



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 16 August 2017

**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

**Community Themes**

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

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

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These are:

- Addressing Council on an Agenda Item (if the matter **is** listed in the Council Business Paper)
- 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:

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- 'Request to Speak in the Public Forum' form

These can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.

Requests can also be lodged on-line at:

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

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-and-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.**

- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition to' the recommendation on any one (1) Agenda Item.
- A maximum of five (5) speakers will be heard in the Public Forum.
- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address the Council Meeting have been received will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- Councillors may ask questions of a speaker following an address. Each answer, by the speaker to a question, is limited to two (2) minutes. A speaker cannot ask questions of Council.
- An Agenda Item will be debated by Council following the address.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- If you have any documentation to support your presentation, provide two (2) copies to Council by 12 noon on the day of the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12 noon on the day of the Meeting.
- The following will **not** be considered in the Public Forum (in accordance with the Code of Meeting Practice, clause 2.14.14):
  - Proposed or current development and rezoning applications and related matters.
  - A third (3<sup>rd</sup>) or subsequent application by a single member of the public to address Council on the same issue in the same calendar year. Council, at its discretion, may elect to exempt representatives or members of community groups from this restriction.
  - Any formal procurement process, contract negotiation or dispute resolution being undertaken.
  - Any matter the General Manager (or their delegate) considers inappropriate for discussion in the Public Forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

# Ordinary Council Meeting

Wednesday 16 August 2017

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

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"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."

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

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

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**Item: 03****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 19 July 2017 be confirmed.

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## **PRESENT**

### ***Members:***

Councillor Lisa Intemann (Deputy Mayor)  
Councillor Rob Turner  
Councillor Michael Cusato  
Councillor Sharon Griffiths  
Councillor Justin Levido  
Councillor Geoff Hawkins  
Councillor Lee Dixon

### ***Other Attendees:***

General Manager (Craig Swift-McNair)  
Director of Corporate Performance (Rebecca Olsen)  
Director of Development and Environment (Matt Rogers)  
Acting Director of Infrastructure (Andrew Doig)  
Director of Strategy and Growth (Jeffery Sharp)  
Group Manager Governance and Procurement (Blair Hancock)  
Governance Support Officer (Bronwyn Lyon)  
Communications Manager (Andy Roberts)

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The meeting opened at 5:30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 LOCAL GOVERNMENT PRAYER**

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Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

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### **03 APOLOGIES**

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*RESOLVED: Dixon/Hawkins*

That the apology received from Councillor Alley be accepted. Councillor Alley being absent on approved leave.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Griffiths*

That the Minutes of the Ordinary Council Meeting held on 21 June 2017 be confirmed.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.01 - EOI-17-05 Independent Members of the Town Centre Master Plan Sub-Committee, the reason being that Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and Councillor Levido acts for one of the appointees detailed in the report.

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#### **06.01 DEPUTY MAYOR DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Intemann*

That the Deputy Mayor Discretionary Fund allocations for the period 8 June to 5 July 2017 inclusive be noted.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*



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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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Nil.

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**08 PUBLIC FORUM**

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

1. Niamh de Groot and Amelia Humphreys from Mackillop College regarding Ban the Bag, Port Macquarie.

*RESOLVED: Turner/Dixon*

That the above request to speak in the Public Forum be acceded to.

*CARRIED: 7/0*  
*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**08.01 BAN THE BAG PORT MACQUARIE**

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Ms Niamh de Groot and Ms Amelia Humphreys from Mackillop College addressed Council in regard to Ban the Bag Port Macquarie.

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**REQUEST TO SPEAK ON AN AGENDA ITEM**

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

Item 10.02 – Mrs Diane Gilbert in support of the recommendation.

Item 12.03 – Ms Vanessa Killiher in opposition of the development application.

Item 12.03 – Ms Michelle Love in support of the development application.

Item 12.03 – Mr Stewart Robertson in opposition of the development application.

Item 12.07 – Ms Geraldine Haigh in support of the recommendation.

*RESOLVED: Turner/Griffiths*

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

*CARRIED: 7/0*  
*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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## **SUSPENSION OF STANDING ORDERS**

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The Deputy Mayor referred to the Public Forum item and requested that Item 12.04 – Question from Previous Meeting – Single Use Plastic Bags, be brought forward and considered next.

*RESOLVED: Turner/Griffiths*

That Standing Orders be suspended to allow Items 12.04, 10.02, 12.03 and 12.07 to be brought forward and considered next.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.04 QUESTION FROM PREVIOUS MEETING - SINGLE USE PLASTIC BAGS**

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*RESOLVED: Cusato/Turner*

That Council:

1. Note the response in this report regarding the use of single use plastic bags.
2. Acknowledge receiving the petition by the local Ban the Bag movement.
3. Incorporate content on the reduction of single use plastic bags into its ongoing waste education program.
4. Request the General Manager:
  - a) Write to the State Members for Port Macquarie and Oxley requesting the NSW Government's stance on the future use of single use plastic bags in NSW.
  - b) Prepare a Councillor briefing regarding single use plastic bags by our community addressing the reduction of use options, new recycling technology and community education programs.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **10.02 RECREATION ACTION PLAN UPDATE**

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Mrs Diane Gilbert, representing the Wauchope Heated Indoor Pool Association, addressed Council in support of the recommendation.

*RESOLVED: Turner/Griffiths*

That Council:

1. Note progress achieved to date in implementing the Recreation Action Plan.
2. Note the revised Recreation Action Plan as presented in the report.
3. Receive an annual report outlining the status of Plan implementation and review outcomes and recommendations.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.03 DA2017 - 307 - STAGED ALTERATIONS TO CARAVAN PARK AND CONSTRUCTION OF ANCILLARY RECREATION FACILITY (OUTDOOR) - MUNSTER STREET, PORT MACQUARIE**

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Ms Vanessa Kelliher addressed Council in opposition to the development application.

Ms Michelle Love, of Love Project Management, addressed Council in support of the development application and answered questions from Councillors.

Mr Stewart Robertson addressed Council in opposition to the development application.

*RESOLVED: Turner/Cusato*

That a decision on DA2017 - 307 for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) at Lot 655, DP 45849, Munster Street, Port Macquarie, be deferred and the applicant be requested to submit a noise assessment for the proposal, carried out in accordance with the NSW Industrial Noise Policy and Australian Standards for acoustics and noise monitoring.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.07 SHERWOOD PLANNING PROPOSAL - CONSIDERATION OF SUBMISSIONS**

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Ms Geraldine Haigh, of GEM Planning Projects, addressed Council in support of the recommendation.

*RESOLVED: Cusato/Hawkins*

That Council:

1. Pursuant to Section 59(2) of the Environmental Planning and Assessment Act 1979, make the Local Environmental Plan to rezone Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie for residential infill and environmental purposes as described in the Sherwood planning proposal at Attachment 1 to this report.
2. Delegate authority to the General Manager to enter into and execute the Lincoln Road Planning Agreement in connection with the Sherwood planning proposal on behalf of Council.
3. Notify all persons who lodged submissions of the meeting outcome.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Cusato/Dixon*

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

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **09.02 STATUS OF COUNCIL POLICIES**

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*RESOLVED: Cusato/Griffiths*

That Council note the information provided in the Status of Council Policies report.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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### **09.03 INVESTMENTS - JUNE 2017**

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*RESOLVED: Hawkins/Cusato*

That Council:

1. Note the Investment Report for the month of June 2017.
2. Request the General Manager refer the Investment Policy and the issue of the downgrading of ratings by rating agencies, to the next Audit, Risk and Improvement Committee meeting which is being held on 10 August 2017.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levdo and Turner*

*AGAINST: Nil*

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### **09.04 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2015-2016**

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*RESOLVED: Griffiths/Hawkins*

That Council note the NSW Water Supply and Sewerage Performance Monitoring Report 2015-2016.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levdo and Turner*

*AGAINST: Nil*

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### **10.01 LAND ACQUISITION - EXPANSION OF THE HOLLISDALE RURAL FIRE SERVICE**

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*RESOLVED: Levdo/Griffiths*

That Council:

1. Accept the donation of part Lot 1 DP1006795 more particularly described as Lot 11 in plan of acquisition DP1232850.
2. Pay the land conveyancing costs, if any, incurred by the owner of Lot 1 DP1006795 arising from the land donation.
3. Write to the owner of Lot 1 DP1006795 expressing appreciation for the land donation.
4. Pursuant to Section 34 of the Local Government Act 1993, commence the procedure to classify Lot 11 DP1232850 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 11 DP1232850 (Pappinbarra Road, Hollisdale) as operational land" from 28 July 2017 for a minimum period of 28 days.
5. Note a further report will be tabled at the September 2017 Ordinary Council meeting detailing any submissions received from the public during the exhibition period.
6. Delegate to the General Manager authority to sign:

- 
- a) Contract for the Sale of Land
  - b) Land Titles Office Transfer Form
  - c) Land Titles Office Purchaser Declaration Form
  - d) Letter to NSW Office of State Revenue seeking exemption from the payment of Stamp Duty
  - e) Survey plan of consolidation of Lot 11 DP1232850 with Lot 3 DP827075.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

Item 10.02 - Recreation Action Plan Update - has been moved to another part of the document.

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#### **11.01 SALE OF CLOSED ROAD - PART BONSER LANE AT LAURIETON**

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*RESOLVED: Griffiths/Cusato*

That Council:

- 1. Accept the amount of \$315,000 (exclusive of GST) for the sale of Lot 1 DP1132421.
- 2. Delegate to the General Manager authority to sign the Contract for Sale with Etoska Pty Limited.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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#### **11.02 INQUIRY INTO THE AUSTRALIAN GOVERNMENT'S ROLE IN THE DEVELOPMENT OF CITIES**

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*RESOLVED: Griffiths/Cusato*

That Council:

- 1. Note the Inquiry by the House of Representatives Standing Committee on Infrastructure, Transport and Cities into the Australian Government's role in the development of cities.
- 2. Delegate Authority to the General Manager, in consultation with the Deputy Mayor, to respond to the Inquiry on behalf of Council.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.01 ACQUISITION OF AN EASEMENT ON BEHALF OF ESSENTIAL ENERGY - BULLI CREEK BRIDGE REPLACEMENT**

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*RESOLVED: Levido/Cusato*

That Council:

1. Pay compensation in the amount of \$20,000 (GST exclusive) to the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook, for the acquisition of an easement 25 metres wide and variable for overhead electricity as depicted 'E' on the plan CW112687 Sheet 30F dated 20/4/2017.
2. Pay the legal costs incurred by the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.02 COMBOYNE VILLAGE SEWERAGE SCHEME - ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE**

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*RESOLVED: Levido/Dixon*

That Council:

1. Pay compensation in the amount of \$12,000 (GST exclusive) to the owner of Lot 1 DP1073321, E E Latimore, for the acquisition of an easement to drain sewage 3 metres wide depicted (A) in the plan prepared by Surveyor Mark Rogers reference 17204DP01.
2. Delegate authority to the General Manager to sign the Deed of Acquisition.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

Item 12.03 - DA2017 - 307 - Staged Alterations to caravan park and construction of ancillary recreation facility (outdoor) - Munster Street, Port Macquarie - has been moved to another part of the document.

Item 12.04 - Question From Previous Meeting - Single Use Plastic Bags - has been moved to another part of the document.

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## **12.05 PROPOSED DELEGATION UNDER SECTION 375 OF THE NSW BIOSECURITY ACT 2015**

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*RESOLVED: Intemann/Hawkins*

That Council, pursuant to section 375 of the Biosecurity Act 2015:

1. Delegate the functions conferred to Port Macquarie-Hastings Council under the Biosecurity Act 2015 and regulations to the General Manager.
2. Authorise the General Manager to sub-delegate functions of the Act and regulations to staff.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **12.06 IMPROVING RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS**

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*RESOLVED: Cusato/Turner*

That Council note the information contained in the Improving Recycling Services for Multi-Unit Dwellings report.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

Item 12.07 - Sherwood Planning Proposal - Consideration of Submissions - has been moved to another part of the document.

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## **12.08 QUESTION FROM PREVIOUS MEETING - MANAGEMENT OF ROADSIDE VEGETATION**

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*RESOLVED: Griffiths/Cusato*

That Council:

1. Note the information contained in this report regarding Management of Roadside Vegetation.
2. Request the General Manager write to the State Member for Port Macquarie and the Roads Minister and State Member for Oxley to give local government the scope and autonomy to manage roadside vegetation where risk and safety are the primary consideration.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*



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## **13 QUESTIONS FOR NEXT MEETING**

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### **13.01 UPGRADE OF PORT MACQUARIE BREAKWALL BY CROWN LAND**

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#### **Question from Councillor Turner:**

Can the General Manager advise Council regarding the status of the proposed upgrade to the Port Macquarie breakwall by Crown Land for which Council undertook significant public consultation?

#### **Comments by Councillor (if provided):**

Nil.

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## **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Dixon/Cusato*

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 14.01 EO1-17-05 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 14.02 T-17-22 Sports Field Lighting Installation Program
  - This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
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: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 7.14pm.

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## **RESUME MEETING**

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The Ordinary Council Meeting resumed at 7:17pm.

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## **ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Cusato/Dixon*

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

Item 14.01 EOI-17-05 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) Port Macquarie-Hastings Access Sub-Committee representative – Mrs Sharon Beard.
  - (b) Port Macquarie Chamber of Commerce representative - Mr Anthony Thorne.
2. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee meeting on 28 September 2017.
3. Advertise a further EOI calling for a CBD trader to be a member of the Town Centre Master Plan Sub-Committee.
4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-05.

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Item 14.02 T-17-22 Sports Field Lighting Installation Program

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 Power By Watts Pty Limited for \$336,532.50 (exclusive of GST) for the design, construction and installation of sustainable, green, cost effective sports field lighting systems at Lank Bain Sporting Complex and Oxley Oval.
2. Fund the project shortfall of \$80,522.50 from the working capital reserve (unexpended sports development fund).
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of T-17-22.

*CARRIED: 7/0*

*FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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The meeting closed at 7:18pm.

.....  
Lisa Intemann  
Deputy Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**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: .....

.....

Name: .....

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the subject land</i> ) <sup>iii</sup> <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 Name: .....

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<sup>iv</sup> 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..
  - 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.

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**Item: 06.01****Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND  
ALLOCATIONS****Mayor, Peta Pinson**

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**RECOMMENDATION**

**That the Mayoral Discretionary Fund allocations made by the Deputy Mayor for the period 6 July to 2 August 2017 inclusive be noted.**

**Discussion**Deputy Mayor Discretionary Fund Allocations

The Deputy Mayor made the following donations from the Mayoral Discretionary Fund for the period 6 July to 2 August 2017 inclusive:

Donation to PMQ Combined Netball Club's Juniors Fundraiser	\$300.00
Donation to Hope Shop Masquerade Ball Fundraiser	\$200.00
Donation to Autism Spectrum Australia on behalf of local competitors in City2Surf	\$100.00
	<hr/> <b>\$600.00</b>

**Attachments**

Nil



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**Item: 07**

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

**Presented by: General Manager, Craig Swift-McNair**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**Nil.**

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

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**Item: 08****Subject: PUBLIC FORUM**

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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](http://www.pmhc.nsw.gov.au).

# 1 Leadership and Governance

## What we are trying to achieve

A community that works together in decision making that is defined as ethically, socially and environmentally responsible.

## What the result will be

We will have:

- 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 we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are effective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

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**Item: 09.01**

**Subject: OATH OR AFFIRMATION OF OFFICE**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

### **Executive Summary**

As per the Local Government Act 1993, the Mayor is 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.*

- (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 take an Oath or Affirmation of Office.

**Community Engagement & Internal Consultation**Internal Consultation

- General Manager
- Group Manager Governance and Procurement

**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

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**Item: 09.02**

**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

**Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

**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
Site Specific LEP Amendments - post initial investigations determine whether to proceed with planning proposals to rezone the lands in each case. (Item 12.04 - OC 15/03/17)	Under review.	DSG	Jul 2017	Aug 2017
Sancrox Employment Land Environmental Lands and Services Planning Agreement - post public exhibition. Classification of Offset Environmental Land (Item 12.04 - OC 10/08/16)	Developer land acquisition processes delayed. Acquisition completed June 2017. Classification to be advertised prior to report to Council.	DSG	Feb 2017 May 2017 Jul 2017	Aug 2017
Long Term Renewable Energy Strategy (Item 12.03 - OC 19/04/17)		DDE		Aug 2017
Opportunities For Local Firms To Do Business With Council - Post Exhibition (Item 13.08 - OC 17/05/17)		DCP		Aug 2017
Council Policy – Policy Review and Rescissions – post exhibition (Item 09.06 – OC 21/06/17)		DCP		Aug 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
<ul style="list-style-type: none"> <li>Regulatory Enforcement Policy – draft</li> <li>Enforcement of Unlawful Activity Policy – rescind</li> <li>Compliance Procedure – rescind</li> </ul> Post Exhibition (Item 10.01 – OC 21/06/17)		DDE		Aug 2017
Transfer of Land to Council for Sewer Purposes – post exhibition (Item 13.01 – OC 21/06/17)		DCP		Aug 2017
QFPM – Upgrade of Port Macquarie Breakwall by Crown Land (Item 13.01 – OC 19/07/17)		DDE		Aug 2017
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)	Awaiting further information from NSW Health.	DI	Nov 2016 May 2017 Jul 2017	Sep 2017
Land Acquisition – Expansion of the Hollisdale Rural Fire Service – post exhibition (Item 10.01 – OC 19/07/17)		DCP		Sep 2017
Settlement Shores Canal Maintenance Plan - Post Exhibition (Item 13.03 - OC 17/05/17)	Submissions under review.	DI	Jul 2017 Aug 2017	Sept 2017
Future of Committees following establishment of Cultural Steering Group (Item 15.05 - OC 19/04/17)	Item is to be discussed at a future Cultural Steering Group meeting	DSG	Jun 2017 Jul 2017 Sep 2017	Oct 2017
Port Macquarie Town Centre Pedestrian Facility Investigations - post community engagement (Item 13.05 - OC 14/12/16)	Aspects of the engagement are outstanding	DI	Aug 2017	Oct 2017
Planning Proposal - Homedale Road Kew - post exhibition (Item 13.07 - OC 14/12/16)		DSG		Oct 2017



Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
<p>Planning Controls for Short Term Rental Accommodation Report on findings and recommendations arising from the Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 13.07 - OC 16/03/16)</p> <p>Short-Term Holiday Letting - post release of NSW Government response to Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 12.03 - OC 14/12/16)</p>	Pending detailed Government proposals	DDE		Oct 2017
Project Management Policy - implementation, operation and effectiveness to date incorporating the views of the Audit, Risk and Improvement Committee. (Item 09.03 - OC 15/02/17)		DCP		Nov 2017
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.	DI	Mar 2015 Jun 2017 Jul 2017	Dec 2017
Site Specific LEP Amendments - Status of all proposed site specific LEP amendments following adoption of the revised PMH UGMS and determine priorities in Council's strategic land use planning program. (Item 12.04 - OC 15/03/17)	Report proposed after exhibition, review and adoption of Urban Growth Management Strategy.	DSG	Jul 2017	Dec 2017



Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Draft Structure Plan for the Greater Sancroix 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 Sancroix area. (Item 13.07 - OC 18/02/15)	Delayed to align with UGMS report.	DSG	Dec 2016 May 2017 Jun 2017	Dec 2017
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood 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)		DDE		TBA
Classification of Land - Lot 5 DP774400 Stingray Creek Bridge Environmental Offset (Item 12.01 - OC 16/11/16)		DCP		TBA
Tuffins Lane Sporting Fields - Terms of Agreement (Item 06.02 - OC 14/12/16)		GM		TBA
Reclassification Of Land For Hastings Regional Sports Complex - post exhibition (Item 13.04 - OC 15/02/17)		DCP		TBA
Planning Proposal - Lot 2 DP1091253 Beach St, Bonny Hills (Item 12.02 - OC 19/04/17)		DSG		TBA
Financial Reserves Review - final report (Item 09.05 - OC 19/04/17)		DCP		TBA

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King And Campbell Pty Ltd For Rd & MI Tate And Tate Developments Pty Ltd - Post Exhibition (Item 13.05 - OC 17/05/17)		DSG		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCP	Monthly
Investments	DCP	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (May, Aug, Nov, Feb)
Glasshouse Strategic Plan Update	DCP	Biannual (Feb, Aug)
Delivery Program - Progress Report	DCP	Biannual (Mar, Sep)
Operational Plan - Progress Report	DCP	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DSG	Biannual (Jun, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (Jun)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Jul) (re-list to Sep)
Council Policy - Status Report	DCP	Annually (Jul)
Recreation Action Plan – Status Report	DDE	Annually (Jul)
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually (Sep)
Compliments and Complaints Annual Report	DSG	Annually (Sep)
Council Meeting Dates	GM	Annually (Sep)
Creation of Office - Deputy Mayor	GM	Annually (Sep)

<b>Report</b>	<b>Reporting Officer</b>	<b>Reporting Cycle</b>
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	DCP	Annually (Sep)
Audit Committee Annual Report	DCP	Annually (Sep)
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually (Sep)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Sep) (re-listed from Jul)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCP	Annually (Nov)
Council's Annual Report	DCP	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)	DCP	Annually (Nov)

**Attachments**

Nil

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**Item: 09.03**

**Subject: DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Revoke all previous delegations of Functions to the General Manager.**
- 2. Delegate / sub-delegate to the General Manager of Port Macquarie-Hastings Council the Functions in accordance with the Instrument of Delegation to the General Manager, attached to this report as Attachment 1.**
- 3. From 16 August 2017 and ongoing, appoint one of: Director Corporate Performance, Director Development and Environment, Director Infrastructure, Director Strategy and Growth to act as General Manager if the General Manager is sick or otherwise absent from work on leave. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.**
- 4. Delegate to any person acting as General Manager pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.**
- 5. Pursuant to clause 213 of the Local Government Regulation 2005, delegate to the General Manager the authority to approve the abandonment of debts up to the amount of \$2,500.**

### **Executive Summary**

A Council may delegate to the General Manager any of its functions other than those functions specifically detailed in section 377 of the *Local Government Act 1993*.

Section 380 requires that each Council must review its delegations during the first twelve (12) months of each term of office. A review has been completed and the proposed delegations to the General Manager are attached to this report as Attachment 1.

Legal advice stated that to provide the General Manager the authority to write off debts, this would need to be done through a separate delegation and not within the Instrument of delegation.

**Discussion**

Section 377 of the *Local Government Act 1993* ("the Act") enables Council to delegate the functions of Council to the General Manager. This section also specifies various functions such as making of a rate, fixing of a fee, borrowing of money, voting of money for expenditure and the acceptance of tenders that cannot be delegated.

The delegation of functions to the General Manager enables the organisation to meet the needs of residents and other stakeholders in an effective and efficient manner. It means that decisions which reflect Council's Policies, codes and other plans can be made at appropriate levels within the organisation. It also enables staff to be authorised to undertake functions under other legislation.

Section 380 of the Act provides that each council must review its delegations during the first 12 months of each term of office.

*Section 377 - A Council, may by resolution, delegate to the general manager...any of the functions of Council ..., other than the following.*

The last time that Council reviewed the General Manager's delegations ("the delegations") General Manager's delegations were reviewed by Council at September 2013 Ordinary Council meeting (with additions provided by Council post this time at attachment 2).

Section 378 of the Act states that the General Manager may in turn delegate all functions, except for the power of delegation:

*(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*

*(2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*

This is done so through sub-delegations to Directors and staff. The General Manager practically does not delegate all the delegations of authority and in a number of cases limits the delegation when sub-delegated.

Organisational sub-delegations were thoroughly reviewed by Governance, the General Manager Directors in March 2017, they are continually updated and reviewed as required.

**Review of the Delegations**

The current review of delegations was undertaken with consideration of the current practicality of the delegations, previous legal advice (Local Government legal in 2013) Local Government Legal and research in to other Council's delegations.

The advice that Local Government Legal provided in 2013 was that Council should delegate all Council's functions under all Acts and Regulations that are in force and as amended, subject to any conditions or limitations placed on a function so delegated (as outlined in section 377 of the act and within the scope of acts and regulations).



During the current review, it was considered that this was a far better approach (as outlined below) and in line with a number of Councils researched. The benefits of taking this approach are:

1. Increased efficiency- currently the General Manager needs to be familiar with all the functions he/she has delegation to perform, which are numerous and extensive (currently 19 pages);
2. Reduce the risk of inadvertent noncompliance - there may be (in the future) a difference of opinion between the elected Council and the General Manager in relation to the interpretation of some delegations;
3. Increase the degree of completeness - currently the list of delegated functions may not be complete. Case law indicates that if a delegation is not passed effectively from Council to the General Manager then any authority an officer may have (sub delegated from the General Manager) is not current; and
4. Future proofing - if Council undertakes additional functions post the instrument of delegation being drawn up and adopted, an amendment will have to be added to the instrument to ensure the General Manager is delegated the additional functions.

Council updated the drafted delegations in line with the approach highlighted above and provided again to Local Government Legal for an independent review.

At attachment 1 are the delegations as a result of considering Local Government Legal's advice.

In summary the delegations that are provided to the General Manager from Council:

- 1) As per Section 377 of the Act are:
  - a) All functions on behalf of Council as per Section 377 other than those specified that Council are unable to delegate as outlined in Section 377.
  - b) All functions on behalf of Council as outlined in legislation.
- 2) As delegated to Council by other authorities (schedule 2 of attachment 1)
- 3) As per Section 381 (1) of the Act any function conferred on Council.

The delegations outlined above are limited by stating that they are to be exercised subject to relevant legislation, and any resolution or policy or procedure or budget adopted from time to time by the Council.

#### Acting General Manager

Section 351 of the Act relates to temporary appointments within the organisation:  
*If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent:*

- (a) the council, in the case of the general manager's position, or*
- (b) the general manager, in the case of any other position, may appoint a person to the position temporarily.*

If the General Manager is away for any reason, it is general practice that one of the Directors to be appointed to the position of General Manager temporarily. The recommendation contained in this report provides the temporary holder of this position with the appropriate delegations to perform the role.

Write off debts

Further legal advice stated that to provide the General Manager the authority to write off debts, this would need to be done through a separate delegation and not within the delegations.

The resolution relating to writing off debts reflects the current delegated authority the General Manager has, which is the authority to write off debts up to \$2,500.

**Options**

This report satisfies the statutory obligations of section 380 of the Local Government Act 1993.

Council could choose to delegate/sub-delegate functions similar to the current delegations at Attachment 2.

**Community Engagement & Internal Consultation**Community Engagement

No community engagement has been sort.

Internal Consultation

- General Manager
- Directors
- Group Manager Governance and Procurement.
- Local Government Legal.

**Planning & Policy Implications**

There are no planning or policy implications.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

1[View](#). Instrument of Delegation to General Manager

2[View](#). Current Instrument of Delegation to General Manager

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**Item: 09.04**

**Subject: DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION  
ISSUED UNDER THE SWIMMING POOLS ACT 1992**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

### **RECOMMENDATION**

**That the seal of Council be affixed to the certificates of identification issued under the Swimming Pools Act 1992, for the following Council staff:**

- 1. Stuart Sinclair (Ranger)**
- 2. Emmalee Andrew (Ranger)**
- 3. Jack Grant (Ranger – Litter and Illegal Dumping)**

### **Executive Summary**

The Council seal is required to be affixed to certificates of identification issued under the *Swimming Pools Act 1992*. A Council resolution is required in order to affix the Council seal to a document.

### **Discussion**

Section 27(2) of the *Swimming Pools Act 1992* requires that Council must issue a certificate of identification to each authorised officer appointed to exercise powers under this Act.

Clause 20 and Schedule 1 of the *Swimming Pools Regulation 2008* prescribes the form of a certificate of identification. The certificate of identification must include amongst other things the seal of the Council.

Council has numerous staff authorised as officers under the Swimming Pools Act. To satisfy the requirements of a properly issued certificate of identification Council's Seal must be affixed.

Clause 400 of the *Local Government (General) Regulation 2005* states that 'the seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed'.

Council researched a number of avenues and also sought legal advice with regards to the requirements of the issuing of certificates of identification under the Swimming Pools Act and clause 400 of the Local Government (General) Regulation.



Council's legal advice was that a Council resolution (specifically referring to the document) would be required to issue each authorised Council staff member a certificate of identification under the Swimming Pools Act.

**Options**

There are no options in relation to this report. It is a legislative requirement that the Council's Seal be affixed to Certificates of identification issued under the *Swimming Pools Act 1992*.

**Community Engagement & Internal Consultation**Community Engagement

Nil.

Internal Consultation

- Director Development and Environment.
- Group Manager Governance & Procurement.

**Planning & Policy Implications**

A Council resolution, specifically referring to the document, is required to affix the Council Seal to a certificate of identification issued under the Swimming Pools Act.

**Financial & Economic Implications**

There are no identified financial or economic implications.

**Attachments**

Nil

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**Item: 09.05**

**Subject: DISCLOSURE OF INTEREST RETURN**

**Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

**RECOMMENDATION**

**That Council note the Disclosure of Interest returns for the following positions:**

- 1. Ranger (2 positions)**
- 2. Ranger (Litter and Illegal Dumping)**
- 3. Building Surveyor**

**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 following positions are designated person under the Local Government Act:

1. Ranger (2 positions)
2. Ranger (Litter and Illegal Dumping)
3. Building Surveyor

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 Procurement 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 returns for the following positions will be tabled at this meeting:

1. Ranger (2 positions)
2. Ranger (Litter and Illegal Dumping)
3. Building Surveyor

**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**Internal Consultation

- Group Manager Governance and Procurement
- General Manager
- Ranger (2 positions)
- Ranger (Litter and Illegal Dumping)
- Building Surveyor

**Planning & Policy Implications**

There are no planning or policy implications.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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**Item: 09.06**

**Subject: REQUEST FOR LEAVE OF ABSENCE - MAYOR PETA PINSON**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council grant leave of absence for Mayor Peta Pinson for the period 29 August 2017 to 24 September 2017, which includes the Ordinary Meeting of Council scheduled for 20 September 2017.**

### **Executive Summary**

Council has received a request for leave of absence from Mayor Pinson for the period 29 August 2017 to 24 September 2017. During this period one (1) Ordinary Meeting of Council is scheduled.

### **Discussion**

Council has received a request for leave of absence from Mayor Pinson. The Mayor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Mayor Pinson has requested leave of absence for the period 29 August 2017 to 24 September 2017. The reason for the Mayor's request is that she will be outside of the local government area and unable to attend to official Council duties during this time.

During the requested leave of absence period one (1) Ordinary Meeting of Council is scheduled:

- Wednesday 20 September 2017.

### **Options**

Council can:

1. Adopt the recommendation.
2. Refuse leave of absence.

### **Community Engagement & Internal Consultation**

Internal Consultation

- General Manager.
- Group Manager Governance & Procurement.

**Planning & Policy Implications**

The Mayor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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**Item: 09.07**

**Subject: SMART CITIES CONFERENCE**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **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 endorse attendance of Councillor Rob Turner to the Smart Cities Conference planned to be held in Sydney on 29 August 2017.**

### **Executive Summary**

The Smart Cities Conference is to be held in Sydney on 29 August 2017.

As per Council's Payment of Expenses and Provision of Facilities to Councillors Policy, a Council resolution is required for a Councillor to represent Council at the conference.

### **Discussion**

The Smart Cities Conference is to be held in Sydney on 29 August 2017.

Key topics to be addressed include:

- The City of The Future - Sensors, Networks, Hackers and The Future of Urban Life Since cities
- Innovative financing approaches to City Investments
- Create effective partnerships between industry, academia and cities to drive city innovation
- Improve the safety, efficiency, reliability and delivery of essential services
- Make community precincts more liveable, productive, sustainable and safe
- Deliver citizen-centric government services and unlock closer community engagement
- Build adaptable and resilient cities through improved land use and strategic planning
- Find innovative financing approaches to City Investments
- Unlock the power of open data, big data and analytics

### **Conference Details**

Registration is \$199.00 (ex GST).



Other Expenses

At the time of writing this report Councillor Turner is planning to drive and stay overnight.

In addition to the conference cost, costs such as accommodation, travel and any out of pocket expenses, as allowed for under the Policy, will be at the expense of Council.

These expenses can be of up to a maximum amount as outlined below and must, if claimed, be accompanied with appropriate documentation:

	Each (ex GST)	Number	Total
Accommodation	\$265.00 per night	1	\$265.00
Out of Pocket Expenses: Travel	\$0.78 per kilometre	770	\$600.60
Out of Pocket Expenses: Subsistence	\$152.80 during attendance	1	\$145.30
Out of Pocket Expenses: Incidentals (If not already covered)	\$27.65 per day	1	\$36.40
<b>Grand Total (ex GST)</b>			<b>\$1,047.30</b>

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

A Council resolution or approval under delegated authority by the Mayor or General Manager is required for attendance.

Attachment 1 to this report is the Smart Cities overview and agenda for information.

Reporting Requirements for Conferences

As per the Policy, Councillors will report, in writing, in an open session of a Council Meeting on the outcome of the conference, seminar or similar function attended. The report will be submitted to the General Manager (or their delegate) within one (1) month of the Councillor's attendance at the conference, seminar or similar function.

**Options**

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

**Community Engagement & Internal Consultation**Internal Consultation

- General Manager;

- Group Manager Governance and Procurement

**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 is \$1246.30.

**Attachments**

1 [View](#). Smart Cities Conference Overview and Agenda



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**Item: 09.08**

**Subject: COUNCIL POLICY - POLICY REVIEW AND RESCISSIONS - POST EXHIBITION**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

### **RECOMMENDATION**

**That Council:**

- 1. Rescind the following Policies and Procedure:**
  - a) Calling of Quotations / Tenders for Contractors Policy;**
  - b) Good Governance Policy;**
  - c) Plaques Policy;**
  - d) Reporting requirements for Community Leases Policy;**
  - e) Use of a Purchase Card and or Corporate Card Procedure.**
- 2. Adopt the following amended Policies and Plan:**
  - a) Airport Leasing of Land and Buildings Policy;**
  - b) Debt Recovery Policy;**
  - c) Gifts and Benefits Policy;**
  - d) Privacy Management Plan;**
  - e) Rates and Charges Hardship Assistance Policy.**

### **Executive Summary**

The following Policies and Procedure were placed on public exhibition with the intention to rescind:

- Calling of Quotations / Tenders for Contractors Policy;
- Good Governance Policy;
- Plaques Policy;
- Reporting requirements for Community Leases Policy;
- Use of a Purchase Card and or Corporate Card Procedure.

The following Policies and Plan were placed on public exhibition with the intention to amend:

- Airport Leasing of Land and Buildings Policy;
- Debt Recovery Policy;
- Gifts and Benefits Policy;
- Privacy Management Plan;
- Rates and Charges Hardship Assistance Policy.

There were no submissions during the public exhibition process.

**Discussion**

At the Ordinary Council Meeting on 21 June 2017, following a review of a number of Policies, Procedures and Plans, Council resolved to place on public exhibition from 28 June 2017 to 25 July 2017 (28 days) the following Policies, Procedures and Plans for rescission or amendment.

Policies/procedure recommended for rescission were:

- Calling of Quotations / Tenders for Contractors Policy;
- Good Governance Policy;
- Plaques Policy;
- Reporting requirements for Community Leases Policy;
- Use of a Purchase Card and or Corporate Card Procedure.

Policies/plan recommended for amendment were:

- Airport Leasing of Land and Buildings Policy;
- Debt Recovery Policy;
- Gifts and Benefits Policy;
- Privacy Management Plan;
- Rates and Charges Hardship Assistance Policy.

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

There were a total of 106 visits to Council's engagement website page during the exhibition period. Forty (40) documents were downloaded or viewed. No submissions were received from Council's engagement website.

An analysis of activity by document is provided in the table below.

Document Name	Downloads and Views	Submissions
Calling of Quotations / Tenders for Contractors Policy	2	0
Good Governance Policy	5	0
Plaques Policy	2	0
Reporting requirements for Community Leases Policy	2	0
Use of a Purchase Card and or Corporate Card Procedure	3	0
Airport Leasing of Land and Buildings Policy	4	0
Debt Recovery Policy	12	0
Gifts and Benefits Policy	3	0
Privacy Management Plan	2	0
Rates and Charges Hardship Assistance Policy	5	0
<b>Total</b>	<b>40</b>	<b>0</b>

No submissions were received via mail, email or in person.

It is recommended that Council:

1. Rescind the following Policies:

- Calling of Quotations / Tenders for Contractors Policy;
- Good Governance Policy;
- Plaques Policy;
- Reporting requirements for Community Leases Policy;
- Use of a Purchase Card and or Corporate Card Procedure.

2. Amend the following Policies:

- Airport Leasing of Land and Buildings Policy;
- Debt Recovery Policy;
- Gifts and Benefits Policy;
- Privacy Management Plan;
- Rates and Charges Hardship Assistance Policy.

### **Options**

Council has the option not to rescind or amend some or all of the Policies identified within this report.

### **Community Engagement & Internal Consultation**

The Policies, Procedures and Plan that are the subject of this report were available for public comment from 28 June 2017 to 25 July 2017 (28 days). No submissions were received

### **Planning & Policy Implications**

This report recommends the rescission of four (4) current Council Policies and one (1) current Council Procedure.

This report recommends the amendment of four (4) current Council Policies and one (1) current Council Plan.

### **Financial & Economic Implications**

There are no financial or economic implications.

### **Attachments**

- 1[View](#). Policy - Calling of Quotations - Tenders for Contractors
- 2[View](#). Policy - Good Governance
- 3[View](#). Policy- Plaques
- 4[View](#). Policy - Reporting Requirements for Community Leases
- 5[View](#). Policy - Use Of A Purchase Card And Or Corporate Card Procedure
- 6[View](#). Policy - Airport - Leasing of Land and Buildings
- 7[View](#). Policy - Debt Recovery
- 8[View](#). Policy - Gifts and Benefits
- 9[View](#). Draft Privacy Management Plan
- 10[View](#). Policy - Rates and Charges Hardship Assistance

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Item: 09.09

Subject: COUNCIL POLICY - POLICY REVIEW AND RESCISSION

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

### RECOMMENDATION

That Council:

1. Place on public exhibition from 23 August 2017 to 19 September 2017 (28 days) its intention to rescind the Lobbying Policy.
2. Place on public exhibition from 23 August 2017 to 19 September 2017 (28 days) the revised Provision of Information and Interaction Between Councillors and Staff Policy.
3. Note that a further report will be tabled at the October 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

### Executive Summary

As a result of the 2016 Policy review, Council at its meeting held on 20 July 2016 resolved for a number of Policies to be reviewed, this included the

*The Lobbying Policy and Provision of Information and Interaction Between Councillors and Staff Policy.*

It is recommended to publically exhibit the two (2) policies with the intention to:

- rescind the *Lobbying Policy* and replace it with the ICAC publication *Lobbying local government councillors – A guide for councillors, constituents and other interested parties* (August 2006) on the Council external website; and
- Make minor amendments to the *Provision of Information and Interaction Between Councillors and Staff Policy*.

### Discussion

As a result of the 2016 Policy review, Council at its meeting held on 20 July 2016 resolved for a number of Policies to be reviewed, this included the

*The Lobbying Policy and Provision of Information and Interaction Between Councillors and Staff Policy.*

Lobbying Policy – recommended for rescission

It is recommended to rescind the Council Lobbying Policy.

The current Lobbying Policy was adopted at the July 2012 Ordinary Meeting of Council.

This policy was developed in recognition that appropriate lobbying in local government is common, normal and part of the democratic process. It is an acceptable feature of the relationship between citizens and Council officials.

The objective of this policy was to promote trust in the integrity of Council processes and to ensure that contact between Lobbyists and Council officials is conducted in accordance with public expectations of transparency, integrity and honesty. This policy provides guidance to Council officials to reduce the likelihood of being influenced, or perceived that they are being influenced, in the performance of their duties when being lobbied.

During the policy review a number of Councils were researched in regards to their approach to lobbying controls. An approach in lieu of a policy is to provide the ICAC publication *Lobbying local government councillors – A guide for councillors, constituents and other interested parties* (August 2006) ("the publication") on the external website. Much of the content in the publication is reproduced and referenced in the current Lobbying Policy. The publication is provided at Attachment 1.

Taking a risk based approach and supporting efficiency (and reduced duplication) it would be prudent to rescind the current Lobbying Policy and to resolve to provide the publication on Council's website (and intranet).

The current Lobbying Policy is provided at Attachment 2.

#### Provision of Information between Councillors and Staff Policy

The current Provision of Information between Councillors and Staff Policy was adopted at the July 2012 Ordinary Meeting of Council.

This Policy establishes the principles by which Councillors may access information and interact with staff in order to undertake their civic office functions, whilst facilitating a positive working relationship between Councillors and staff and provides guidance to both Councillors and staff on these principles.

Following a review of the *Provision of Information and Interaction Between Councillors and Staff Policy*, it is recommended that the Policy be amended.

#### Amendments

##### *Additional text*

Additional text to provide clarification of when an informal GIPA application must be lodged (in grey):

##### *Within 2.1.1 Councillor Access to Information*

*Councillors wishing to access Council information, other than 'open access information' as prescribed by the GIPA Act that is not relevant to their civic duties, must make an application to the General Manager or Public Officer.*

Additional text to reflect subcommittee, advisory group and portfolio meetings (in grey):

##### *Within 2.2.3 During Meetings*

*The interaction between Councillors and Council staff at Council and Committee meetings is regulated by:*

- *Council's Code of Meeting Practice;*



- *The Local Government Act 1993;*
- *The Local Government (General) Regulation 2005; and*
- *Council's adopted Code of Conduct.*
- *Council's Delegated Authorities*

*Councillors and Council staff must show respect to the Chair, other Council officials and any members of the public present during Council and Committee meetings or other formal proceedings of Council.*

*The interaction between Councillors and Council staff at subcommittee, steering group and advisory group meetings are regulated by the applicable adopted charters.*

*The interaction between Councillors and Council staff at Portfolio meetings are regulated by the Councillor Portfolio Protocol.*

#### *Removal of text*

The following text has been removed to support a more practical approach to information request record keeping:

#### *2.1.1.2 Councillor Access to Information Register*

*Council will maintain a register of all Councillor information applications lodged.*

*Any information that is given to a particular Councillor in pursuit of their civic duties will also be made available to any other Councillor who requests it.*

#### *Other minor changes*

The following minor amendments have been made to this policy to the previous version:

1. Expansion of definitions
2. Minor wording changes
3. Reformatting to the revised policy template.

The Provision of Information between Councillors and Staff Policy is provided as Attachment 3.

### **Options**

Council has the option to adopt for either one or neither of the policies, to be placed on public exhibition for the purposes of rescission or amendment.

### **Community Engagement & Internal Consultation**

#### Community Engagement

The *Making of Council Policy* policy requires Council to place on public exhibition its intention to rescind or amend a Council policy.

Should Council resolve to exhibit the policies for the purpose of rescission or amendment, a further report will be presented to Council to further consider the policies subject to the submissions received during the public exhibition period.

Internal Consultation

- General Manager.
- Directors.
- Group Manager Governance & Procurement.

**Planning & Policy Implications**

There are no planning implications in relation to this report.

This report recommends the rescission of one (1) policy and the amendment of one (1) policy.

**Financial & Economic Implications**

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

**Attachments**

- 1 [View](#). Lobbying local government councillors - A guide for councillors, constituents and other interested parties
- 2 [View](#). Policy - Lobbying
- 3 [View](#). Policy - Provision of Information between Councillors and Staff

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**Item: 09.10**

**Subject: 2016-2017 OPERATIONAL PLAN END OF YEAR - QUARTERLY  
PROGRESS REPORT AS AT 30 JUNE 2017**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.1.4 Provide easy to understand and accessible community reporting.

### **RECOMMENDATION**

**That Council note the 2016-2017 Operational Plan end of year - Quarterly Progress Report as at 30 June 2017.**

#### **Executive Summary**

This is the end of year quarterly report assessing Council's delivery against the actions and performance measures adopted in the 2016-2017 Operational Plan. It seeks to provide concise and accurate information on progress made in delivering the Operational Plan actions, activities and projects up to the 30 June 2017.

This year has seen 92% of the 2016-2017 Operational Plan delivered. Comparison results for delivery on previous Operational Plans were 82% in 2015-2016 and 80% in 2014-2015.

The overview section of the report provides a statistical snapshot of Operational Plan performance measurement data across the organisation. Analysis of achievements and actions that are behind target are outlined in each Focus Area.

The attachment provides the full 2016-2017 Operational Plan Performance Report, which includes a comprehensive listing of each individual action, performance measure, target and commentary on progress.

Meeting the targets and performance measures in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the 2013-2017 four year Delivery Program. Review of Delivery Program occurs on a six-monthly basis and is next scheduled to be reported to Council in September 2017. This will be the final six monthly report on the existing 2013-2017 Delivery Program.

Capital works projects are incorporated into the body of the Operational Plan and as such are reported on as individual actions with performance measured against the adopted project plan. A number of capital works projects along with their associated budgets were deferred to the 2017-2018 Operational Plan at the Ordinary Council Meeting held in May 2017 as a result of significant wet weather events across the region in early 2017 impacting on delivery. It should also be noted that a number of projects span across a number of years. These projects may have design and



construction elements, therefore, project delivery will be achieved across a number of years.

### Discussion

#### Overview: 2016-2017 Operational Plan - Quarterly Progress Report as at 30 June 2017

The 2016-2017 Operational Plan contains 229 actions with the total number of performance measures being 320.

As at 30 June 2017, 92% of Operational Plan actions were delivered and/or work is progressing for delivery on multi-year projects. Currently, 26 Operational Plan actions are reported as behind target, representing 8% of overall actions.

Operational Plan Summary of Performance Measures by Focus Area					
Focus Area	Total	On target	Achieved	Behind	Overall delivery
Governance	67	6	61	0	100%
People	63	1	60	2	97%
Prosper	25	0	21	4	84%
Environment	23	1	18	4	83%
Infrastructure	142	51	75	16	89%
<b>Totals</b>	<b>320</b>	<b>59</b>	<b>235</b>	<b>26</b>	<b>92%</b>

#### Detailed Analysis by Focus Area

Achievement highlights and details of those actions behind target are summarised below according to each Focus Area within the Operational Plan.

Focus Area	Total measures	On target	Achieved	Behind
<b>Ensuring good governance</b>	67	6	61	0

#### Highlights

- The Legislative Compliance review for 2015-2016 was presented to the Audit Committee and the Ordinary Council Meeting in August 2016
- Investment Reports tabled in accordance with required timelines
- Financial Reports tabled in accordance with required timelines
- The 2015-2016 Annual Report presented to Council in November 2016 and a easy to read Community Report Card was also published
- The six monthly progress report on the 2013-2017 Delivery Program was presented to Council in March 2017 in line with legislation
- The 2015-2016 Government Information Public Access (GIPA) Annual Report was completed
- The Annual Code of Conduct Complaints Report, Annual Disclosure of Interests and report on Public Interest Disclosures were all completed

- The Payment and Expenses and provision of facilities for Councillors Policy was reviewed and submitted to the office of Local Government in line with legislation
- The review of compliments and complaints was completed with a report presented to Council in August 2016
- A range of communication tools were used to keep community up to date with council activities including quarterly distribution of the Community Now Newsletter, use of consistent media channels such as social media, newspaper advertising and Weekly Mayoral messages
- Facebook likes increased from 4,714 at June 2016 to 6,475 to June 2017 extending Council's reach
- Ongoing conversation with other levels of government included meetings with State and Federal members and participation in Mid North Coast Regional Organisations of Councils (MIDROC)
- Over 108,000 calls received through the customer call centre, with over 84% of calls answered within the set service standard and 91% of those handled at the first point of contact
- Over 106,000 counter enquires were processed and over 25,000 e-mails were handled during the financial year
- Over 1,115 Development Applications, over 500 Construction Certificates and over 115 Complying Development Certificates determined for the financial year
- Business improvement initiatives remain a focus to identify opportunities for process improvement across the organisation

#### Operational Plan actions behind target

- All Operational Plan actions have been delivered in this focus area

Focus Area	Total measures	On target	Achieved	Behind
Looking after our people	63	1	60	2

#### Highlights

- Over 550 pool inspections completed exceeding the set target of 250
- Over 1,000 risk based audit inspections were completed
- Over 280 public health risk based audit inspections were completed
- Over 50 fire safety inspections were completed
- NAIDOC Week supported. Program of activities included the official flag raising Ceremony, NAIDOC Week School Holiday Program and collaboration with Glasshouse for exhibition opening BLAK Douglas and Milton Budge
- Sorry Day event held on National Sorry Day in May 2017
- Annual review of grant compliance completed July 2016
- Youth Advisory Council have successfully completed two skills development courses as planned
- Youth Week supported.
- Annual Report of achievements against the Disability Discrimination Act action plan was presented to the October 2016 Ordinary Council Meeting
- The Countdown to Christmas event was held with over 8,000 people attending
- The Handa Sister City cultural exchange and been coordinated and held

- Annual Report on activities of the Mayor's Sporting Funds was presented to the Ordinary Council Meeting in December 2016
- Approx 5,200 students across a range of schools have participated in the lifeguard education program
- A priority listing relating to bushfire risk mitigation for hazard reduction on Council land has been completed
- NATA corporate accreditation in relation to the Laboratory has been maintained during the period
- Seniors week program developed and delivered in March, with over 1,000 seniors attending and 84 store holders in attendance
- Annual Australia Day events were held across the region
- Over 20 performing arts events and over 25 visual arts events were held at the Glasshouse during the financial year
- Over \$14,000 was raised for the Mayor's Sporting Fund through fundraiser events helping support local athletes
- Over 400 booking were recorded at the Port Macquarie Library Imaginarium
- Over 36,000 e-books were downloaded through the Library databases
- Over 15,000 new items were purchased for the Local Libraries updating books and equipment

#### Operational Plan actions behind target

- Installation of the Town and Village signage has seen ongoing work with the community undertaken on symbolism with signage installation to be undertaken in the coming months
- Town Centre Master Planning for place making activation is underway with the final plan to be finalised with the Town Centre Master Plan Committee

Focus Area	Total measures	On target	Achieved	Behind
Helping our community prosper	25	0	21	4

#### Highlights

- Operating revenue from Glasshouse Commercial operations, Port Macquarie Airport and Innes Gardens Crematorium is 3% higher than the YTD data from the prior year
- Upgrade of the Port Macquarie Historic Cemetery complete
- Improvements completed at local cemeteries across the region
- Support of 11 local events under the Events Sponsorship program resulting in a combined economic impact of \$2.93 million for the local community
- Implementation of the Major Events Strategic Action Plan has seen 25 Major events sponsored by Council resulting in a total of \$33.64 million injected into the local economy which is a 17.5% increase from 2015-17 financial year
- Implementation of the Port Macquarie Airport Master plan actions remains a focus
- Ongoing implementation of the industry action plans for manufacturing, construction, and transport and warehousing industries
- Port Macquarie Airport Terminal Building upgrade is ongoing with finalising of the concept plan in progress

- Implementation of the Digital Strategy actions is ongoing. The free public Wi-Fi trial commenced in March and is currently in the monitoring of usage phase

#### Operational Plan actions behind target

- Preparation of Local Environmental Plan and Development Control Plan amendments in relation to a business park near Port Macquarie Airport has seen a review of landowner submissions underway. A report to Council is proposed for August/September 2017 pending approval of Airport Bio Certification application by NSW Environment Minister
- Preparation of Local Environmental Plan amendments to facilitate development in the Major Innes Rd/Charles Sturt University precinct has the Orbital Road Study in preparation. Ongoing monitoring of landfill gas migration also required
- Airport passenger numbers were recorded as 225,791 slightly below the set target of 226,000 for the financial year
- Aircraft movements were recorded as 5,328 slightly below the set target of 5,500 for the financial year

Focus Area	Total measures	On target	Achieved	Behind
Looking after our environment	23	1	18	4

#### Highlights

- 20% of plant nurseries across the Local Government Area have been inspected for invasive weeds achieving the set target
- Control of feral animals on Council-controlled land has been undertaken on five sites
- Over 1,000ha of land have been treated for invasive weeds
- Over 2,300km of weed dispersal routes have been treated
- Over 1,100ha of bush regeneration has been undertaken
- Draft Biodiversity Strategy preparation underway
- Kew Transfer Station complete
- Kingfisher Waste Depot has the Development Application approved
- Over 60 Illegal tree works have been investigated during the financial year
- Draft Open Space Development Contribution Plans have been prepared

#### Operational Plan actions behind target

- Effluent quality was 98% compliant with Environmental Protection Authority licence discharge limits for the reporting period, slightly below the set target
- Delivery methods for the Waste Education Program is currently under review
- Preparation of the plan to promote the conservation of key koala habitat for the coastal areas of the Port Macquarie-Hastings local government area was delayed due to uncertainty regarding the State Government review of their Koala planning policy
- Over 1,790 tree management enquires/requests have been received, made up of 1,343 (Public), 380 (Private) and 67 (reported illegal actions). Handling of over 700 additional phone enquiries was also undertaken. In accordance with the service standard and industry best practice, providing advice on tree management is slightly behind the set service standard target



Focus Area	Total measures	On target	Achieved	Behind
Planning and providing our infrastructure	142	51	75	16

Highlights

- Design and preconstruction works for the walkway from Town Beach to Kooloonbung Creek completed
- Beechwood Road preconstruction for upgrades of segments 20, 40 and 50 designs completed
- Hastings River Drive improvements at Gordon St to Aston St completed
- Lake Rd/Blackbutt intersection improvements completed November 2016
- Port Macquarie Indoor Stadium upgrades completed
- Westport Reserve - Stage 2 boat ramp upgrade completed
- Town Beach (north) public amenities completed November 2016
- Roundabout construction at the intersection of Hill and Granite St completed
- Designs for pedestrian amenity improvements – Kew to Laurieton along Ocean Drive and Bold Street completed, forming part of the schools to schools project
- Port Macquarie Indoor Stadium extension upgrades completed
- Wauchope Swimming Pool upgrade of the 50m pool completed
- Development of the Henry Kendall leash free dog area completed
- Intersection improvements at Lake Road and Blackbutt Road completed
- New toilet block at Bonny Hills completed
- Maintenance program for parks, reserves, sporting fields and beaches undertaken including a clean-up of Town Beach in March 2017 from extreme wet weather conditions resulting in 600 tonne of debris being removed
- Maintenance program for boat ramps, wharves and jetties undertaken with frequently used ramps cleaned four times per year
- Playground equipment program completed, some of which included upgrades at Innes Lake Park, Lake Cathie Community Hall reserve, Long Flat Showground, Muston Street Reserve and the Children's cycle track at Blair Reserve
- Replacement of the timber board walk at Kooloonbung Creek Nature Park completed
- The structure plan for the proposed future urban release area to the west of Wauchope adopted by Council in March 2017
- Construction of the rising main along Ocean Drive - North Haven to Laurieton completed
- New sewer mains – Stingray Creek Bridge completed
- Port Macquarie Sewerage Treatment Plan - dewater effluent ponds 3 was completed to comply with Environmental Protection Act commitments
- Small Town sewerage program for North Shore commissioned
- Responding to all customer requests within the set service standard in relation to the water and sewerage networks to ensure public health and safety has been achieved
- Chemical dosing system upgrade at Bonny Hills completed
- Open drain reprofiling at Oleander Ave to Koala Street was complete
- The Short Street drainage condition rating and investigations project was complete

- Construction of footpath across the region for the July 2016 to March 2017 period includes Lord St Port Macquarie (100m), Munster St Port Macquarie (220m), Highfields Cct Port Macquarie (20m), Orara St Kendall (140m) and Bain St Wauchope (110m) and Central Rd Port Macquarie (365m)
- Road surfacing and rehabilitation works completed. Wauchope reseals were completed in February 2017 on the streets surrounding Blackbutt Dr and Cowarral Cct. Road rehabilitation projects nominated for delivery in 2016-2017 included the following sections: - King Creek Road, Wauchope (completed) - Sarahs Cres, Wauchope (underway) - Diamond Head Rd, Dunbogan (completed) - Captain Cook Bicentennial Dr, Laurieton (completed) - Glen Haven Dr, Lakewood (completed) - Stoney Creek Rd, Wauchope (completed) - Ocean Drive, Lakewood (early July) - Ocean Drive, Bonny Hills (early July) - Ocean Drive, Lake Cathie (early July)
- Maintenance and repair program completed including inspections, cleaning, clearing and minor drainage remediation improvements
- Design and preconstruction work for North South Link Road – Stage 3 is being finalised
- Preconstruction works for duplication of Greenmeadows Drive south to Matthew Flinders Drive - Ocean Drive is ongoing
- Hastings River Drive – Hughes Place to Boundary Road has project planning underway
- Continuing works on Stingray Creek Bridge replacement
- Construction of road safety treatments along Pappinbarra Rd from Pipeclay Road to Koree Island Road have works practically completed pending final seal and line marking
- Construction of road safety treatments at two locations on Bago Road, 650m north of Milligan's Road and 250m south of Isabel Place have work practically complete pending final seal and line marking
- Construction of road safety treatments at the intersection of Bridge Street and Gore Street, Port Macquarie
- Area Wide Traffic Study is ongoing with draft report received
- Port Macquarie Coastal Walk Master Plan development has commenced with initial community engagement completed
- Port Macquarie Reclaimed Water Treatment Plant upgrades completed in January 2017 with final minor works to be completed

Operational Plan actions behind target

- Works Depot Relocation. Planning documentation has been finalised for submission for Council approval, based on completion of the following scopes of work: updated noise impact assessment; geotechnical testing; detailed site survey and design of civil infrastructure; structural and architectural design of office building; and updated cost estimate
- Beechwood Road reconstruction designs of Stages 5 and 6 are pending resolution of Yippen Creek road crossing
- Construction of Houston Mitchell Drive, Stages 2 and 3, from the new Houston Mitchell Drive/Ocean Drive roundabout are continuing
- Construction of a shared path between Miala Street and Lake Cathie Medical Centre Ocean Drive is nearing completion pending water main interconnection ahead of final concreting works
- Wauchope Town Centre Master Plan development is pending Wauchope Main Street works to commence in the new financial year

- Town Centre Master Plan development is underway with ongoing discussion with the Town Centre Master Plan committee ongoing
- Preparation and review of the draft Urban Growth Management Strategy was pending final release of the North Coast Regional Plan which occurred in March 2017. Finalisation is underway. Strategy report to Council expected by September 2017
- Preparation of Local Environmental Plan and Development Control Plan amendments for the South Lindfield urban release area is underway. Changes arising from resolution of the Ordinary Council Meeting in March require revisions to Local Environmental Plan and associated Planning Agreements
- Review of the Neighbourhood planning for Thrumster (Area 13) has detailed project plan prepared. Preparation of comprehensive Koala Plan of Management delayed due to uncertainty regarding the review of State Government Koala planning policy
- O'Briens Dam rehabilitation works has final designs and cost estimates issued by NSW Public Works and are to proceed to the construction phase. Project delayed by operational priorities
- Port Dam switchgear upgrade currently has specifications under review before proceeding to the tender phase
- Kendall Booster Water Pump station is delayed due to potential change to disinfection methodology
- Thrumster (Area 13) Sewerage Treatment Plant environmental impact and concept study has project planning under development
- Camden Haven upgrade and upsize of mains and pump stations. Sewer pump station upgrade completed. Mains upgrade ongoing and in accordance with approved budget. Investigation extended to allow for acid sulphate assessment, with further design currently underway. Anticipated completion early July 2017
- Port Macquarie sewer treatment plant aerator replacement is pending the required replacement parts. This project will be completed in the new financial year
- Ten reportable incidents recorded in relation to the operation of the sewerage network for the financial year. All incidents were dealt with in accordance with pollution incident response management plan

**Options**

Seek further information on performance measures reflected in this report.

**Community Engagement & Internal Consultation**

The information contained in this report has been subject to consultation with the Executive Team, Senior Leadership Team, Integrated Planning and Reporting Development Officer and Council Staff.

**Planning & Policy Implications**

This report is consistent and aligned with the Integrated Planning and Reporting Framework provisions contained in the Local Government Act (1993).

**Financial & Economic Implications**

The financial statements for the 2016-2017 financial year are currently being prepared and will be presented to Council following audit.

**Attachments**

- 1 [View](#). 2016-2017 Operational Plan end of year - quarterly progress report as at 30 June 2017.



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**Item: 09.11****Subject: INVESTMENTS - JULY 2017****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

**RECOMMENDATION**

**That Council note the Investment Report for the month of July 2017.**

**Executive Summary**

- Total funds invested as at 31 July 2017 equals \$249,167,362.
- The actual year-to-date investment income of \$658,262 represents 12.35% of the total annual investment income budget of \$5,330,600.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.

**Discussion**Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities.

These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie Regional Airport;
- Cemeteries;
- Roads and Bridges;
- Various Recreation and Cultural facilities.

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. The population will grow from 79,114 in 2016 to 102,926 in 2036. As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

Council holds cash reserves as an alternative to (or to supplement) borrowing. As at June 2016, Council held \$214 million in cash and reserves. Predominantly, these reserves are all allocated for specific purposes, with 70% of these reserves legally only being able to be used for the purpose for which they were collected (for example for water and sewer). The remaining reserves are also predominantly held for specific purposes (for example, for the development of the Airport, or to fund projects which have already commenced). The balances of these reserves are audited annually and published in Council's financial statements.

The level of reserves held by Port Macquarie-Hastings Council is not disproportionate to other similar Councils, noting that different Councils provide different services. Not all Councils provide Water and Sewer services for example which require significant capital investment.

The balances of these reserves are invested until such time as they are required. This report details how Council invests these reserves to ensure the appropriate balance between risk and financial return (through interest).

In April 2017 at the Ordinary Meeting of Council, Council resolved to undertake an external independent review of Council's internal and external financial reserves. The UTS Institute for Public Policy and Governance, incorporating the UTS Centre for Local Government has now been engaged to undertake this review and this review is well underway.

In addition, in May 2017 at the Ordinary Meeting of Council, Council resolved to defer \$18.7 million of Capital Works to the draft 2017/2018 Operational Plan. In essence, the funding for these works will now remain invested until these works are undertaken in 2017-2018.

In a separate agenda item to this meeting (*2016-2017 Carry-Over Projects*), a number of 2016-2017 carry-over projects are recommended for inclusion in the 2017-2018 Operational Plan. Likewise, funding for these works will also be invested until these works are completed/undertaken in 2017-2018.

#### Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 July 2017, comply with this Act.

All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 July 2017, the investments held by Council totalled \$249,167,362.

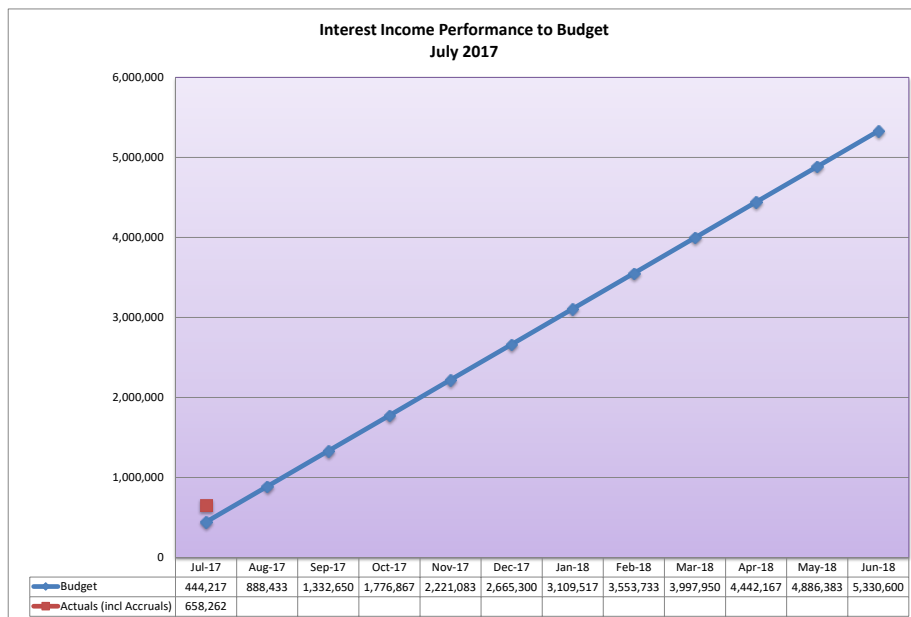
At the time of writing this report, key end of financial year transactions were still being processed which have not allowed for the determination of allocation of monies between Council funds this month. This is consistent with prior years. Consequently, investments by funds are not detailed in this report.

Whilst the current level of investments remain high, these largely relate to funds which have legal restrictions (for example water and sewer), or for funds held for specific purposes.

These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

### Portfolio Performance

- Council's total investment portfolio performance as at 31 July 2017 was 1.46% above the benchmark (3.09% against 1.63%). Benchmark being the Bank Bill reference rate as at 26 July 2017 in the Australian Financial Review published 28 July 2017.
- The actual year-to-date investment income of \$658,262 represents 12.35% of the total annual investment income budget of \$5,330,600.

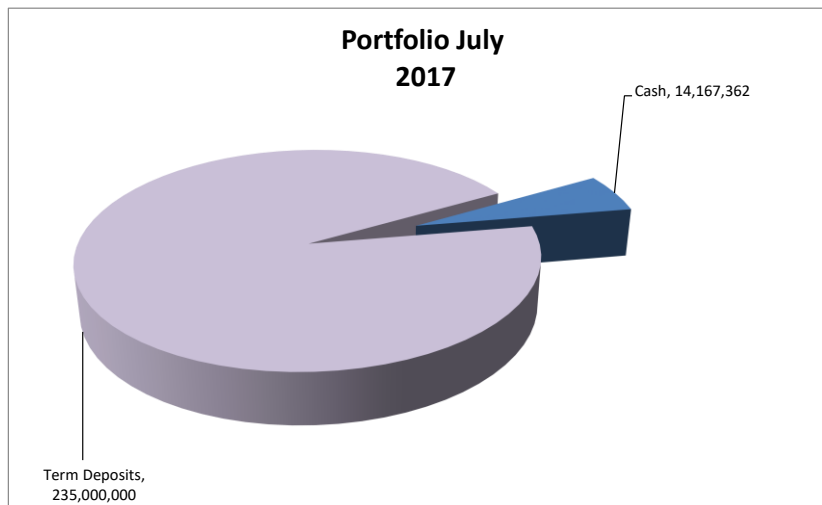


The year-to-date actual reflects total earning including both cash and accruals.

### Investment Portfolio Mix

Council's current portfolio is made up of cash and term deposits. The total term deposits represent 94.31% of the total investment portfolio. As at 31 July 2017, the total investment portfolio was \$249,167,362 which is down from \$250,529,324 as at

the end of June 2017. This consists of term deposits of \$235,000,000 and cash \$14,167,362.




Term Deposits - Current month \$235,000,000 - Prior month \$233,000,000

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 July 2017 is as follows:

*Table 1 - Term to Maturity*

This table as at 31 July 2017 shows the amounts invested by various maturity profiles. These are in accordance with limits established by Council's Policy.

Term to Maturity 	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$109,000,000	46.38%	40.00%	100.00%
1 - 3 years	\$100,000,000	42.55%	0.00%	60.00%
3 - 5 years	\$26,000,000	11.06%	0.00%	30.00%
<b>Grand Total</b>	<b>\$235,000,000</b>	<b>100%</b>		

*Table 2 - Overall Portfolio Credit Framework*

All institutions that Council invests with are rated by acknowledged credit rating agencies, Standard & Poors, Moody's and Fitch. Council policy specifies limits that can be invested within each rating band. These limits are to help avoid over exposure in any rating category. The tables below group the amounts held with various institutions based on their respective credit ratings, and compares the total to the maximum limit set for each credit rating category.

As advised in the previous report to Council, Standard & Poors and Moody's downgraded a number of Australian financial institutions which affected the limits

held within both the rating and institutional limit frameworks, as required within Council's Investment Policy.

A review of Council's Investment Policy, and the approach to the recent rating event has been undertaken.

This has been listed as an agenda item for the next Audit, Risk and Improvement Committee meeting which is being held on 10 August 2017. Any outcome/recommendation from this meeting will be reported back to a future meeting of Council.

#### Standard & Poors

As previously identified, as a result of the downgrading by Standard and Poors of Bank of Queensland and Bendigo & Adelaide Bank from the A to the BBB category, the BBB category is now in excess of the policy's maximum limits. Despite further investment throughout July, the BBB category remains in excess.

Rating Framework S&P	Total	% Held	Maximum % Policy
A	8,000,000	3.40%	60.00%
AA	125,000,000	53.19%	100.00%
ADI/Unrated	4,000,000	1.70%	10.00%
BBB	98,000,000	41.70%	15.00%
<b>Grand Total</b>	<b>235,000,000</b>	<b>100%</b>	

#### Moody's

Whilst Moody's also downgraded a number of institutions, no institution was required to move to a different rating band. Council therefore remains within policy limits.

Rating Framework	Total	% Held	Maximum % Policy
A	86,000,000	36.60%	60.00%
AA	125,000,000	53.19%	100.00%
ADI/Unrated	4,000,000	1.70%	10.00%
BBB	20,000,000	8.51%	15.00%
<b>Grand Total</b>	<b>235,000,000</b>	<b>100%</b>	

#### Cash - Westpac Business Cash Reserve Account

Current month \$14,167,362 - Prior month \$17,529,324

*This is not available unrestricted cash.*

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 full month of July, \$9 million in funds matured with \$11 million in funds reinvested into term deposits.

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 (1.63% 26 July 2017).

The largest sector of the portfolio is the term deposit allocation of \$235,000,000 (last month \$233,000,000) or 94.31% of the total.

Investment Portfolio by Maturity Date - as at 31 July 2017

Inv Name	Type	Rating (S&P)	Purchase Date	Maturity Date	Yield	Face Value
Bendigo Bank	TD	BBB+	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	A	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
St George	TD	AA-	8-Sep-16	8-Sep-17	3.00%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-17	3.00%	4,000,000
Bendigo Bank	TD	BBB+	8-Oct-15	8-Oct-17	2.98%	5,000,000
Bank of Queensland	TD	BBB+	19-Jan-17	19-Oct-17	2.80%	5,000,000
ANZ Bank	TD	AA-	13-Nov-12	13-Nov-17	4.87%	2,000,000
Bank of Queensland	TD	BBB+	13-Nov-15	13-Nov-17	3.00%	2,000,000
Westpac Banking Corporation	TD	AA-	23-May-16	23-Nov-17	2.95%	3,000,000
Westpac Banking Corporation	TD	AA-	8-Sep-16	8-Dec-17	3.00%	3,000,000
Newcastle Permanent	TD	BBB	14-Dec-15	14-Dec-17	3.20%	2,000,000
ME Bank	TD	BBB	24-Jan-17	22-Dec-17	2.75%	2,000,000
Bendigo Bank	TD	BBB+	14-Jan-16	15-Jan-18	3.10%	2,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Jan-18	2.85%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	19-Jan-18	3.01%	5,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-18	3.00%	2,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	12-Feb-18	3.15%	2,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Feb-18	2.85%	2,000,000
Bendigo Bank	TD	BBB+	8-Mar-16	8-Mar-18	3.20%	3,000,000
Westpac Banking Corporation	TD	AA-	15-Mar-17	15-Mar-18	2.91%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-18	2.87%	1,000,000
Defence Bank	TD	BBB	22-Mar-16	22-Mar-18	3.25%	4,000,000
Westpac Banking Corporation	TD	AA-	11-Apr-17	11-Apr-18	2.85%	3,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-18	3.29%	4,000,000
Bendigo Bank	TD	BBB+	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
ME Bank	TD	BBB	19-May-17	19-May-18	2.70%	3,000,000
Westpac Banking Corporation	TD	AA-	19-May-17	21-May-18	2.77%	4,000,000
Bank of Queensland	TD	BBB+	20-Jun-13	20-Jun-18	5.00%	4,000,000
Commonwealth Bank	TD	AA-	22-Jun-17	22-Jun-18	2.60%	5,000,000
Bendigo Bank	TD	BBB+	7-Jul-16	6-Jul-18	3.05%	2,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Jul-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	24-Jul-17	24-Jul-18	2.79%	4,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-18	2.96%	3,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Aug-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-18	4.22%	4,000,000
Bendigo Bank	TD	BBB+	7-Sep-15	7-Sep-18	3.00%	5,000,000
St George	TD	AA-	8-Sep-16	8-Sep-18	3.10%	5,000,000
ING Bank	TD	A	24-Jul-17	24-Sep-18	2.70%	3,000,000
St George	TD	AA-	27-Sep-16	27-Sep-18	3.10%	4,000,000
Bendigo Bank	TD	BBB+	10-Nov-16	9-Nov-18	3.00%	4,000,000
Westpac Banking Corporation	TD	AA-	10-Nov-16	10-Nov-18	3.00%	4,000,000
National Australia Bank	TD	AA-	19-May-17	19-Nov-18	2.66%	2,000,000
ME Bank	TD	BBB	14-Dec-15	14-Dec-18	3.33%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	21-Jan-19	3.17%	5,000,000
Rabobank	TD	Aa2	20-Jan-15	20-Jan-19	3.90%	2,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-19	3.15%	2,000,000
Newcastle Permanent	TD	BBB	8-Mar-16	8-Mar-19	3.60%	2,000,000

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Bendigo Bank	TD	BBB+	15-Mar-17	15-Mar-19	3.10%	4,000,000
Bendigo Bank	TD	BBB+	27-Mar-17	27-Mar-19	2.95%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-19	3.01%	2,000,000
Bendigo Bank	TD	BBB+	11-Apr-17	11-Apr-19	3.00%	3,000,000
ME Bank	TD	BBB	27-Apr-17	27-Apr-19	2.93%	4,000,000
ME Bank	TD	BBB	19-May-17	20-May-19	2.87%	3,000,000
Rabobank	TD	Aa 2	23-May-16	23-May-19	3.15%	6,000,000
Bendigo Bank	TD	BBB+	7-Jul-16	8-Jul-19	3.15%	2,000,000
Westpac Banking Corporation	TD	AA-	24-Jul-17	24-Jul-19	2.94%	4,000,000
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
St George	TD	AA-	8-Sep-16	8-Sep-19	3.20%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-19	3.20%	4,000,000
ME Bank	TD	BBB	24-Jan-17	24-Jan-20	3.26%	2,000,000
Newcastle Permanent	TD	BBB	10-Mar-16	10-Mar-20	3.70%	2,000,000
Bank of Queensland	TD	BBB+	19-May-17	19-May-20	3.00%	3,000,000
Bank of Queensland	TD	BBB+	24-Jan-17	25-Jan-21	3.65%	2,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	22-Feb-21	3.39%	2,000,000
Bank of Queensland	TD	BBB+	10-Mar-16	10-Mar-21	3.80%	3,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	21-Feb-22	3.61%	2,000,000
National Australia Bank	TD	AA-	21-Feb-17	21-Feb-22	3.46%	5,000,000
Rabobank	TD	Aa 2	8-Jun-17	7-Jun-21	3.02%	5,000,000
Bank of Queensland	TD	BBB+	15-Mar-17	15-Mar-22	3.80%	2,000,000
Rabobank	TD	Aa 2	8-Jun-17	7-Jun-22	3.02%	5,000,000
Total TD's						235,000,000
Westpac Business Cash						
Reserve Account	CASH				2.20%	14,167,362
Total Portfolio						\$249,167,362

\*The investments highlighted in yellow in the table above are new investments for July 2017.



**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.

**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 July 2017 is 1.46% above the benchmark (3.09% against 1.63%) and year to-date income is 12.35% 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 \$8,113.24 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

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**Item: 09.12**

**Subject: MONTHLY FINANCIAL REVIEW FOR JULY 2017**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

### **RECOMMENDATION**

**That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for July 2017.**

### **Executive Summary**

This report will detail the monthly budget adjustments to 31 July 2017.

The Council adopted budget position as at 1 July 2017 was a shortfall of \$586,858. The budget adjustments for July 2017 contained within this report maintain this shortfall position.

### **Discussion**

#### Monthly Budget Adjustments for July 2017

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 2017-2018 budget along with the proposed movement of funds to accommodate any changes.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2017</b>	<b>Shortfall</b>	<b>(\$586,858)</b>
<u>Plus adjustments:</u>		
July Review	Balanced	\$0
<b>Forecast budget position for 30 June 2018</b>	<b>Shortfall</b>	<b>(\$586,858)</b>

#### July 2017 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 Funds	1	Grant/Reserve	\$5,003,612
Transfers between accounts	2	Revenue	\$40,000
Reserve/S64 Transfers	3	Reserve/S64	(\$17,070,002)
Council Report adjustments	4	Reserve	\$80,522
Contributions	5	Contribution	\$137,263
<b>Total</b>			<b>(\$11,808,605)</b>

The following are included in the July 2017 adjustments:

1. A number of additional grants have been received and included this month, the total increase in project value is \$5,003,612
  - Vroom Augmented Library Spaces \$175,915. A portion of this grant was included last financial year. This amount reflects the amount expected to be expended this financial year. The purpose of this grant is twofold. Firstly it will be used to create a dedicated space within the library to showcase virtual reality technology and secondly it will be used to provide eight additional quiet study rooms to meet increased demand. The project will increase the size of the library from 2100 to 2178 square metres.
  - Investment Attraction Project 2017 \$13,636 Grant funds and \$12,000 economic development reserve funds have been allocated to this project.
  - Wauchope Pool Facility Upgrade \$1,480,000.
  - Flynn's Beach – Upgrade of the seawall \$922,500.
  - Wayne Richards Park Stage 3. As part of the grant conditions Council has to apply interest to any unspent grant funds. The adjustment in this review is to cover the interest accrued for 2016/17 \$17,001.
  - Illegal Dumping Clean up and Prevention Program \$107,560.
  - Wauchope CBD Pedestrian Redesign – All Stages \$1,800,000
  - Design pedestrian signals at Gordon Street, Port Macquarie \$75,000
  - Construct a shared path along Ocean Drive from Pacific Highway to Glen Haven Drive \$400,000 (\$200,000 grant funds and \$200,000 reserve funds)
2. \$40,000 in bank fees funding has been transferred from financial services to customer services to better reflect costs that apply to that area.
3. There have been a number of changes to reserve/S64 funded projects this month that amount to a total reduction in reserve/S64 funding of \$17,070,002.
  - The Cairncross facility upgrade and expansion approvals project commenced in October 2014 but was not carried over due to uncertainty around the amount of budget that would be required in 16/17 and 17/18. The budget adjustment of \$30,000 included in this review is to recognise the amount required for this project in 2017/18.
  - The Kingfisher Waste Depot currently has a budget of \$1,500,000 for upgrade and expansion. It is unlikely that there will be any construction undertaken in this financial year. A budget of \$200,000 has been left in 2017/18 for design works.

The Water and Sewer Section have made adjustments to this year's budget to reflect the current capital works program. The revised program has re-prioritised the capital works program based on current modelling to meet the infrastructure requirements for future development. The projects budgets have been adjusted to reflect anticipated expenditure on these projects to limit potential carry-overs in the future.

- The Southern Arm Trunkmain has been deferred to 2018/19 and 2019/20. The total budget of \$7,500,002 has been reduced by \$7,000,002 leaving a budget of \$500,000 for design works.
- The Thrumster Reclaimed Reservoir including land acquisition project with a current budget of \$4,000,000 has been deferred to 2018/19 with a budget of \$100,000 remaining to cover design works.
- The Granite Street No 2. 25ML Reservoir with a current budget of \$5,000,000, has been deferred to 2018/19 with a budget of \$100,000 remaining to be used on design works.

Budgets have also been included in the current Operational Plan to construct each of the three village sewerage schemes (Comboyne, Long Flat and Telegraph Point), however these are multi-year projects and the amounts detailed in the Operational Plan are unlikely to be spent in 2017/18 budget year.

Assuming contract award December 2017, and subsequent site establishment in January 2018, it would be unlikely to see a progress claim until April 2018. Once contracts are awarded and program of works known, actual expenditure can then be more accurately established with budgets adjusted at that time.

4. Item 14.02 to the Committee of the Whole meeting of 19 July 2017 has resulted in an additional \$80,522 being applied to two projects for sporting field floodlights.
5. Council has received a contribution towards Beechwood Road Reconstruction – Riverbreeze to Waugh Street from a developer in the region in the amount of \$137,263.

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.
- 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 \$586,858.

**Responsible Accounting Officer Statement**

The approved original budget result for 2017-2018 was a shortfall of \$586,858. This report has made no change to this position. The shortfall position is considered an unsatisfactory 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](#). July 2017 Budget Review



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**Item: 09.13**

**Subject: 2016-2017 FINANCIAL STATEMENTS AUDIT**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

### **RECOMMENDATION**

- 1. That Council refer to audit the draft Financial Statements as at 30 June 2017.**
- 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.**

### **Executive Summary**

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

### **Discussion**

The draft financial statements for the year ended 30 June 2017 are nearing completion. The external audit is due to commence on the 18 September 2017 and will run for one week. The auditors aim is to complete their audit by the end of September 2017 which means the statutory deadline of 31 October 2017 will be met. A copy of the audited financial statements is due at the Office of Local Government by 31 October 2017.

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

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

**Options**

There are no options available, as this is a requirement under Section 413(1) of the Local Government Act 1993.

**Consultation/Submissions**

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

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no financial and economic implications as a result of this report, as this report is simply committing Council to refer the draft financial statements to audit as per Section 413(1) of the Local Government Act 1993.

**Attachments**

1[View](#). 2016-2017 General Purpose Statement

2[View](#). 2016-2017 Special Purpose Statement



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**Item: 09.14**

**Subject: 2016-2017 CARRY-OVER PROJECTS**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the 2016-2017 carry-over projects outlined in the report for inclusion in the 2017-2018 budget.**
- 2. Amend the 2017-2018 one year Operational Plan to include all projects approved to be carried over as individual action items.**

### **Executive Summary**

This report lists projects from the 2016-2017 budget which were not completed in the financial year and need to be carried over into the 2017-2018 budget to enable finalisation.

Adopting these projects for inclusion in the 2017-2018 Operational Plan (and budget) ensures that they will continue or be completed.

Preliminary expenditure figures show that Council has expended over \$68 million in 2016-2017 on works program projects. The final expenditure figures will not be known until late August as invoices for 2016-17 are still being received. This expenditure is significantly higher than the average over the last 7 years as shown by the following table. Some of these projects are capital whilst others are operational in nature. This expenditure is in addition to recurrent operational expenditure incurred in delivering services to the community.

<b>Year</b>	<b>Total Works Program Spend</b>
2016/2017	\$68,504,085
2015/2016	\$79,662,838*
2014/2015	\$45,560,938
2013/2014	\$42,870,238
2012/2013	\$44,279,580
2011/2012	\$35,180,355
2010/2011	\$34,973,162

\* This figure was reported to the 10 August 2016 Ordinary Council meeting as \$73,279,401 as a preliminary result.

**Discussion**

It is normal practice for Council(s) to carry forward some project budgets from the previous financial year to enable their completion in the coming financial year.

Attached to this report is a full listing of projects that were partially completed in 2016-2017 and need to be carried over to allow completion in the 2017-2018 financial year. The carry-over value for 2016-2017 is \$19,053,479.

The carry-over can be broken down by Fund and Section as follows:

<b>Fund</b>	<b>Section</b>	<b>Budget to be carried over</b>
<b>General Fund</b>	Airport	184,486
	Aquatic Facilities	185,670
	Asset Design	492,808
	Centralised Construction Projects	-108,135
	Community Engagement	15,424
	Community Place	248,555
	Drainage	308,300
	Fleet Management	2,890,335
	Information Technology	1,112,403
	Library	120,038
	Natural Resources	1,040,355
	Network & Project Planning	76,954
	Parks & Recreation	1,574,789
	PM Town Centre Masterplan	455,492
	SES & Public Safety	76,766
	Strategic Land Use Planning	50,000
	Transport and Traffic	4,904,140
	Property & Leasing	101,665
	Assets & Property Investment	106,008
	Infrastructure Delivery Projects	1,334,107
<b>General Fund Total</b>		<b>15,170,160</b>
<b>Sewer Fund</b>	Sewerage Services	2,944,890
<b>Sewer Fund Total</b>		<b>2,944,890</b>
<b>The Glasshouse</b>	Glasshouse Cultural	29,129
<b>The Glasshouse Total</b>		<b>29,129</b>
<b>Waste Management</b>	Waste Disposal	556,878
<b>Waste Management Total</b>		<b>556,878</b>
<b>Water Fund</b>	Water Supply	352,421
<b>Water Fund Total</b>		<b>352,421</b>
<b>Grand Total</b>		<b>19,053,479</b>

The negative amounts reflect multi-year projects where Council completed more work than anticipated in the financial year ended June 2017.

There are a number of reasons why project budgets need to be carried over into the next financial year. Some of these reasons are summarised as follows:

Grant Funded Projects

If a project is subject to grant conditions Council is obligated to carry-over any unspent funds for the purposes of completing the project. If all of the grant funding is not required, then Council is generally required to repay the unspent grant funds. The table below represents the funding composition of the carry-over projects with grant funding representing 10.8% of the total.

<b>Funding Source</b>	<b>Amount</b>	<b>%</b>
Revenue	3,735,813	19.61%
Reserves	7,159,417	37.58%
Grants	2,058,672	10.80%
Loans	-263,223	-1.38%
Environmental Levy	429,667	2.26%
Contributions	1,392,526	7.31%
Section 94 Contributions	2,938,966	15.42%
Section 64 Contributions	1,601,641	8.41%
<b>Total</b>	<b>19,053,479</b>	<b>100.00%</b>

Operational Considerations

Many operational considerations impact on Councils' ability to deliver projects as scheduled. Such considerations can include weather impacts, disaster events, competing projects which may divert resources away from scheduled delivery, resourcing implications (eg. staff absences and vacancies), third party impacts beyond the control of Council (eg. project partners) and market forces (eg. availability and cost of materials/contractors etc).

Not completing a project which has already commenced may expose Council to a range of risks including those in the areas of public safety, political, reputational, legal and financial.

Budget Development Timeframes

The Council budget each year commences development in the July prior to the financial year to which it relates. It is often difficult to estimate so far in advance what impact any of the above operational considerations may have on project delivery.

Multi-year Projects

Many projects, due to scheduled commencement in the latter part of a financial year or to the size and scale of the project, may have always been intended to be completed over more than one financial year. Projects that have design and construction elements can often span financial years. Estimating the split by year can be difficult given the budget timeframes as previously mentioned.

Of the total carry-over of \$19,053,479, projects that are considered to be multi-year projects amount to \$9,253,155 or 48%.

**Future considerations**

Council remains committed to ensuring that where appropriate, improvements to processes and practices are achieved.

Phased capital budgets have been included in the 2017-2018 works program. The implementation of regular monitoring through the phasing of capital budgets will assist in the early detection and management of potential carry-overs during the current year.

It should be noted that whilst ongoing improvements will be made to the budget process with a view to reducing the quantum of carry-overs, some level of carry-over should still be expected for the reasons outlined in this report.

**Options**

Council has the option of approving the carry-overs in total, in part or not approving them at all. If no carry-over projects are approved, the projects that are currently partially completed would not be able to be finalised and any grant funding currently available for projects would be required to be returned to the relevant funding body. As outlined in the body of the report, other risks may exist by not approving various carry-over budgets.

**Consultation/Submissions**

Consultation has taken place with all Divisions of Council.

**Planning & Policy Implications**

There are no direct policy implications as a result of this report, however the Operational Plan for 2017-2018 will need to be adjusted to include the carry-over projects to be completed in 2017-2018.

**Financial & Economic Implications**

The attached report outlines the carry-over projects and the amount of the carry-over for each project. By carrying over the remaining budgets for these projects, funding will be available in 2017-2018 to undertake the works remaining on these projects.

A report was previously presented to the May 2017 Ordinary Meeting of Council deferring several projects from the 2016-2017 financial year to the 2017-2018 financial year. These adjustments are already represented in the 2017-2018 Operational Plan.

**Attachments**

1 [View](#). 2016-2017 Carry-over Report

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Item: 09.15

Subject: GLASSHOUSE END OF FINANCIAL YEAR REPORT AND UPDATE  
ON STRATEGIC PLAN RECOMMENDATIONS

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.5.3 Develop, manage and maintain Council Business Units through effective commercial management.

### RECOMMENDATION

**That Council note the information provided in the Glasshouse End of Financial Year Report and Update on Strategic Plan Recommendations Report.**

### Executive Summary

This report provides details of the Glasshouse finances for the 2016-17 financial year (i.e. as at 30 June 2017) including the updated status of Glasshouse loan balances, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

### Discussion

#### Background

Details regarding the most recent Council resolution in respect of Glasshouse reporting is as follows:

At the Ordinary Council Meeting held on 15 February 2017, Council resolved to replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period:

#### *09.14 REVIEW OF SELECT COUNCIL COMMITTEES*

*Mr Malcolm Merrick, representing the Port Macquarie Tacking Point Lions Club Inc., addressed Council in support of the recommendation and answered questions from Councillors.*

*RESOLVED: Turner/Cusato*

- 1. Establish a new Steering Group called the 'Cultural Steering Group'.*
- 2. Adopt the Cultural Steering Group Charter as included in this Review of Select Council Committees report.*
- 3. Seek Expressions of Interest (EOI) for members of the Cultural Steering Group, with the results of the EOI to be reported to the 19 April 2017 Ordinary Meeting of Council.*



4. Work with members of the following existing Council Committees to transition them into working groups with objectives, actions and reporting lines to the Cultural Steering Group:

- a) Port Macquarie-Handa Sister City Sub-committee.
- b) Australia Day Sub-committee.
- c) Port Macquarie-Hastings Youth Advisory Committee.

5. Work with Heritage, Arts and Cultural Priorities Advisory Group to transition it into the Cultural Steering Group.

6. Replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period.

CARRIED: 7/2

FOR: Besseling, Alley, Cusato, Dixon, Intemann, Levido and Turner

AGAINST: Griffiths and Hawkins

Accordingly, this report provides details of the Glasshouse finances for the 2016-17 financial year (ie as at 30 June 2017) including the updated status of Glasshouse loan balances, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

#### Glasshouse Finances

This report and the attached Financial Statement present the financial performance of the Glasshouse Venue for the fourth quarter of the 2016-17 financial year (1 April 2017 to 30 June 2017) and the overall 2016-17 financial year (1 July 2016 to 30 June 2017), and is indicative of an end of year result. End of year journals relating to Council overhead distributions are yet to occur. For the purposes of this report, the annual budgeted figure for Council overheads has been used.

The commentary in this report refers to the operating deficit/shortfall (before interest and depreciation). The attached Financial Statement also shows the operating deficit/shortfall after interest and depreciation. Over time, loan interest expense will decrease as loans are repaid. Depreciation is subject to revaluations. These expense items may distort the overall result when comparing with the previous financial year period hence why the commentary in this report refers to the operating result before interest and depreciation.

The draft end of financial year operating result for the Glasshouse (excluding interest and depreciation) is a deficit/shortfall of \$2,180,458. This same result last financial year was \$2,064,953 – an increase of \$115,505 (or 5.6%). The operating result for the quarter and for the financial year has tracked within budget allocation. On a financial year basis, the operating deficit/shortfall of \$2,180,458 is reported against a budgeted deficit/shortfall of \$2,255,215. This represents a positive variance of \$74,757 for the 2016-17 financial year period.

It should be noted that the deficit/shortfall for the Glasshouse for the 2011-12 year was \$3,020,491.

Being a venue, income patterns can be subject to market forces, availability (and timing) of product in the market-place and seasonality. The 2016-17 deficit/shortfall result has been impacted by:

- Reduced operating income associated with a number of one-off commercial venue hire events in 2015-16 which did not occur in 2016-17.
- Reduced operating income associated with the performing arts program, noting that associated costs are also lower than the previous financial year. The performing arts income line is impacted in part by a change in accounting practice, allocating the income associated with the Glasshouse Membership Program to Memberships in 2016-17 as opposed to the performing arts income line in previous years. In 2016-17 the Glasshouse Season incorporated high quality commercial venue hire product in addition to a number of "traditional" performing arts events as part of a strategy to minimise Council's exposure to financial risks associated with performing arts product.
- Increased salary costs noting that there were a number of vacant positions in 2015-16 which were filled during the 2016-17 financial year.
- Increased operating costs associated with the back of house / building operations and building maintenance.

The operating deficit/shortfall (before interest & depreciation) can also be represented as follows:

Glasshouse Operating Deficit/Shortfall by Activity - Year to Date 30 June 2017:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	-	-	-	5,589	1,318,865	390,536	1,714,990
Operating Expenditure (Before Council Overheads)	214,941	1,017,638	564,857	38,592	851,161	745,330	3,432,520
Council Overheads	106,473	37,034	78,698	23,147	55,551	162,025	462,928
Net Operating Surplus (Deficit/Shortfall)	(321,414)	(1,054,672)	(643,555)	(56,150)	412,153	(516,819)	(2,180,458)

Management, Back of House and Front of House provide internal support functions for Community, Commercial and Cultural activities. Community and Cultural functions also hire space from the Commercial function to derive actual costs of delivering community and cultural functions within the Glasshouse overall function. When the costs of these internal support functions are distributed, the operating surplus (deficit/shortfall) can be represented as follows:

Glasshouse Operating Deficit/Shortfall by Activity (after internal adjustments) - Year to Date 30 June 2017:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit/Shortfall (from the above table)	(321,414)	(1,054,672)	(643,555)	(56,150)	412,153	(516,819)	(2,180,458)
Internal Overhead Distribution	321,414	1,054,672	643,555	(790,089)	204,212	(1,433,764)	0
Net Operating Surplus (Deficit/Shortfall)	0	0	0	(846,239)	616,365	(1,950,583)	(2,180,458)



(after internal adjustments and transfers)							
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Glasshouse Loan Balances

Loan borrowings assisted in the funding of the Glasshouse at the time of construction. Of the total cost, \$27,975,954 was sourced through loan borrowings that are repaid through Council general revenue. It should be noted that there was also \$10,873,801 sourced through loan borrowings that are paid from the S94 restricted asset for community facilities. Councils often use borrowing as a way to fund additional infrastructure whilst maintaining intergenerational equity outcomes.

The outstanding balance of the borrowings that are repaid through general revenue, as at 30 June 2017, is \$15,688,196. This demonstrates that over \$12 million has already been repaid, with loans expected to be repaid by 2027.

Glasshouse Strategic Plan Recommendations

The Glasshouse Strategic Plan 2014 - 2017 was adopted by Council at the Ordinary Council Meeting held on 16 July 2014 to provide a greater commercial focus in the operation of the venue across four key outcome areas: *ensuring good governance; developing successful partnerships; enhancing utilisation and visitation; and promoting viability.*

Significant progress has been achieved since July 2014 with regard to the implementation of the strategic direction outlined in the Plan. This progress is summarised in the attached *Update on Glasshouse Strategic Plan Recommendations - August 2017* with some specific outcomes discussed below.

It is noted that the recommendations and corresponding actions arising from the Strategic Plan have now been completed and/or are continuing to guide day-to-day operations as part of "business as usual" activities.

### 1.2 *Review management and reporting systems to support effective decision-making*

The following table includes the following Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 30 June 2017):

Performance Indicator	2015-16 Actual	2016-17 Target	2016-17 Actual
<b>Key Outcome 3: Enhancing Utilisation and Visitation</b> <i>Implement targeted marketing and sales strategies to enhance utilisation, increase event visitation and maximise commercial outcomes</i>			
Visitation (Glasshouse)	234,526	250,000	255,521
Visitation (Gallery)	49,660	50,000	54,617
Visitation (website)	112,985	125,000	135,905
Utilisation (%) (theatre)	39%	> 40%	42%
Utilisation (%) (studio)	32%	> 35%	26%
Utilisation (%) (meeting rooms)	30%	> 40%	47%
Average attendance (%) (theatre)	71%	> 70%	68%
Average attendance (%) (studio)	64%	> 70%	79%
Number of tickets processed	61,940	65,000	66,353
Percentage of tickets sold online	25% / 30%*	> 30%	27%

The 2016-17 figures demonstrate strong performance in terms of increased visitation to the Glasshouse Venue, the Regional Gallery and the updated website along with an increased number of tickets sold during the year.

The utilisation and average attendance figures are generally on target and are consistent with industry benchmarks and the results for the previous 2015-16 financial year. Utilisation in hireable spaces can vary from year to year depending on the type and composition of hire.

### 2.1 *Identify and develop key partnerships to maximise cultural, community and commercial outcomes*

The Glasshouse Membership program continues to go from strength to strength with 1,154 members as at 30 June 2017. This represents an increase of 108 members (+10%) over the corresponding 2015-16 period. This level of membership far exceeds the patron participation results achieved by other similar NSW venues (based on Australian Performing Arts Centre Association data).

Council is continuing to support and develop a number of corporate partnerships / sponsorships consistent with the Glasshouse Marketing and Sales Plan, including the Glasshouse Founding Sponsors, Arts NSW, regional / local media organisations and a number of new event specific corporate partnerships.

Council is also continuing to provide support for a wide variety of community groups to access and use the Glasshouse facilities.

### 3.1 *Promote operational flexibility in the use of the Glasshouse footprint to optimise cultural, community and commercial outcomes*

This work is continuing on an ongoing basis. In March 2017, a formal road closure process was finalised reclassifying the area associated with the Glasshouse podium

and stairs (fronting the Hay Street forecourt) from road reserve to operational land providing improved operational flexibility for venue hire activities.

#### Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations - August 2017*.

#### **Options**

This is an information report.

#### **Community Engagement & Internal Consultation**

The information provided in this report has been reviewed by Council staff.

#### **Planning & Policy Implications**

This report is consistent with the key outcomes, recommendations and governance and reporting arrangements identified in the adopted Glasshouse Strategic Plan 2014 - 2017.

Noting that the current Glasshouse Strategic Plan 2014 – 2017 comes to an end this year, Council's Operational Plan 2017 – 2018 includes an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2).

#### **Financial & Economic Implications**

The Glasshouse Strategic Plan 2014 - 2017 aims to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community while continuing to ensure the delivery of high quality cultural, community and commercial activities.

#### **Attachments**

1[View](#). Glasshouse Financial Statement to 30 June 2017

2[View](#). Update on Glasshouse Strategic Plan Recommendations August 2017

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**Item: 09.16****Subject: DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM  
PERFORMANCE****Presented by: Development and Environment, Matt Rogers**

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**Alignment with Delivery Program**

1.4.2 Deliver agreed services at the agreed service level at best value.

**RECOMMENDATION**

**That Council note the Development Activity and Assessment System Performance report for the second quarter of 2016-2017.**

**Executive Summary**

This report provides a summary of development assessment, building certification and subdivision certification activities for the April to June 2017 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council. The quarter rounds out the 2016-2017 year and highlights the continued increase in activity, being the busiest year in recent times.

**Discussion**

The following table provides data on the volume of applications received and determined over the quarter relative to the year-to-date average and monthly average of the preceding four years.

The monthly average development application (DA) volume data has increased from 85 DAs per month during 2015-2016 to 89 in 2016-2017. It is interesting to note that it wasn't so long ago in 2012-2013 when the monthly average number of DAs received was 52. A similar trend is evident with plumbing and drainage approvals, with the monthly average for 2016-2017 being 87, up from 72 the previous year and 42 in 2012-2013. Monthly building inspections undertaken during 2016-2017 was 455, compared to 407 in 2015-2016 and 286 in 2012-2013.

Complying development certificates (CDCs) and building Construction Certificates processed by Council have remained relatively steady over the last few years with the private sector taking up the additional work generated by the overall increase in activity. Infrastructure construction certificates and subdivision certificates have also remained steady over the past few years. This can however be deceptive given the large number of lot releases proposed per application compared to previous years.

Overall, 2016-17 has been the busiest on record for Council's development assessment team. This activity is unlikely to slow down in the foreseeable future

noting the large number of land releases in Port Macquarie, Lake Cathie and Wauchope. Additional resources to support this increase in activity have been realised through the land development approval process review and use of flexible planning and building surveying staffing.

The continued upward trend in activity and the evidence of a larger number of applications that were lodged compared to number of applications determined for 2016-2017 indicates that there is a backlog of work. For example, 1068 DAs were lodged over the year and 960 determined. This highlights the large number of applications 'on the books' and additional resources may be required should this not resolve itself over the coming months.

Applications Received and Determined									
Applications Type	2012-13 Monthly Average	2013-14 Monthly Average	2014-15 Monthly Average	2015-16 Monthly Average	2016-17 Monthly Average	2016-17 TOTAL	Apr-17	May-17	Jun-17
DAs Received	52	70	76	85	89	1068	88	122	94
DAs Determined	53	65	74	79	80	960	62	96	97
DA Modifications Received	11	11	14	17	15	180	18	13	16
DA Modifications Determined	11	11	14	15	15	174	10	27	11
Complying Development Certificates Received by Council	11	13	10	7	9	108	11	8	11
Complying Development Certificates Determined	9	12	10	7	9	104	7	10	11
Complying Development Certificates Determined (Private Certifier)	11	14	15	21	19	224	5	9	31
Construction Certificates (Building Work) Received by Council	35	42	46	41	42	507	52	18	55
Construction Certificates (Building Work) Determined by Council	33	38	45	38	38	455	27	51	52
Construction Certificates Building Work Determined (Private Certifier)	12	17	20	29	23	277	1	5	31
Building Inspections Undertaken	286	371	393	407	455	5462	389	594	504
Plumbing & Drainage Applications Determined	42	52	64	72	87	1042	78	109	104
Infrastructure Construction Certificates Received	2	5	8	9	13	151	4	15	13
Infrastructure Construction Certificates Determined	2	4	6	9	8	100	5	6	9
Subdivision Certificates Received	3	8	10	11	12	140	11	14	9
Subdivision Certificates Determined	7	7	9	10	11	134	11	8	14
Roads Act Applications Determined	30	30	38	49	49	584	46	64	66

The following table outlines the estimated value of works per development type approved for the quarter. The data again highlights the high level of activity with 2016-2017 seeing a total value of \$312 million, not far behind the \$363 million in 2015-2016. The high value in 2015-2016 resulting from a number of large scale development in that year e.g. Kmart, Charles Sturt University. In 2016-2017, residential development continues to be the dominate sector:



Value of Works DA	Apr-17	May-17	Jun-17	Total to Date 2016 - 2017	Total 2015 - 2016
Ancillary DA	\$558,513	\$432,908	\$688,751	\$6,300,601	\$8,344,363
Ancillary CDC	\$227,500	\$275,047	\$580,242	\$4,335,492	\$4,033,937
Commercial DA	\$3,182,000	\$577,000	\$2,134,000	\$13,407,071	\$20,842,440
Commercial CDC	\$15,000	\$234,000	\$893,107	\$4,489,057	\$3,910,036
Community DA	\$0	\$1,426,000	\$0	\$2,401,000	\$3,842,500
Community CDC	\$0	\$0	\$330,000	\$330,000	\$0
Industrial DA	\$898,000	\$92,187	\$3,159,263	\$7,176,750	\$26,315,171
Industrial CDC	\$0	\$0	\$0	\$503,000	\$229,172
Residential DA	\$7,926,289	\$18,001,511	\$15,161,855	\$193,157,261	\$218,865,307
Residential CDC	\$3,974,370	\$5,628,281	\$3,707,212	\$40,545,505	\$35,142,793
Rural DA	\$1,107,750	\$442,000	\$1,333,190	\$8,072,602	\$8,095,352
Rural CDC	\$0	\$413,000	\$55,000	\$1,400,092	\$1,556,255
Subdivision DA	\$125,000	\$12,500	\$10,000	\$28,283,500	\$17,173,100
Tourist DA	\$0	\$285,000	\$49,000	\$1,861,860	\$14,923,909
Tourist CDC	\$0	\$0	\$0	\$690,000	\$90,000
<b>Total</b>	<b>\$18,014,422</b>	<b>\$27,819,434</b>	<b>\$28,101,620</b>	<b>\$312,953,791</b>	<b>\$363,364,335</b>

Application processing data and longer term trends for the various application types is provided in the table below. It is noted that gross monthly average DA processing time of 55 days for the 2016-2017 is an improvement on the 58 days monthly average for the 2015-2016 year. It is also pleasing to note that PMHC is still tracking significantly better than the NSW average of 76 days for a DA.

Despite this good result over the year, it is noted that the 4<sup>th</sup> quarter in 2016-2017 has seen an increase in approval times across the majority of application types compared to the yearly average. The month of June saw DA approval times take on average 62 days compared to the 55 day yearly average. As mentioned earlier in the report, it is likely that additional resourcing will need to be considered by management in the short term to deal with the increased work.

Gross processing times for engineering related applications have improved over the quarter compared to the 2015-2016 year. Gross monthly average processing times for construction certificates for 2016-2017 to date is 77 days, this is down on the 2015-2016 monthly average of 94 days. The gross monthly average processing days for subdivision certificates for the quarter was 60 days, this is down from 97 days in the 2015-2016 year. This indicates that the additional resourcing and process improvements that stemmed from the Land Development Approvals Review are having the desired effect.

PMHC Application Processing Performance							
	NSW 2014-15 Monthly Average	2014-15 Average	2015-16 Average	2016-17 Average	Apr-17	May-17	Jun-17
DAs Processing - Net Median Days	48	30	30	31	31	39	38
DA Processing - Net Average Days	48	36	34	36	41	45	41
DA Processing - Gross Average Days	76	56	58	55	58	61	62
Complying Development Processing - Net Average Days		13	6	6	5	7	5
Complying Development Processing - Gross Average Days	22	14	7	8	5	7	5
Building Construction Certificate Processing - Net Average Days		12	9	9	5	9	11
Building Construction Certificate Processing - Gross Average Days		49	51	52	49	57	87
Plumbing & Drainage Applications Processing - Net Average Days		17	16	15	14	14	15
Plumbing & Drainage Applications - Gross Average Days		61	51	47	78	48	50
Infrastructure Construction Certificate Processing - Net Average Days		41	54	39	14	68	32
Infrastructure Construction Certificate Processing - Gross Average Days		114	94	77	88	100	80
Subdivision Certificates Processing - Net Average Days		33	42	44	52	39	88
Subdivision Certificates Processing - Gross Average Days		72	97	60	86	78	32
Roads Act Applications Processing - Net Average Days		16	17	19	16	18	23
Roads Act Applications Processing - Gross Average Days		41	43	48	34	44	62

## Options

This is an information report.

## Community Engagement & Internal Consultation

Development assessment statistics are discussed internally as the key indicator of system performance.

Feedback on the customer experience has continued to be sought, through monthly meetings with specific applicants, to build upon the information obtained from the recent customer survey as previously reported to Council.

The independent review into Council's land development approval processes includes a strong external engagement element and will continue to be a focus for staff in the short to medium term as detailed in the report on this matter to the April 2017 Ordinary Council Meeting.



Engagement on these matter is also undertaken through the Construction Industry Action Group.

**Planning & Policy Implications**

There are no planning and policy impacts.

**Financial & Economic Implications**

This report does not have direct financial or economic implications. However, monitoring the performance of the development assessment system is an important undertaking given the role of development regulation in the broader economy and the need to minimise costs to business and the community in managing development.

**Attachments**

Nil

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Item: 09.17

Subject: NOTICE OF MOTION - BY ELECTION FOR POPULARLY ELECTED  
MAYOR - SECTION 276 (2) OF THE LOCAL GOVERNMENT ACT,  
1993 - DETRIMENT TO SITTING COUNCILLOR CANDIDATES

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

### RECOMMENDATION

That Council request the General Manager:

1. Finalise a letter from Council (utilising the draft letter shown below as guidance) and then send the letter to the NSW Minister for Local Government, Gabrielle Upton MP and the Acting Chief Executive of the NSW Office of Local Government, Tim Hurst with a copy of the letter as sent to be copied to:
  - a) Premier of NSW, Gladys Berejiklian MP
  - b) Leader of the Opposition, Luke Foley MP
  - c) Shadow Minister for Local Government, Peter Primrose MLC
  - d) Member for Port Macquarie, Leslie Williams MP
  - e) Member for Oxley, Melinda Pavey MP
  - f) Member for Lyne, David Gillespie MP
  - g) Member for Cowper, Luke Hartsuyker MP
2. Issue a general Media Release advising of the dispatch of the letter and providing a copy of the letter as part of the Media Release.
3. Bring back a report to Council at Council's Meeting of 15 November 2017 as to the response(s) generated by such letter from the Minister, Acting Chief Executive, those to whom it was copied and/or any other party that the General Manager feels is particularly relevant.

### Draft Letter for Guidance to the General Manager:

#### *Council Letterhead*

Gabrielle Upton MP  
NSW Minister for Local Government  
GPO Box 5341  
SYDNEY NSW 2001

Tim Hurst  
Acting Chief Executive  
NSW Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

*Dear Minister Upton and Mr Hurst*

BY ELECTION FOR POPULARLY ELECTED MAYOR  
SECTION 276 (2) OF THE LOCAL GOVERNMENT ACT, 1993  
DETRIMENT TO SITTING COUNCILLOR CANDIDATES

*Council recently went through a by election process for a popularly elected Mayor.*

*The by election was held on Saturday 29 July 2017.*

*Concern has been raised at the impact of Section 276(2) of the Local Government Act, 1993 and how the Act, as currently drafted, operates to the detriment of sitting Councillors who wish to run for Mayor as opposed to non-Councillor candidates who wish to run for Mayor.*

*Essentially any sitting Councillors' campaign is overshadowed by the claim that the election of a sitting Councillor, as opposed to the election of a non-Councillor, will commit the Council to another costly by election during the next 3 months.*

*Exactly that situation arose during the recent by election and it was a significant component of a non-Councillor candidate's campaign.*

*During the campaign and in the aftermath of the election, Councillors have advised that many electors indicated that the avoidance of a second by election was a significant consideration for them from both a personal convenience and "cost to Council/the community" point of view.*

*The existence of this inbuilt detriment situation raises valid concerns as to whether this is good public policy in the administration of Local Government in NSW.*

*The concern is that the focus of the electors should be solely on who is the best person for the position, which may not be occurring under the current regime.*

*On that basis, Council seeks the urgent review of the Act to remove this anomaly and restore the equality of status of sitting Councillor candidates verses non-Councillor candidates.*

*Some ideas floated are:*

- (a) amend Section 276(2) so that it does not apply to a by election for a popularly elected Mayor. A sitting Councillor who wishes to run for Mayor can also resign (if so minded) with the by election then to be for the Mayor and a Councillor. The risk to the resigning Councillor is that he/she may be unsuccessful and will no longer be on Council. That is his or her prerogative;*
- (b) amend the Act to make it clear that in a by election for a popularly elected Mayor, where a sitting Councillor is elected, the non-Councillor candidate for Mayor who has the highest vote of such a non-Councillor candidates, is automatically elected as a Councillor; or*
- (c) amend/fine tune Section 291A of the Act so that it will apply to a by election for a popularly elected Mayor using the optional preferential voting system within 30 months after the date of the last ordinary election of Councillors and where a sitting Councillor is elected Mayor in such a by election, the countback arrangements detailed in Section 291A(4) of the Act will apply.*

*Council appreciates that there may be other practicable "solutions" available which may be put forward by the NSW Office of Local Government.*

*It is expected that an update Report will be put before Councillors at Council's Meeting of Wednesday 15 November 2017 and if your response could be with Council by Wednesday 1 November 2017, that would be helpful.*

*A copy of this letter has also be forwarded to:*

- *The Premier;*
- *The Opposition Leader;*
- *The Shadow Minister for Local Government;*
- *The Member for Port Macquarie;*
- *The Member for Oxley;*
- *The Federal Member for Lyne; and*
- *The Federal Member for Cowper.*

*This letter has been forwarded pursuant to a resolution of Council carried at its Meeting of 16 August 2017.*

*If you require anything further, please contact the undersigned.*

*Yours faithfully*

*Craig Swift-McNair  
General Manager*

**Comments by Councillor (if provided)**

Good public policy dictates that in any Local Government election (including a by election for a popularly elected Mayor) the primary goal should be on ensuring that the minds of the electors are focused on who is the best person for the job and the thrust of the Act and resources to be applied so directed.

As currently drafted, the Local Government Act, 1993 has an inbuilt detriment to sitting Councillor candidates who run in a by election for a popularly elected Mayor as opposed to non-Councillor candidates.

The inbuilt detriment is that the election of a sitting Councillor candidate forces the electors back to a further by election for Councillor within the next 3 months.

This inbuilt detriment became a significant issue during the recent Mayoral by election.

I (and other Councillors) have been informed by many electors during and after the campaign that the avoidance of a second by election was a significant consideration to them from both a personal convenience and “cost to Council/the community” point of view.

Council and the community need the best person for Mayor not what some may interpret as the most convenient or cheapest option available.

I believe it is incumbent on Council to point out this inbuilt detriment to the NSW Minister for Local Government and the NSW Office of Local Government based on the practical application of the recent Mayoral By Election and seek the urgent amendment of the Local Government Act, 1993 so that this problem is properly rectified for the future and good public policy enhanced and delivered.

The letter should be copied to the most relevant stakeholders and made publically available through a general Media Release.

**Attachments**

Nil



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Item: 09.18

Subject: NOTICE OF MOTION - ICT STRATEGY

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

#### RECOMMENDATION

That Council:

1. Request the General Manager provide a further update to the October 2017 meeting on the ongoing implementation of Council's ICT Strategy, with a particular emphasis on the expected flow of efficiency benefits to Council's operations in the remainder of the current term of this Council.
2. Noting that other new significant Council Strategies, such as the EDSG are updated six monthly, request the General Manager provide further updates on progress made and efficiencies gained at regular 6 monthly intervals in February and August of each calendar year until (and including) August, 2020.

#### Comments by Councillor (if provided)

In December, 2016 I asked for a report on the implementation of Council's (then new) ICT Strategy. The requested report was presented to Council in March, 2017. At that time, in seeking the report I provided the following comments by way of introduction.

*"Under the years council functioned under an Administrator, the ICT area of operations was severely cut back and, as a consequence, council has long laboured under old systems, outdated infrastructure and software programs that did not efficiently and effectively interact with each other, much less seamlessly integrate. Furthermore, council's IT systems & architecture "hangover" has severely hampered the much needed move towards greater cloud based, mobile computing applications.*

*In 2015 - 2016 council finalised a new strategy to deal with this issue and the implementation of the strategy has now benefited from stage 1 of an ongoing program of significant investment - both in terms of staff, dollars and organisational prioritisation.*

*The primary reason underlying the above is that ICT is - rightly - seen as one of the most critical enablers of council's drive to achieving greater efficiency and return for the ratepayers buck.*

*In this context, I am seeking from the report:*

1. A general overview of the critical issues identified



2. *Details of the steps taken to date to address those issues*
3. *A summary of the current issues being addressed (and/or scheduled to be addressed) in the current financial year and in 2017/18*
4. *A high level, strategic summary of the key anticipated issues likely to be addressed over the remaining term of the current council.*
5. *Lastly, a summary of the anticipated key efficiencies and overall benefits that are expected to flow from these initiatives.”*

The report provided in March 2017 went as far as it could at the time. However, since March much has happened and, in particular, the management contract with the key ICT vendor “Civica” has at long last finished, and this, along with several other key initiatives has meant that council’s ICT Strategy is at last being implemented on multiple fronts and it is my firm belief that identifiable efficiencies will start to flow.

My purpose in requesting this review (and regular, subsequent half yearly updates) is to ensure that not only is the momentum maintained, but that it is visible to all through regular updates on progress made and efficiencies actually gained. As ICT is the key “enabler” of lifting efficiency in almost every aspect of council’s operations, it is absolutely essential that we do not lift the foot off the pedal.

Lastly, much very good work has been done over the past few years by staff and Councillors alike in putting our ITC on the sound footing that it is today, and it is critical that we do not change course or priorities as we reach the tipping point in reaping the efficiencies & cost savings that are about to start flowing.

**Attachments**

Nil

# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

- Community hubs that provide access to services and social connections
- A safe, caring and connected community
- A healthy and active community that is supported by recreational infrastructure
- A strong community that is able to identify and address social issues
- Community participation in events, programs, festivals and activities

**How we will get there**

- 2.1 Create a community that feels safe
- 2.2 Advocate for social inclusion and fairness
- 2.3 Provide quality programs, community facilities and public spaces, for example, community halls, parks and vibrant town centres
- 2.4 Empower the community through encouraging active involvement in projects, volunteering and events
- 2.5 Promote a creative and culturally rich community

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**Item: 10.01**

**Subject: REGULATORY ENFORCEMENT POLICY - RESULT OF PUBLIC EXHIBITION**

**Presented by: Development and Environment, Matt Rogers**

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### **Alignment with Delivery Program**

2.1.3 Conduct regulatory and educational activities which safeguard public and environmental health, and ensures compliance with planning and building standards.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Regulatory Enforcement Policy.**
- 2. Rescind the Enforcement of Unlawful Activity Policy and the Compliance Procedure.**

### **Executive Summary**

A review of the current policy and procedure regarding regulatory enforcement commenced in late 2015 in conjunction with the Council-wide Services Review.

At the same time, a number of state government agencies such as the Independent Pricing and Regulatory Tribunal (IPART) and the New South Wales Ombudsman's Office issued guidelines for councils on "best practice" in regulatory enforcement.

As a result, a new Regulatory Enforcement Policy was drafted taking into account the recommendations of IPART and the Ombudsman's guidelines, and incorporating a risk management approach to ensure the optimum allocation of Council resources to the investigation of complaints and regulatory operations.

The draft policy, which supersedes the current *Enforcement of Unlawful Activity Policy* and the *Compliance Procedure* was publicly exhibited following the June 2017 Ordinary Meeting of the Council.

No submissions were received from the community.

### **Discussion**

Both the IPART and the Ombudsman's Office papers recommended that government regulatory agencies should implement enforcement policies and procedures which target unlawful activity based on assessed risks to the community and proportionate to patterns of non-compliance.

The response to more significant complaints is often affected by the number of minor complaints received by Council regulatory staff relating to relatively minor issues such as boundary disputes, and noise and storm water complaints. Attending to these often ties up valuable staff and financial resources thus reducing the time available to address higher risk matters on hand. A matrix of proposed risk ratings of various compliance matters received by Council was incorporated into the draft Regulatory Enforcement Policy.

At its Ordinary Council Meeting held on 21 June 2017, Council resolved:

*RESOLVED: Hawkins/Dixon*

*That Council:*

- 1. Place the draft Regulatory Enforcement Policy on public exhibition between 28 June to 25 July 2017 (28 days).*
- 2. Place on public exhibition from 28 June 2017 to 25 July 2017 (28 days) its intention to rescind the 'Enforcement of Unlawful Activity Policy' and the 'Compliance Procedure'.*
- 3. Note that a further report will be tabled at the August 2017 meeting of Council detailing the submissions received from the public during the exhibition period.*
- 4. Amend the subject heading for Item 10.01 to 'Regulatory Enforcement Policy – Draft'.*

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

The proposal was publically exhibited between 28 June and 25 July 2017. The community were invited to review the policies and make submissions via advertisements in local papers and on the Port Macquarie-Hastings Council "Have Your Say" Website. Copies of the policies were also available at the three Council offices in Port Macquarie, Wauchope and Laurieton.

At the conclusion of the exhibition period, no submissions were received.

### **Options**

1. Approve the draft Regulatory Enforcement Policy and the rescission of the Enforcement of Unlawful Activity policy and the Compliance Procedure.
2. Not approve the draft policy and refer it back for further amendment and/or public consultation.

### **Community Engagement & Internal Consultation**

The review of current policy and procedures and the drafting of the proposed new Regulatory Enforcement Policy overseen by an internal Reference Group comprising of a cross-selection of managers from areas within the Council which have significant community contact.

External consultation was conducted with a number of councils of similar scale to Port Macquarie-Hastings as well as the New South Wales Ombudsman's Office, Fair

Trading New South Wales and the New South Wales Environmental Protection Authority.

Councillors were briefed on the project and the proposed move to a risk-based enforcement regime in May 2016.

As noted above, the proposal was publically exhibited between 28 June and 25 July 2017. The community were invited to review the policies and make submissions via advertisements in local papers and on the Port Macquarie-Hastings Council "Have Your Say" Website. Copies of the policies were also available at the three Council offices in Port Macquarie, Wauchope and Laurieton.

At the conclusion of the exhibition period, no submissions were received.

**Planning & Policy Implications**

Adoption of the new Regulatory Enforcement Policy and rescission of the Enforcement of Unlawful Activity Policy and the Compliance Procedure will be a change in Council's policy position. Adoption and implementation of the policy and risk-based prioritisation of complaints is expected to realise significant efficiencies with investigations conducted by Council's regulatory staff.

**Financial & Economic Implications**

Implementation of the policy is expected to ensure financial resources are better allocated to the investigation of complaints and issues of higher risk to the Council and the community.

**Attachments**

1 [View](#). Draft Regulatory Enforcement Policy

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**Item: 10.02**

**Subject: COASTAL WALK MASTER PLAN**

**Presented by: Development and Environment, Matt Rogers**

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### **Alignment with Delivery Program**

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

### **RECOMMENDATION**

#### **That Council:**

- 1. Place the draft Coastal Walk Master Plan public exhibition for 28 days from 23 August to 19 September 2017.**
- 2. Note that a report will be presented to the October 2017 Council meeting including the submissions received, any proposed changes to the Master Plan and an Implementation Plan.**

### **Executive Summary**

The Coastal Walk is a 9km scenic walking trail that travels from Westport Park, through the CBD to Tacking Point Lighthouse. It is an important and much loved asset for both visitors and the Port Macquarie Hastings community.

Sections of the Coastal Walk have deteriorated in recent years and are becoming tired and worn. Some sections of the path are uneven and narrow and furniture, signage, steps and balustrades are mismatched, non-compliant, degraded and non-existent in some areas. Key viewpoints are overgrown and wayfinding is confused.

The development of the Port Macquarie Coastal Walk Master Plan is a current Operational Plan action (2.3.4.2).

Community input was sought from 9 June to 30 July 2017 to inform the development of the Coastal Walk Master Plan. A total of 64 submissions were received. 16 themes emerged from this engagement.

The draft master plan has been developed with consideration given to community feedback provided through the initial engagement process.

Sections of the Coastal Walk that have already been master planned and adopted by Council are:

- The Foreshore Walk (from the Buller Street Bridge to the end of the Breakwall at Town Beach)
- Town Beach Master Plan
- Tacking Point Master Plan.



These areas have been excluded from this plan. This Master Plan focusses on the main off-beach sections of:

- Westport Park
- Charlie Uptin Walk
- Doctors Walk
- Kenny Walk.

Development of a Master Plan for Flynn's Beach, a current operational plan action (2.3.2.4), will commence shortly.

Key initiatives of the master plan include:

- Widening the path and repaving through highly used areas
- Planning for footpaths on both sides of Pacific Drive to improve connectivity to the Coastal Walk
- Implementation of the Wayfinding Signage Strategy
- Preparation of an Interpretation Signage Strategy
- Install consistent furniture and treatments using durable coastal materials such as local stone, hardwood timber and stainless steel.
- Repairs to pathways, steps and balustrades to meet Australian Standards for Walking Tracks and Accessibility
- Investigate incorporation of artwork into each stage of development.
- Protect natural environment during any works: bolster native vegetation, remove weeds, protect endangered ecological communities and protect fragile geology.

A number of challenges existing for the implementation of these initiatives including the presence of naturally occurring asbestos, unstable geology and endangered ecological communities.

### **Discussion**

The Coastal Walk is a scenic walking trail that extends from Westport Park to Tacking Point Lighthouse. Trip Advisor ranks the Coastal Walk as number one out of 63 activities for visitors to do in Port Macquarie and a 2015 survey found that one third of visitors (approximately 500,000) enjoy the walk each year.

As Port Macquarie's population continues its high growth rate the Coastal Walk is struggling to cope with the ever increasing numbers of users due to its narrow path and aging infrastructure. Pinch points are creating safety issues as multiple users at peak times compete to negotiate the path at corners, boardwalks and bridges.

Port Macquarie is currently home to IRONMAN Australia, Beach to Brother Marathon, Sandmudder and several running festivals. These events contribute \$9.5 million per annum to Port Macquarie's tourism sector in out-of-season periods and the Coastal Walk is a key route for training for the events and for the events themselves.

A number of challenges existing for the implementation of these initiatives that will make the works more expensive and time consuming including:

- Working in areas of endangered ecological communities including Coastal Headland Brushbox Littoral Rainforest, Lighthouse Gully Littoral Subtropical Rainforest Complex and Themeda Headland Grassland.
- Excavation is severely limited by the presence of naturally occurring asbestos throughout the area and steep unstable geology.
- Access for construction vehicles and import of materials such as hot mix and concrete is severely limited.
- Heavy pedestrian use means that closure of sections of track for long periods will not be well received by the public.
- Materials for upgrades need to be carefully selected to cope with the harsh, corrosive coastal environment.

Initiatives proposed in the draft Coastal Walk Master Plan are listed below. The draft master plan is an attachment to this report which provides more detail on the locations of recommended changes.

INITIATIVE	OUTCOME
<b>WHOLE OF COASTAL WALK</b>	
1. Construct a footpath along both sides of Pacific Drive where possible.	Provides important pedestrian linkages to and from the Coastal Walk, car parking and destinations along the route. This also provides alternative routes where the Coastal Walk travels along the beach.
2. Install a suite of Wayfinding Signage.	Provides wayfinding for visitors and locals clearly defining the Coastal Walk as an entity. Builds from Wayfinding Signage Strategy currently under development.
3. Prepare an Interpretive Signage Strategy.	There is a wide mix of signage across the Walk that is confusing and less aesthetically pleasing than it could be. A strategy will allow for consolidation of existing signage and guide future sign installations.
4. Install consistent furniture and treatments using durable coastal materials such as local stone, hardwood timber and stainless steel.	Provides a consistent look and feel, robustness, low maintenance and longevity.
5. Repair pathways, steps and balustrades to meet Australian Standards for Walking Tracks and Accessibility.	Provides a safer walking experience for users.
6. Investigate incorporation of artwork into each stage of development.	Provides intrigue and delight on the journey.

INITIATIVE	OUTCOME
7. Protect natural environment during any works: bolster native vegetation, remove weeds, protect endangered ecological communities and protect fragile geology.	The natural quality of the Walk is highly valued and contributes to the beauty and delight experienced on the Walk.
<b>DETAIL PLAN 1 WESTPORT PARK</b>	
1. Remove paver pathway and replace with 3m wide coloured concrete path. Move path away from playground fence and locate closer to the river.	New pathway is wider and facilitates shared use by pedestrians and cyclists. Easing it away from the playground fence allows for market setup either side of the path.
2. New path along frontage of car park.	Provides accessible link from car parks onto Coastal Walk path.
3. Remove earth berm.	Berm is currently difficult to maintain and impacts on event set up and reserve use. E.g. Foreshore Markets.
4. Upgrade section of vertical seawall from boat ramp to stormwater pipe including access ramp.	Provides improved access to small beach that forms between boat ramp and stormwater pipe.
5. Upgrade stormwater infrastructure and improve drainage.	Improves usability of the park after rainfall and upgrades infrastructure before installation of new path.
6. Install pole lighting incorporating additional power outlets.	Improves security and safety. Power outlets improves flexibility for events.
7. Install major track head with seating, bubbler, bike racks and signage.	Signifies start of Coastal Walk and will improve the user experience.
8. Upgrade rock seawall.	Stabilises park edge.
9. Investigate linkage through car park and around to Buller Street Bridge.	Provides key link into CBD.
10. Include seating areas.	Provides opportunities for respite and passive recreation improving the user experience.
11. Plant more shade trees.	Provides shade and shelter to the Coastal Walk and general park areas to encourage usage

INITIATIVE	OUTCOME
<b>DETAIL PLAN 2 CHARLIE UPTIN SECTION</b>	
1. Redesign and rebuild deck and stairs at the Marine Rescue Building.	Upgrades highly used destination along the Coastal Walk that is currently in poor condition.
2. Install typical track head with seating, bubbler, bike racks and signage.	Signifies important node of Coastal Walk and provides a map showing walking and destination options.
3. Flatten/regrade grassed area and edge with low stone wall.	Provides more usable green space at this highly used location.
4. Widen path to 2.2m where possible and pave with concrete. Upgrade balustrades.	This is one of the most highly used sections of the Coastal Walk. Path widening will accommodate increasing use by visitors and the community.
5. Replace beach access stairs to be in accordance with Australian Standards.	Improves access to the beach and meets compliance requirements.
6. Reinforce Casuarina edge planting.	Casuarinas on northern edge provide shade and stability to the slope. More plantings provide for succession.
7. Upgrade bridge to Flagstaff Hill.	Bridge is in poor condition and requires repairs.
8. Selectively prune vegetation to open up views from the Flagstaff lookout.	Improves views from key lookout.
9. Remove existing non-compliant stairs and rebuild ramped pathway to Oxley Beach.	The network of paths in this location is confusing for wayfinding. Simplifying paths and redesigning improves accessibility and connections.
10. Pave link from access ramp to Oxley Beach to Coastal Walk.	Provides missing link from car parks on Pacific Drive to Coastal Walk.
11. Install footpath connections along William Street and Pacific Drive to create a loop walk with the Coastal Walk.	This connects 3 main lookouts: Gaol Point, Flagstaff and a new lookout travelling past existing monuments. The loop is enlarged when Mrs Yorks Woodland Walk from Allman Hill is complete in 2017/18.
12. Construct a new lookout above the Marine Rescue building.	This lookout will provide an added destination on the proposed loop walk with views of distant mountain ranges to the north and along Town Beach and the breakwall.

INITIATIVE	OUTCOME
<b>DETAIL PLAN 3 DOCTORS WALK SECTION</b>	
1. Install typical track head with seating, bubbler, bike racks and signage at both ends of the Doctor's Walk (Oxley Beach and Windmill Hill).	Signifies important nodes of Coastal Walk and provides a map showing walking and destination options. Other improvements improve the user experience.
2. Replace path with boardwalk at section where poor drainage inundates path.	Improves accessibility and user safety.
3. Install 2 small lookouts and additional seating.	Provides rest stops with scenic views.
4. Widen path to 2.2m where possible and pave with concrete; upgrade balustrades.	A wider, concrete path allows for a range of individuals, dog walkers and groups as well as increased usage into the future.
5. Replace stairs to Windmill Hill.	Improves accessibility and upgrades these stairs currently in poor condition.
<b>DETAIL PLAN 4 KENNY WALK SECTION</b>	
1. Install typical track head with seating, bubbler, bike racks and signage at both ends of Kenny Walk (Nobbys Beach and John Downes Park). Remove excessive signage at the Nobbys Beach car park and include dog bowl and bag dispenser.	Signifies important nodes of Coastal Walk and provides a map showing walking and destination options. Other improvements improve the user experience.
2. Install a new formal track and stair to the memorial on The Nob with new lookout at highly used vantage point.	Provides improved access to this well used route with stunning views.
3. Upgrade memorial on The Nob with paving, seating and selectively cleared vegetation to improve views.	Provides a more fitting setting to the memorial with stunning views.
4. Upgrade stairs and handrail to Nobbys Beach from car park.	Provides improved access to this highly used beach.
5. Install paths around the outside of the car park.	Provides clear route to continue along the Coastal Walk away from reversing vehicles.



INITIATIVE	OUTCOME
6. Widen path to 2.2m where possible and pave with concrete or bitumen, upgrade balustrades.	A wider, paved path allows for a range of individuals, dog walkers and groups as well as increased usage into the future.
7. Install new seating areas.	Provides areas for rest and passive recreation.
8. Add a footpath to John Downes Park along Pacific Drive.	Links the Coastal Walk to this popular park and playground.
9. Add a footpath along Pacific Drive travelling south to Harry's Lookout.	This provides an alternative route when north Shelly Beach is inaccessible due to high tides.

As a part of the exhibition period for the draft Master Plan scheduled for 23 August to 19 September 2017, it is recommended that the community be asked to provide their top 5 priorities out of the plan. This will guide prioritisation of the initiatives for the development of an Implementation Plan to be presented to the October 2017 Council meeting.

### Options

Council has the option to:

1. Accept the recommendations as listed,
2. Propose an amendment to the recommendations or,
3. Propose an alternative recommendation.

### Community Engagement & Internal Consultation

Community input to the Coastal Walk master plan was open from 9 June to 30 July 2017. A majority of the Coastal Walk submissions were received through the Have Your Say website.

Eight signs were placed along the walk informing the public about the proposed master plan and seeking their input. They were directed to customer service, email or the web site to lodge a submission. A survey was included on Have Your Say that asked four questions; how do you use the Coastal Walk; what is your favourite section; what could be improved; and any other comments.

Two Facebook posts were made to encourage the community to lodge their comments. The first one on 2 May received 152 reactions, comments and shares and reached 6856 people. The second one on 25 June received 31 reactions, comments and shares and reached 2645 people.

The Port Macquarie News published three stories: 5 April "Funding bid for Port Macquarie Coastal Walk Upgrades", 22 May "Have your say on our Future of our Coastal Walk" and 6 July "Port News poll reveals that we love the Doctor's Walk".



Comments are summarised in the attached document. A summary of the results of the Have Your Say engagement tool are below. There were 498 total visits to the Coastal Walk page which made it the third most popular project we have engaged on last financial year. 61 surveys were completed and 184 people downloaded and viewed the walking trail map.

### Visitors Summary



Separate consultation was undertaken with the Foreshore Market manager to discuss proposed changes to Westport Park to be undertaken this financial year. This discussion provided valuable information about how the changes can work with the Foreshore Markets and other large events.

Birpai Local Aboriginal Land Council supports the upgrade to the Coastal Walk. Due to the local Aboriginal community's strong connection to this walk and our coastline, Council plans to continue to engage local Aboriginal artists and the wider Aboriginal community in the infrastructure upgrades that the funding proposal highlights.

NSW National Parks and Wildlife provided response to the community submissions that related to their section of the walk. They are positive about the development of a master plan and are interested in working together on consistent signage and furniture.

Internal engagement with Council staff has also been undertaken. A lunch time talk was conducted to obtain internal staff views.

Specific engagement has been undertaken with staff from the following sections; Environmental Services, Economic Development, Community Engagement and Planning, Infrastructure Development and Transport and Stormwater. These staff members will be further engaged on the draft master plan.

A total of 16 clear themes emerged from the community engagement. These are listed below.

#### 1. Access to North Shelly Beach

A total of 19 respondents (30%) raised the issue of poor access to the northern end Shelly Beach.

Access options to the northern end of Shelly Beach have been explored by Council in detail in the past.

A report was presented to the Ordinary Meeting held on 16<sup>th</sup> April 2014 and Council resolved:

*13.04 NORTH SHELLY BEACH PEDESTRIAN ACCESS*

*RESOLVED: Turner/Cusato*

*That Council:*

- 1. Note the information included within this report*
- 2. Given the risks and design issues detailed in the report, adopt the Pacific Drive shared walkway/cycleway as the preferred option to address the existing access issue at North Shelly Beach.*
- 3. Consider allocation of funding for the preferred design option in future budget cycles.*

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

As a result, Council completed detailed designs in 2014 for the upgrade of Pacific Drive between Leanda Street and Parklands Close, including the provision of a shared path. Funding has not been allocated to these upgrade works due to other higher priority projects across the Local Government Area. This project has not been listed in Council's four year delivery plan. However, options and priorities will be reviewed as a part of the Coastal Walk master plan given the community concern that has been expressed.

2. Bubblers and dog bowls to be added to bottle filling stations

A total of 7 submissions suggested that the existing bottle filling stations should include a bubbler and/or dog bowl. As various sections of the walk are upgraded, this will be considered.

3. Miners Beach - Nudist Beach

8 submissions mentioned that the nude beach was a deterrent to users especially those with children. Some reported some offensive and intimidating behaviour.

The area of Miners Beach below the mean high water mark is under Crown Land ownership and managed by Port Macquarie-Hastings Council. Above the mean high water mark is the remit of NSW National Parks and Wildlife Service. At this stage there is no plan to remove nude bathing from Miners Beach by any organisation.

Any illegal behaviour is a Police matter and should be reported as such.

These issues will be shared with Crown Lands and NSW National Parks for their attention.

4. Repair of eroded section on northern end of Doctors Walk

Works have commenced to address this area. It is likely to be a priority identified in

the master plan.

5. Re-establishment of historical tracks

Some submissions mentioned the formalisation of old tracks or existing informal routes. These included the old track along the top of Shelly Beach, the tracks down to Rocky Beach and a track above Miners Beach.

The re-establishment of historical tracks within NSW National Parks and Wildlife Services areas is not supported. The Plan of Management for Sea Acres states that the main (Tuppeny Road) track will be closed and revegetated. It is likely that most other informal tracks (e.g. down to Rocky Beach) will be closed to protect the delicate coastal ecosystems and to maintain safety. Where possible these will be revegetated.

The old track along the top of Shelly Beach contains 2 endangered ecological communities: Lighthouse Gully Littoral Subtropical Rainforest Complex and Coastal Headland Brushbox Littoral Rainforest. Incursion into these communities would have adverse effects and cannot be justified when an alternative route (along the beach or proposed footpath along Pacific Drive) is available.

6. Dangerous access from steps onto Tuppeny Road and walking along Tuppeny Road

It is acknowledged that this is a key obstacle to safe movement along the Coastal Walk. It will be identified as a high priority to be addressed in the master plan for Flynn's Beach to be prepared this financial year. Pedestrian access from Tuppeny Lane to the beach will also be addressed in this master plan.

7. Accessibility - disabled, prams, bikes

A total of 10 submissions were received about disabled access, or access for bikes and prams.

Many sections of the Coastal Walk are inaccessible by wheeled transport due to the topography. The installation of ramps would require significant earthworks and removal of large amounts of vegetation which would impact greatly on the delicate ecology and intrinsic amenity values of the area. Where the topography allows (e.g. Westport Park to Flagstaff) improvement to the surface and removal any obstacles can be undertaken. The map brochure can also be updated to ensure it reflects accessible areas including disabled parking.

Staff will engage with the Access Committee regarding the draft master plan during the exhibition period. Engagement with the Committee will also be undertaken at subsequent detailed designs stages as the master plan is progressively implemented.

The section of path from Westport Park to Town Beach will be the only section accessible by bikes. All other sections have steps and are too narrow to be shared between pedestrians and bicycles.

8. Footpath on Lighthouse Road

Six submissions requested the addition of a footpath on Lighthouse Road.

Council completed detailed designs in 2016 for the upgrade of Lighthouse Road, including the provision of shared paths and other pedestrian amenities. However,

funding has not been allocated to these upgrade works due to other higher priority projects across the local government area. The entire road has to be upgraded in order to provide the required path upgrades due to the limited space within the road boundaries. While this project has not been listed in Council's four year delivery plan, it will continually be reassessed against other priorities.

9. Footpath on Settlement Point Road

Three submissions requested a footpath on Settlement Point Road.

The Coastal Walk master plan extends from Westport Park to Tacking Point and does not include consideration of Settlement Point Road at this stage.

The need for improved pedestrian amenity along Settlement Point Road has previously been raised with Council through the Settlement Point Progress Association. Council allocates priorities to new footpath works on the basis of safety, identified need, constructability, completing missing links and aligning to Council's Pedestrian Access and Mobility Plan. The request for a footpath along Settlement Point Road has been added to our internal request list for further consideration and prioritisation against all other requests.

10. Keep it natural

Seven people expressed concerns about the potential to overdevelop the Coastal Walk and that it should be kept as natural as possible or not changed.

It will be important to retain the natural setting of the Coastal Walk as this is a key attractant. This will be balanced with the need to raise the standard of the surface of the track to improve safety and accessibility. The track will be widened through highly used areas only.

11. Dog usage

There were disparate views expressed about dog usage (6 submissions received). Most were concerned about unauthorised dog off leash activities. Some wanted greater allowance for dogs on the track.

The Coastal Walk travels through a number of environmentally sensitive areas that could be adversely affected by the presence of dogs. Council recognises the need and benefits of dog owners and their pets to be able to access and use public open space areas. Council also needs to take into account the other users of such areas and environmental considerations. Note that no dogs are permitted in the NSW National Parks section of the Coastal Walk (between Shelly Beach and Tacking Point Lighthouse).

Additional dog off leash areas are proposed for Port Macquarie and Wauchope in the coming years. It is considered that access to open spaces area for dogs and owners is quite adequate and will improve as the planned off leash areas are developed.

12. Add sections of footpath along Pacific Drive to improve accessibility and provide alternative routes e.g. to Miners nudist beach or on-beach sections

Nine submissions mentioned that alternative routes along Pacific Drive would benefit less abled bodied users and would provide alternatives to on-beach sections and Miners Beach.



There are many unique vegetation communities along the Coastal Walk which limit the establishment of new paths through the bush. However, the addition of footpaths along Pacific Drive, where feasible, will provide alternative routes and assist people to get onto the Coastal Walk.

Council is aware of the needs of pedestrians and the benefits derived from the construction of footpaths. Accordingly, Council has allocated funding in its annual budget for the construction of new footpaths.

Priorities for new footpath works are determined on the basis of safety, construction cost, traffic volumes on adjacent roads, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.

Council has a Pedestrian Access and Mobility Plan (PAMP) for the Port Macquarie Area. It assists Council in the strategic planning of pedestrian facilities by identifying priority locations for improvements.

While additional footpaths along Pacific Drive are not currently listed on the PAMP, they will be considered as a part of future planning.

**13. Suggestions for changes within the NSW National Parks and Wildlife Service (NPWS) Area e.g. around Sea Acres and Miners Beach**

The 9 suggestions received for changes within the NSW National Parks and Wildlife Service area. These include work to the access track to the northern end of Little Bay, reinstatement of tracks above Miners Beach and maintenance to steps from Miners Beach to Lighthouse Road.

NSW National Parks advise that they have identified the eroded section of the track at the end of Little Bay as a priority for repair. Improved access over the rocks on Miners Beach will be investigated. NPWS has identified the condition of the Middle Track steps numerous times in funding bids and will continue to raise the issue.

The Sea Acres Plan of Management states that the track that runs above Miners Beach (the Tuppeny Road) will be closed and revegetated.

**14. Lighting**

A total of 5 submissions were made requesting lighting along the track.

Lighting is included in the plans for the Westport Park to Town Beach sections and will be added to other key nodes such as Flynn's Beach. No other parts of the Coastal Walk will be lit due to impacts on wildlife and the high capital and maintenance requirements of lighting. The focus will be on track improvements and additional items of amenity.

**15. Signage, seating, public art**

A number of people requested more interpretive and wayfinding signage, seating at key vantage points, BBQs, picnic settings and public art. One person specifically requested that there are no new sculptures installed.

Interpretive signage will require a separate study to develop themes and an integrated approach. A wayfinding signage strategy is currently under development. This planning will ensure that there is not a proliferation of signage.

After the wayfinding signage strategy has been adopted by Council, signage can be installed as sections of the walk are upgraded.

Any public art proposed will be integrated carefully into infrastructure to fit with the natural environment and available spaces.

#### 16. General maintenance

There were a few comments about the need to increase maintenance e.g. erosion and weed control.

These areas will be reviewed and addressed on a case by case basis. They will be prioritised within the Master Plan with other proposed improvements.

### **Planning & Policy Implications**

The submissions have been considered throughout the master planning process as noted in the discussions section.

The draft Master Plan is consistent with Crown Lands Plans of Management associated with Westport Park and Hastings Regional Crown Reserve Precinct 'A'.

### **Financial & Economic Implications**

The following funds are available this financial year for the Coastal Walk:

- \$157,000 carried forward from the 2016/17 financial year for general Coastal Walk upgrades (2.3.4.2)
- \$120,000 allocated to the Flagstaff Hill Reserve walkway renewal (2.3.3.8 CW)
- \$375,000 allocated to the Westport Park river wall and pathway (2.3.3.13 CW)

The results of applications for the coastal walk through 2 grant funding programs are outstanding. These are Building Better Regions Fund seeking \$750,000 (Town Beach to Oxley Beach) and the Public Reserves Management Fund Program seeking \$329,000 (Westport Park).

Once adopted, master plan will provide guidance on the application of these funds. The master plan will also guide future Council funds allocation and grant applications.

### **Attachments**

1 [View](#). Draft Port Macquarie Coastal Walk Master Plan

2 [View](#). Coastal Walk Master Plan Summary of Submissions



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**Item: 10.03**

**Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - MAY 2017 MEETING**

**Presented by: Strategy and Growth, Jeffery Sharp**

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### **Alignment with Delivery Program**

2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle.

### **RECOMMENDATION**

**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 Morgan Jean be granted the amount of \$350.00 to assist with the expenses he will incur travelling to and competing at the 2017 Pacific School Games (Swimming) to be held in Adelaide from 1 – 10 December 2017 inclusive.**
- 2. That Wauchope High School's, Girl's Rugby Team be granted \$350.00 to assist with the expenses they will incur travelling to and competing at the NSW CHS School State Rugby 7's Championships to be held in Sydney on 9 August 2017.**
- 3. That Sam Cobourn be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the 14<sup>th</sup> World Wusu Championships in the sport of SANDA (Chinese Kung Fu Free-Fighting) to be held in Kazan, Russia from 26 September – 3 October 2017 inclusive.**
- 4. That Mitchell Evans be granted the amount of \$150.00 to assist with the expenses he will incur as a member of the Under 16's NSW Country Rugby Union Team to compete at various locations during July and August 2017.**
- 5. That Tamika Roach be granted the amount of \$300.00 to assist with the expenses she incurred competing at the State Inter-Schools Dressage Championships, State Youth Dressage Championships, both held in Sydney during June and early July respectively and the State Pony Club Dressage Championships held in Tamworth during July 2017.**
- 6. That Annika Toohey be granted \$500.00 to assist with the expenses she will incur competing as part of the NSW All Schools Girls Hockey Team to compete at the Nationals – Pacific School Games being held in Adelaide from 1 – 10 December 2017 inclusive.**

### **Executive Summary**

The Mayor's Sporting Fund Sub-Committee met on 27 July 2017 and reached consensus on Item 8 (Applications) at the meeting and submits the above recommendation for Council's consideration.

**Attachments**

1 [View](#). Extract from Minutes - item 08 MSF July Meeting

# 3 Your Business and Industry

## What we are trying to achieve

A region that is a successful place that has vibrant, diversified and resilient regional economy that provides opportunities for people to live, learn, work, play and invest.

## What the result will be

We will have:

- A strong economy that fosters a culture supportive of business and ensures economic development of the region
- Townships, villages and business precincts that are vibrant commercial, cultural, tourism, recreational and/or community hubs
- A region that attracts investment to create jobs
- Partnerships that maximise economic return and create an efficient and effective business environment

## How we will get there

- 3.1 Embrace business and a stronger economy
- 3.2 Create vibrant and desirable places
- 3.3 Embrace opportunity and attract investment to support the wealth and growth of the community
- 3.4 Partner for success with key stakeholders in business, industry, government, education and the community

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**Item: 11.01**

**Subject: OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.4 Use procurement, tendering and purchasing approaches that provide best value to the community.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the attached Local Preference Policy incorporating a 5% Notional Price Offset for a 12 month trial period from 1 September 2017.**
- 2. Note that a further report will be tabled providing a result of the trial.**

### **Executive Summary**

A report was provided to the May 2017 Ordinary Meeting of Council which included a draft Local Preference Policy and it was resolved for the policy to be publically exhibited.

The public exhibition process resulted in seven (7) submissions.

It is recommended to adopt and implement the Local Preference Policy to trial for a 12 month period, from 1 September 2017.

A subsequent report will be presented to Council at the end of the trial.

### **Discussion**

At the ordinary Council Meeting on 17 March 2017, Council resolved as follows:-

*09.12 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL  
RESOLVED: Turner/Hawkins*

*That Council request the General Manager develop a draft Local Preference Policy incorporating a 5% Notional Price Offset, to be presented to the April 2017 Ordinary Council Meeting for consideration.*

*CARRIED: 7/1*

*FOR: Besseling, Alley, Dixon, Hawkins, Intemann, Levido and Turner*

*AGAINST: Cusato*

Accordingly, a draft Local Preference Policy was presented to the May 2017 Ordinary Meeting of Council. The Council report is provided at Attachment 1. At the meeting Council resolved the following:

*09.08 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL*

*RESOLVED: Alley/Turner*

*That Council:*

- 1. Continue to implement the currently adopted integrated strategy to support local business.*
- 2. Place the draft Local Preference Policy incorporating a 5% Notional Price Offset, on public exhibition for a period of 28 days from 24 May to 21 June 2017.*
- 3. Request the General Manager provide a briefing to Councillors in August 2017 detailing the submissions received from the public during the exhibition period and a further report to Council.*

*CARRIED: 6/0*

*FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner*  
*AGAINST: Nil*

In terms of the above-mentioned resolutions of Council, staff continue to implement the currently adopted integrated strategy to support local business. Details of actions were included in the report to Council in May 2017 as per attachment 1.

The draft Local Preference Policy incorporating a 5% Notional Price Offset was placed on public exhibition for a period of 28 days from 24 May to 21 June 2017. Seven (7) submissions were received and details of the submissions received are outlined in this report.

A Councillor briefing was provided to Councillors on 2 August 2017 detailing the submissions received from the public during the exhibition period.

This report satisfies the requirement of Resolution 3 above which requires a further report to Council.

Changes have been made to the Policy that was on public exhibition

Ongoing legal advice has been sought with the development of this Policy and this has resulted in further changes.

Changes that have been made to the Policy post public exhibition have resulted in:

- Greater articulation as to when and how the policy will be applied; and
- An expanded definition of a Local Supplier (as outlined below).

Local Supplier Definition

The definition of a local Supplier was provided through legal advice from Lindsay Taylor Lawyers. This is articulated in section 5 of the attached policy:

*A tenderer will be a Local Supplier for the purposes of this Policy if it is a business which:*

- *in the case of a business which has been operating for more than 3 months prior to lodging the relevant tender:*
  - *has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA and has had for the 3 months prior to the lodging of the relevant tender; and*
  - *operates within a market within the LGA and has been doing so for the 3 months prior to the lodging of the relevant tender, or*
- *in the case of a new business which has not been operating for 3 months, has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA, and has been operating or is proposing to operate within a market in the LGA.*

Local Preference Policies.

Local preference policies can operate in a number of ways but generally give advantage to locals over and above other suppliers. For this reason, such policies may be favoured by local suppliers.

Local preference policies however, carry a number of legal risks depending on their nature. In the May 2017 report to Council (Attachment 1), a number of manifestations of a local preference policy were referred to: namely:

- A Notional Price Offset
- Weighted Local Preference/Local Content selection criteria
- Social procurement.

It was considered that a notional price offset, rather than a weighted local preference/social procurement policy is more transparent, more able to be consistently applied and less likely to dissuade suppliers from tendering. On balance, it is therefore considered that of the local preference options, a policy incorporating a notional price offset represents the least risk to Council in comparison to the other forms of an LPP presented in that report.

The main risks to Council from a LPP are:-

- breaches of the obligation under clause 178 of the *Local Government (General) Regulation 2005* to accept the most advantageous tender ie best value;
- breaches of the *Competition and Consumer Act 2010* ie lessening of competition;
- challenges as a result of lack of transparency, consistency and fairness.



Exhibition Period and Submissions

The draft Local Preference Policy was publically exhibited for 28 days between the dates of 24 May to 21 June 2017.

A number of submissions were received during this period and the details of these, and staff responses, are also outlined in the Community Engagement and Internal Consultation section of this report.

A briefing was also held between staff and Councillors on 2 August 2017 to discuss the submissions.

Impacts of Implementation of a Local Preference Policy

Additional to breaches to clause 178 of the *Local Government (General) Regulation 2005*, *Competition and Consumer Act 2009* and challenges to the procurement process, there are a number of implementation risks and potential impediments as a result of implementing a Local Preference policy, these being:

- Additional administration- It is anticipated that additional resources will be required to manage potential risks relating to breaching the *Competition and Consumer Act 2009*, this includes checking submissions in relation to whether the submission is from a local.
- Delays to procurement - It is anticipated that more rigour will be required during procurement planning to complete market analysis and determine the impact local preference factors will have on the market, so as to not breach the *Competition and Consumer Act 2009*. This will have an effect of placing more lead time (and/ or costs) on procurements and projects that include procurement activity.
- Review of accompanying policies, procedures and templates - The procurement plan and tendering documentation will be updated for the implementation of the Local Preference Policy. Other documentation will be reviewed during the trial period, this includes the Procurement Policy, Purchasing / Tendering Procedures and Statement of Business Ethics (these documents are not inconsistent with the draft Local Preference Policy but as they fall due for review will be updated).

If Council resolves to implement a Local Preference Policy with a trial period of 12 months it is planned for the policy to come in to effect on the 1 September 2017. This will mean any current procurements that have been initiated prior to 1 September 2017 will not have the Local Preference Policy apply to them.

The high level plan of implementation includes:

- Adopt a new Local Preference Policy trial for 12 months- 1 September 2017.
- Implement a revised Procurement Plan and Tendering documentation- 1 September 2017.
- Use the trial period to determine changes required to the Procurement Policy, Purchasing / Tendering Procedures and Statement of Business Ethics.

**Options**

Council has the option to:

- Maintain the status quo, and continue to implement the currently adopted integrated strategy to support local business through Council's purchasing of goods and services; or
- To implement a 12 month trial of the Local Preference Policy incorporating a 5% Notional Price Offset. This trial will take place once Council has adopted the Policy and will enable Council to measure its success during the trial period.
- 
- Give further consideration to the implementation of a weighted local preference/social procurement policy.

**Community Engagement & Internal Consultation**

Internal consultation has been undertaken with:

- General Manager
- Director, Corporate Performance;
- Group Manager, Governance and Procurement;
- Group Manager Commercial Business Units;
- Procurement Operations Coordinator.

The draft Local Preference Policy was publically exhibited for 28 days between the dates of 24 May to 21 June 2017.

A number of submissions were received during this period and the details of these, and staff responses, are outlined below. All persons that submitted a response received a formal acknowledgement letter.

Submission-		Issue
1.	Kellon Beard (New South Wales Business Council)	I believe that the policy as displayed is sound and will work to assist local businesses win work from the Council. Well done.
	Response/ Comment	Council acknowledges your submission and note support for the proposed Policy.
2.	Andy Davis (Director) (Street Wise Road Safety & Traffic Services)	I am in favour of Council giving preference to local businesses, and would support the proposal if it gives locals a better chance of winning Council tenders. I would also like to see this idea expanded and see Council put more civil construction works, civil design and other engineering works out to tender to local companies.
	Response/ Comment	Council acknowledges your submission and note support for the proposed Policy.

		A Local Preference Policy will apply to tenders greater than \$150,000 this will include civil construction works, civil design and other engineering works.
3.	Mark Hughes (Australian Workers Union)	Given the high percentage of current contracts won by local businesses, and the legal advice advising against such a policy, I would oppose it. I fully support local businesses, and want them to succeed, but this policy would offer no financial benefit to our LGA, nor any real advantage to many local businesses. Further, there seems to be no differential between major projects that are labor intensive, compared to a supply only contract (such as stationary etc) where location means very little. There also seems to be no mention of large businesses setting up a small office locally to take advantage of the local benefit. Allowing for a number of contracts of which locals are unable to fulfil, the current practice allows a reasonable advantage for local companies, with direct interaction with the council, and the easy opportunity to attend information sessions. I recommend the proposal be voted down.
	Response/ Comment	<p>Council acknowledges your submission and note your opposition to the proposed Policy. It is also acknowledged that Council does provide many local business and suppliers with contracts and work through its' procurement activities already.</p> <p>A Local Preference Policy introduces both benefits and risks, some of the risks are legislative and relate to the risk of breaching the <i>Competition and Consumer Act 2009</i>.</p> <p>Council would be unable to fully mitigate the risk relating to <i>large businesses setting up a small office locally to take advantage of the local benefit</i>, the legal advice that has been provided is that the best way to do this is to make it very clear in the policy the definition of local business, as highlighted in the revised draft Policy.</p> <p>On balance, it is considered that the revised draft Policy mitigates the legal risks and risks associated with the definition of "local" as much as it reasonably can.</p> <p>Council remains committed to supporting the local economy and enhancing the capabilities of local business and industry. The objective of this Policy is to create a framework that ensures Council gives due consideration to the actual and potential benefits to the local economy of sourcing goods and services where possible, whilst maintaining a value for money approach at all times.</p>

4.	Councillor Peter Alley	<p>Issue #1: As I consider this whole issue more fully, I am more persuaded that the benefit of a local preference policy needs to be on the creation of local jobs. This is slightly different to the proposed policy which has a focus on local business. We want to encourage any and every business that creates local jobs in our region, irrespective of where their registered office is. A focus on jobs also differentiates between a contract which is predominately for the delivery of product with very little actual local content and that of a larger service contract with a large labour component. To that end, I propose that every tenderer, irrespective of where their registered office resides, should state as part of their submission, the estimated number of work hours of Port Macquarie Hastings Council residents in the delivery of the tendered goods and services. This labour component should include any tender submission costs, any sub-contractor costs and any local manufacturing costs and be documented in full. A 5% beneficial tender pricing comparison based on the local labour content only would apply in the consideration of that tender submission.</p> <p>Issue 2: The scenario of a local tenderer being more likely to be selected to supply the council may add up to 5% to the cost to council is well documented in the proposed policy. However, this has the risk of masking a different problem and this is the problem that potential tenderers from out of the LGA may not submit a tender. It is likely that some businesses from outside of our LGA may form the view that they have less chance of being successful due to our local preference policy and decide not to commit their resources in making a tender submission. If that becomes the case, the tendering process as a mechanism of getting the best value is undermined. Our out of LGA tenderer may well have put in a price that would have been 20% less than the other tenderers and consequently council ends up paying 20% more than we otherwise would have. We would be none the wiser that this had occurred. I believe that this would be less likely to occur if a local preference policy was based on the creation of local jobs (as I have proposed above) as this would be inclusive of more businesses. The evaluation of the local preference policy at the end of the trial should look at the number of tender submissions received under the LPP and compare it with similar tenders before the LPP to see whether this may be occurring.</p>
	Response/ Comment	Council acknowledges your submission and comments.



		<p>Consideration of a Policy position to support local business has been in response to a commitment to supporting the local economy and enhancing the capabilities of local business and industry. The objective of this Policy is to create a framework that ensures Council gives due consideration to the actual and potential benefits to the local economy of sourcing goods and services locally where possible, whilst maintaining a value for money approach at all times.</p> <p>In terms of Issue 1, staff have previously considered the application of a policy which would focus on the development of local jobs (through the evaluation process itself). This approach has been the subject of legal advice and found to be a manifestation of a Local Preference Policy. It was considered that a notional price offset, rather than a weighted local preference/social procurement policy is more transparent, more able to be consistently applied and less likely to dissuade suppliers from tendering. On balance, it is therefore considered that of the local preference options, a policy incorporating a notional price offset represents the least risk to Council in comparison to the other forms of an LPP that have been previously considered.</p> <p>In terms of Issue 2, there is certainly validity to the comments made. The application of the Policy may result in Council paying more for goods and services, however it is proposed to mitigate this by the application of a price offset percentage of 5% and a price cap. Furthermore, the draft Policy seeks to ensure that the application of this Policy does not have an adverse effect on competition and does not cause Council to breach its obligations under the <i>Competition and Consumer Act 2010 (CCA)</i>. Greater rigour will need to be applied during procurement planning to ensure that Council is not limiting competition.</p> <p>In the post trial evaluation, the number of submissions received under the LPP in comparison to similar tenders before the LPP can certainly be incorporated.</p>
5.	Malcolm McNeil (McNeil Architects)	<p>Whilst currently travelling overseas I feel somewhat guilty that the money that I have earned in Port Macquarie and has been going around and around in my local community is now in part being spent on the other side of the world. I am consoled by the fact that I am making new friends and encouraging them to visit Australia and Port Macquarie. I am encouraged by proposed POLICY to provide a financial benefit to local tenderers by way of applying a price offset. The next problem will be what defines local.</p> <p>As a local resident that was born in Port Macquarie, I have spent my working life in this community and feel that I cannot be more local than that. In contrast we</p>

		<p>have had instances in the past where a city, national or multi-national firm sets up an office in Port Macquarie just to get a larger project, and thus claims to be local. As soon as the economy slows or they get a better offer elsewhere, they are off to different pastures whilst often leaving a trail of debt within this community. We have seen many instances where council has ended up in dispute with its contractors and I will stand corrected if I am wrong, but the larger number and the larger value of disputes have been with contractors that do not have the local commitment. The larger firms most often have the greater resources to present the more polished sales pitch and when it comes to the services they are totally driven by the dollar without the commitment to the local community.</p> <p>The third issue is that outside firms tend to be larger and have significantly larger resources to devote to preparing submissions that again places the local typically smaller business at a disadvantage. I believe that the price offset proposed should be significantly greater than 5% and would probably be more appropriate at 20%.</p> <p>I am sorry that I have not been able to prepare a more detailed and polished submission on this subject due to skipping between poor internet connections. I would welcome the opportunity to discuss this subject further.</p>
	Response/ Comment	<p>Council acknowledges your submission and note support for the proposed Policy by way of applying a price offset.</p> <p>In terms of the definition of local, Council would be unable to fully mitigate the risk of a <i>city</i>, national or multi-national firm setting up an office in Port Macquarie just to get a larger project, and thus claiming to be local. Having said that, in accordance with legal advice, the definition of a local supplier, including requirements for proof of principal place of business, have been included to ensure that the application of this policy mitigates this risk occurring.</p> <p>Part of Councils existing strategy to support local business includes education and we provide tendering debriefs, supplier forums and tender writing workshops. These are for the purposes of upskilling local businesses to place them more competitively in the market place</p> <p>In terms of the price offset percentage applied, 5% has been identified to assist in mitigating the risk of Council breaching the</p>



		<i>Competition and Consumer Act 2009.</i> The higher the percentage applied, the greater the risk that Council may be lessening competition in the market – which places it at greater risk of a breach of the <i>Competition and Consumer Act 2009</i> .
6.	Russell Wallace (Miedecke Motor Group)	<p>Please find following our company's feedback on the above proposed policy.</p> <p><b>SUMMARY</b></p> <p>The opportunity to provide feedback on the draft Tendering Local Preference policy is appreciated. We strongly support the principle of supporting local businesses to provide wider community benefits, and practice this in our own organisation. Port Macquarie Hastings Council and Miedecke Motor Group have had a long-standing business relationship and we believe that the new policy will strengthen this association and be mutually beneficial. The proposed Tendering Local Preference Policy is endorsed in its current form, i.e. no recommended changes.</p> <p><b>ADDITIONAL INFORMATION</b></p> <p>Andrew Miedecke founded what is now the Miedecke Motor Group in 1982 and built the business from the ground up. While it is now a major regional dealership it is still possible (and encouraged) to speak directly with the owners and senior management, and being a trusted member of the community has always been a core value. The company has always had a strong regional orientation. It employs more than 100 locals and purchases goods and services from a range of other companies in the area. In addition to the financial benefits this provides directly to the local economy, MMG also supports a range of local clubs and charities. The ability to continue providing this assistance is based on having a sustainable business including support from our key customers. We value our partnership with PMHC and always aim to provide outstanding service as well as competitive pricing. The Local Preference Policy provides a means of strengthening the existing relationship in a way that meets the commercial requirements of both parties. The draft policy is concise and unambiguous, and the proposed notational price offset methodology is fair and transparent. We do not propose any changes to the draft version. Again, thank you for the opportunity to provide this feedback. Please let me know if you have any questions regarding our submission or would like any further information.</p>

	Response/ Comment	Council acknowledges your submission and note support for the proposed Policy.
7.	Jamie Harrison (Harelec Solar power Specialists)	Please see my comments on the policy. It is a good first, step and I am in general support of it. The cap of 400000 is reasonable. The percentage given could be lower than 5% but only if council is willing to expose it weightings, in each of its evaluation criteria prior to tendering, it is not against the law and many councils do, this would help local business more than a percentage for local content. Best value for money can only be achieved by an open and transparent tender process, councils tender process is not, no information about tender weighted performance is released to unsuccessful tenders nor is the tender weightings use for the tenders. What would help local business more than a percentage, is to place value on previous tender performance, which council does not. Removing biases and installing independent members to the tender panel would see a better outcome for local businesses.
	Response/ Comment	<p>Council acknowledges your submission and notes your general support for the proposed Policy.</p> <p>For clarification, please be advised that the cap identified in the Policy is \$25,000 and not \$400,000.</p> <p>Your comments in relation to the tendering process at Council are noted.</p> <p>Tendering in local government is regulated and Council also follows the requirements of the <i>Tendering Guidelines for NSW Local Government</i>. These Guidelines must be taken into consideration by all councils when exercising their tendering functions and were prepared to encourage and support best practice procurement within the local government sector.</p> <p>Specific information regarding purchasing at Port Macquarie-Hastings Council can be found on our website at the following link:</p> <p><a href="http://www.pmhc.nsw.gov.au/Business/Supplying-to-Council/Purchasing-Policy-and-Procedures">http://www.pmhc.nsw.gov.au/Business/Supplying-to-Council/Purchasing-Policy-and-Procedures</a></p>

### Planning & Policy Implications

The implementation of the Local Preference Policy will not trigger an immediate change to procurement policies and procedures as the existing wording in the documents are not in conflict with the Local Preference Policy. The review of procurement policies and procedures will occur during or post the trial period.

**Financial & Economic Implications**

The implementation of a LPP poses an additional administrative, process and financial burden on Council with evaluation criteria, evaluation processes, and Council tender reports needing to specifically address how Council is satisfied that it will still select the most advantageous tender when the LPP is applied.

The implementation of a LPP has the potential to add costs to goods and services, in that Council may pay more for a contract than it otherwise would due to the application of the LPP as described in the body of the report, however the Draft Policy as proposed mitigates this somewhat with a 5% notional price offset and an overall cap.

**Attachments**

1[View](#). May 2017 Ordinary Council Report

2[View](#). Tendering Local Preference Policy

# 4 Your Natural and Built Environment

## What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

## What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

## How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



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**Item: 12.01**

**Subject: CLASSIFICATION OF LANDS RECENTLY ACQUIRED BY, OR  
TRANSFERRED TO COUNCIL**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.3 Develop, manage and maintain Council Business Units through effective commercial management.

### **RECOMMENDATION**

**That Council classify Lot 2 DP1221154 and Lot 163 DP1229250 as operational land.**

### **Executive Summary**

When Council either acquires land, or has land transferred to it, it is required to classify the land to satisfy the requirements of the *Local Government Act 1993*. Council recently acquired land at Sancrox for an environmental offset and recently had land at Lake Cathie containing a sewer pumping station transferred to it. Public exhibition of the proposed land classifications has been undertaken. Whilst no submissions have been received in response to the Exhibition Notice, Council is none-the-less required to formally resolve a land classification. This report provides for Council to resolve the land classifications as “operational” land.

### **Discussion**

At the Ordinary Council Meeting held on 10 August 2016, Council considered a report on the acquisition of land at Sancrox to provide an environmental offset as part of the Sancrox Employment Precinct and resolved as below:

#### **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

At the Ordinary Council Meeting held on 21 June 2017, Council considered a report on the transfer of land at Lake Cathie following the completion of construction of a sewer pumping station to service a new residential land release, and resolved as below:

**13.01 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES**

**RESOLVED:** Levido/Cusato

*That Council:*

*1. Accept the transfer of land being Lot 163 Deposited Plan 1229250.*

*2. Delegate Authority to the General Manager to sign the Land and Property Information Transfer Form.*

*3. Pursuant to Section 34 of the Local Government Act 1993, commence the procedure to classify Lot 163 Deposited Plan 1229250 as operational land by placing on public exhibition the proposed resolution “It is intended to classify Lot 163 Deposited Plan 1229250 as operational land”, from 28 June 2017 for a minimum period of 28 days.*

*4. Note that a further report will be tabled to Council at the August 2017 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.*

**CARRIED:** 8/0

**FOR:** Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

**AGAINST:** Nil

With the acquisition of the land at Sancrox recently finalised and having regard to Resolution 2 of the Council meeting of 10 August 2016 and Resolution 3 of the Council meeting of 21 June 2017, public exhibition of the proposed land classifications has been undertaken. At the conclusion of the exhibition period no submissions were received.

Council is now able to proceed to resolve the land classifications as “operational” land as proposed by the public exhibition.

**Options**

Given Council’s prior resolutions and having regard to nil submissions being received during the exhibition period, an “operational” land classification is appropriate.

**Community Engagement & Internal Consultation**

The proposed land classifications have been placed on public exhibition. No submissions were received.



**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

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**Item:** 12.02

**Subject:** ENERGY EFFICIENT STREET LIGHTING - LIGHT EMITTING DIODES (LED)

**Presented by:** Infrastructure, Andrew Doig

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### **Alignment with Delivery Program**

4.7.1 Promote renewable energy outcomes within Council.

### **RECOMMENDATION**

#### **That Council:**

1. **Delegate authority to the General Manager to seek and execute a formal proposal by Essential Energy to undertake a bulk upgrade of eligible Category P (local roads) street lighting to approved LED luminaires, up to a limit of \$2.07M.**
2. **Note the payback period of less than 5 years for this proposed project.**
3. **Create a new allocation in the 2017/18 Operational Plan of \$2.0M to fund this project.**
4. **Note the time criticality of accepting and executing the agreement, based on Council aligning with Essential Energy's October 2017 bulk maintenance timeframe, which will provide a \$0.31M cost saving to Council based on contractor efficiencies.**
5. **Consider a future allocation in the 2018/19 Operation Plan for a further bulk upgrade programme for Category V (main roads) street lights.**

### **Executive Summary**

Council acts as a public lighting customer for the provision of street lighting to the community. Council currently spends over \$1.16 million per year to provide this service. Acceptance of a Street Lighting Use of Services (SLUOS) pricing agreement for Light Emitting Diode (LED) lighting with Essential Energy in July 2017 enables Council to undertake a bulk upgrade of eligible Category P (local roads) street lighting to approved LED luminaires.

The upgrade of up to 5,583 potentially eligible luminaires to LED has an associated capital cost in the order of \$1.70M to \$2.07M, will generate cost savings in the order of \$0.33M per year, providing a payback period of less than 5 years.

### **Discussion**

Essential Energy has introduced a LED Street Lighting Use of Service (SLOUS) pricing agreement. Following the execution of this agreement, Council has received a proposal from Essential Energy to upgrade 5,583 potentially eligible luminaires to LED, out of Council's total street lighting inventory of 7,690 luminaires (based on the December 2016 lighting stock report). The final number of luminaires to be replaced

will take into account the addition of any luminaires installed after December 2016, and the subtraction of ineligible luminaires that cannot be replaced by LED (such as decorative lighting).

The proposal from Essential Energy outlines four options for Council to upgrade to LED, each with an associated capital cost, ranging from **\$1.70 million up to \$2.07 million**. If Council commit to undertaking a bulk LED upgrade in line with Essential Energy's current bulk maintenance program, being October 2017, Council will obtain a \$0.31M discount due to Essential Energy contractor efficiencies. This discount is reflected in the capital costs outlined above.

Essential Energy require advice to proceed from Council no later than 17 August 2017 in order to realise these contractor efficiencies. Should Council not agree to undertake the LED upgrade at this time, any future bulk LED upgrade will likely cost an additional \$0.31M.

Based on discussion with Essential Energy the works will be classed as non-contestable works, meaning only Essential Energy (as the Network Service Provider) can undertake the works and therefore Council cannot seek quotations from other contractors.

Several other Councils, including Eurobodalla, Leeton and Tamworth, have recently instructed Essential Energy to undertake a bulk LED upgrade, taking similar advantage of the bulk maintenance program reduction on costs. Council's bulk LED upgrade proposal is comparable in nature to that received by numerous Councils in Essential Energy's distribution zone.

To evaluate the financial implications of these works, Council engaged a specialist energy consultant, 100% Renewables, to investigate the Essential Energy proposal, specifically:

- Review the information received from Essential Energy, initial calculations and Council's energy agreement for street lighting
- Liaise with other Councils who have received similar offers to upgrade to LED
- Evaluate the value of Energy Saving Certificates (ESCs) that will be associated with the proposed upgrade and parties who can assist Council in this regard
- Source information relating to other potential incentives that Council could seek to access to support the case for implementation of the LED upgrade
- Assessment of the business case for the LED upgrade, primarily focused on the offer presented. This involved estimation of the energy use / cost, SLUOS and ESC savings against the capital cost and liaison with Essential Energy to understand what, if any, capital costs may be incurred in future bulk upgrades for these lamps. A secondary assessment looked at the impact of residual values on the business case and assessed the impact of omitting high residual value luminaires from the LED program of work.

The detailed report from 100% Renewables is attached.

The findings of this financial analysis indicate that out of the four proposed options, Option 1 (all Gerard LED luminaires) is the most cost effective.

The benefits of the “Option 1 All Gerard” proposal are summarised below.

<b>Option 1 (Gerard)</b>	<b>Amount</b>
Capital cost (payable to Essential Energy)	\$2,025,218
Energy Savings Certificate (ESC) discount	\$120,266
Net cost to PMHC rate	\$1,904,953
Annual energy saving	859,532 kWh
Annual energy cost saving	\$117,648
Annual SLUOS saving	\$225,104
TOTAL savings	\$342,752
Simple payback	4.9 years
Net present value benefit compared with doing nothing, to 2030 at 7% discount	\$1,609,959

The report subsequently recommended that Council consider a modified Option 1 proposal, which omitted 94 luminaires with residual value in excess of \$1,000 from the LED upgrade. While this results in slightly lower energy and maintenance cost savings, the capital cost is reduced by \$257,117, generating a shorter payback period of 4.4 years and an improved net present value benefit by nearly \$0.2M.

This option is summarised below.

<b>Option 1 modified (Gerard) – residual value decreased by omission of 94 luminaires</b>	<b>Amount</b>
Capital cost (payable to Essential Energy)	\$1,768,101
Energy Savings Certificate (ESC) discount	\$118,221
Net cost to PMHC	\$1,649,880
Annual energy saving	844,920 kWh
Annual energy cost saving	\$115,648
Annual SLUOS saving	\$221,277
TOTAL savings	\$336,925
Simple payback	4.4 years
Net present value benefit compared with doing nothing, to 2030 at 7% discount	\$1,805,278

Discussions with Essential Energy have indicated that modifying the proposal to exclude luminaires with high residuals is feasible and would be reflected in the formal quotation issued to Council.

It should be noted that Essential Energy are currently trialling eligible LED technologies for Category V (main road) street lighting (which are outside the scope

of the above proposal). It is estimated that the approved technology will likely be available in 2019/20. Additional capital costs will likely be incurred at this time to undertake a Category V bulk replacement, which would require an allocation in the 2018/19 Operation Plan for this program.

Analysis of the future potential benefit of a Category V bulk LED upgrade by 100% Renewables indicated that the benefits to Council would be similar to the Category P bulk LED upgrade.

### Background

Council resolved at the June 2017 Ordinary Council Meeting to:

1. Delegate authority to the General Manager to accept and execute the Negotiated LED SLUOS Pricing Agreement with Essential Energy; and
2. Investigate the financial implications of undertaking a bulk street lighting LED change-out, including capital contribution costs and payback period, for reporting to a future Council meeting.
- 3.

Following this resolution the General Manager accepted and executed the negotiated LED Street Lighting Use of Service (SLOUS) Pricing and Council engaged an energy consultant, 100% Renewables, to investigate the financial implications of undertaking a bulk street lighting LED.

### **Options**

Council can either accept the recommendation to undertake a bulk street lighting LED upgrade in October 2017 (aligning with Essential Energy's bulk maintenance program, capitalising in \$0.31M in contractor efficiencies), or undertake a bulk street lighting LED upgrade at a future point in time, incurring a likely additional capital cost of \$0.31M, whilst continuing to incur higher relative usage and maintenance costs.

### **Community Engagement & Internal Consultation**

Internal consultation was been undertaken with the following:

Director Strategy & Growth  
Acting Director Infrastructure  
Group Manager Assets & Property Investment  
Group Manager Transport & Stormwater Network

Extensive consultation has also been undertaken with Essential Energy, which is currently ongoing.

### **Planning & Policy Implications**

Undertaking a bulk street lighting LED upgrade has no specific planning or policy implications to Council.

### **Financial & Economic Implications**



The bulk street lighting LED upgrade is proposed to be funded from Council's Street Lighting Reserve.

As the current balance of \$0.25M in the reserve is clearly inadequate for the investment, it is proposed to place the Street Lighting Reserve \$1.75M into deficit to cover the proposed works.

Councillors are aware that the review of Council's reserve balances is currently underway.

It is proposed that this reserve deficit will be replenished following consideration of the outcomes of this review or from transfers from existing internally restricted reserves prior to the finalisation of the 2017-2018 financial year.

**Attachments**

- 1 [View](#). Report - Financial Implications of Undertaking a Bulk Street Lighting LED Changeout - 100% Renewables



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**Item: 12.03**

**Subject: OCEAN DRIVE DUPLICATION PROJECT UPDATE**

**Presented by: Infrastructure, Andrew Doig**

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### **Alignment with Delivery Program**

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the current status of the Ocean Dr Duplication project including the estimated construction costs of \$60 million.**
- 2. Request the General Manager to write to the Local Member for Port Macquarie and the NSW Roads Minister seeking a funding commitment to progress to construction of this project.**

### **Executive Summary**

In 2013, the NSW Government, through the Roads and Maritime Services, provided a \$10million commitment to Council to fund the design and construction of the Ocean Drive Duplication between Greenmeadows Drive (South) and Emerald Drive, Port Macquarie.

Early project estimates deemed the funding insufficient due to the complexity of the proposed works. It was therefore deemed that this funding would be used to support the design, environmental assessment and planning approval for the project. A separate funding application would be required to supplement construction.

Council, through its external design delivery partner, has recently completed the detail design, environmental assessment, community consultation and final cost estimation for the project.

The Project Steering Group is seeking Council endorsement to apply to the NSW State Government Local Member and NSW Roads Minister for additional funding for the construction phase of the project.

### **Discussion**

#### Project Governance

Following receipt of the State Government commitment of \$10million for the Ocean Drive Duplication in 2013, a Steering Group was formed to provide project governance to project staff. Key members of the Steering Group include:

- Councillor Justin Levido (Chair)
- Director of Infrastructure
- Council Chief Financial Officer

- Roads and Maritime Regional Manager
- Roads and Maritime Asset Manager
- Key project staff

**Project Status**

Council's external design delivery partner SMEC, recently completed the detail design, environmental assessment, community consultation and final cost estimation for the project. Although it is likely SMEC will provide design support during the construction phase, Council will finalise the current SMEC engagement over the coming months.

Through the Steering Group, Roads and Maritime have endorsed the final project documents providing confidence to the Steering Group that the project is in a position to commence construction phase planning. This would involve funding application, commencement of a significant Request for Tender process, Tenderer negotiation and the construction phase.

At this stage, it is anticipated the construction phase of the project would take approximately two (2) years to complete following confirmation of funding.

**Project Staging**

In May 2017, members of the Steering Group and key Roads and Maritime and technical staff were involved in a Project Staging Workshop. The intent of this workshop was to determine whether the 3.4km project could be split into separable projects while still providing a net community benefit.

Through analysis of a number of potential options, it was determined that the greatest community benefit for money spent is gained by construction of the entire project length from Greenmeadows Drive to Emerald Drive as a single project.

**Project Costs**

As the project progressed through the design phase, unit rate cost estimates were developed at key project milestones in accordance with the Roads and Maritime Project Estimating Manual. These estimates were reviewed by Roads and Maritime's Project Management Office and comments addressed by the project team.

The final cost estimate of \$58.53million was tabled at the April 2017 Project Steering Group Meeting and endorsed by the Steering Group in May 2017 following Roads and Maritime review and endorsement.

The above information is proposed to form the basis of the funding application to the NSW State Government for construction of the project.

Noting this project has not been identified as a current priority within Council's 2017-18 Operational Plan, no current internal resources have been allocated to the construction of the project this financial year. Consideration to an appropriate delivery methodology shall be carried out following any commitment to construction funding.

**Options**

Council has the option to accept these recommendations or propose alternate.

**Community Engagement & Internal Consultation**

Significant community and other stakeholder engagement has been carried out in conjunction with the detailed design development. At three separate periods during the design process, the community was given the opportunity to provide comment on the design and environmental reviews developed by Council. During each period, community feedback was encouraged via the Have Your Say website in addition to Project staff attendance at two separate face to face engagement sessions specifically for the community to ask questions to project staff. Feedback received from all media was considered during the project development and incorporated where appropriate.

The final engagement sessions were held at the Emerald Downs Community Hall on the 25<sup>th</sup> and 27<sup>th</sup> May 2017 to inform the community of the final design. Although some community members remained opposed to the upgrade, the majority of feedback received from the community was positive with most asking why construction has not been confirmed.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

In 2013, the NSW Government, through the Roads and Maritime Services, provided a \$10million commitment to Council to fund the design and construction of the Ocean Drive Duplication between Greenmeadows Drive (South) and Emerald Drive, Port Macquarie.

As of July 2017, a total of \$1.83million has been expended on the design and preconstruction approvals for this project, with the balance of the \$10million allocation available for construction.

The final construction cost estimate of \$58.53million for the Ocean Drive Duplication was tabled at the April 2017 Project Steering Group Meeting and endorsed by the Steering Group in May 2017 following Roads and Maritime review.

It should be noted that additional costs associated with construction such as Biodiversity Offset Planting and additional consultation has not been included in this estimate, therefore a provisional allowance of \$1.5million is added to the final cost estimate for these expected additional costs. The total expected project cost is therefore in the order of \$60M.

Based on the final construction cost estimate, additional allowances and the balance of the original \$10million Grant, a further \$52million in funding is required.

Noting this project has not been identified as a current priority within Council's 2017-18 One Year Operational Plan, it is proposed that a representation be made to the NSW State Government for additional supplementary funding of \$52million to allow this project to proceed to construction.

Council may need to consider the priority and level of funding it is prepared to contribute to this project over existing works priorities as included in the current

Operational Plan or give consideration to this project in future Operational Plans, should the NSW State Government not be prepared to fund the total cost of this project.

**Attachments**

Nil

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Item: 12.04

Subject: SITE SPECIFIC LEP AMENDMENTS - UPDATE

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

### RECOMMENDATION

That Council:

1. Note the current status of the eleven site-specific planning proposals considered at the Ordinary Meeting of 15 March 2017 as described in this report.
2. Take the necessary steps to discontinue planning proposals in relation to Ruins Way Port Macquarie, Mumford Street Port Macquarie and Ocean Drive Lakewood, for the reasons set out in this report.
3. Commence investigation of two additional requests for site-specific planning proposals at High Street, Wauchope and at the Oxley Highway and Pacific Highway interchange, Sancrox, as part of Council's strategic land use planning work program.

### Executive Summary

On 15 March 2017, Council resolved as follows:

*RESOLVED: Intemann/Dixon*

*That Council:*

1. Invite the proponents for site specific LEP amendments at:
  - a. Lots 1 and 2 DP 1091253, Beach St Bonny Hills;
  - b. Lot 2 DP 771931, Mission Terrace Lakewood;
  - c. Lot 435 DP 1222921, Crestwood Dr Port Macquarie;
  - d. Lots 37 & 39 DP 1191701, Frogs Rd Sancrox;to submit fees and information to support the preparation of Planning Proposals for each site.
2. Commence investigations of a. to d. above as part of Council's strategic land use planning program.
3. Consider a further report following the initial investigations and determine whether to proceed with Planning Proposals to rezone the lands in each case.
4. Consider a further report on the status of all proposed site specific LEP amendments following adoption of the revised Port Macquarie-Hastings Urban Growth Management Strategy and determine priorities in Council's strategic land use planning program.

*CARRIED: 7/0*

*FOR: Besseling, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*



*AGAINST: Nil*

The purpose of this report is to satisfy item 4 in the above resolution to report on the status of current proposals. The March 2017 report provided a summary of current proposals and in some instances, where little progress had been made over a number of years, proposed that a further report be presented to Council to discontinue these matters if the necessary information to enable Council to satisfactorily progress a Planning Proposal had not been received by the end of June 2017.

Council's preparation of the Urban Growth Management Strategy is continuing as part of the broader Strategic Planning Program. There is limited capacity within the program for site specific proposals, given current resources and the need to complete key projects, such as planning for new residential and economic development release areas, in an efficient manner.

The following discussion provides a summary update of the eleven site specific matters reviewed by Council in March 2017. There has been very little progress in respect of three matters since March, and these are recommended to be discontinued.

As reported to Council in March 2017, it is proposed to defer requests for site-specific amendments until after completion of the UGMS review in order that the priority of these matters can be considered as part of the strategic land use planning program.

Council has received further proposals for site specific amendments since March 2017, which are considered in this report. The proposals include a request to rezone land at The Chimneys, south of Kew, a proposal to increase the height of Building allowable on land at Bundaleer Aged Care facility in Wauchope and a proposal relating to a proposed Highway Service Centre at the intersection of the Pacific and Oxley Highways.

Given the proposed deferral of three longstanding site specific matters in this report, it is proposed that the Bundaleer Aged Care proposal and Highway Service Centre proposals be considered as part of Council's current strategic planning program. These proposals are consistent with the current UGMS and have strategic merit.

The Chimneys proposal would significantly increase the already large supply of zoned residential land in the Camden Haven. This is a significant strategic issue and it is therefore proposed to consider the status of this proposal in the review of the UGMS, prior to any decision to include the matter as a site specific amendment.

**Discussion**

Site-specific planning proposals are one component of the work Council's Strategic Land Use Planning Group does, accounting for about 25% of the strategic planning team resources on average. Standard projects take about 12 to 18 months to complete once the planning proposal is ready to be prepared. However where there are complications such as environmental constraints or hazards such as flooding, the workload and time taken can increase significantly.



The proposals are predominantly initiated by private landowners seeking to increase the value or utility of their land resulting from the proposed changes, rather than projects initiated by Council for broader community benefit. Although these projects can sometimes deliver beneficial community, economic or environmental benefits, it is prudent for Council to carefully consider resource allocation for site-specific planning proposals to ensure that Council's Strategic Land Use Planning team can work efficiently and projects can be finalised within a reasonable timeframe and budget.

Key merit considerations include:

- the likelihood of project success
- the proponent's readiness to proceed and their commitment to finalising the project
- the proposal's alignment to Council's strategic urban growth objectives
- any public or environmental benefit offered by the proposal.

The following table provides a summary of the eleven site-specific matters reviewed by Council in March, showing current progress or otherwise in relation to each. A key to the status category is included below the table.

	<b>File No.</b>	<b>Status March 2017</b>	<b>Property</b>	<b>Summary</b>	<b>Status August 2017</b>
1	PP2011-9.3	4	Ruins Way, Port Macquarie	Residential zone	No change
2	PP2014-8.1	9	37 Lincoln Rd Port Macquarie	Residential zone	11
3	PP2014-9.1	4	14 Pioneer St North Haven	Residential zone	7
4	PP2014-10.1	4	11 Mumford St Port Macquarie	Commercial zone	No change
5	PP2014-12.1	6	Lot 202 Homedale Rd Kew	Residential zone	8
6	PP2016-3.1	9	Reading St, Port Macquarie	Residential zone	11
7	PP2009-1.1	2	304 & 340 Ocean Drive, 10 Mission Tce Lakewood	Residential zone	No change
8	PP2016-10.1	2	Beach St Bonny Hills	Residential zone	8
9	PP2016-11.1	2	Mission Terrace Lakewood	Residential zone	4
10	PP2017-4.1	2	Crestwood Dr Port Macquarie	Residential zone	4
11	PP2017-3.1	1	Frogs Rd Sancrox	Industrial zone - Infill	2

Status update

<b>Status</b>	<b>Stages in the Planning Process</b>
1.	Written request received

Status	Stages in the Planning Process
2.	Initial internal review and discussions with applicant
3.	Report to Council for a decision whether to include in program for coming year
4.	If included, pre-lodgement meeting held: additional information or amended proposal requirements.
5.	Information received, Proposal assessed, negotiations with proponent.
6.	Report to Council - decision to proceed to Gateway (or not).
7.	Submitted for Gateway determination.
8.	Gateway determination.
9.	Preparation for exhibition
10.	Exhibition
11.	Report to Council for finalisation.
12.	Submitted - waiting for LEP to be made.

Most of the site specific matters are considered to have been sufficiently progressed in the period since the March review and no further action in relation to these matters is proposed in this report. However, there has been very little progress in respect of three longstanding matters at:

- Item 1, Ruins Way Port, Macquarie
- Item 4, Mumford Street, Port Macquarie
- Item 7, 304 & 340 Ocean Drive, Lakewood.

A brief summary of the current status of the proposals is provided below.

In each case it is recommended that the preparation of a planning proposal be discontinued. The option remains for the proponent to submit a new request to rezone the land in question upon completion of support studies when they are ready to proceed. Requests for site specific planning proposals are considered by Council as part of the strategic planning program and further reports are expected in 2018 to determine priorities.

1. PP2011-9.3: Ruins Way Port Macquarie

*Summary: Rezone land from RU1 Primary production to R1 General Residential.*

This request was originally lodged in 2011 and was supported in principle by Council, subject to submission of a Koala Plan of Management and other support studies.

Since that time, there have been meetings and correspondence between Council and the proponent to define the information needed to support the proposal. The required Koala Plan of Management has not yet been submitted and a review of other support information in relation to ecology and bushfire has found that the reports submitted use different assumptions and have recommendations that are mutually exclusive.

Following the March 2017 report to Council, a summary of information required to support a planning proposal was provided to the proponent.

The applicant advised that they intend to proceed, with an intention to submit required information in June 2017. However, the required information was not provided.

The latest advice from the proponent is that further ecological investigation is currently being undertaken. However, it is unclear what other studies are being prepared.

There have now been ongoing negotiations with the proponent and landowner in relation to this matter for more than six years. As the information necessary to support preparation of a planning proposal has not been submitted, it is recommended that Council discontinue this matter.

2. PP2014-10.1: 11 Mumford St Port Macquarie

*Summary: Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone (Possibly B5).*

This matter was initiated in June 2014.

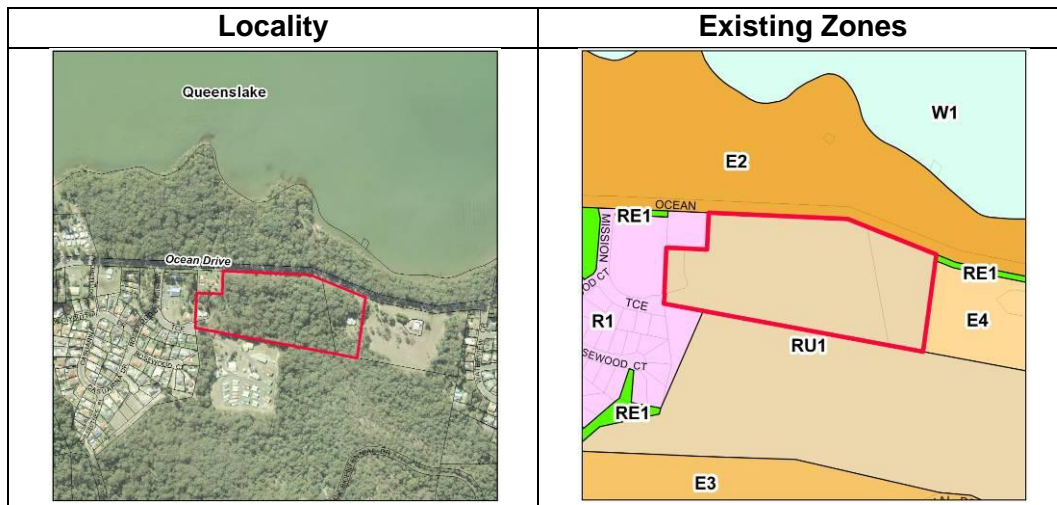
Council staff initially met with the proponent to determine the required information to support a planning proposal. The necessary information includes a flood study and environmental reports to determine the location of proposed zone boundaries.

Since 2014, there has been no real progress in relation to the preparation of this information. The applicant has advised by email dated 24 June 2017, that they intend to proceed following purchase of the land and discussion with the adjoining school about co-joining the application.

In view of ongoing discussions between the landowners and allowing for a reasonable time to prepare supporting studies, it is proposed that Council discontinue this matter and invite the proponents to submit a new request upon completion of the required work. No fees have been paid in relation to this matter.

3. PP2009-1.1: 304, 340 Ocean Drive, 10 Mission Terrace Lakewood: Lot 2 DP827937 and Lots 2 & 3 DP1114325

*Request Summary: rezone land from RU1 Primary Production to part R1 General Residential, part E2 Environmental Conservation and part E3 Environmental Management.*



This matter was initiated in September 2009.

The site in question had been shown as an investigation area in the Camden Haven Urban Growth Strategy in 2003. However, detailed studies were needed to support any proposed zone changes as the site is almost totally vegetated at the base of North Brother Mountain.

Key issues for discussion with the proponent have related to the offsetting of vegetation loss and the need to retain a vegetation corridor along a water course through the site. Consultation regarding these requirements was undertaken with the NSW Office of Environment & Heritage in 2012.

The proponent disagreed with these requirements and, as a result, there has been no progress in relation to the preparation of a planning proposal since that time.

Council staff have again consulted with the proponent regarding the information needed to support a planning proposal, since the report to Council in March 2017.

The proponent, represented by a new planning consultant, has questioned the process undertaken by Council staff in relation to a proposed voluntary planning agreement.

Whilst the proponent indicates that they are willing to continue to negotiate with Council, no further information has been submitted to support the proposed zone changes and there is little to suggest that there is a likelihood of progress on this matter in the short term.

There have now been ongoing negotiations with the proponent in relation to this matter for approximately 8 years. As the information necessary to support preparation of a planning proposal has not been submitted, it is recommended that Council discontinue this matter.

#### New requests for Planning Proposals



Proposed Acute Care and Aged Care Residential Development, High Street Wauchope

*Request Summary: Increase Height of Building (HOB) LEP Map Series from 8.5m to 14.5m.*



The proposal involves significant redevelopment of Bundaleer Aged Care facilities adjoining the Wauchope Hospital in Johnstone St, Wauchope. The proposal is to replace and expand the existing facility to include recently acquired land fronting High Street, Wauchope. The design concept indicates a \$25-\$30 million multi storey, 140 bed Aged Care facility and Acute Care centre with rehabilitation and therapy services and facilities. The project has been granted Federal Grant Funding.

The existing HOB in the precinct is 8.5m, whereas the proposal includes some areas with a maximum height of 14m for lift over runs, terrace facilities and other structures.

A pre-lodgement meeting was held in May 2017 and the applicant was advised that the proposal represents a significant variation to the 8.5m LEP height control and a development application would unlikely be supported. Given the scale of the proposed variation, it was recommended that the applicant pursue changes to the height controls applying to the site, making a submission for inclusion of a site specific amendment.

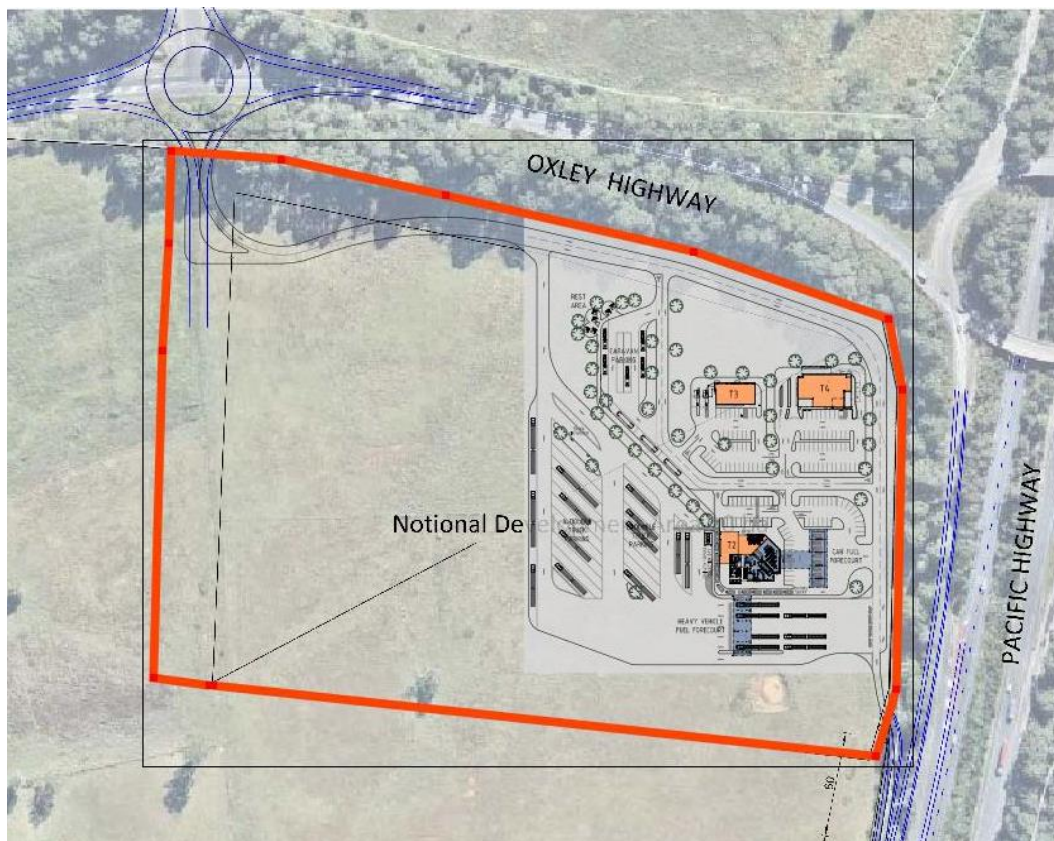
Key issues include timing (related to commitments associated with grant funding), impact on adjoining properties, adjoining heritage, road traffic noise and access.

Subject to submission of the necessary information in relation to these issues, it is recommended that the site specific amendment be included in Council current Strategic Planning program.

Proposed Highway Service Centre - 1179 Oxley Highway Lot 11 DP 1029846, 1179 Oxley Highway, Sancro

*Request Summary: Rezone from RU1 Primary Production to SP1 Highway Service Centre.*





A request has been received for a site specific LEP amendment to permit development of a Highway Service Centre at the south western intersection of the Oxley and Pacific Highways to the west of Port Macquarie.

In principle, this is consistent with the Port Macquarie-Hastings Urban Growth Management Strategy 2011 and the Section 117 Direction regarding Highway Service Centres that has been issued by the NSW State government.

Access arrangements to the Oxley and/or Pacific Highway will be a key issue in this case and Council staff will play a key role in negotiations with NSW Roads and Maritime Services.

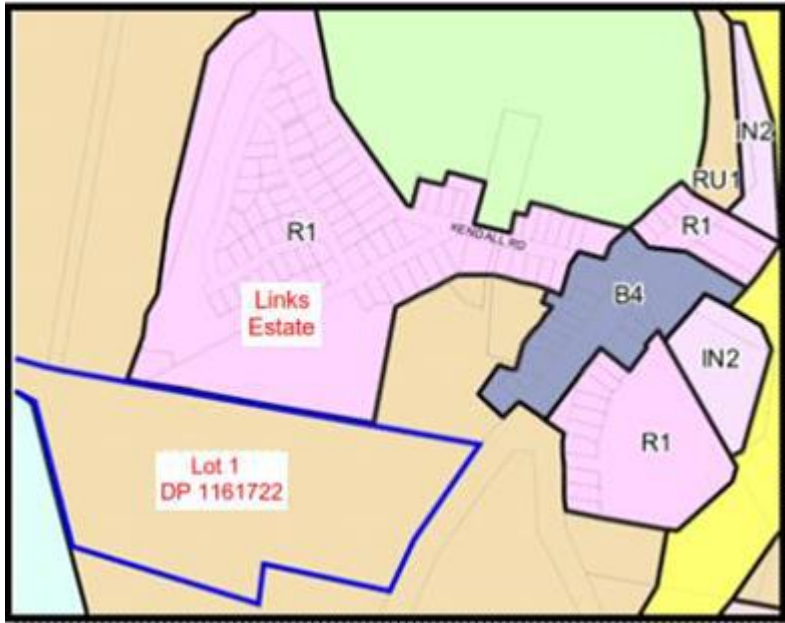
From a planning perspective, the site in question is a key gateway site at the main Highway entry to Port Macquarie and Wauchope. It is also a key economic opportunity.

Subject to submission of information necessary to support preparation of a Planning Proposal, it is recommended that Council include this matter in its strategic planning program. This matter will need to be reported back to Council before a decision is made to progress preparation of a Planning Proposal.

#### Proposed residential zone – The Chimneys, Kew

A proposal has been received from GEM Planning projects to rezone land from rural to residential, to the south of land that is already zoned and being developed at Homedale Road in Kew. The land, which is known locally as The Chimneys, has a community title approval issued in 2007.

The Chimneys proposal would significantly increase the already large supply of zoned residential land in the Camden Haven. This is a significant strategic issue and it is therefore proposed to consider the status of this proposal in the review of the UGMS, prior to any decision to include the matter as a site-specific amendment.



### Options

Council could opt to continue with investigations in relation to any of the matters that are recommended to be discontinued in this report. Council could also opt to not include one or both of the new matters that are proposed to be included, as described in this report.

In order to maintain a focus on site specific matters that can be readily progressed to planning proposal stage and on matters that have strategic importance, it is recommended that Council discontinue three matters and include the two new matters, as detailed in this report.

Requests for site specific planning proposals are considered by Council as part of the strategic planning program and further reports are expected in 2018 to determine priorities. The matters that are proposed to be discontinued may therefore be reconsidered by Council when they are ready to proceed.

### Community Engagement & Internal Consultation

Consultation has been undertaken with Council staff and with the proponents in each case. Community consultation consistent with the requirements of the Environmental Planning and Assessment Act 1979 will occur where a planning proposal proceeds.

### Planning & Policy Implications

It is recommended that the proponents for Bundaleer Aged Care Services and the proposed Highway Service Centre be invited to submit new requests for rezoning

once the work necessary to support a planning proposal is complete. In each case, it is recommended council offer a pre-lodgement service to review any studies prior to payment of rezoning fees and charges to ensure the proposal is able to be assessed and progressed to the Department of Planning & Environment for Gateway determination within a reasonable timeframe.

**Financial & Economic Implications**

Council fees consistent with the 2017/18 Fees and Charges will apply to each of the new requests covered in the report. Where it has been proposed to discontinue a matter, unexpended fees may be refunded.

**Attachments**

Nil



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**Item: 12.05**

**Subject: LEP AMENDMENTS TO FACILITATE TWO PROPOSED ROAD CLOSURES**

**Presented by: Strategy and Growth, Jeffery Sharp**

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### **Alignment with Delivery Program**

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

### **RECOMMENDATION**

**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, in relation to:**
  - a) make road closures under the Roads Act 1993 exempt development, and**
  - b) amend the Land Zoning Map, Floor Space Ratio Map and Height of Buildings Map as shown in the report in relation to roads in the vicinity of Burrawan Street, Pacific Drive and Hill Street, Port Macquarie.**
- 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.**

### **Executive Summary**

This report proposes that amendments be made to *Port Macquarie-Hastings Local Environmental Plan 2011* to facilitate a road closure and the subsequent development of another road closure.

#### Grantham Lane

At its meeting on 15 May 2013, Council resolved to apply to close part of Grantham Lane, Port Macquarie. Near the end of the process, the State Government have advised that they require a formal subdivision approval prior to completion of the closure. Approval of creation of the small lot requires a variation to the minimum lot size applying to this land.

It is proposed to make an amendment that will cover any similar circumstances arising in future.

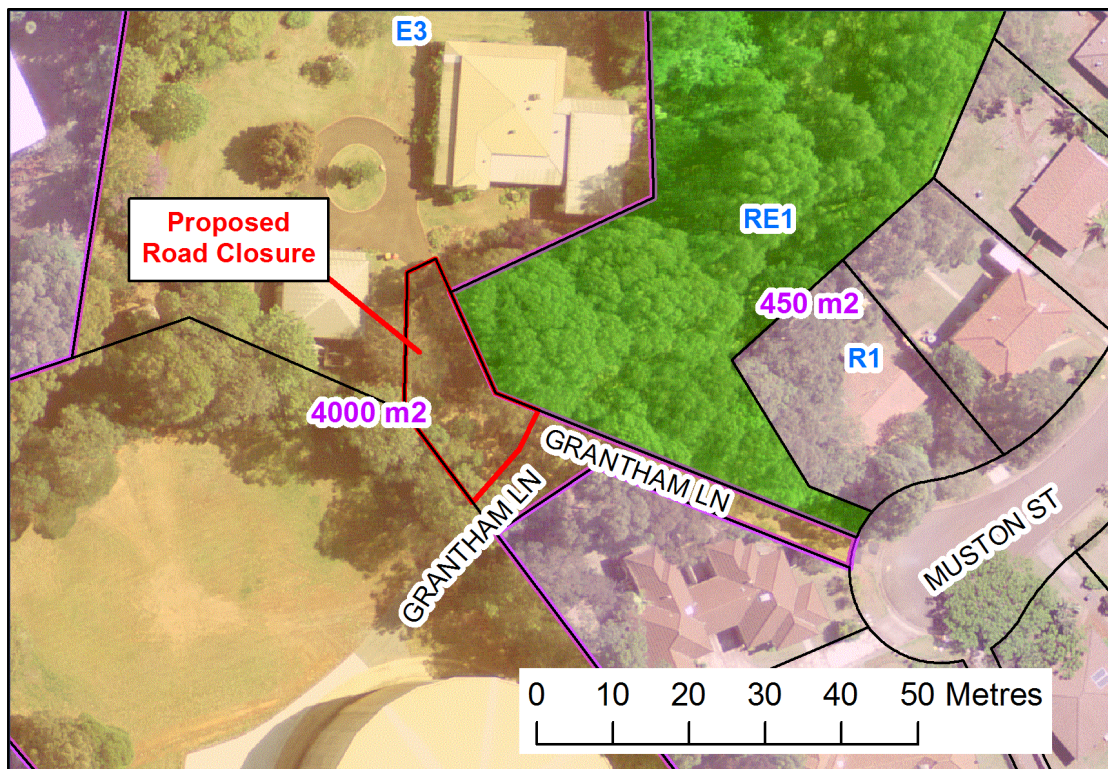
#### Pacific Drive

At its meeting on 15 March 2017, Council resolved to engage in a process leading to the closure of part of Pacific Drive, Port Macquarie, located north of Home Street. The road proposed to be closed has different zoning, maximum floor space ratio, and maximum building height controls to the adjoining land, and it is appropriate to make them the same.

It is proposed to extend the changes along parts of Pacific Drive between Everard Street and Pacific Drive, and to Burrawan Street east of Owen Street.

#### **Discussion**

##### 1. Grantham Lane, Port Macquarie



In relation to the proposed closure of land in Grantham Lane, Port Macquarie, on 15 May 2013 Council resolved (*refer to Attachment 1*):

Councillor Justin Levido left the Meeting, the time being 06:24pm.

RESOLVED: Intemann/Griffiths

That Council:

1. Make application to Department of Primary Industries - Crown Lands for the closure of that part of Grantham Lane, generally as bounded by the red lines in the plan attached to this report provided that the closure does not include any pedestrian footpath.



2. The Common Seal be affixed to the linen plan of Road Closure and First Title Creation.
3. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign the Land Titles Office Transfer Form.

CARRIED: 6/0

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

AGAINST: Nil

Councillor Justin Levido returned to the Meeting, the time being 06:25pm.

To close part of the lane, the Registrar General requires a 'plan of subdivision' to identify the relevant 282.7 m<sup>2</sup> part of the lane that is being closed. At present such a subdivision requires development consent. The relevant land is zoned E3 Environmental Management, and has a minimum lot size requirement of 4000 m<sup>2</sup>, and hence consent cannot be granted.

Note that the balance of the lane is required to maintain access to Council's water reservoir.

It is proposed that *Port Macquarie-Hastings Local Environmental Plan 2011* be amended to make road closures under the *Roads Act 1993* exempt development. Under that Act, road closures of public roads are subject to public exhibition for at least 28 days, so there will still be opportunity for public review and comment.

## 2. Pacific Drive, Port Macquarie

The proposed closure of part of Pacific Drive, north of Home Street, Port Macquarie, was considered in Confidential Committee of the Whole at Council's meeting on 15 March 2017 (see Attachment 2). The resolution was:

RESOLVED: Levido/Turner

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

...

### Item 15.02 Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie

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. Note the receipt of correspondence from Lands Advisory Services Pty Ltd dated 14 March 2017.
2. In accordance with the Roads Act 1993, undertake community engagement and notify statutory authorities of Council's intention to close part of Pacific Drive, north of Home Street, Port Macquarie as detailed in the body of the Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie report.
3. Subject to no submissions, by way of objection, being received to the proposed road closing, make application to the Department of Industry -

Lands to close part of Pacific Drive, north of Home Street, Port Macquarie as detailed in the body of the Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie report.

4. Subject to the road closure process request the Department of Industries - Lands vest the closed road in Council as operational land.
5. Subject to the road closure process and Resolutions 2-4 above:
  - (a) delegate authority to the General Manager to enter into direct negotiations with adjoining landowners for sale of the land, noting that this represents the best value option for Council in disposing of this land,
  - (b) note that the direct negotiations referred to in 5(a) are to ensure that all costs are to be paid by the adjoining landowners and that the sale price is to be based on terms no less favourable than the market value as determined by Notice of Road Closure in the NSW Government Gazette.
6. Subject to Resolutions 2-5 above delegate authority to the General Manager to:
  - (a) sign the Land Titles Office Request Form and Land and Property Information Transfer Form;
  - (b) sign the Plan of Road Closure and First Title Creation;
  - (c) sign the Contracts for Sale.

...

**CARRIED:** 8/0

**FOR:** Besseling, Alley, Cusato, Dixon, Hawkins, Intemann, Levado and Turner

**AGAINST:** Nil

When LEP 2011 commenced, a R1 General Residential zone applied over the road reserves of Pacific Drive and Burrawan Street (see map below). Differing Floor Space Ratio and Height of Building standards were applied. The Lot Size Map applied a common 450 m<sup>2</sup> minimum lot size to the area of land west of the eastern side of Pacific Drive, and this has not changed.

The Liveable Neighbourhood reviews of planning controls for East Port made various changes in early 2016 to the provisions applying to the area, including to the properties adjoining and in the proximity to the proposed road closure. Specifically in relation to the adjoining land and the proposed road closure, the current provisions now include:

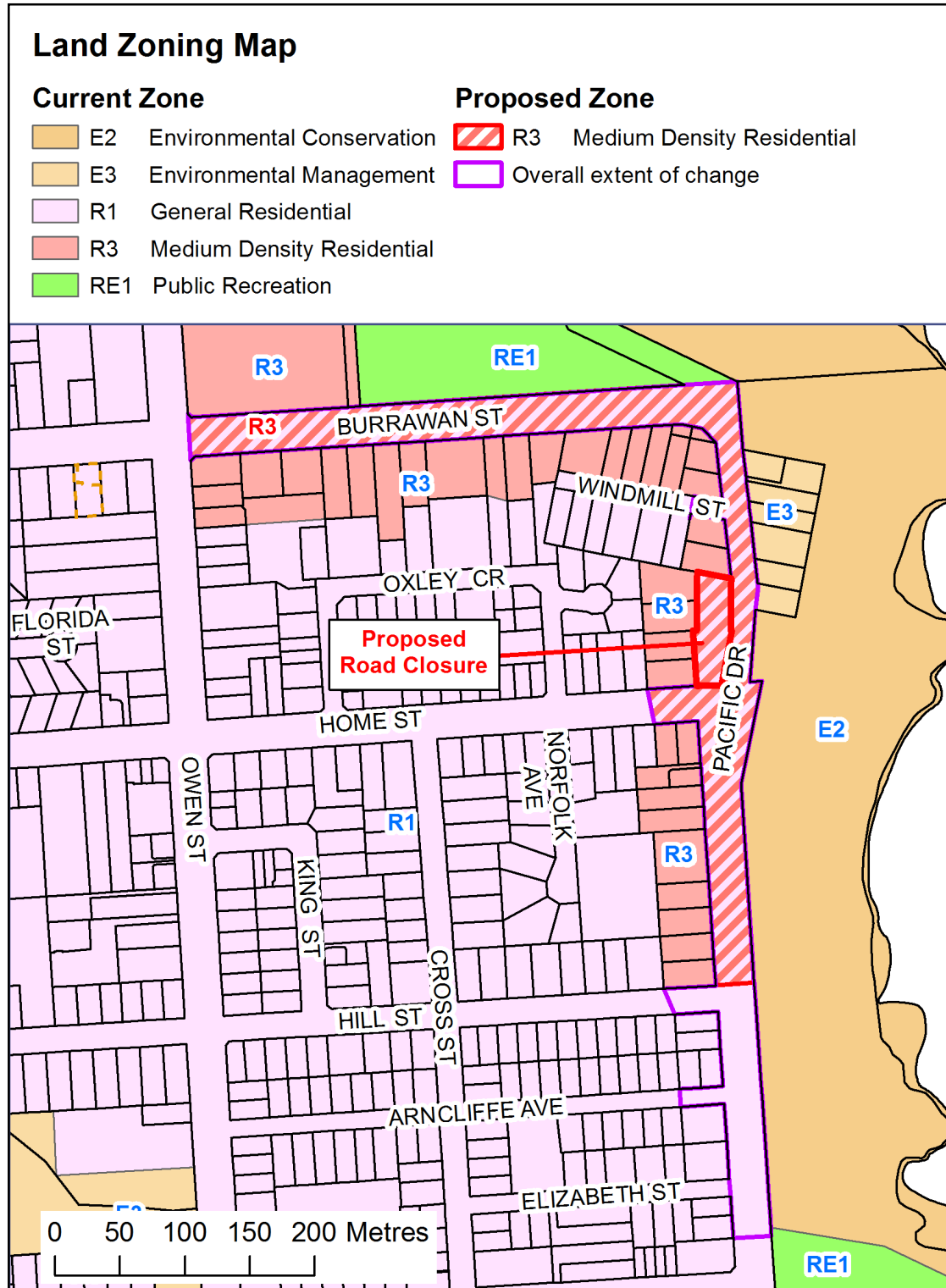
	<b>Adjoining land</b>	<b>Proposed road closure</b>
<b>Land Zoning Map</b>	R3 Medium Density Residential	R1 General Residential
<b>Floor Space Ratio Map</b>	1.8 : 1 maximum	No maximum
<b>Height of Buildings Map</b>	17.5 m maximum	No maximum

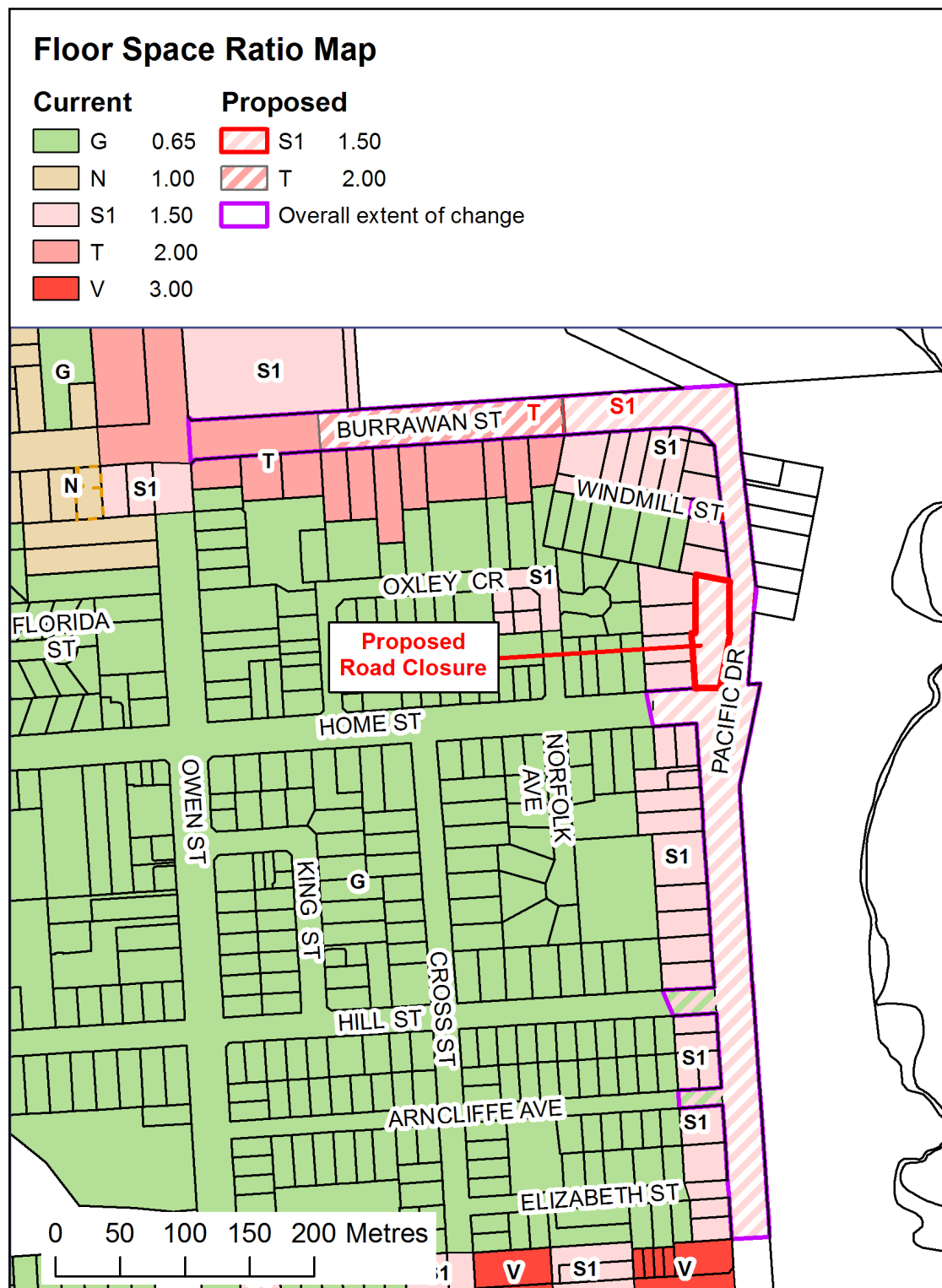
To provide certainty for future development over both the adjoining land and the proposed road closure, it is proposed that the provisions applying to the adjoining land should also be applied to the proposed road closure.

The area to be closed will not have the same problem with minimum lot size as at Grantham Lane, even divided into four lots.

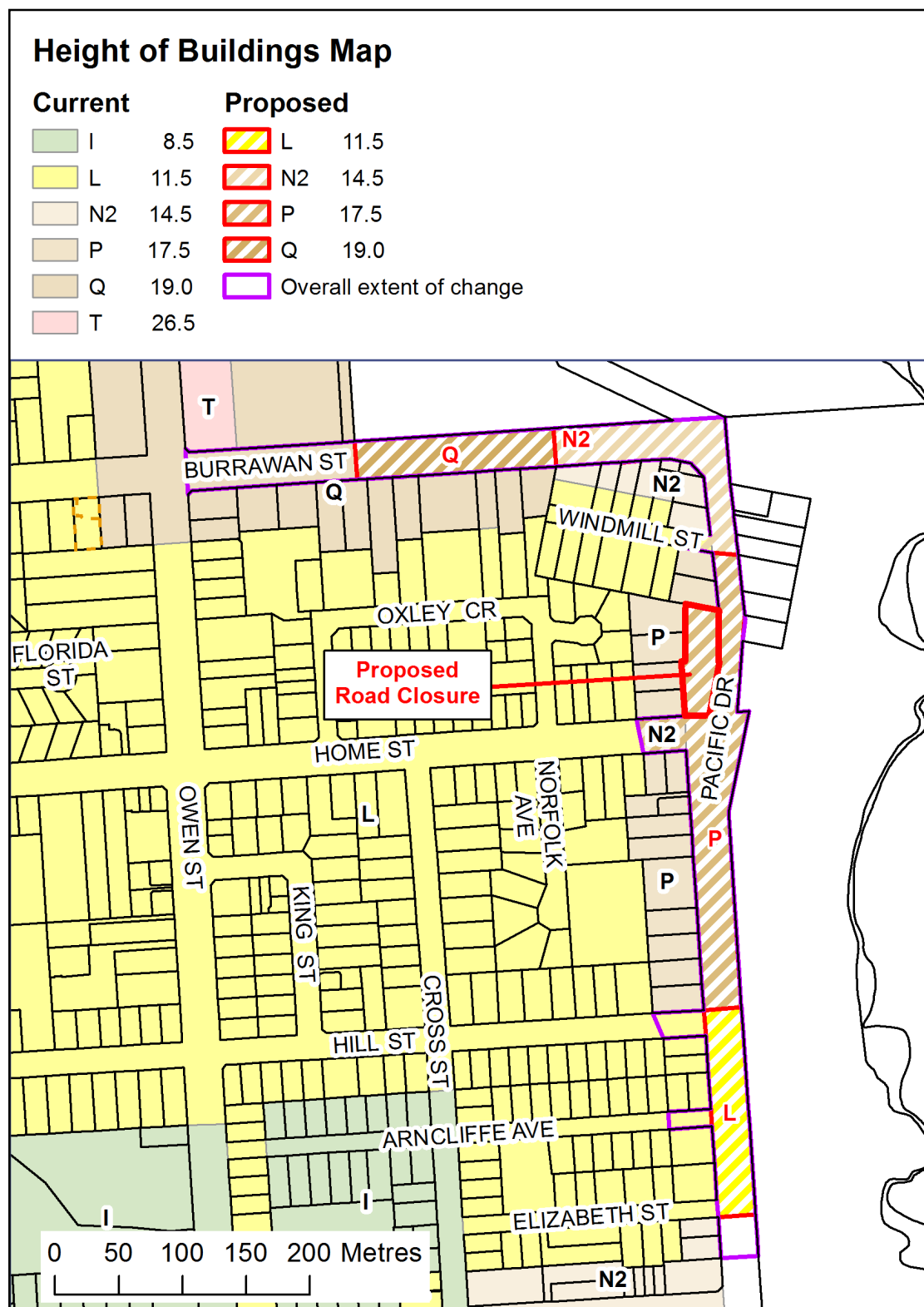
Further amendments to the zone, FSR and HOB provisions are proposed to Pacific Drive and some adjoining roads. These changes to the road reserve are consistent with Department of Planning guidelines about planning provisions over roads and are intended to improve the clarity of these maps.

The proposed changes are shown on the following map extracts.









No change is required to the Lot Size Map.



**Options**Grantham Street

The recommended amendment to the LEP will streamline processing of similar road closures in the future. Alternatives include:

- removing any requirement for road closures under the *Roads Act 1993* to comply with the Lot Size Map requirements
- the amendment could relate only to this specific site.

These are not recommended, although they could be options if the State Government do not support the current recommendation.

Pacific Drive

Council could opt to not amend the zone, FSR and/or HOB maps for the surplus road reserve area on Pacific Drive. However, this would mean that the differing LEP provisions between the road reserve area and adjoining land will be retained and there will be no LEP restriction on the Height or Floor Space Ratio of Buildings. It is preferable that there is certainty and consistency over the planning controls, with this proposal making this clear for any land valuation purposes.

It is not essential to make further map amendments over the roads in the vicinity, though it is desirable. It is more efficient to combine these changes into the same LEP amendment.

**Community Engagement & Internal Consultation**

There has been consultation with relevant landowners and the Department of Lands in relation to the road closure process.

Processing of the proposed amendments to the LEP will involve a public exhibition process of at least 28 days. As a matter where Council has an interest in the relevant land, there are additional requirements, with the option of a public hearing following the exhibition.

**Planning & Policy Implications**

There are minor planning and policy implications in relation to this report, in relation to simplifying the process for road closures involving small areas of land.

There are implications in relation to the timing of completion of the road closures.

**Financial & Economic Implications**

The proposed amendments to the Land Zoning Map, Floor Space Ratio Map and Height of Buildings Map in relation to the proposed road closure on Pacific Drive may result in some change to the value of this land.

There are no major financial or economic implications in relation to the implementation of the proposed changes to LEP 2011, as described in this report. There will be internal processing costs, and potentially external costs for an independent chairperson of any public hearing.

**Attachments**

- 1[View](#). Granthan Lane road closure Council Report May 2013
- 2[View](#). Pacific Dr road closure Council Resolution March 2017

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**Item: 12.06**

**Subject: QUESTION FROM PREVIOUS MEETING - UPGRADE OF PORT  
MACQUARIE BREAKWALL BY CROWN LAND**

**Presented by: Development and Environment, Matt Rogers**

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### **RECOMMENDATION**

**That Council note the information provided in the Question from Previous Meeting – Upgrade of Port Macquarie Breakwall by Crown Land report.**

#### **Question from Councillor Turner**

Can the General Manager advise Council regarding the status of the proposed upgrade to the Port Macquarie breakwall by Crown Land for which Council undertook significant public consultation?

#### **Comments by Councillor (if provided):**

Nil.

#### **Response**

Council staff have contacted relevant officers from Department of Industry – Lands & Forestry (Minor Ports) seeking a project update regarding plans to upgrade Port Macquarie breakwall. At the time of writing this report, no update had been provided by Department staff.

Further contact will be made by staff and an update will be provided to Council once Department's plans to progress this project are confirmed.

#### **Attachments**

Nil

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**Item: 12.07****Subject: NOTICE OF MOTION - SHORT STREET PLAZA CAR PARK, PORT  
MACQUARIE**

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Councillor L Intemann has given notice of her intention to move the following motion:

**RECOMMENDATION****That Council:**

- 1. Request the General Manager write to the Member for Port Macquarie, seeking an update on any plans for the Short Street Port Macquarie, Plaza Car Park and advocating for a high quality commercial redevelopment of the site that preserves the existing public car parking and integrates with the foreshore and adopted planning instruments.**
- 2. Request the General Manager schedule a Councillor briefing session to consider options for Council to progress this matter.**

**Comments by Councillor (if provided)**

The Short Street public car park is vital to the economic activity of Port Macquarie CBD.

In early May following discussions with Councillors, as Acting Mayor I asked the General Manager to review the potential for Council as Trustee to adopt a pro-active approach to the future of the site.

The first step must be for Council to contact the NSW Government seeking advice on their position.

**Attachments**

Nil

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**Item: 12.08**

**Subject: LONG TERM ENERGY STRATEGY**

**Presented by: Strategy and Growth, Jeffery Sharp**

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**Alignment with Delivery Program**

4.7.1 Promote renewable energy outcomes within Council.

**RECOMMENDATION**

**That Council:**

- 1. Place the draft Long Term Energy Strategy on public exhibition from 21 August 2017 until 20 September 2017.**
- 2. Note that a further report will be tabled at the October 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.**

**Executive Summary**

Council has sought expert advice on the development of a long term energy strategy, which focuses on the future financial sustainability of Council. This has included a review of Council's current energy state, and current and future energy efficiency and renewable energy opportunities.

In order to guide and facilitate strategic decision making to manage Council's energy resources, it is recommended that Council adopt the following long term energy strategy:

1. Council will aim to source 100% of its electricity from renewable sources by 2027.
2. Council will aim to implement one or more mid-scale solar projects, when this technology becomes cost efficient to install and operate, in the medium to long term.
3. Council will continue to implement appropriate energy efficiency initiatives (including but not limited to more small-scale solar projects) in the short to medium term.
4. Strategic advice will be periodically obtained by Council to inform the organisation of relevant advances in renewable energy technology.

**Discussion**

In November 2015, through a Question on Notice, Council requested that staff "seek advice from an appropriate energy expert/s on current and future opportunities and options for the development of a long-term energy strategy, which focuses on the future financial sustainability of Council".



Procurement was undertaken in early 2016 utilising the NSW Government's Office of Environment and Heritage preferred supplier panel. 100% Renewables was appointed to undertake this scope of work in March 2016. In September 2016, 100% Renewables completed an options report detailing current and future opportunities and options for the development of a long-term energy strategy.

The options report seeks to help Council understand its energy efficiency and renewable energy opportunities, in order to make decisions regarding short, medium and long-term strategies for managing energy resources. The assessment has focused on electricity use in Council's operating facilities, covering water, sewer, buildings, recreational and other sites, and includes street lighting.

This assessment has looked at opportunities for grid energy reduction through energy efficiency and renewable energy generation, both on-site and at mid-scale, up to a level that could meet Council's future electricity requirements. High-level estimates of the capacity for grid energy reduction, costs and benefits, and suggested implementation options have also been developed.

The options report provides recommendations of short term, medium and long term steps for Council to consider to pursue the identified opportunities. The information contained within the report is provided to inform the development of a long-term energy strategy for Council.

The establishment of an appropriate long-term energy target is now required, to guide and enable Council to pursue and implement the most appropriate energy projects. Based on the specialist advice received to date, and referencing both the targets set by leading regional benchmark councils, and the forecast advances in renewable energy technologies, it is evident that a long-term energy target should focus on sourcing 100% of electricity from renewables, within a set timeframe.

It is acknowledged that the installation of a mid-scale solar photovoltaic (PV) plant would be required to meet such a target. A mid-scale solar PV plant refers to grid connected PV generation (between 10MW and 15MW) on Council-owned land (or water) that Council could develop in order to either offset its grid-derived electricity or create an equivalent amount of renewable electricity to that purchased for Council's operations.

Such a project would require between 23Ha to 51Ha of total land area, at a projected capital cost (based on currently available technology) in the order of \$20M, and would be the largest contributor to Council achieving this target.

The target would also need to be supported by a continuing approach to implementing energy efficiency initiatives across Council's operations, in conjunction with a number of the identified initiatives within the options report.

Forecast advances in renewable technologies indicate that between 2020 and 2025, the installation of a mid-scale PV plant (currently cost prohibitive to install and operate), will become cost effective. A 10-year timeframe i.e. around 2027 has therefore been identified as an appropriate target.

The following existing targets by Council peers are provided below for context:

*Lismore City Council* has a goal to self-generate 100% of its electricity needs from renewables by 2023, and a plan to achieve this was adopted by Council in 2014.

*Coffs Harbour City Council* has a goal to source 100% of electricity from renewables by 2030, with interim targets for 2020 and 2025, and a 50% GHG emissions reduction target by 2025. The Renewable Energy and Emissions Reduction Plan was adopted by Council in 2015.

*Byron Shire* is aiming to reach a “net zero emissions” target, and *Byron Bay Council* is a signatory to the Global Compact of Mayors.

Based on the specialist advice received to date regarding Council’s current energy state and what would be considered a reasonable and appropriately aspiration target; and the review of existing targets currently being worked toward by Council’s regional peers, it is recommended that Council adopt a target of aiming to source 100% of its electricity from renewables by 2027.

The implementation of such a target is ambitious, particularly given that Council is currently only sourcing 1.6% of its electricity needs from renewables. It is important to note however that both Lismore City Council and Coffs Harbour City Council (with similar targets) are in a similar position, and that meeting such a target is based predominantly on leveraging technology that will become cost effective in the next 4-7 years, rather than continuing to install PV systems on existing Council assets.

In recognition of the draft Strategy and consistent with recent activity by Council in relation to renewable energy and energy efficiency, the following projects have been included in the draft 2017-2018 Operational Plan:

- Carry out initial site suitability assessments in order to prioritise one or more that could be developed into a mid-scale solar project.
- Install solar energy systems at the Laurieton Office/Library, the Kew waste transfer station and the Port Macquarie Reclaimed Water Treatment Plant.
- Develop feasibility for a bulk street lighting upgrade to LED.
- Undertake an LED lighting upgrade to the Port Macquarie Council office building.

A draft long term energy strategy was tabled at the April 2017 Ordinary Council Meeting, where it was resolved:

*That this matter:*

1. *Be deferred to allow a further workshop/briefing to be undertaken with Councillors as to the draft Long Term Energy Strategy, such workshop/briefing to be held by 31 July 2017; and*
2. *Thereafter be the subject of a further report to Council.*

A Councillor briefing was subsequently held, where it was agreed to change the wording of the first strategy component from “1. Council will source 100% of its electricity from renewable sources by 2027” to “1. Council will aim to source 100% of its electricity from renewable sources by 2027”. This updated wording is reflected in the current draft long term energy strategy attached to this report.

**Options**

Council may either choose to adopt, reject, or amend the recommended long term energy strategy.

**Community Engagement & Internal Consultation**Community Engagement

There has been no community engagement in relation to the draft long-term energy strategy, as yet. Publically exhibiting the draft strategy alongside the September 2016 options report prepared by 100% Renewables will initiate the community engagement process.

Internal Consultation

- Water & Sewer Operations staff
- Buildings & Recreations Operations staff
- Waste Operations staff
- Senior Leadership Team
- Executive Team
- Group Manager Assets & Property Investment

**Planning & Policy Implications**

Under the proposed strategy, Council will have a framework in order to guide and facilitate strategic planning decisions in relation to the long term management of its energy resources.

**Financial & Economic Implications**

Under the proposed Strategy, Council would be required to allocate appropriate resourcing and funding to meet the desired outcomes.

Council has resolved to allocate revenue derived from carbon credits associated with its waste operations to renewable energy projects. This amounts to about \$1M over the next 7 years. This level of funding, combined with modest allocations from the Water/Sewerage/Waste funds for related initiatives (such as those proposed in the 2017-2018 Operational Plan noted above), will be sufficient for business as usual PV installations and energy efficiency upgrades.

The installation of a mid-scale PV system will cost significantly more than the resources that are currently available. The draft Strategy recognises this and suggests that the long-term goal should be supported by monitoring advances in technology (that should bring costs down) as well as examining business models for the delivery of a mid-scale PV project.

**Attachments**

- 1 [View](#). Draft Long Term Energy Strategy including 100% Renewables Options Report

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**Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:
  - Item 14.01 T-17-05 Supply of Three Trailer Mounted High Pressure Sewer Jetting Machines  
  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
  - Item 14.02 T-17-35 O'Neill's Bridge Replacement - Design and Construct  
  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
  - Item 14.03 T-17-36 Wauchope Swimming Pool - Shaded Outdoor Children's Water Play Area  
  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

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**RECOMMENDATION**

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

**Item 14.01 T-17-05 Supply of Three Trailer Mounted High Pressure Sewer Jetting Machines**

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

**RECOMMENDATION**

**Item 14.02 T-17-35 O'Neill's Bridge Replacement - Design and Construct**

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**RECOMMENDATION**

**Item 14.03 T-17-36 Wauchope Swimming Pool - Shaded Outdoor Children's Water Play Area**

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**RECOMMENDATION**