantage.
- 2.5 Create events and activities that promote interaction and education.
- 2.6 Provide social and community infrastructure and services.
- 2.7 Empower the community to be active and involved in community life.
- 2.8 Promote cultural and artistic expression.
- 2.9 Promote a healthy lifestyle through education, support networks and facilities.



Looking After Our People

Item: 10.01

Subject: COMMUNITY HALLS USAGE 2012

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

2.6.2 Create access to community facilities that allow a range of social, health and wellbeing activities.

RECOMMENDATION

That the information in the Community Halls Usage 2012 report be noted.

Executive Summary

The attached Community Halls Use 2012 report aims to provide an indication of the types of usage of Council's 17 community halls. It shows the hours of use of an average week of May 2012. The report includes comparative figures since 2008 and a brief analysis of each of the halls.

Discussion

Council is responsible for the operation of 17 community halls throughout the Port Macquarie-Hastings Local Government Area. They are:

Beechwood School of Arts Hall
Bonny Hills Community Hall
C C Mac Adams Music Centre
Dunbogan Jubilee Hall
Emerald Downs Community Centre
Lake Cathie Community Hall
Laurieton School of Arts Hall
Long Flat Community Hall
Lorne Recreation Centre
North Haven Community Hall
Pappinbarra Recreation Reserve
Pembroke Community Hall
Port Macquarie Historic Courthouse
Port Macquarie Seniors Facility
Wauchope Community (Arts) Hall
Wauchope Rotary Youth Hall
Wauchope Seniors Centre.

These halls allow Council to facilitate important community building and civic functions in many communities. The venues are used for:

Looking After Our People

- community services and activities for older people and children
- physical activities
- cultural activities
- educational activities
- social functions
- special interest group and service club meetings
- religious activities
- election polling
- public meetings
- emergency coordination centres
- exhibitions.

Council utilises a variety of management arrangements in administering community halls. These arrangements include leases/sub-leases, direct operation by Council staff and section 355 management committees. Volunteers play a critical role in the provision of Council's community halls with nine (9) of these facilities being managed on Council's behalf by volunteer management committees, known as section 355 committees. In addition to these Council community halls there are a number of other non Council owned halls, particularly in rural areas, that play a vital role in providing venues for community activities that build social capital and promote civic involvement.

The attached report aims to provide an indication of the usage of Council's community halls and includes a sample of community hall use, an outline of activities conducted in the halls, comparative use data since 2008 and a brief analysis of individual assets. The report is based on an annual survey of community hall use in May each year. This month has been selected to provide an indicative sample of community hall use. This sample does not include school holidays or periods at the beginning or end of the year where use of halls can vary greatly.

For the majority of halls there was a decrease of use in the 2012 sample period compared to earlier years. Council staff will continue to work closely with the Section 355 Management Committees and the lessees of these halls to promote use of these facilities.

Options

Council could seek additional information on this report.

Consultation/Submissions

Consultation has occurred with the relevant Section 355 Management Committees, lessees/sub-lessees of Council's community halls and Council's Customer Service staff.

Planning & Policy Implications

Nil change required to the 2012/2013 Operational Plan.

Financial & Economic Implications

None

Looking After Our People

Attachments

1. Council Owned Community Halls Usage 2012

Looking After Our People

Item: 10.02

Subject: ALCOHOL PROHIBITIONS - AUSTRALIA DAY 2013

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

2.1.1 Provide leadership in implementing safety initiatives.

RECOMMENDATION

That Council extend the existing alcohol restrictions to implement a 36 hour alcohol prohibition on all public reserves and beaches for Australia Day 2013.

Executive Summary

In response to significant concerns in relation to intoxication and subsequent alcohol fuelled criminal behaviour on Australia Day 2009 and 2010, Council extended the existing 9pm until 9am Alcohol Prohibition on all Port Macquarie-Hastings beaches and reserves. This extension to the existing prohibition was implemented to cover the 9am until 9pm window creating a 36 hour prohibition from 9pm January 25 until 9am January 27. This strategy was first utilised in 2011 and again in 2012.

Whilst not established as a permanent solution, the significant reduction of recorded incidents of alcohol fuelled violence, anti-social and criminal behaviour in 2011 and 2012 has led to a request from the NSW Police that the interim measure be implemented for a third year. It is believed that this will assist in consolidating the positive culture that has been restored at parks and reserves on Australia Day.

Discussion

Coastal towns and suburbs have experienced a phenomenon in relation to increasing anti-social behaviour and behaviour on Australia Day often under the guise of patriotism, although more accurately described as racist and intolerant. This trend was experienced at a number of local Port Macquarie beaches in 2009 with an escalation of these behaviours in 2010. In 2010 significant issues were experienced at Rainbow Beach in Bonny Hills and Town Beach in Port Macquarie with groups of intoxicated people acting aggressively and generally disrupting the good order of the space.

These incidents and the escalation in violence led to concerns being raised via correspondence by a number of different means including: directly to Council by community members; correspondence from the office of the then Local Member for Port Macquarie, Peter Besseling; a meeting as requested by local residents and

Looking After Our People

businesses in the Shelley Beach area; and significant media coverage following incidents on Australia Day in 2010.

These concerns were also reiterated by the local NSW Police, who following discussions with Council’s Crime Prevention Officer, wrote to Council requesting an alcohol prohibition be considered to cover the entirety of Australia Day across all reserves and beaches in Port Macquarie-Hastings.

This request was put forward to Council in October 2010 and adopted for Australia Day 2011. The significant reduction in the number of ‘alcohol related’ incidents reported by Police, led to a similar request occurring in 2012 and subsequently being implemented.

Options

That Council seek additional information.
That Council not extend the alcohol prohibition on public beaches and reserves on Australia Day 2013.

Consultation/Submissions

A letter of request from Mid North Coast Local Area Command Police is attached.

Submission		Issue
1.	Police – Mid North Coast Local Area Command	Request for extension to existing alcohol prohibition for Australia Day 2013
	Response/Comment:	This report is as a result of this request

Planning & Policy Implications

In accordance with the Local Government Act 1993, section 632, Alcohol Prohibitions restrict the consumption and/or possession of alcohol for all or part of any day. Where a prohibition exists, authorisation can be sought through applications to Council (section 68) to vary this condition.

It is possible that from time to time that patterns of anti-social or undesirable behaviour may emerge as a result of particular functions or activities, which may create concerns in relation of public safety and amenity. In response to these concerns, Council may impose further restrictions to mitigate against these concerns for a nominated period of time. Alcohol prohibitions areas are enforced by both Council Rangers and Police who are able to confiscate and tip out alcohol.

Financial & Economic Implications

The primary costs associated with implementing this alcohol prohibition is in undertaking advertising to promote the prohibition to the general community. Given that the strategy has been in place for the past 2 years, advertising would build on



Looking After Our People

what has occurred in previous years. Anticipated costs based on implementing the strategy in the past two years are as follows:

\$1,000 Radio advertising

\$3,500 Coasters to be dispensed with take away alcohol in the preceding week

\$300 Posters located at liquor outlets and key locations.

This is within the 2012/13 budget.

Attachments

1. Request from Police

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.



Looking After Our Environment

Item: 12.01

Subject: GRANT OFFER FOR THE CONTROL OF INVASIVE RIPARIAN VINE WEEDS

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

4.1.1 Implement a range of proactive programs for the environmental management of Council and privately owned land and waterways.

RECOMMENDATION

That Council accept a \$50,000 grant from the Northern Rivers Catchment Authority for the control of invasive vine weeds and the 2012-2013 and 2013-2014 budgets be amended to reflect this grant offer.

Executive Summary

This report details the grant offer from the Northern Rivers Catchment Management Authority to assist in the control of invasive vine weeds in the LGA.

Discussion

Currently there are 70km of waterways in the LGA affected by introduced invasive vine weeds, principally Madeira Vine, and Cats Claw Creeper. The species have recently been listed as Weeds of National Significance due to invasiveness and impact on biodiversity.

Council has been successful in bidding for a \$50,000 grant from the Northern Rivers Catchment Management Authority for the control of invasive vine weeds in the LGA for the 2012/13 and 2013/14 financial years.

Options

Council could choose not to accept these funds. In doing so, Council will limit its ability to deliver on 2012-13 Operational Plan actions 4.1.1.7 and 4.1.1.1.

Consultation/Submissions

N/A

Planning & Policy Implications

N/A

Looking After Our Environment

Financial & Economic Implications

The grants were applied for in an open bidding process using allocated funds in the 2012-2013 budget to support Council's bid. The grant will result in a budget increase of \$50,000 over two financial years.

Attachments

1. NRCMA grant notification

Planning and Providing Our Infrastructure

What are we trying to achieve?

Our population growth is supported through public infrastructure, land use and development strategies that create a connected, sustainable and accessible community.

What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

Planning and Providing Our Infrastructure

Item: 13.01

Subject: KING CREEK ROAD REHABILITATION UPDATE

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.1.2 Construct road and transport assets.

RECOMMENDATION

That Council:

- 1. Endorse the rehabilitation of King Creek Road between the Oxley Highway and the end of the previously upgraded works on King Creek Road, utilising the \$900,000 2012/13 Operational Plan allocation (previously for Sarahs Crescent).**
- 2. Endorse the expenditure of the remaining budget following the completion of the rehabilitation be utilised to undertake further heavy repairs on the remainder of King Creek and/or Sarahs Crescent in accordance with the risk based prioritisation process previously adopted by Council.**

Executive Summary

3. At the Ordinary Council Meeting held on 25 July 2012, it was resolved that Council:
4.
 1. Reallocate the 2012/13 FY capital works budget of \$900,000 for the Stage 1 reconstruction of Sarahs Crescent to King Creek Road to allow the continuation of the works completed in 2011/12 FY on King Creek Road.
 2. Note that roads maintenance and heavy repairs to Sarahs Crescent (and Council's road network in general) be undertaken, in accordance with Council's adopted risk management approach and processes.
 3. That a report be brought back to Council at the August 2012 Meeting outlining the sections of King Creek Road to be rehabilitated.

5. This report relates to Resolution 3 and confirms that the King Creek rehabilitation will be continued to complete the link between the Oxley Highway and the end of the previously completed works (approx 500m south of the Oxley Highway).

Discussion

At the Ordinary Council Meeting held on 25 July 2012, the Administrator resolved to reallocate the 2012/13 capital works budget of \$900,000 from Sarahs Crescent

Planning and Providing Our Infrastructure

rehabilitation to extend the previously completed rehabilitation of the adjoining and significantly higher traffic King Creek Road. This resolution recognised the significantly larger proportion of rate payers/community benefited by the increased safety and amenity resultant from the continuation of rehabilitation on King Creek Road as compared to Sarahs Crescent. Council's recently completed laser Road Network Condition Assessment results were also utilised as supporting information from a "industry best practise" technical perspective to inform the Administrator's decision also.

As presented in the Ordinary Council report on 25 July 2012, the 2011/12 upgrade to King Creek Road was limited in scope in line with the available budget. The continuation of this upgrade in 2012/13 will complete the link between the Oxley Highway and Sarahs Crescent and will deliver improved safety to motorists by way of widening and strengthening of the pavement and the inclusion of onroad cycle lanes.

A detailed resource estimate, including total project cost, has not been finalised for the completion of the link between Sarahs Crescent and the Oxley Highway but based on the unit rate productivity of the completed rehabilitation works on King Creek (2011/12), there is expected to be a small surplus of remaining funds within the \$900,000 budget allocation. Any uncommitted budget at the completion of the King Creek Road rehabilitation is recommended to be utilised on the remaining worst condition areas of King Creek Road and/or Sarahs Crescent in accordance with the previously adopted risk based prioritisation system for road repairs.

Planning & Policy Implications

Nil.

Financial & Economic Implications

This report is for information of the Administrator and does not have financial or economic implications beyond the resolutions of the Council Meeting of 25 July 2012.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.02

Subject: DISPOSAL OF COUNCIL LAND IN ROSEWOOD ROAD, ROSEWOOD
(PIN 29536)

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

3.2.3 Develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development, management of community and commercial leases, management of Flynn's Beach Caravan Park.

RECOMMENDATION

That Council:

1. **Accept the offer of \$125,000 (GST exclusive) as compensation for the acquisition by Essential Energy of part Lot 1 DP602961 required for substation purposes.**
2. **Confirm with Essential Energy that all legal, survey and valuation costs incurred by Council are to be paid by Essential Energy.**
3. **Affix the Common Seal to:**
 - a. **The Contract for Sale/Deed of Agreement**
 - b. **The linen plan of subdivision.**
4. **Pursuant to Section 377 of the Local Government Act 1993 delegate to the General Manager authority to:**
 - a. **Sign the Land and Property Information Cancellation or Extinguishment of Easement form.**

Executive Summary

A report to consider the disposal to Essential Energy of Council land situated in Rosewood Road at Rosewood.

Discussion

Situated within Council's Koree Island Pumping Station facility is an electrical substation used by Essential Energy. The location of the substation within the Council land, Lot 1 DP602961, is shown within the yellow outline in the attached aerial photograph.

The substation has been in this location for many years and Essential Energy has recently sought to acquire the land that comprises the current substation layout plus additional land to allow for future design upgrades and access purposes. The land

Planning and Providing Our Infrastructure

sought by Essential Energy is shown by the yellow outline is approximately 90 metres by 50 metres.

Situated on the land occupied by the substation is an easement for access in favour of Council, although in practicality, the easement is not useable due to electrical infrastructure on the land and as such, the easement is now redundant. It appears the easement is a legacy from days possibly prior to construction of the substation or when Council did not own the Korie Island land. In any event, access in the area is available by Rosewood Road and internal driveways. The easement can be extinguished during part of the disposal process.

Options

There is the option to:

1. Agree to the terms of the proposed acquisition by Essential Energy as detailed in this report.
2. Agree to the acquisition by Essential Energy but on terms different to those detailed in this report.
3. Not agree to the acquisition by Essential Energy. (Note: Essential Energy, like Councils have the power to acquire land by compulsory process).

Consultation/Submissions

There has been consultation with Essential Energy and between Council's consulting valuer and Essential Energy's consulting valuer. There has also been consultation with Council's Water Supply staff.

The proposal by Essential Energy is presently at a stage where the formal approval of Council is required to progress the matter.

Planning & Policy Implications

There are no planning and policy implications for Council arising from the acquisition by Essential Energy

Financial & Economic Implications

Council is eligible for monetary compensation should the acquisition proceed. Pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, Essential Energy engaged an independent valuer of its choice to assess fair compensation and made an initial offer based on that valuation. Council, as a potentially dispossessed landowner, has a statutory right (but not an obligation) which allows for Council to engage a valuer of its choice with the valuation fee to be paid by Essential Energy. This right was exercised. The respective valuers acting in the role of experts have engaged in considerable negotiations to resolve the differences in the valuations. As a result, a revised offer of compensation has been received from Essential Energy. The revised offer is in accord with the negotiated agreement by the valuers and represents to Council a significant increase in compensation to that contained in the initial offer by Essential Energy.

Planning and Providing Our Infrastructure

Costs incurred by Council such as the valuation fee and legal /conveyancing costs associated with the acquisition by Essential Energy are the statutory responsibility of Essential Energy.

In view of the above, it is considered that this matter is now at a stage where it be reported to Council for its consideration.

Attachments

1. Aerial photograph depicting land sought to be acquired by Essential Energy

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

- 1. That Council move into Confidential Committee of the Whole to receive and consider the following items:**

Item 15.01 Memorandum of Understanding - Port Macquarie-Hastings Council and Charles Sturt University

This item is considered confidential under Sect 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- 2. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.**
- 3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.**

**Subject: ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL
COMMITTEE OF THE WHOLE**

RECOMMENDATION

**That the undermentioned recommendations from Confidential Committee of
the Whole be adopted:**

**Item 15.01 Memorandum of Understanding - Port Macquarie-Hastings
Council and Charles Sturt University**

**This item is considered confidential under Sect 10A(2)(d(i))
of the Local Government Act 1993, as it contains
commercial information of a confidential nature that would,
if disclosed, prejudice the commercial position of the
person who supplied it.**

RECOMMENDATION