



Ordinary Council

Business Paper

date of meeting: Wednesday 5 October 2016

location: Council Chambers
17 Burrawan Street
Port Macquarie

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.

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

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.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-on-an-Agenda-Item>

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.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-in-a-Public-Forum>

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 5 October 2016

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**PORT MACQUARIE
HASTINGS**

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Pre-Stressed Concrete Deck Units

15.04 T-16-40 Supply of Server and Storage Infrastructure

15.05 T-16-43 Supply of Checkpoint Security Appliance

Adoption of Recommendations from Confidential Committee of
the Whole



**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 10 August 2016 be confirmed.

PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Adam Roberts
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Trevor Sargeant
Councillor Michael Cusato
Councillor Sharon Griffiths

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Community and Economic Growth (Tricia Bulic)
Director of Corporate and Organisational Services (Rebecca Olsen)
Director of Development and Environment Services (Matt Rogers)
Director of Infrastructure and Asset Management (Jeffery Sharp)
Group Manager Governance and Executive Services (Blair Hancock)
Executive Assistant to the Mayor / Minute Taker (Linda Kocis)
Communication Engagement and Marketing Team Leader (Andy Roberts)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber.

02 LOCAL GOVERNMENT PRAYER

Senior Pastor Greg Campion from the Grace Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Hawkins

That the Minutes of the Ordinary Council Meeting held on 20 July 2016 be confirmed.

05 DISCLOSURES OF INTEREST

Councillor Mike Cusato declared a Non-Pecuniary - Significant Interest in Item 12.01 - Draft Biodiversity Certification Assessment & Strategy - Port Macquarie Airport and Surrounding Land. The reason being that Councillor Cusato owns a hangar within the Airport which is the subject of the report.

Councillor Justin Levido declared a Pecuniary Interest in Item 13.02 - Broadwater Canal - Canal Maintenance Plan. The reason being that the principal place of residence owned and occupied by Councillor Levido and his wife at The Anchorage, Port Macquarie is situated within the area covered by the Broadwater Special Rate and thus affected by the Plan the subject of the report. Councillor Levido and his wife have a reasonable likelihood or expectation of appreciable financial gain or loss in the matter.

Councillor Justin Levido declared a Non-Pecuniary - Significant Interest in Item 13.05 - Proposed Changes to the PMH Local Environmental Plan 2011 to Accommodate Urban Growth at Rainbow Beach. The reason being that Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers (DOH) and the firm currently acts for a related party of the landowner the subject of the Planning Agreement. Donovan Oates Hannaford Lawyers do not hold instructions with respect to the subject property or the proposal. The landowner and its related entity - Non-Pecuniary Significant - DOH acts for landowner subject of the report.

Mayor Peter Besseling declared a Non-Pecuniary - Significant Interest in Item 12.01 - Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land. The reason being that family members have biobanking credits and this item may lead to the creation of credits.

Mayor Peter Besseling declared a Non-Pecuniary - Significant Interest in Item 13.04 - Hibbard Ferry - Out of Water Inspection and Maintenance (Slipping). The reason being that the Mayor is a Trustee on the Jim Bruce Urology Trust which has strong links to Birdon Marine..

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 1 to 28 July 2016 inclusive be noted.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

06.02 AGREEMENT OF CO-OPERATION WITH CHARLES STURT UNIVERSITY

RESOLVED: Besseling

That Council enter into an Agreement for Co-operation with Charles Sturt University.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

06.03 COUNCIL TERM

RESOLVED: Besseling

That Council:

1. Recognise the efforts of elected Councillors for this first term of Council since moving out of Administration.
2. Thank the General Manager, Directors and staff for their work over the past four years.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Hawkins

That Council determine that the attachments to Item Numbers 09.10 and 13.04 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner
AGAINST: Nil

08 PUBLIC FORUM

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

- Youth Advisory Representatives:
 - Ms Lauren Darcy - Vice President
 - Mr Cain Wilkins
 - Mr Matthew Li
 - Mr Jo Cutler
 - Ms Saskia Smith
- Ms Robyn Sparkes

RESOLVED: Roberts/Griffiths

That the requests to speak in the Public Forum be acceded to.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner
AGAINST: Nil

08.01 PUBLIC FORUM - LUMINOSITY YOUTH SUMMIT

The Youth Advisory representatives addressed the Meeting on the recent Luminosity Youth Summit held at the Glasshouse, provided feedback on the Summit and thanked Council for sponsorship to the Summit.

08.02 PUBLIC FORUM - CONGRATULATIONS TO COUNCIL

Ms Robyn Sparkes addressed the Meeting and congratulated Councillors on their accomplishments in their term of Council.

REQUEST TO SPEAK ON AN AGENDA ITEM

The Mayor advised of requests to speak on an agenda item as follows:

Item 10.03 - Mr Greg Cook - in support of the recommendation.

Item 12.01 - Mr Tony Thorne - in support of the recommendation.

Item 12.05 - Ms Priscilla Flemming - in support of the recommendation.

RESOLVED: Turner/Cusato

That the requests to speak on an agenda item be acceded to.

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Levido/Turner

That Standing Orders be suspended to allow Items 10.03, 12.01 and 12.05 to be brought forward and considered next.

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

10.03 CULTURAL PLAN 2016-2019

Mr Greg Cook, Conservatorium Mid North Coast, addressed the Meeting in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Sargeant/Intemann

That Council:

1. Note the submissions to the draft Cultural Plan.
2. Adopt the Port Macquarie-Hastings Cultural Plan 2016-2019.

WITHDRAWN.

AMENDMENT

MOVED: Intemann/

1. Note the submissions to the draft Cultural Plan.
 2. Adopt the Port Macquarie-Hastings Cultural Plan 2016-2019.
 3. That a report be brought forward on progress on the Cultural Plan in April 2017.
- WITHDRAWN.

MOTION

MOVED: Sargeant/Intemann

That Council:

1. Note the submissions to the draft Cultural Plan.
2. Adopt the Port Macquarie-Hastings Cultural Plan 2016-2019.
3. Request the General Manager to bring forward a report to the Council Meeting in April 2017 on progress as measured against the performance indicators as stated in the Cultural Plan.

CARRIED: 8/1

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner

AGAINST: Roberts

AMENDMENT

MOVED: Turner/Griffiths

That Council:

1. Note the submissions to the draft Cultural Plan.
2. Adopt the Port Macquarie-Hastings Cultural Plan 2016-2019.
3. Request that the General Manager bring forward a report to the Council Meeting in April 2017 on progress as measured against the performance indicators in the Cultural Plan.
4. Review the Cultural Plan within 12 months.

THE AMENDMENT WAS PUT

RESOLVED: Turner/Griffiths

That Council:

1. Note the submissions to the draft Cultural Plan.
2. Adopt the Port Macquarie-Hastings Cultural Plan 2016-2019.
3. Request that the General Manager bring forward a report to the Council Meeting in April 2017 on progress as measured against the performance indicators in the Cultural Plan.
4. Review the Cultural Plan within 12 months.

CARRIED: 6/3

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido and Sargeant

AGAINST: Cusato, Roberts and Turner

**12.01 DRAFT BIODIVERSITY CERTIFICATION ASSESSMENT AND STRATEGY -
PORT MACQUARIE AIRPORT AND SURROUNDING LAND**

Mayor Besseling and Councillor Cusato declared Non-Pecuniary - Significant Interests in this item, left the Chambers and were out of sight during Council's consideration of this item, the time being 6.30pm.

The Deputy Mayor assumed the Chair.

Mr Tony Thorne, King & Campbell on behalf of Port Macquarie Airport, addressed the Meeting in support of the recommendation and answered questions from Councillors.

RESOLVED: Levido/Turner

That Council:

1. Adopt the Port Macquarie-Airport Lands Biodiversity Certification Assessment Report & Biocertification Strategy, with amendments as outlined in this report, and forward to the NSW Minister for the Environment requesting biodiversity certification of the land.
2. Consider a future report on the viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.

CARRIED: 7/0

FOR: Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

Mayor Besseling returned to the meeting, the time being 06:54pm.

Councillor Cusato returned to the meeting, the time being 06:55pm.

**12.05 PROPOSED WALKING TRACK - JONATHON DICKSON RESERVE, LAKE
CATHIE**

Ms Priscilla Flemming, on behalf of the Lake Cathie Landcare Group, addressed the Meeting in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Sargeant

That Council:

1. Note the recommendations of the Environmental Impact Statement for the proposed walking track from Jonathon Dickson Reserve to Middle Rock Road.
2. Adopt the Option 1 route through the littoral rainforest as the preferred option for the walking track.
3. Prepare and submit a Development Application for the Option 1 walking track.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Intemann/Griffiths

That Council note the information in the Status of Outstanding Reports to Council report.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.02 DISCLOSURE OF INTEREST RETURN

RESOLVED: Levido/Cusato

That the Disclosure of Interest return for Group Manager Organisational Performance be noted.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.03 COUNCIL MEETINGS DATES FOR 2016

RESOLVED: Levido/Hawkins

That Council amend the date for the Ordinary Council Meeting scheduled for Wednesday, 28 September 2016 to Wednesday, 5 October 2016.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.04 2015-2016 OPERATIONAL PLAN END OF YEAR REPORT AS AT 30 JUNE 2016

RESOLVED: Intemann/Griffiths

That Council note the 2015-2016 Operational Plan end of year report as at 30 June 2016.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.05 END OF TERM REPORT 2012-2016 - TOWARDS 2030 COMMUNITY STRATEGIC PLAN

RESOLVED: Intemann/Hawkins

That Council adopt the End of Term Report providing an update on implementation of the Community Strategic Plan for the period 2012-2016.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.06 MONTHLY FINANCIAL REVIEW FOR JULY 2016

RESOLVED: Hawkins/Sargeant

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review for July 2016 report.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.07 2015-2016 FINANCIAL STATEMENTS AUDIT

RESOLVED: Hawkins/Levido

1. That Council refer to audit the draft Financial Statements as at 30 June 2016.
2. 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.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.08 2015-2016 CARRY-OVER PROJECTS

RESOLVED: Intemann/Sargeant

That Council:

1. Adopt the 2015-2016 carry-over projects outlined in the report for inclusion in the 2016-2017 budget.

-
2. Amend the 2016-2017 one year Operational Plan to include all projects approved to be carried over as individual action items.

CARRIED: 8/1

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner

AGAINST: Roberts

09.09 INVESTMENTS - JULY 2016

RESOLVED: Griffiths/Hawkins

That Council note the Investment Report for the month of July 2016.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.10 LOAN REVIEW - FINAL OUTCOME

RESOLVED: Hawkins/Griffiths

That Council note the information included in the Loan Review - Final Outcome report.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.11 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

RESOLVED: Roberts/Griffiths

That Council:

1. Pursuant to Section 253 of the Local Government Act 1993, place on public exhibition from 16 September 2016 until 13 October 2016, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.
2. Note that a further report will be tabled at the November 2016 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**09.12 RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE
ANNUAL REPORT 2015-2016**

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the Audit Committee Annual Report for the period 2015-2016.
2. Extend a letter of thanks to the non-Council Committee members of the Audit Committee.

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

**09.13 RECOMMENDED ITEM FROM AUDIT COMMITTEE - LEGISLATIVE
COMPLIANCE 2015-2016**

RESOLVED: Hawkins/Griffiths

That Council note the information contained in the report.

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

10.01 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2015-2016

RESOLVED: Levido/Cusato

That Council note the Compliments and Complaints Annual Report for 2015-2016.

CARRIED: 9/0

*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*

AGAINST: Nil

10.02 ALCOHOL PROHIBITION - AUSTRALIA DAY 2017

RESOLVED: Sargeant/Levido

That Council extend the existing alcohol restrictions to implement a 36 hour alcohol prohibition on all public reserves and beaches for Australia Day 2017.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

10.04 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JULY 2016 MEETING

RESOLVED: Besseling/Cusato

That Council, pursuant to the provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund as follows:

1. That Kobi Heagney be granted the amount of \$500.00 to assist with expenses he would have incurred travelling to and competing as part of the NSW Team at the 2016 Australian Junior Table Tennis Championships held in Alice Springs from 2 - 9 July 2016 inclusive.
2. That Blake Hudson be granted the amount of \$500.00 to assist with the expenses he would have incurred travelling to and competing as part of the NSW Blues Men's Hockey Team to represent NSW at the National Hockey Championships held in Launceston, Tasmania from 6 - 17 July 2016 inclusive.
3. That Lailani Grainger be granted the amount of \$350.00 to assist with the expenses she would have incurred travelling to and competing as part of the Australian Indigenous Netball Team at the Gold Coast International Netball Carnival held in Queensland from 9 - 17 July 2016 inclusive.
4. That Shelby Grainger be granted the amount of \$350.00 to assist with the expenses she would have incurred travelling to and competing as part of the Australian Indigenous Netball Team at the Gold Coast International Netball Carnival held in Queensland from 9 - 17 July 2016 inclusive.
5. That Max Milligan be granted the amount of \$250.00 to assist with the expenses he will incur travelling to and competing as part of the NSW Team at the All Schools Cross Country Championships held at Eastern Creek, Sydney on 22 July 2016.
6. That Bradley Paterson be granted the amount of \$350.00 to assist with the expenses he will incur travelling and competing as part of the NSW Team at the All Schools Hockey Championships to be held in Melbourne, Victoria from 7 - 13 August 2016 inclusive.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.02 QUESTION FROM PREVIOUS MEETING - PHYSICAL COMMENCEMENT OF DEVELOPMENT APPLICATIONS

RESOLVED: Intemann/Griffiths

That Council note the report on Physical Commencement of Development Applications.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.03 IMPROVING RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

RESOLVED: Intemann/Griffiths

That Council:

1. Continue waste education for Multi-Unit Dwellings to further improve recycling and organic waste practices.
2. Review the Waste Availability charge for Multi-Unit Dwellings in conjunction with the consideration of the 2017-2018 Fees and Charges.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.04 SANCROX EMPLOYMENT LAND ENVIRONMENTAL LANDS AND SERVICES PLANNING AGREEMENT

RESOLVED: Griffiths/Cusato

That Council:

1. Delegate Authority to the General Manager to:
 - a. Sign the Contract for Sale/Deed of Acquisition and Land Titles Office Transfer Form for Lot 2 DP 1221154.
 - b. Negotiate, enter into and execute an amendment to the Sancrox Employment Land Environmental Lands and Services Planning Agreement as proposed in the report.
2. Subject to settlement and pursuant to section 34 of the Local Government Act 1993, commence the procedure to classify Lot 2 DP 1221154 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 2 Deposited Plan 1221154 (land situated at Fernbank Creek Road, Fernbank Creek) as operational land", for a minimum period of 28 days.
3. Subject to Resolution 2 above, note that a further report will be tabled to Council following completion of the public exhibition period, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner
AGAINST: Nil

13.01 NOTICE OF MOTION - ORBITAL LINK ROAD

RESOLVED: Cusato/Turner

That Council:

1. Note the report tabled at the Ordinary Council Meeting held on 20 April 2016 (referred to as Item 13.04 - Question on Notice: Road Network Planning), as well as all prior reports to Council and resolutions of Council and recommendations made by the Economic Development Steering Group since 2013, in relation to the proposed Orbital Link Road.
2. Confirm that the ongoing development towards the proposed North-South and East-West Orbital Link Roads are a very high priority for Council, due to the major economic impact and regional significance that these roads represent.
3. Request the General Manager provide a copy of this Notice of Motion and subsequent resolution of Council with a supporting letter to the Member for Port Macquarie, Leslie Williams, re-stating a request for assistance in seeking funding to enable Council to undertake the feasibility study for the Orbital Link Road, as well as requesting ongoing assistance in relation to seeking funding for the planning, preconstruction and construction of this priority project.
4. Request the General Manager provide a copy of this Notice of Motion and subsequent resolution of Council with a supporting letter to the Federal Member for Cowper (Luke Hartsuyker MP), the Federal Member for Lyne (Dr David Gillespie MP) and the Member for Oxley (Melinda Pavey MP) to ensure that the four local Members of Parliament are kept well informed about the need for the North-South and East-West Orbital Link Roads, including the extensive background work already undertaken to support Council's position.
5. Ensure that regular updates on progress regarding the North-South and East-West Orbital Link Road are provided to Councillors either through formal reports to Council meetings or to Council briefings.

CARRIED: 8/1
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Roberts

13.02 BROADWATER CANAL - CANAL MAINTENANCE PLAN

Councillor Levido declared a Pecuniary Interest in this item, left the Chambers and was out of sight during Council's consideration of this item, the time being 07:42pm.

RESOLVED: Cusato/Sargeant

That Council:

1. Adopt the Final Broadwater Canal - Canal Maintenance Plan and undertake the immediate priority actions identified within the 2016-2017 financial year.
2. Increase the existing 2016/17 Operational Plan Broadwater Special Rate Canal Maintenance allocation by \$221,230 from the Broadwater Special Rate Reserve, to allow for the completion of the replacement of all eroded Foreshore Shingles, Rock Armour and Sand and the Installation of Flood Markers as identified in the Canal Maintenance Plan.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:42pm.

13.03 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2014-2015

RESOLVED: Sargeant/Griffiths

That the NSW Water Supply and Sewerage Performance Monitoring Report 2014-2015 be noted.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

13.04 HIBBARD FERRY - OUT OF WATER INSPECTION AND MAINTENANCE (SLIPPING)

Mayor Besseling declared a Non-Pecuniary - Significant Interest in this item, left the Chambers and was out of sight during Council's consideration of this item, the time being 7.47pm

The Deputy Mayor assumed the Chair.

RESOLVED: Cusato/Levido

That Council:

1. Note the actions planned for the Out of Water Inspection and Maintenance

-
- (Slipping) of the Hibbard Ferry.
2. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council does not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Hibbard Ferry, as a satisfactory result would not be achieved.
 3. Accept the quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Hibbard Ferry for \$291,234.00 (ex GST).
 4. Appoint Birdon Pty Ltd to undertake any additional works as may be required by the NSW Maritime Surveyor to achieve a Certificate of Survey & Operation, and with approval from the Group Manager Transport & Stormwater Network, within the allocated budget for the ferry slipping.
 5. Appoint Birdon Pty Ltd to undertake any additional functional works as requested by the Group Manager Transport & Stormwater Network following the inspection to address other maintenance issues or improve the operation of the ferry service, within the allocated budget for the ferry slipping.

CARRIED: 8/0

FOR: Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

Mayor Besseling returned to the meeting, the time being 07:48pm.

13.05 PROPOSED CHANGES TO THE PMH LOCAL ENVIRONMENTAL PLAN 2011 TO ACCOMMODATE URBAN GROWTH AT RAINBOW BEACH

Councillor Levido declared a Non-Pecuniary - Significant Interest in this item, left the Chambers and was out of sight during Council's consideration of this item, the time being 7.49pm

RESOLVED: Turner/Griffiths

That Council:

1. Note the attached draft planning proposal, prepared pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 in relation to zoning and other related development controls for land identified as Precinct C at Rainbow Beach (Area 14).
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act.
3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.
4. Publicly exhibit the draft Development Control Plan provisions as attached to the report, incorporating guidance to the above planning proposal, for a minimum of 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:49pm.

13.06 PLANNING CONTROLS OVER TYPES OF SIGNAGE

Councillor Hawkins left the meeting, the time being 07:50pm.

RESOLVED: Intemann/Cusato

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, to:
 - (a) amend the Land Use Table to permit advertising structures with consent within Zone RE1 Public Recreation;
 - (b) permit as exempt development:
 - i. sponsors' advertising facing inwards on fencing around sporting fields,
 - ii. community and event signage within road reserves,
 - iii. signage on public seating and bus shelters and remove the current provisions for signage on bus shelters;
 - (c) for the five surf lifesaving clubs at Port Macquarie, Bonny Hills and North Haven,
 - i. change the zone from RE2 Private Recreation to RE1 Public Recreation,
 - ii. permit as an additional permitted use 'restaurants or cafes';
 - (d) for the Marine Rescue buildings at Buller Street, Port Macquarie and Tunis Street, Laurieton, change the zoning to SP2 Infrastructure (Emergency services facility).
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Act.
3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

13.07 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

Councillor Hawkins returned to the meeting, the time being 07:51pm.

RESOLVED: Griffiths/Turner

That Council note the Development Activity and Assessment System Performance report for the fourth quarter of 2015-2016.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

13.08 RECREATIONAL BOATING UPDATE

RESOLVED: Cusato/Levido

That Council note the information contained within the Recreational Boating Update report.

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 PORT MACQUARIE INDOOR STADIUM UPGRADE

Question from Councillor Turner

In a media release to provide an update on progress of the Port Macquarie Indoor Stadium upgrade on 16 June 2016, Council announced "the \$7.2million project will provide modern state of the art facilities for participants and spectators."

Can the General Manager provide:

1. A brief description of the modern state of the art facilities to be provided for spectators.
2. A comparison of existing stadium spectator seating capacity with the spectator seating capacity in the upgraded facility.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Hawkins

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 15.01 EOI-16-02 Independent Members of the Town Centre Master Plan Sub-Committee

This item is considered confidential under Section 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 15.02 T-16-25 Installation of Communications Tower and Upgrade of Communications System

This item is considered confidential under Section 10A(2)(d(ii)) 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.

Item 15.03 T-16-35 Hastings River Drive & Boundary Street Upgrades - Options Assessment and Concept Design

This item is considered confidential under Section 10A(2)(d(ii)) 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.

Item 15.04 T-16-08 Port Macquarie-Hastings Council Advertising - Council Matters

This item is considered confidential under Section 10A(2)(d(ii)) 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.

Item 15.05 T-16-26 Provision of Group Training Services

This item is considered confidential under Section 10A(2)(d(ii)) 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.

Item 15.06 T-16-39 Purchase of Cisco Core Network Equipment

This item is considered confidential under Section 10A(2)(d(ii)) 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.

-
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.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 7.58pm

RESUME MEETING

The Ordinary Council Meeting resumed at 8.05pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Roberts

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

Item 15.01 EOI-16-02 Independent Members of the Town Centre Master Plan Sub-Committee

This item is considered confidential under Section 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. Appoint new members in the listed representative positions, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
 - (a) CBD Landowner - Mr Jeff Gillespie.
 - (b) CBD Landowner - Mr Robert Sagolj.
 - (c) CBD Trader - Mr Michael Mowle.
 - (d) Community Member - Mrs Michelle Love.
2. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee meeting on 29 September 2016.

-
3. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-16-02.

Item 15.02 T-16-25 Installation of Communications Tower and Upgrade of Communications System

This item is considered confidential under Section 10A(2)(d(ii)) 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

That Council:

1. Accept the tender from Essential Communications for \$160,364 (exclusive of GST) for the Installation of Communications Tower and upgrade of Communications Systems within the Wauchope Fire Control Centre.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-25.

Item 15.03 T-16-35 Hastings River Drive & Boundary Street Upgrades - Options Assessment and Concept Design

This item is considered confidential under Section 10A(2)(d(ii)) 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

That Council:

1. Accept the tender from Cardno (NSW/ACT) Pty Ltd for \$125,000 (exclusive of GST) for the Hastings River Drive and Boundary Street Upgrades - Options Assessment and Concept Design.
2. Accept the Schedule of Rates from Cardno (NSW/ACT) Pty Ltd for the Hastings River Drive and Boundary Street Upgrades - Options Assessment and Concept Design.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-35.

Item 15.04 T-16-08 Port Macquarie-Hastings Council Advertising - Council Matters

This item is considered confidential under Section 10A(2)(d(ii)) 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

That Council:

1. Accept the tender from Regional Publishers Pty Ltd t/a Port Macquarie News for the provision of Advertising Services for "Council Matters" for a period of one (1) year commencing 25 August 2016 with an option to extend for a further one (1) year period at Council's sole discretion.
2. Accept the Schedule of Rates from Regional Publishers Pty Ltd t/a Port Macquarie News for the provision of Advertising Services for "Council Matters".
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-08.

Item 15.05 T-16-26 Provision of Group Training Services

This item is considered confidential under Section 10A(2)(d(ii)) 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

That Council:

1. Accept the tender from Hunter Valley Training Company Pty Ltd for the Provision of Group Training Services.
2. Accept the Schedule of Rates from Hunter Valley Training Company Pty Ltd for the Provision of Group Training Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-26.

Item 15.06 T-16-39 Purchase of Cisco Core Network Equipment

This item is considered confidential under Section 10A(2)(d(ii)) 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

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, not invite tenders for the supply and delivery of specified Cisco Core Network Equipment.
2. Accept the quotation, through Local Government Procurement, from Leading Edge Computers Port Macquarie, for the purchase of Cisco Core Network Equipment for \$367,636 (excl GST).
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-39.

CARRIED: 9/0
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*
AGAINST: Nil

The meeting closed at 8.05pm.

.....
Peter Besseling
Mayor

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>)	
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: 06.01

Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS

Mayor, Peter Besseling

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 29 July to 22 September 2016 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 29 July to 22 September 2016 inclusive was \$1,125.00.

This included the following:

Donation to Aussie Helpers on behalf of Centenarian Herbert Harrison	\$100.00
Donation to Hastings Cancer Trust Fundraiser	\$200.00
Floral arrangement for Long Tan Memorial Service	\$50.00
Donation to Radio Rheema 99.9 Fundraiser	\$200.00
Donation to Wauchope Yesteryear Truck & Machinery Club Fundraiser	\$175.00
Donation to Student Heart Project's Red & Blue Ball Fundraiser	\$200.00
Donation to Fundraiser for Donna Wilson	\$200.00
	<hr/>
	\$1,125.00

Attachments

Nil

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

There are no confidential attachments to reports for the Ordinary Council Meeting.

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: OATH OR AFFIRMATION OF OFFICE

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That the Mayor and Councillors take an Oath or Affirmation of Office before the General Manager.

Executive Summary

As a result of the recent amendments to the Local Government Act 1993, the Mayor and Councillors are now required to take an Oath or Affirmation of Office.

Discussion

The Local Government Act, Section 233A states:

- “(1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Ensuring Good Governance

- (3) *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
- (4) *Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
- (5) *Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
- (6) *The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise)."*

Options

There are no other options as it is a requirement under the Local Government Act that the Mayor and Councillors take an Oath or Affirmation of Office.

Community Engagement & Internal Consultation

Internal Consultation

- General Manager
- Group Manager Governance and Executive Services

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: CREATION OF OFFICE OF DEPUTY MAYOR

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.4.4 Promote the visibility and profile of Councillors through improved access by the community.

RECOMMENDATION

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months.
3. Elect the Deputy Mayor by way of preferential ballot, ordinary ballot or open voting, if more than one nomination for Deputy Mayor is received.

Executive Summary

Council can determine to create the Office of Deputy Mayor, under Section 231 of the *Local Government Act 1993*, for a period coinciding with the Mayoral term or a shorter period.

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided with this report.

Discussion

Council can determine to create the Office of Deputy Mayor for a period coinciding with the Mayoral term or a shorter period.

Section 231 of the *Local Government Act 1993* ("the Act"), provides the following:

- 231
- (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
 - (2) *The person may be elected for the Mayoral term or a shorter term.*
 - (3) *The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
 - (4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.*

Ensuring Good Governance

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided as Attachment 1 to this report.

Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting. Additionally, Council will also be required to determine the term of the Office of Deputy Mayor.

Should there be more than one (1) Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

Election Methods

Preferential Ballot

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers "1", "2" and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Ordinary Ballot

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

Ensuring Good Governance

If there are three or more candidates, a vote is taken, the candidate with the lowest number of votes is excluded. If three or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two candidates remain.

A further vote is taken of the two remaining candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If at any stage during a count two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

Definitions

Absolute majority: In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

Ballot: In the context of this type of election has the meaning of a secret ballot.

Chosen by lot: If two candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Timing of Election

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

Options

Council can determine to not create the Office of Deputy Mayor.

Community Engagement & Internal Consultation

Community Engagement

There has been no external community engagement required for the subject of this report.

Internal Consultation

- General Manager.

Ensuring Good Governance

Planning & Policy Implications

There are no planning or policy implications as a result of this report.

Financial & Economic Implications

There are no financial or economic implications as a result of this report.

Attachments

1 [View](#). Deputy Mayor Nomination Paper

Ensuring Good Governance

Item: 09.03

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Status of Reports from Council Resolutions report.

Discussion

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Development Contributions Assessment Policy - post public exhibition. (Item 12.01 - OC 20/07/16)		DDES		19 Oct 2016
QFPM - Port Macquarie Indoor Stadium Upgrade. (Item 14.01 - OC 10/08/16)		DCEG		19 Oct 2016
Committee Review - articulate recommendations to ensure ongoing effectiveness of Committees. (Item 09.05 - OC 20/04/16)		DCOS		Nov 2016
Payment of Expenses and Provision of Facilities to Councillors Policy (Item 09.11 - OC 10/08/16)		DCOS		Nov 2016
Acquisition of Land - 33 Commerce Street, Wauchope. (Item 15.07 - OC 20/07/16)		DCOS		Nov 2016

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Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Three Villages Sewerage Scheme Construction - options to deliver fit-for-purpose and value-for-money. (Item 09.02 - EX-OC 29/07/15)	Awaiting funding determination.	DIAM	Nov 2015	Nov 2016
2016 Tastings on Hastings Event (Item 11.01 - OC 15/06/16)		DCEG		Dec 2016
Land Development Approvals Process Review (Item 09.01 - OC 15/06/16)		GM		Dec 2016
Draft Structure Plan for the Greater Sancrox Area - consideration/investigations of potential urban capability/serviceability / capacity of lands between Oxley Highway to north, Pacific Highway to west and Houston Mitchell Drive to south and viability of rural residential development in the Greater Sancrox area. (Item 13.07 - OC 18/02/15)		DDES		Dec 2016
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits. (Item 12.01 - OC 10/08/16)		DDES		Dec 2016
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)	Awaiting further information from NSW Health.	DIAM	Nov 2016	Dec 2016
Impact of Road Openings and Closures on Private Property (Item 12.03 - OC 18/09/13)	To be included in overall review of roads policies. Information still being sought.	DIAM	Mar 2015	Feb 2017

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Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Draft Yippin Creek Structure Plan - submission following exhibition. (Item 13.06 - OC 15/06/16)	Issues raised during exhibition necessitate further consideration of aspects of the draft Plan.	DDES	Oct 2016	Feb 2017
Planning Proposal for Residential Infill and Environmental Purposes - Lincoln Road, Castle Court and Marian Drive, Port Macquarie - post exhibition (Item 13.08 - OC 20/07/16)	In negotiations with proponent regarding zone and off-set outcomes	DDES	Oct 2016	Feb 2017
Planning Controls for Short Term Rental Accommodation Report on findings and recommendations arising from the Inquiry ' <i>Adequacy of the regulation of short-term holiday letting in NSW</i> '. (Item 13.07 - OC 16/03/16)		DDES		Mar 2017
Cultural Plan 2016-2019 - Progress Report. (Item 10.03 - OC 10/08/16)		DCEG		April 2017
Sancrox Employment Land Environmental Lands and Services Planning Agreement - post public exhibition. (Item 12.04 - OC 10/08/16)		DDES		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCOS	Monthly
Investments	DCOS	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDES	Quarterly (May, Aug, Nov, Feb)
Glasshouse Quarterly Report	DCOS	Quarterly (July, Oct, Feb, Apr)
Delivery Program - Progress Report	DCEG	Biannual (Mar, Sept)

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Report	Reporting Officer	Reporting Cycle
Operational Plan - Progress Report	DCEG	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DCEG	Biannual (June, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (June)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (July)
Council Policy - Status Report	DCOS	Annually (July)
Annual Report of the Activities of the Mayor's Sporting Fund	DCEG	Annually (Aug)
Compliments and Complaints Annual Report	DCEG	Annually (Sep)
Council Meeting Dates	GM	Annually (Sept)
Creation of Office - Deputy Mayor	GM	Annually (Sept)
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	DCOS	Annually (Sept)
Audit Committee Annual Report	DCOS	Annually (Sept)
Annual Report of Disability Discrimination Act Action Plan	DCEG	Annually (Sep)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCOS	Annually (Nov)
Council's Annual Report	DCEG	Annually (Nov)
Annual Reporting of Contracts for Senior Staff	GM	Annually (Nov)
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (Item 09.04 - OC 21/10/15)	DCOS	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.04

Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2015-2016

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information in the Disclosure Register for 2015-2016.**
- 2. Determine that the following position becomes a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:**
 - Group Manager Economic Development.**

Executive Summary

The *Local Government Act 1993* requires the General Manager to keep a register of disclosure returns and table the returns at the first Council meeting after 30 September each year.

The Disclosure Register is public register and can be accessed by members of the public, by appointment.

Discussion

Section 449 of the Local Government Act, requires Councillors and Designated Persons to submit a disclosure return on an annual basis and lodge it with the General Manager by 30 September each year.

Section 450A(1) requires the General Manager to keep a Register of the Returns and section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after 30 September each year.

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2015 to 30 June 2016 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

The disclosure returns will be held in the Disclosure Register in the Governance and Executive Services Section of Council and, as required by Section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

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New Positions

As new positions are established or positions responsibilities change, it is necessary to review the list of Council positions which should become Designated Persons.

The following position should be added to the existing list of Designated Persons:

- Group Manager Economic Development.

Options

Nil. It is a requirement under the Local Government Act that the disclosure returns be presented to Council.

Community Engagement & Internal Consultation

Internal Consultation

- Councillors.
- General Manager and Directors.
- Group Manager Governance and Executive Services.
- Designated Persons.

Planning & Policy Implications

This report meets the Council's legislative requirements with regards to annual disclosure returns for Councillors and designated persons.

Financial & Economic Implications

Nil.

Attachments

Nil

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Item: 09.05

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That the Disclosure of Interest returns for the following positions be noted:

- 1. Town Planner**
- 2. Development Engineer (2 positions)**

Executive Summary

This report informs Council of the lodgement of a return disclosing the interests of a designated person which are required under section 445 of the *Local Government Act 1993*.

Discussion

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The positions of Town Planner and Development Engineer is a designated person under the Local Government Act.

Section 450A(1) requires the General Manager to keep a Register of Returns and section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after the last date for lodgement.

The Returns are then held in the Governance and Executive Services section of Council and, as required by section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

The Return for the positions of Town Planner and Development Engineer will be tabled at this meeting.

Options

Nil. Lodgement of a Return by a Designated Person is a requirement under section 445 of the Local Government Act.

Community Engagement & Internal Consultation

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Internal Consultation

- Group Manager Governance & Executive Services.
- General Manager.
- Director of Development and Environment Services
- Town Planner
- Development Engineer

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.06

Subject: 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Presented by: General Manager, Craig Swift-McNair

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:

1. **Note that accommodation bookings and draft registrations for three Councillors and the General Manager to attend the Local Government NSW Annual Conference to be held in Wollongong from 16 to 18 October 2016 were made in late July 2016.**
2. **Endorse attendance at the Local Government NSW Annual Conference of Mayor Peter Besseling, Councillor Peter Alley, Councillor Lee Dixon and the General Manager.**
3. **Note that Mayor Peter Besseling, Councillor Peter Alley and Councillor Lee Dixon will be Council's voting delegates on motions at the Local Government NSW Annual Conference.**

Executive Summary

The 2016 Local Government NSW Annual Conference will be held in Wollongong from 16 to 18 October 2016.

With the Local Government elections not being held until 10 September 2016, in early August 2016, Council secured accommodation bookings and Early Bird draft registrations for three Councillors and the General Manager to attend the Conference.

With the deadline for finalisation of Conference registrations and accommodation bookings to be finalised by 30 September 2016, following the declaration of the recent Local Government election, discussions were held between the Mayor and Councillors as to who would represent Council at the Conference.

This report formalises the action taken to secure conference registrations and accommodation bookings for Council representatives and to formalise Council's voting delegates.

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Discussion

The Local Government NSW Annual Conference is the main event of the year for all NSW Councils. The Draft 2016 Conference program includes keynote speeches from:

- Hon Mike Baird MP (NSW Premier).
- Hon Paul O'Toole MP (Minister for Local Government).
- Hon Peter Primrose MLC (Shadow Minister for Local Government).
- Con-concurrent Sessions on:
 - Natural Resources & Environment Stream.
 - Infrastructure and Planning.
 - Capacity Building and Diversity.

A copy of the draft Conference program (as at 19 September 2016) is attached for information.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors Policy", a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions.

Due to the Local Government elections not being held until 10 September 2016 and in order to secure accommodation bookings and Early Bird registration rates, Council secured bookings for three (3) Councillors and the General Manager in early August 2016 to attend the Conference.

With the deadline for finalisation of Conference registrations and accommodation bookings to be finalised by 30 September 2016, following the declaration of the recent Local Government election, discussions were held between the Mayor and Councillors as to who would represent Council at the Conference.

It was agreed that the Mayor and Councillors Peter Alley and Lee Dixon would represent Council at the Conference, together with the General Manager.

Voting Delegate Entitlements

Due to the Local Government elections in September 2016, the elections for Office Bearers and the Board of Local Government NSW, usually held at the Annual Conference, were held in June 2016. As such, Council will only need to determine its voting delegates for motions at the Conference.

Contact has been made with Local Government NSW regarding Council's voting entitlements for this year's Conference. Advice has been received that Council will be permitted four Councillor voting delegates.

This report will formalise the Mayor and Councillors Peter Alley and Lee Dixon as Council's voting delegates at the Conference.

Reporting Requirements for Conferences

As per the Policy, a Councillor or Councillors attending the Local Government NSW Annual Conference are not required to provide a written report to Council.

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Options

Council could elect to not send any Councillor representatives to the Conference or to alter the recommendation of which Councillors attend the conference.

Community Engagement & Internal Consultation

Internal Consultation

- Mayor
- General Manager
- Councillors

Planning & Policy Implications

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy.

Financial & Economic Implications

The 2016-2017 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by Councillors at the Conference can be funded from within the existing budget allocation.

The estimated costs to attend the Conference are \$7,050 which includes conference registrations and accommodation for the four attendees. In addition to the above cost will be costs associated with travel and any out of pocket expenses, as allowed for under the Policy and these will be at the expense of Council.

Attachments

1 [View](#). Draft 2016 Local Govt NSW Conference Program

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Item: 09.07

**Subject: NOTICE OF MOTION - PERFORMANCE MEASUREMENT
FRAMEWORK**

Councillor Hawkins has given notice of his intention to move the following motion:

RECOMMENDATION

Could the General Manager please provide to the February 2017 Council Meeting an update on both the NSW Government's efforts and those of PMHC to build a new local government performance measurement framework. In responding, the General Manager is requested to:

- 1. Cross reference to the content of the report to Council of 19 February 2014 on the same subject; and**
- 2. In addition to providing recent historical details of progress to date, lay out a broad proposed forward path incorporating high level milestones and indicative timelines.**

Comments by Councillor (if provided)

In late 2013, the NSW Department of Local Government released a circular to all NSW Council's titled *"Building a new local Government performance measurement framework"*.

In that document two key questions were asked and the report to Council of 19 February 2014 focused on our Council's response to the two questions. The two questions were:

1. What do councils and their community need to know to determine if they are performing well and achieving their goals? and
2. How well does your council (PMHC) currently measure performance AND how useful is your council's current performance measurement system?

These questions go to the heart of the efficiency and effectiveness of councils operations and it is critical that our Council is absolutely on top of its game in addressing these matters.

Benchmarking studies and data available through various sources indicates that PMHC is one of the better performing councils in NSW in delivering value for ratepayers dollars, but how good really are we? How much better can we be, need we be? What gains are there still to be made and what does Council need to do to achieve and sustain those gains?

The answers to these and numerous other related questions need to be at the forefront of all our strategic thinking and the resultant policies, procedures and

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operating practices. Indeed, we need to ensure that they become embedded within the DNA of what this Council stands for and how we approach decision making and ongoing operations at every level.

Attachments

Nil

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Item: 09.08

Subject: MONTHLY FINANCIAL REVIEW FOR AUGUST 2016

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for August 2016.

Executive Summary

This report will detail the monthly budget adjustments to 31 August 2016.

The Council adopted budget position as at 1 July 2016 was a shortfall of \$840,219. This shortfall increased during the month of July 2016 to a shortfall of \$996,487. The budget adjustments for August 2016 contained within this report will maintain this shortfall position.

Carry-over Report

The 2015-2016 Carry-over report was put to Council in August 2016, however the funding of the carry-over projects was not able to be included. It was stated in the report that a table outlining the funding of the carry-over projects would be included in this report. As such the table below outlines the funding of all projects within the 2015-2016 Carry-over report.

Funding Source	Amount
Grant Funding	\$4,379,619
Revenue	\$2,960,858
Loan	\$5,525,208
Environmental Levy	\$13,045
Contributions	\$1,415,000
S94	\$3,816,972
S64	\$1,500,000
Reserves	\$12,739,585
Total Carry-over	\$32,350,287

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Discussion

Monthly Budget Adjustments for August 2016

Each month, Council's budgets are reviewed by Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2016-2017 budget along with the proposed movement of funds to accommodate any changes.

Monthly Budget Review Summary

Original Budget as at 1 July 2016	Shortfall	(\$840,219)
Plus adjustments:		
July Review	Shortfall	(\$156,268)
August Review	Balanced	0
Forecast budget position for 30 June 2017	Shortfall	(\$996,487)

August 2016 Adjustments

The following adjustments reflect budget movements as a result of over-expenditure reviews, transfers between accounts, grant funding, transfer from reserves and additional receipts etc that have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant projects	1	Grant	\$854,677
Contribution projects	2	Contributions	\$2,687
Prior Year Adjustments	3	Loan/Reserves	(\$1,056,763)
Reserve Expenditure	4	Reserve	\$278,852
New Project	5	Reserve	\$69,672
Council Report	6	Reserve	\$2,113,539
Total			\$2,262,664

The following are included in the August 2016 adjustments:

1. A number of grant adjustments have been included this month totalling \$854,677:
 - Oxide Park, PM Intergenerational Play - New Grant - \$50,000
 - Wayne Richards Park - Stage 3 Development - As part of the grant conditions any unspent portion of this grant must have interest applied to it. The adjustment included in this review is equivalent to the interest allocated to the grant to 30 June 2016. - \$255,741
 - 2015/16 Bushfire Mitigation Works - This project is complete and the remaining grant funds will not be claimed - (\$15,424).
 - 2016/17 Hazard Reduction - New Grant - \$99,469
 - Hastings Fire Stations Re-keying Project - This project is complete and the remaining grant funds will not be claimed - (\$2,040)

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- RFS Wauchope HQ - Solar Photovoltaic System - This project is complete and the remaining grant funds will not be claimed - (\$13,069)
 - Area wide traffic Study - New Grant - \$130,000
 - Bulli Creek Bridge Replacement - Council has received notification of additional grant funding for this project. The revenue currently on the project has been transferred to 41494 Additional Road Funding to enable the continuation of the reseal program - \$350,000
2. Council has received a contribution towards Hollow Bearing Trees in the amount of \$2,687.
3. A number of adjustments are required to 2016/17 budgets due to the finalisation of the 2015/16 financial year.
- Hastings River Drive - Gordon to Aston, this project was split in the budget over 2 years, however the final contractor invoice was received late in August 2016 and as it was dated last financial year it was costed back against 2015/16. This means that the budget in 2016/17 needs to be deleted - (\$972,443).
 - The budget for Wauchope Pool was split over two years 2015/16 and 2016/17. The expenditure in 2015/16 was over the amount allocated for that year so the remaining budget in 2016/17 needs to be reduced by a corresponding amount - (\$81,593)
 - The Anzac Centenary Arts Grant was included in the carry-over report. A late invoice was received that was allocated back against 2015/16. The budget included in 2016/17 can therefore be removed - (\$2,727)
4. There are two reserve funded projects that require adjustment this month.
- The Waste Less Recycle More project is finalised so the full 2016/17 budget can be removed - (\$21,148)
 - Houston Mitchell Drive/ocean Drive Roundabout - Council's liability for this project is capped at \$2m and it is expected that the final invoice will arrive in the near future from the RMS - \$300,000.
5. Included in this review is a new project for the Corporate Website Upgrade - At the July 2016 Ordinary Meeting, Council resolved to note the updated logo and Corporate Style Guide as part of Council's ongoing Corporate brand review. A key component of this review includes enhancing Council's digital assets. This budget increase is to allow enhancements to Council's website - \$69,672.
6. There is one adjustment included in this review that is the result of a Council resolution.
- Kew Transfer Station - Item 15.02 to the July 2016 Council meeting - \$2,113,539.

It should also be noted that:

- Any overspends greater than \$50,000 and 2% of the project budget are reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.

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- Any potential gains in interest income have not been taken into consideration into these calculations.

Options

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

Planning & Policy Implications

There are no planning and policy implications.

Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget shortfall at \$996,487.

Responsible Accounting Officer Statement

The approved budget shortfall for 2016-2017 after the August 2016 Council meeting was a shortfall of \$996,487. This report has made no change to this position. The shortfall position is considered an un-satisfactory result for the year and as such budgets will need to be closely monitored during the remainder of the year with a view to reducing this shortfall.

Attachments

1 [View](#). August 2016 Budget Review

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Item: 09.09

Subject: INVESTMENTS - AUGUST 2016

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council note the Investment Report for the month of August 2016.

Executive Summary

- Total funds invested as at 31 August 2016 equals \$223,151,260.
- Year-to-date investment income of \$1,244,725 is 28.56% of the total annual investment income budget of \$4,358,600.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.

Discussion

This report provides details of and certifies that all funds that Council has invested as at 31 August 2016, comply with Section 625 of the Local Government Act 1993. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 August 2016, the investments held by Council totalled \$223,151,260 and attributed to the following funds:

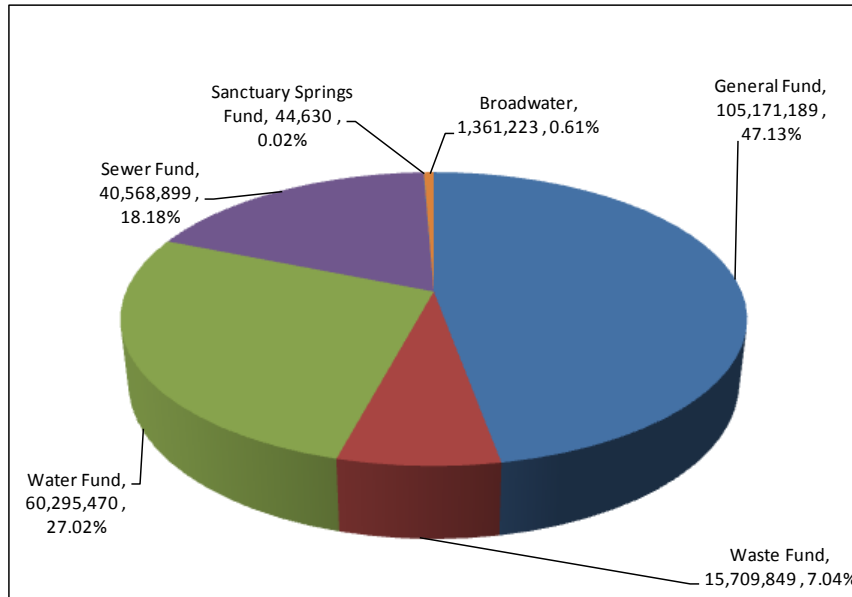
General Fund	105,171,189
Waste Fund	15,709,849
Water Fund	60,295,470
Sewer Fund	40,568,899
Sanctuary Springs Fund	44,630
Broadwater	1,361,223
	<u>223,151,260</u>

These monies are predominantly restricted funds from loans, s94 contributions and other avenues which are committed for future works. These funds may be spent in the shorter or longer term depending on whether they are allocated to specific projects or held to accumulate to allow for larger works. The totals will fluctuate dependent on the status of individual projects.

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Of the total investments, only a small portion relates to unrestricted funds, with most of the unrestricted funds being required to fund day to day operations. The total amount of unrestricted funds available is calculated only at financial year end and at the time of writing this report, Auditors were reviewing the finalised calculations for 30 June 2016. As at 30 June 2015 the amount was \$3.654m.

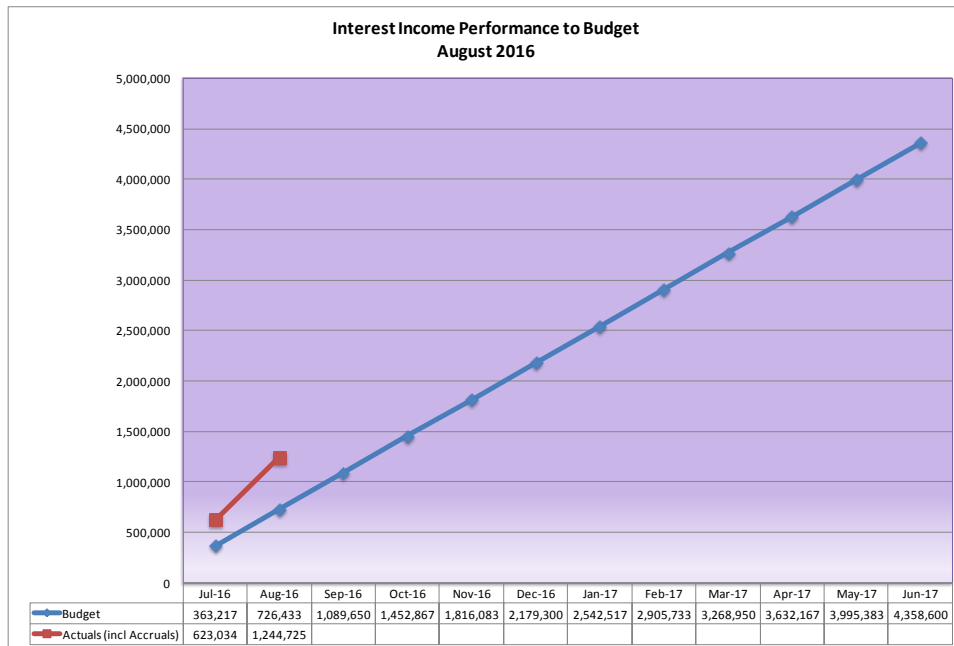
Investments by Fund - as at 31 August 2016



Portfolio Performance

- Council's total investment portfolio performance for August 2016 was 1.47% above the benchmark (3.43% against 1.96%). Benchmark being the Bank Bill reference rate as at 31 August 2016 in the Australian Financial Review published 2 September 2016.
- The total year-to-date investment income of \$1,244,725 is 28.56% of the total annual budget of \$4,358,600.

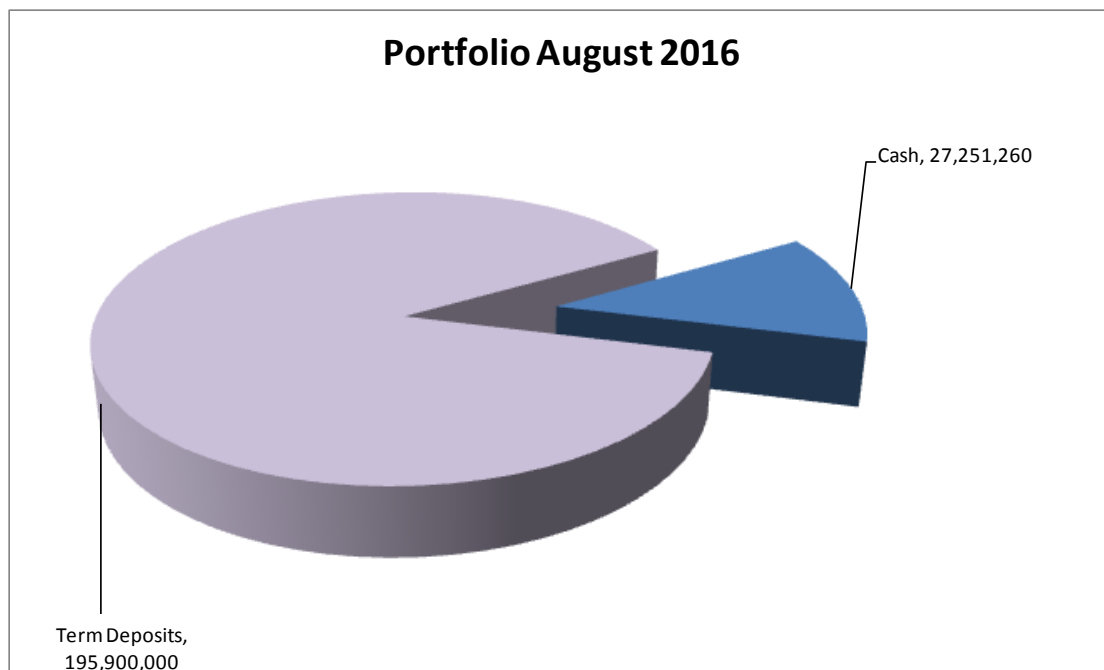
Ensuring Good Governance



The year-to-date actual reflects total earning including both cash and accruals.

Investment Portfolio Mix

Council's current portfolio is represented by cash and term deposits. The total term deposits represent 87.79% of the total investment portfolio. As at 31 August 2016, the total investment portfolio was \$223,151,260 up from \$209,296,598 as at the end of 20 July 2016. This consists of term deposits of \$195,900,000 and cash \$27,251,260.



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Term Deposits - Current month \$195,900,000 - Prior month \$199,262,000 (20 July 2016)

Council's Investment Policy identifies the maximum amounts that can be invested in term deposits within the various maturity constraints and the amounts which can be held with various institutions based on their respective credit ratings.

Council's current term deposit portfolio mix as at 31 August 2016 is as follows:

Table 1 - Term to Maturity

This table shows the amounts invested within the following maturity terms in accordance with limits as established by Council's Policy:



Term to Maturity 	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$113,900,000	58.14%	40.00%	100.00%
1 - 3 years	\$77,000,000	39.31%	0.00%	60.00%
3 - 5 years	\$5,000,000	2.55%	0.00%	30.00%
Grand Total	\$195,900,000	100.00%		

Table 2 - Overall Portfolio Credit Framework

This table shows the amounts held with various institutions based on their respective credit ratings against the maximum limits set for each credit rating category. Setting limits precludes over exposure in any category held in comparison to the maximum allowed and are shown in the table below:

Rating Framework 	Total	% Held	Maximum % Policy
A	70,000,000	35.73%	60.00%
AA	90,900,000	46.40%	100.00%
BBB	29,000,000	14.80%	15.00%
ADI/Unrated	6,000,000	3.06%	10.00%
Grand Total	195,900,000	100%	

These tables show the total amount held for Council's term deposits as at 31 August 2016.

Credit Unions are regarded as ADI's (Authorised Deposit Taking Institutions) and generally do not have ratings. Under the regulation of Australian Prudential Regulation Authority (APRA), all ADI's have to meet the same requirements in terms of capital adequacy (how much capital they are required to hold), ensuring they don't take on too much leverage and become insolvent. In addition, ADI's are an eligible investment under the Minister's Order.

Cash - Westpac Business Cash Reserve Account

Current month \$27,251,260 - Prior month \$10,034,598 (20 July 16)

This is not available unrestricted cash.

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This is a maxi account which the Council uses as a cash management tool only. Funds are transferred in and out of this account daily prior to investment, given its higher rate of interest than the general payment account. Levels in this account vary dependent on the time of month and rate payer/creditor cycle.

Throughout the month of August, \$5 million in funds matured with \$10m in funds invested into term deposits throughout the month.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.2% being the current cash rate plus 0.7% (based on the cash rate drop on 3 August 2016), which performs better than the benchmark (1.96% August).

The largest sector of the portfolio is the term deposit allocation of \$195,900,000 (last month \$199,262,000 (20 July 2016)) or 87.79% of the total.

Ensuring Good Governance

Investment Portfolio by Maturity Date - as at 31 August 2016

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
National Australia Bank	TD	AA-	10-Mar-16	8-Sep-16	3.12%	2,000,000
Bank of Queensland	TD	A-	13-Sep-13	13-Sep-16	4.55%	3,000,000
Westpac Banking Corporation	TD	AA-	14-Sep-11	14-Sep-16	6.05%	7,000,000
National Australia Bank	TD	AA-	3-May-16	4-Oct-16	3.10%	1,000,000
National Australia Bank	TD	AA-	10-Mar-16	6-Oct-16	3.11%	4,000,000
Bank of Queensland	TD	A-	23-Feb-16	24-Oct-16	3.10%	3,000,000
Newcastle Permanent	TD	BBB+	23-Oct-14	24-Oct-16	3.75%	5,000,000
Rabobank	TD	Aa2	11-Nov-11	11-Nov-16	6.30%	2,000,000
Westpac Banking Corporation	TD	AA-	11-Nov-11	11-Nov-16	6.22%	3,000,000
Bendigo Bank	TD	A-	13-Nov-15	13-Nov-16	2.85%	2,000,000
National Australia Bank	TD	AA-	26-Nov-14	28-Nov-16	3.65%	2,000,000
Bendigo Bank	TD	A-	14-Dec-15	14-Dec-16	3.05%	2,000,000
National Australia Bank	TD	AA-	17-Dec-14	19-Dec-16	3.65%	2,000,000
National Australia Bank	TD	AA-	17-Dec-14	19-Dec-16	3.65%	3,000,000
ING Bank (Australia) Limited	TD	A-	20-Dec-11	20-Dec-16	6.16%	3,000,000
National Australia Bank	TD	AA-	14-Jan-16	16-Jan-17	3.05%	5,000,000
National Australia Bank	TD	AA-	22-Mar-16	23-Jan-17	3.14%	4,000,000
ME Bank	TD	BBB+	12-Feb-16	13-Feb-17	3.05%	2,000,000
ME Bank	TD	BBB+	23-Feb-16	23-Feb-17	3.12%	2,000,000
National Australia Bank	TD	AA-	23-Feb-15	23-Feb-17	3.18%	4,000,000
ING Bank (Australia) Limited	TD	A-	8-Mar-16	8-Mar-17	3.05%	4,000,000
Bank of Queensland	TD	A-	9-Mar-15	9-Mar-17	3.15%	6,000,000
Westpac Banking Corporation	TD	AA-	12-Mar-14	12-Mar-17	4.38%	3,000,000
National Australia Bank	TD	AA-	14-Jan-16	13-Apr-17	3.04%	2,000,000
Bank of Queensland	TD	A-	17-Apr-15	17-Apr-17	3.10%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-17	3.23%	4,000,000
National Australia Bank	TD	AA-	12-May-15	12-May-17	3.08%	4,000,000
Newcastle Permanent	TD	BBB+	13-May-15	12-May-17	3.10%	4,000,000
Bendigo Bank	TD	A-	16-May-16	16-May-17	3.00%	1,000,000
National Australia Bank	TD	AA	7-Jul-16	1-Jun-17	2.97%	3,000,000
Bank of Queensland	TD	A-	18-Jun-15	18-Jun-17	3.05%	2,000,000
National Australia Bank	TD	AA-	18-Jun-15	19-Jun-17	2.99%	1,900,000
Holiday Coast Credit Union	TD	ADI/Unrated	7-Jul-16	7-Jul-17	3.00%	2,000,000
Westpac Banking Corporation	TD	AA	7-Jul-16	7-Jul-17	2.91%	3,000,000
Bendigo Bank	TD	A-	22-Jul-15	24-Jul-17	3.10%	4,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Aug-17	3.15%	3,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	14-Aug-17	3.10%	2,000,000
National Australia Bank	TD	AA-	15-Aug-16	14-Aug-17	2.81%	2,000,000
AMP Bank	TD	AA-	4-Sep-15	4-Sep-17	2.90%	5,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-17	4.07%	2,000,000
Bendigo Bank	TD	A-	8-Oct-15	8-Oct-17	2.98%	5,000,000
ANZ Bank	TD	AA-	13-Nov-12	13-Nov-17	4.87%	2,000,000
Bank of Queensland	TD	A-	13-Nov-15	13-Nov-17	3.00%	2,000,000

Ensuring Good Governance

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Westpac Banking Corporation	TD	AA-	23-May-16	23-Nov-17	2.95%	3,000,000
Newcastle Permanent	TD	BBB+	14-Dec-15	14-Dec-17	3.20%	2,000,000
Bendigo Bank	TD	A-	14-Jan-16	15-Jan-18	3.10%	2,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	12-Feb-18	3.15%	2,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Mar-18	3.20%	3,000,000
Defence Bank	TD	BBB+	22-Mar-16	22-Mar-18	3.25%	4,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-18	3.29%	4,000,000
Bendigo Bank	TD	A-	16-May-16	16-May-18	3.05%	2,000,000
Newcastle Permanent	TD	BBB+	16-May-16	16-May-18	3.10%	2,000,000
Bank of Queensland	TD	A-	20-Jun-13	20-Jun-18	5.00%	4,000,000
Bendigo Bank	TD	A	7-Jul-16	6-Jul-18	3.05%	2,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-18	2.96%	3,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-18	4.22%	4,000,000
Bendigo Bank	TD	A-	7-Sep-15	7-Sep-18	3.00%	5,000,000
ME Bank	TD	BBB+	14-Dec-15	14-Dec-18	3.33%	2,000,000
Rabobank	TD	Aa2	20-Jan-15	20-Jan-19	3.90%	2,000,000
Newcastle Permanent	TD	BBB+	8-Mar-16	8-Mar-19	3.60%	2,000,000
Rabobank	TD	Aa2	23-May-16	23-May-19	3.15%	6,000,000
Bendigo Bank	TD	A	7-Jul-16	8-Jul-19	3.15%	2,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-19	3.10%	3,000,000
Newcastle Permanent	TD	BBB+	15-Aug-16	15-Aug-19	3.00%	2,000,000
Newcastle Permanent	TD	BBB+	10-Mar-16	10-Mar-20	3.70%	2,000,000
Bank of Queensland	TD	A-	10-Mar-16	10-Mar-21	3.80%	3,000,000
Total TD's						195,900,000
Westpac Business Cash Reserve Account						CASH
					2.20%	27,251,260
Total Portfolio						\$223,151,260

*The investments highlighted in yellow in the table above are new investments for August 2016.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of an independent financial advisor, on an as needs basis with investments. The investments placed this month were term deposits. At least three quotes were obtained from financial institutions in line with Council's Investment Policy. The services of an independent financial advisor were not required. Council obtains regular updates regarding market activities positions from various institutions.

Planning & Policy Implications

There are no planning and policy implications.

Ensuring Good Governance

Financial & Economic Implications

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for 31 August 2016 is 1.47% above the benchmark (3.43% against 1.96%) and year to-date income at 28.56% of the total annual budget.

It should be noted that investment income is noted as a gross amount. Section 97(5) of the Local Government Act 1993 indicates that any security deposit held with Council must be repaid with interest accrued. These security deposits will only relate to bonds held for security to make good damage done to works.

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds. This financial year to date Council has refunded bonds with an associated interest component of \$12,686.26 which will be monitored and advised monthly.

Certification

I hereby certify that the investments listed within this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Robyn Wilson
Responsible Accounting Officer

Attachments

Nil

Ensuring Good Governance

Item: 09.10

Subject: IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council:

- 1. Note the information in this report regarding the IPART Rating System Review**
- 2. Endorse the proposed submission to IPART in relation to the IPART Draft Rating Review.**

Executive Summary

The NSW Premier requested IPART to undertake a review of the local government rating system. In April 2016, IPART released an Issues Paper and invited submissions. Port Macquarie-Hastings Council (Council) submitted a response in May 2016.

In August 2016, IPART released their draft report. IPART have invited submissions by 14 October 2016 in relation to this draft report and draft recommendations.

A final report from IPART is due to the Minister for Local Government in December 2016.

Discussion

There are 34 draft recommendations in the report. These include:

- Providing Councils with a choice as to whether to use the "Capital Improved Value" method or the "Unimproved Value" method to set rates. NSW Councils currently use the Unimproved Value method.
- A methodology to allow total rates to grow as the communities grow from new developments.
- An increase in options to set rates
- Replacing the current pensioner concession scheme with a rate deferral scheme which would be operated by the State government.
- Ability to create new rating categories
- Changes to exemptions
- A recommendation that the Emergency Services Property Levy* (ESPL) be based on a Capital Improved Value.

Ensuring Good Governance

- Recommendations regarding disclosure

A full list of the draft recommendations is available in the IPART paper which is attached.

** In December 2015, the NSW Government announced that it would introduce an Emergency Services Property Levy (ESPL) to fund fire and emergency services. This is currently collected by insurance companies as part of insurance premiums. From 1 July 2017, the NSW Government has determined that the collection of this levy will instead be collected through the Council rating system. It is important to note that whilst this is not a Council rate, it will appear on the Council rate notice. These funds do not belong to Council. Council does not keep this levy, and will only be acting as a collection agent for the NSW Government only.*

It is proposed to lodge a submission. The draft submission is attached.

Generally, there is support for the recommendations with the following exceptions:

- Item 3- It is suggested that there is still opportunity for IPART to consider introducing an appropriate streamlined rating variation process.
- Item 12 - It is considered that land owned by private hospitals should not be exempt from rates.
- Item 20 - There is concern with how a State Government operated pensioner concession scheme would function and how outstanding amounts would impact on Council's outstanding debt ratios.
- Item 33 - If it is mandated that Councils must use a capital improved valuation method for ESPL, but a Council has chosen to use unimproved value for rating, then this will cause an increase in costs for those councils as they would need to collect two rating values. On this basis, PMHC believes that Councils should be able to choose the method for ESPL rather than have it mandated.

Options

Council may choose to note or reject the paper.

Council may choose to approve or modify the proposed submission, or Council may elect to not lodge a submission.

Community Engagement & Internal Consultation

There has been no engagement. This is a paper in relation to an IPART rating review requested by the NSW Premier.

Planning & Policy Implications

Subject to the outcome of the final rating review, Council may be required to change its systems and implement process changes.

Financial & Economic Implications

Implementation of changes may be at a cost to Council however these can not yet be determined. There may also be benefits in some of the final recommendations.

Ensuring Good Governance

Attachments

- 1 [View](#). IPART - Review of the Local Government Rating System - Draft Report August 2016
- 2 [View](#). Draft Correspondence - to IPART regarding IPART Draft Rating Review

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: WAUCHOPE POOL - LAND CONVEYANCING MATTERS

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.3.2 Develop and implement programs for the annual maintenance and operation of open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Affix the Common Seal of Council to the plan of consolidation of Lots 3 and 4 Deposited Plan 1106294 and Lots 41 and 42 Deposited Plan 1167914.**
- 2. Delegate authority to the General Manager to sign the:**
 - (a) Deed of Enlargement over Lot 41 Deposited Plan 1167914; and**
 - (b) Land and Property Information Request Form.**

Executive Summary

The redevelopment of the Wauchope Pool Complex requires the renewal/relocation of the electricity supply. As the pool complex spans multiple land parcels, Essential Energy require the consolidation of the land parcels into a single allotment. This report details the consolidation process and associated costs.

Discussion

Council's Wauchope Pool complex is located on four parcels of land situated along Cameron Street. These land parcels are Lots 3 and 4 Deposited Plan 1106294 and Lots 41 and 42 Deposited Plan 1167914. The extent of the land parcels is shown by the red line on the plan attached to this report. Council is the owner of the four land parcels.

Council at its meeting of 16 March 2016 accepted a tender for the upgrade of the 50 metre Pool (Item 15.04 Confidential Tender T-125-59). An integral part of the upgrade will be the renewal and relocation of the electrical supply. Essential Energy has advised that the supply of electricity across multiple lots in single ownership is not supported. The preferred method to meet the requirements of Essential Energy is to consolidate the four land parcels into a single parcel. Consolidation is achieved by registration of a survey at the Land Titles Office in Sydney.

An analysis of the land titles indicates that three land parcels are held under Torrens Title however, one land parcel, Lot 41 Deposited Plan 1167914, is Old System land which contains the residual of a 500 year lease that dates back to 1839. The issue of 500 year leases as a form of land tenure was common in subdivision of lands that

Planning and Providing Our Infrastructure

became private towns (such as Wauchope and Comboyne) as distinct from the subdivision of lands that were Government towns (such as Port Macquarie).

It will be necessary to convert the Old System land parcel to Torrens Title as part of the consolidation process of the four land parcels that comprise the Pool complex. In this instance, the residual, or tail of the 1839 lease will be subject to enlargement. Enlargement occurs by the preparation of a Deed lodged at the Land Titles Office accompanied by a Request made by Council.

Once the Deed has been registered at the Land Titles Office, Torrens Title will issue for Lot 41 DP1167914 and the survey of the plan of consolidation can proceed.

Options

To satisfy the requirements of Essential Energy, there are no alternative options.

Community Engagement & Internal Consultation

Internal consultation has occurred between the Corporate and Organisation Services Division and the Infrastructure Services Division.

As the matter is an administrative one concerning land titles, it is considered that community engagement is not required in this instance.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

Council's legal representative has been engaged to prepare the Deed of Enlargement and Land Titles Office Request Form. Fees are estimated at a maximum of \$3,500 (ex GST). Quotation for the survey of the land consolidation including registration at the Land Titles Office is estimated at \$4,500 (ex GST).

The above costs are incorporated within the budget for the redevelopment of the Wauchope Pool Complex.

Attachments

1 [View](#). Aerial Plan of Land Parcels Comprising the Wauchope Pool Complex

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 Land Situated at Tuffins Lane

This item is considered confidential under Section 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 15.02 T-16-07 Fitout of a 8 Tonne Road Maintenance Truck

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.03 T-16-15 Hyndman's Creek Bridge Replacement - Supply of Pre-Stressed Concrete Deck Units

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.04 T-16-40 Supply of Server and Storage Infrastructure

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.05 T-16-43 Supply of Checkpoint Security Appliance

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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 Land Situated at Tuffins Lane

This item is considered confidential under Section 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

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RECOMMENDATION

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RECOMMENDATION

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RECOMMENDATION