



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 15 August 2018

**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

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

These are:

- Addressing Council on an Agenda Item (if the matter **is** listed in the Council Business Paper)
- Addressing Council in the Public Forum (if the matter **is not** listed in the Council Business Paper)

You can request to address Council by completing the:

- 'Request to Speak on an Agenda Item' form
- '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 15 August 2018

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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 18 July 2018 be confirmed.

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## **PRESENT**

### ***Members:***

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

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

General Manager (Craig Swift-McNair)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Infrastructure (Alex Fisher)  
Director Strategy and Growth (Jeffery Sharp)  
Group Manager Governance and Procurement (Blair Hancock)  
Governance Support Officer (Bronwyn Lyon)  
Acting Communications Manager (Nicole Marzan)

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The meeting opened at 5:30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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The 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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Pastor Phil Brown from the Generocity Church delivered the Local Government Prayer.

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### **03 APOLOGIES**

Nil.

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### **04 CONFIRMATION OF MINUTES**

*RESOLVED: Intemann/Hawkins*

1. That the Minutes of the Ordinary Council Meeting held on 20 June 2018 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 4 July 2018 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

There were no disclosures of interest presented.

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### **06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

*RESOLVED: Pinson*

That Council note that there were no Mayoral Discretionary Fund allocations made for the period 7 June to 4 July 2018 inclusive.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

Nil.



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**08 PUBLIC FORUM**

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Nil.

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**09.01 RESIGNATION FROM THE MID NORTH COAST REGIONAL  
ORGANISATION OF COUNCILS (MIDROC)**

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**MOTION**

*MOVED: Griffiths/Cusato*

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to the operation of the MNCJO, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

**AMENDMENT**

*MOVED: Intemann/Hawkins*

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to a reserve, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

**FORESHADOWED MOTION**

*MOVED: Turner*

That the matter be deferred pending outcome of whether PMHC will receive a refund from MIDROC.

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## **THE AMENDMENT BECAME THE MOTION AND WAS PUT**

**RESOLVED:** Intemann/Hawkins

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to a reserve, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

**CARRIED:** 8/1

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

**AGAINST:** Turner

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

**RESOLVED:** Intemann/Griffiths

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

**CARRIED:** 9/0

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

**AGAINST:** Nil

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## **09.03 DISCLOSURE OF INTEREST RETURN**

**RESOLVED:** Griffiths/Dixon

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

1. Director Development and Environment.
2. Ranger.

**CARRIED:** 9/0

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

**AGAINST:** Nil

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#### **09.04 INVESTMENTS - JUNE 2018**

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*RESOLVED: Intemann/Hawkins*

That Council note the Investment Report for the month of June 2018.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **09.05 POLICY REVIEW - MEDIA RELATIONS POLICY**

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*RESOLVED: Intemann/Turner*

That Council:

1. Add a reference to the Mayor in both Sections 2.2.1 and 5 of the draft Media Relations Policy.
2. Place on public exhibition the draft Media Relations Policy from 23 July 2018 for a period of 28 days.
3. Note that a further report is planned to be tabled at the September 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **09.06 QUESTION FROM PREVIOUS MEETING - USE OF DRONES**

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*RESOLVED: Griffiths/Alley*

That Council note the information contained within the Question from Previous Meeting – Use of Drones report regarding the legalities of drones usage over public and private property.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **09.07 QUESTION FROM PREVIOUS MEETING - ENFORCEMENT OF UNLAWFUL ACTIVITY POLICY**

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*RESOLVED: Turner/Intemann*

That Council:

1. Note the information contained within the Question from Previous Meeting – Enforcement of Unlawful Activity Policy report.
2. Request the General Manager undertake a review of the Regulatory Enforcement Policy in relation to its adequacy for assessing the cost benefits of taking enforcement action, prior to such action taking place.
3. Request the General Manager report back to a future meeting of Council as soon as practicable on the findings of the review referred to in 2) above.
4. Request the General Manager provide a report to the September 2018 Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **10.01 QUESTION FROM PREVIOUS MEETING - LIBRARY FUNDING CUTS**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Note the information provided in the Question from Previous Meeting - Library Funding Cuts report as well as the information in this report.
2. Request the General Manager to submit a further report to Council at the earliest opportunity when the details of the extent and nature of the NSW Coalition Government's cuts and adjustments to Library funding is known.
3. Request the General Manager to include in the above report:
  - a) Appropriate Key Performance Indicators and benchmarking data (current and historical) that assists in determining how efficiently and effectively the libraries under the control of Port Macquarie-Hastings Council perform in comparison to other council owned and operated libraries in NSW, and
  - b) Comparative data (current and historical), readily and currently available, showing the financial support for council owned and operated libraries across the various states and territories of Australia.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**10.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JUNE 2018**

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*RESOLVED: Pinson/Cusato*

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

1. That Kye Wilson be granted \$350.00 to assist with expenses he will incur travelling to and competing as a member of the Under 17's NSW/ACT AFL Team to compete in three rounds across June, July & August 2018 at Sydney, Gold Coast and Melbourne respectively.
2. That Blake Elliot be granted \$225.00 to assist with the expenses he will incur competing at the NSWCHS Open Boys Touch Football Championships to be held at Bateau Bay from 3 – 5 July 2018 inclusive.
3. That Tylee Donovan be granted \$200.00 to assist with expenses he will incur competing as a member of the NRL 2018 KARI Aboriginal Resources Indigenous U18's Team to compete in Sydney on July 1 2018.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**10.03 CULTURAL STEERING GROUP - BICENTENARY WORKING GROUP UPDATE**

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The Director Strategy and Growth tabled the Bicentennial Logo summary sheet.

*RESOLVED: Turner/Intemann*

That Council:

1. Note the progress of the Bicentenary Working Group.
2. Endorse the Bicentenary Strategy and 2018 Bicentenary Overview.
3. Allocate \$15,000 from the Bicentenary Activities Fund for the operation of a quick grant fund pool to support community-led Bicentenary activities up to \$3000 per event/project to enable agility without being limited to the 2 rounds of the community grant program in August/February.
4. Adopt the logo, as tabled, for the Bicentenary activities.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **10.04 CULTURAL PLAN QUARTERLY PROGRESS REPORT**

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*RESOLVED: Turner/Hawkins*

That Council note the information in the Port Macquarie-Hastings Council Cultural Plan 2016-2019 Quarterly Progress report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **12.01 TRANSFER TO COUNCIL OF LAND FOR SEWER PURPOSES**

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*RESOLVED: Intemann/Dixon*

That Council:

1. Accept the transfer of Lot 374 DP1237302.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the transfer in accordance with the Electronic Transactions Act 2000.
3. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 374 Deposited Plan 1237302 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 374 Deposited Plan 1237302 (land off Phar Lap Circuit, Port Macquarie) as "operational land", from 19 July 2018 for a minimum period of 28 days.
4. Note that a further report will be tabled at the September 2018 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **12.02 ACQUISITION OF LAND AND EASEMENT - LONG FLAT SEWERAGE SCHEME**

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*RESOLVED: Hawkins/Cusato*

That Council:

1. Pay the negotiated amount of \$70,000 (GST free) as compensation to the owner of Lot A DP381856, K J Camilleri, for the acquisition of:
  - a) the easement for the drainage of sewage and right of access marked (A) in Mark Rogers' draft plan of survey reference 17380DP01 and,
  - b) the land shown as Lot 2 in Mark Rogers' draft plan of survey reference 17380DP01.
2. Pay the owner's legal costs for the property conveyance.
3. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **12.03 QUESTION FROM PREVIOUS MEETING - FERNBANK CREEK BOAT RAMP AND JETTY UPGRADE PROGRESS**

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*RESOLVED: Cusato/Dixon*

That Council note the information contained in the Question from Previous Meeting - Fernbank Creek Boat Ramp and Jetty Upgrade Progress report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **12.04 DA2018 - 81 - TWO LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 32 LORNE ROAD, KENDALL**

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*RESOLVED: Intemann/Alley*

That the determination of DA2018 – 81 for a two lot subdivision including clause 4.6 variation to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 18, DP 838421, No. 32 Lorne Road, Kendall, be noted.

*CARRIED: 9/0*

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

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## **13 QUESTIONS FOR NEXT MEETING**

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### **13.01 INCLUSIVE PLAYGROUNDS**

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#### **Question from Mayor Pinson:**

In light of the recent successful installation of the Liberty Swing at Town Beach North, could the General Manager please detail how Council intends to provide more inclusive playgrounds across the local government area?

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

Nil.

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## **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Dixon/Griffiths*

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 T-18-19 Provision of Group Training Services

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-18-20 Supply and Delivery of an approximate 21m Elevated Work Platform

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of

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a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 14.03 T-18-27 Alterations and Additions Port Macquarie Library

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: 9/0*

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

*AGAINST: Nil*

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**ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 6:25pm.

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**RESUME MEETING**

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The Ordinary Council Meeting resumed at 6:36pm

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

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**RESOLVED: Hawkins/Alley**

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

**Item 14.01 T-18-19 Provision of Group Training Services**

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**

That Council:

1. Accept the tender from HGT Australia Limited T/As Novaskill for the Provision of Group Training Services for a two (2) year period commencing 1 August 2018, with one (1) option to extend for a further one (1) year period, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from HGT Australia Limited T/As Novaskill Ltd for the Provision of Group Training Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-19.

**Item 14.02 T-18-20 Supply and Delivery of an approximate 21m Elevated Work Platform**

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**

That Council:

1. Accept the tender from Monitor Industries Pty Ltd t/as Monitor Lifts for \$137,250 (exclusive of GST) for the supply and delivery of an approximate 21m Elevated Work Platform.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-20.

**Item 14.03 T-18-27 Alterations and Additions Port Macquarie Library**

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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**

That Council:

1. Note that no conforming tenders were received for Tender T-18-27 Alterations and Additions Port Macquarie Library.
2. In accordance with the Local Government (General) Regulations 2005 clauses 178(3)(e) and 178(4), decline to invite fresh tenders and enter into negotiations with MCR Building Pty Ltd:
  - a) to avoid delays to the completion of the Port Macquarie Library alteration works and risk grant funding; and
  - b) with a view to entering into a contract in relation to the subject of the tender.
3. Request the General Manager present a further report to the 18 August 2018 meeting of Council on completion of the negotiation process, for Council's further consideration of Tender T-18-27 based on the outcome of the negotiations.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-27.

**CARRIED:** 9/0

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

**AGAINST:** Nil

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The meeting closed at 6:37pm.

.....  
Peta Pinson  
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 <b>identified land</b></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 <b>subject land</b></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.

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- 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 for the period 5 July to 1 August 2018 inclusive be noted.**

**Discussion**Mayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 5 July to 1 August 2018 inclusive:

Donation of Glasshouse Vouchers to PMQ Combined Netball Club's annual Fundraiser	\$200.00
Donation of Glasshouse Vouchers to 2018 Hope Shop Masquerade Ball Fundraiser	\$200.00
	<b>\$400.00</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**

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

**RECOMMENDATION**

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 five 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: 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:**

- 1. Grant leave of absence for Mayor Peta Pinson for the period 19 August 2018 to 2 September 2018 inclusive.**
- 2. Note that in accordance with Section 231(3) of the Local Government Act, the Deputy Mayor will perform all duties of the Mayor during this period.**
- 3. Allocate the Mayoral allowance to the Deputy Mayor during this period in accordance with Section 249(5) of the Local Government Act.**

### **Executive Summary**

Council has received a request for leave of absence from Mayor Pinson for the period 19 August 2018 to 2 September 2018 inclusive.

### **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 19 August 2018 to 2 September 2018.

Due to there being a casual vacancy in the office of Mayor, it would be prudent to request the Deputy Mayor to perform all duties of the Mayor during this period (*Local Government Act NSW s 231 (3)*) and to be remunerated accordingly (*Local Government Act NSW s 249 (5)*).

### **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

**Item: 09.02**

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

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

### 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 contained in the Status of Reports from Council Resolutions report.**

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Markets Policy	13/12/17 Item 11.01	In discussion with the Economic and Cultural Development Portfolio.	DSG	Apr-18 Jul-18	Aug-18
Clearing of Vegetation on Flagstaff Hill	18/04/18 Item 12.11		DDE		Aug-18
T-18-01 Port Macquarie Airport Terminal Building Upgrade - outcome of negotiations to refine scope of works and revised project budget and funding sources	04/07/18 Item 08.01		DCP		Aug-18
QFPM - Inclusive Playgrounds	18/07/18 Item 13.01		DDE		Aug-18
Impact of Road Openings and Closures on Private Property	18/09/13 Item 12.03	To be included in overall review of roads policies. Information still being sought.	DI	Mar-15 Jun-17 Jul-17 Dec-17 Mar-18	Aug-18
Flying Fox Colony in Kooloonbung Creek nature Reserve	18/04/18 Item 12.02		DDE		Aug-18
Property Purchase by Sewer Fund - post exhibition	16/05/18 Item 14.01		DSG		Aug-18

Planning Proposal: Bundaleer Aged Care Centre, 4-8 Johnstone Street And 67 High Street, Wauchope	16/05/18 Item 12.05		DSG		Aug-18
Correspondence responses update – by- election for popularly elected Mayor	18/04/18 Item 09.02	Awaiting information.	GM		Sep-18
Library Funding Cuts	18/07/2018 Item 10.01		DSG		Sep-18
Biodiversity Strategy – post exhibition	13/12/17 Item 12.06	Submissions still being reviewed.	DDE	Apr-18 May-18 Jun-18 Jul-18 Aug-18	Sep-18
Alternative Investment Options for higher returns	15/11/17 Item 09.10	Delayed pending further development and referral to Audit Risk and Improvement Committee. Awaiting Councillor Briefing.	DCP	Jul-18	Sep-18
Draft Structure Plan for the Greater Sancro Area - consideration/investigation s 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 Sancro area.	18/02/15 Item 13.07 20/06/18 Item 12.07	Work underway now the UGMS report adopted.	DSG	Dec-16 May-17 Jun-17 Dec-17 Jul-18	Sep-18
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Item is to be discussed at a future Cultural Steering Group meeting.	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18	Sep-18
Port Macquarie Town Centre Pedestrian Facility Investigations - post community engagement	14/12/16 Item 13.05	With the design recently commenced following delays from RMS regarding funding allocations, aspects of the engagement	DI	Aug-17 Oct-17 Feb-18	Sep-18



		are outstanding.			
Media Relations Policy - post exhibition	18/07/18 Item 0905		DSG		Sep-18
QFPM - Enforcement of Unlawful Activity Policy - breakdown of legal fees 2017-2018 FY.	18/07/18 Item 09.07		DDE		Sep-18
Transfer to Council of Land for Sewer Purposes - post exhibition	18/07/18 Item 12.01		DCP		Sep-18
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM		Oct-18
Opportunities for Local Firms to do Business with Council	16/08/17 Item 11.01		DCP		Oct-18
Performance of Property Investment Portfolio 6-Monthly Report	12/12/17 Item 09.09		DSG		Nov-18
Deferral of Strata Development Contributions Scheme, report post detailed review of existing scheme and addressing but not limited to the funding shortfall in administration costs currently identified	20/06/18 Item 12.06		DSG		Nov-18
Tastings on Hastings - future strategy	18/04/18 Item 10.02		DSG		Nov-18
Town Centre Master Plan Charter Review	20/06/18 Item 09.09		DSG		Mar-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		TBA

Planning Proposal - Homedale Road Kew - post exhibition	14/12/16 Item 13.07	Awaiting further response from proponent prior to public exhibition based on state agency consultation.	DSG	Oct-17 Dec-17 May-18	TBA
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		TBA
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	17/05/17 Item 13.05		DSG		TBA
Tree Management – Proposed Improvements	20/09/17 Item 12.06		DDE		TBA
Long Flat Village Sewer Scheme – Acquisition of Land and Easement – Classify as Operational Land	18/10/17 Item 12.03		DI		TBA
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DDE		TBA
Property Purchase by Property Reserve – post exhibition	16/05/18 Item 14.02		DSG		TBA
Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox – post exhibition	16/05/18 Item 12.06		DSG		TBA
Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox – amendments to DCP	16/05/18 Item 12.06		DSG		TBA
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02		DSG		TBA
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DCP		TBA
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07		DDE		TBA
QFPM - Library Funding Cuts - extent and nature of cuts and adjustments.	18/07/18 Item 10.01		DSG		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every
Investments	DCP	Monthly	Every
Recommendations by the Mayor's Sporting Fund Sub-Committee	SG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, Apr, Aug
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep
Site Specific LEP Amendments - Update	DSG	Biannual	Mar, Sep
Long Term Energy Strategy – Progress	DDE	Biannual	Apr, Oct
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov
Performance of Property Investment Portfolio 6-Monthly (12/12/17 - Item 09.09)	DSG	Biannual	May, Nov
Mayoral and Councillor Fees (Setting of)	GM	Annually	Jun
Council Policy - Status	DCP	Annually	Jul Aug
Recreation Action Plan – Status	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
Audit Committee Annual Report	DCP	Annually	Sep
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep
Legislative Compliance Register	CP	Annually	Sep
Annual Disclosure of Interest Returns	GM	Annually	Oct
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 (21/10/15 - Item 09.04)	DCP	Annually	Nov

**Attachments**

Nil

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**Item: 09.03**

**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. Craig Swift-McNair (General Manager)**
- 2. Melissa Watkins (Director Development and Environment)**
- 3. Lisa Saley (Ranger)**
- 4. Natasha Jurmann (Ranger)**
- 5. Nicholas Burrell (Ranger)**
- 6. Mark Gollins (Building Surveyor Team Leader Building Regulation)**

### **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 and 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 financial or economic implications.

**Attachments**

Nil



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**Item: 09.04**

**Subject: 2017-2018 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 2018.**
- 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 must refer them for 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 2018 are nearing completion. The external audit is due to commence on the 24 September 2018 and will run for one week. The auditors aim is to complete their audit by mid October 2018 which means the statutory deadline of 31 October 2018 will be met. A copy of the audited financial statements is due at the Office of Local Government by 31 October 2018.

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](#). 2017-18 General Purpose Reports - Statement

2[View](#). 2017-18 Special Purpose Reports - Statement

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**Item: 09.05**

**Subject: 2017-2018 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 2017-2018 carry-over projects outlined in the report for inclusion in the 2018-2019 budget.**
- 2. Amend the 2018-2019 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 2017-2018 budget which were not completed in the financial year and need to be carried over into the 2018-2019 budget to enable finalisation.

Adopting these projects for inclusion in the 2018-2019 Operational Plan (and budget) ensures that they will continue or be completed.

Preliminary expenditure figures show that Council has expended over \$56 million in 2017-2018 on works program projects. The final expenditure figures will not be known until late August as invoices for 2017-2018 are still being received. This level of expenditure is down somewhat from the previous year and is slightly lower than the average over the last 5 years as shown in the following table. The expenditure amount however, is impacted by the phase of significant projects. For example, whether the projects is in the planning or construction phase, the level of expenditure is not necessarily an indication of the amount of work completed. 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>
2017/2018 - Preliminary	\$56,059,379
2016/2017	\$69,058,059*
2015/2016	\$79,662,838
2014/2015	\$45,560,938
2013/2014	\$42,870,238
<b>Average</b>	<b>\$58,642,290</b>

\* This figure was reported to the 16 August 2017 Ordinary Council meeting as \$68,504,085 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 2017-2018 and need to be carried over to allow completion in the 2018-2019 financial year. The carry-over value for 2017-2018 is \$29,827,793.

The carry-over projects for 2017-2018 are broken down into deferral categories:

Deferral Category	Amount
Grant not received	\$2,446,518
Multi-year project	\$19,577,251
Other	\$5,629,594
Resourcing	\$2,174,430
<b>Total</b>	<b>\$29,827,793</b>

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

Fund	Section	Amount to be carried over
<b>General Fund</b>	Airport	3,436,730
	Aquatic Facilities	50,000
	Geographical Information Systems	121,000
	Library	251,500
	Natural Resources	2,897,262
	Network & Project Planning	1,577,586
	Parks & Recreation	2,316,755
	Community Place	256,210
	Facilities	70,809
	Drainage	1,304,265
	Fleet Management	2,000,000
	Community Engagement	39,669
	Transport and Traffic	6,196,032
	PM Town Centre Masterplan	354,466
	Asset Design	1,183,960
	Strategic Land Use Planning	122,060
	Assets & Property Investment	80,774
	Digital Technology	501,448
	Infrastructure Delivery Projects	2,669,629
<b>General Fund Total</b>		<b>25,430,155</b>
<b>Sewer Fund</b>	Sewerage Services	2,159,937
<b>Sewer Fund Total</b>		<b>2,159,937</b>
<b>Waste Mgt</b>	Waste Disposal	526,605
<b>Waste Mgt Total</b>		<b>526,605</b>
<b>Water Fund</b>	Water Supply	1,711,096
<b>Water Fund Total</b>		<b>1,711,096</b>
<b>Grand Total</b>		<b>29,827,793</b>

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. Delays in grant projects can be caused by delays in grant confirmations from the relevant granting authority. The table below represents the funding composition of the carry-over projects with grant funding representing 26.58% of the total.

<b>Funding Source</b>	<b>Amount</b>	<b>%</b>
Revenue	3,043,842	10.20%
Reserves	10,373,998	34.78%
Grants	7,926,942	26.58%
Loans	2,903,855	9.74%
Environmental Levy	1,367,883	4.59%
Contributions	80,666	0.26%
Section 7.4 and 7.11 Contributions	2,789,019	9.35%
Section 64 Contributions	1,341,588	4.50%
<b>Total</b>	<b>\$29,827,793</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 service delivery, 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. The budget for the financial year reflects the financial commitment of the delivery plan. Estimating the split by year can be difficult given the budget timeframes as previously mentioned.

Of the total carry-over of \$29,827,793, projects that are considered to be multi-year projects amount to \$19,577,251 or 65%. The projects that are considered multi-year projects are outlined in the attachment to this report.

#### 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 budget for a number of years now. Regular monitoring through the phasing of capital budgets assists in the early detection and management of potential carry-overs during the current year.

It should be noted that whilst ongoing improvements will continue 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 2018-2019 will need to be adjusted to include the carry-over projects to be completed in 2018-2019.

#### **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 2018-2019 to undertake the works remaining on these projects.

#### **Attachments**

1 [View](#). 2017 - 2018 Carry-over Report

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**Item: 09.06****Subject: 2017-2018 OPERATIONAL PLAN END OF YEAR - QUARTERLY  
PROGRESS REPORT AS AT 30 JUNE 2018****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 2017-2018 Operational Plan End of Year - Quarterly  
Progress Report as at 30 June 2018.****Executive Summary**

The 2017-2018 Operational Plan is a sub-plan of the adopted 2017-2021 Delivery Program. The Delivery Program is designed as the single point of reference for all key activities to be undertaken during a term of Council. The Operational Plan spells out the detail of the individual actions, projects and activities Council will undertake in the financial year to meet the commitments made in the Delivery Program.

Progress reports to Council and the community provide a central point of information on the progress on delivering the actions set out in the 2017-2018 Operational Plan. This end of year - quarterly progress report outlines what Council has delivered against each action, activity or project as well as performance measures in the adopted plan and seeks to provide concise and accurate information in relation to the progress made.

The overview section of the report provides an overall statistical snapshot of 2017-2018 Operational Plan performance by Community Theme. Further detailed analysis is provided under each theme outlining achievements relating to each council service and also identifies those that are reported as behind.

The attachment provides the full 2017-2018 Operational Plan progress report, which includes a comprehensive listing of each individual action 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 four year Delivery Program 2017-2021. The legislated requirement to report against the Delivery Program occurs on a six-monthly basis. That report is next scheduled to be tabled at the Ordinary Meeting of Council in September 2018. This will be the second six monthly progress report on the adopted Delivery Program 2017-2021.

All capital works projects are incorporated into the body of the Operational Plan and as such are reported on as individual actions. A number of projects may have design

and construction elements and therefore can span across multiple years. These projects are identified as multi-year projects.

### Discussion

#### (a) Overview

##### 2017-2018 Operational Plan – End of year progress as at 30 June 2018

The 2017-2018 Operational Plan contains 252 actions with the total number of performance measures being 320. As at 30 June 2018, 87% are on target for delivery and 41 are reported as behind, representing 13% overall. The table below provides a summary of the total number of performance measures and the status by Community Theme.

2017-2018 Operational Plan summary of performance measures by theme					
Community Theme	Total No.	On target	Achieved	Behind	Overall delivery (%)
Leadership and Governance	80	6	70	4	95%
Your Community	69	6	52	11	84%
Your Business and Industry	24	1	17	6	75%
Natural and Built Environment	147	51	76	20	86%
<b>Total</b>	<b>320</b>	<b>64</b>	<b>215</b>	<b>41</b>	<b>87%</b>

The table below is comparative data of historical Operational Plan performance and provides information outlining year on year progress against the adopted 2017-2018 Operational Plan.

Comparative review of 2017-18 Operational Plan Performance Measures												
	Total No			On target/ Achieved			Behind			Overall delivery (%)		
	15/16	16/17	17/18	15/16	16/17	17/18	15/16	16/17	17/18	15/16	16/17	17/18
1Q - July - Sept	468	320	318	410	281	301	58	39	17	87%	88%	95%
2Q - Oct - Dec	468	320	320	391	297	293	77	23	27	84%	93%	92%
3Q - Jan - Mar	468	320	320	381	280	282	87	40	38	81%	88%	88%
<b>4Q - Apr - Jun</b>	<b>468</b>	<b>320</b>	<b>320</b>	<b>384</b>	<b>294</b>	<b>279</b>	<b>84</b>	<b>26</b>	<b>41</b>	<b>82%</b>	<b>92%</b>	<b>87%</b>
<b>Total</b>	<b>468</b>	<b>320</b>	<b>320</b>	<b>384</b>	<b>294</b>	<b>279</b>	<b>84</b>	<b>26</b>	<b>41</b>	<b>82%</b>	<b>92%</b>	<b>87%</b>

#### (b) Detailed Analysis by Community Theme and Council Service

Included below is a summary of highlights and information of those actions that reported as behind according to each Community Theme and Council service within the Operational Plan.



**COMMUNITY THEME: LEADERSHIP AND GOVERNANCE**

Operational Plan summary of performance measures					
2017 - 18	Total No.	On target	Achieved	Behind	Overall
1Q - July – Sept 2017	80	75	2	3	96%
2Q - Oct – Dec 2017	80	70	7	3	96%
3Q - Jan – Mar 2018	80	65	12	3	96%
<b>4Q - Apr – Jun 2018</b>	<b>80</b>	<b>6</b>	<b>70</b>	<b>4</b>	<b>95%</b>

**Leadership and Governance - Summary of highlights by Council Service**Digital Technology

- Renewal of Council's technology infrastructure to provide secure and responsive information communication technology is ongoing. This includes completion of Skype for Business testing and rollout planning commenced
- Aerial photography for urban areas and the whole of local government area for use in the Geographical Information System has been completed

Community Place and Customer Interactions

- Over 101,000 calls were received through the customer call centre with 77% of calls answered (within 20 seconds) exceeding the set target of 75%. The call abandonment rate was recorded at 2%, achieving the service standard of less than 3%
- 93% of initial customer interactions were dealt with at the first point of contact
- Over 105,000 counter enquires were processed, and over 23,000 e-mails were received through Customer Service offices in Laurieton, Port Macquarie and Wauchope
- Registered users on Council's "Have your Say" online comment engagement portal as at 30 June 2018 was 3,456. An increase from 3,127 users as at 30 June 2017
- Community members were involved in a variety of community engagement activities that involved face-to-face and on-line engagement. Projects included the Hastings Sporting Fields sessions, pop up engagement at Flynn's Beach for the Master Plan, a community think tank, pop up engagement stalls on the 2018-2019 Operational Plan, discussions on the Community Inclusion Plan at Youth Week and Seniors Week, ArtWalk, Stuart Park/Wood Street Grant Application, Health and Education Precinct and Koala Planning

Communications

- Over 1,030 Media releases, statements, alerts and announcements were issued from 1 July 2017 to 30 June 2018
- Over 759,000 unique visits and over 914,000 total visits were recorded on the corporate website from 1 July 2017 to 30 June 2018
- Facebook likes increased from 6,475 as at 30 June 2017 to 7,966 as at 30 June 2018
- Twitter follower increased from 871 as at 30 June 2017 to 1,031 as at 30 June 2018
- A range of communication tools were used to keep the community up to date with council activities including use of consistent media channels such as social media, newspaper advertising and Weekly Mayoral messages

Governance

- Two Ordinary Council Meetings held off-site as part of the Take the Council to the Community Program. The October 2017 Council Meeting was held in Laurieton, and the second off-site meeting was held in March 2018 in Wauchope
- Annual Public Interest Disclosures (PID) and Government Information Public Access (GIPA) reporting was submitted in line with required timeframes
- Project Management Framework implementation commenced
- The annual review of insurance coverage was undertaken and completed
- The Risk Management Action Plan was reviewed and modified with an implementation plan approved
- Completion of audit action items with quarterly reporting to the Audit Committee was undertaken for the Procurement Strategy
- Ongoing conversation held with other levels of government including meetings with Federal, State and Local members to advocate for local community needs
- Council nominated to become a member of the Joint Organisation following the March 2018 Ordinary Council Meeting. The Mid North Coast Joint Organisation (MNCJO) comprises of Port Macquarie-Hastings Council, Bellingen Shire Council and Kempsey Shire Council. The MNCJO was formed following the 9 May 2018 proclamation

Financial Services

- Investment reports tabled in accordance with required timelines
- Financial reports tabled in accordance with required timelines
- The 2018-2019 Operational Plan budget was adopted at the Ordinary Council Meeting in June 2018

Commercial Business Units - Glasshouse, Airport, and Property and Leasing

- A variety of performing arts and visual arts events were presented at the Glasshouse from 1 July 2017 to 30 June 2018, some of which included Antidote Live satellite event, The Merchant of Venice Bell Shakespeare, The Sydney Comedy Festival Showcase, Boys in the Band, the Sydney Writers Festival and the Melbourne International Comedy Festival
- 155 commercial leases and 70 community leases are current and operating
- The review of the Glasshouse Strategic Plan has commenced in line with the Cultural Steering Group

Asset Management

- The Property Investment Policy was adopted at the Ordinary Council Meeting held in December 2017 and the first six monthly Property Investment Portfolio report presented to the Ordinary Council Meeting in May 2018
- Asset revaluation of buildings and other structures has been completed

Human Resource Management

- Implementation of Workforce Management Strategy actions are underway
- An Employee Engagement survey was undertaken in February 2018 with results circulated to teams to undertake action
- The Employee Engagement process has been reviewed and continues to improve through ongoing feedback with staff across the organisation

Integrated Planning and Reporting

- The 2016-17 Community Report Card and Annual Report was adopted at the Ordinary Council Meeting in November 2017
- The six monthly Delivery Program Progress Report outlining achievements from July to December 2017 was presented and adopted at the March 2018 Ordinary Council Meeting in line with required timeframes
- The 2018-19 Operational Plan adopted at the Ordinary Council Meeting in June 2018 with community engagement pop-up sessions held in Wauchope, Laurieton, Lake Cathie and Port Macquarie during the public exhibition period over March and April 2018

Business Improvement

- Outcomes of the Service Review Project – Phase 3 was presented to Councillors in February 2018
- Quarterly reporting to the Executive team has been provided in-line with required timeframes

Leadership and Governance - Operational Plan actions reported as behind

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
1.1.6.3 Deliver the Engaging and Communicating with our community program (ECWOC)	Governance and Procurement	Arrange a minimum of four rural visits per annum	100%	50%
<b>Comment on Progress</b> - Behind schedule. ECWOC's were held at Telegraph Point in July 2017 and Bonny Hills in October 2017. Following Bonny Hills; and with the development of new community plans, no further ECWOC's were held. The Bonny Hills community plan become a pilot for the new process and included specific community forums to complete its generation.				
1.3.4.5 CW 17/18 Works Depot relocation - preconstruction/design (multi-year project)	Assets and Property Investment	Deliver project according to approved project plan (Works Depot relocation)	100%	30%
<b>Comment on Progress</b> - Behind schedule. Designs completed on a site in Port Macquarie, however operational changes have led to site reconsideration. Project to continue into 2018-19.				
1.5.2.2 CW 17/18 Ensure plant purchases are in line with the plant replacement program - multi-year project	Transport and Stormwater Network	Plant replacement program delivered according to approved schedule	100%	90%
<b>Comment on Progress</b> - Behind target. Only reached 90% of the programme. The Vacuum Truck for Sewer Services was removed from program at request of Sewer for further investigation of options to meet operating requirements. Specification of				



Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
a 20 tonne excavator is now being reviewed by Waste Services as part of a review to Cairncross operations and managing asbestos.				
1.5.3.1 Increase operating revenue at the airport, the Glasshouse and the Environmental Laboratory	Commercial Business Units	Increase operating revenue by 3% per annum per business unit	3%	0%
<p><b>Comment on Progress</b> - Behind target with revenue only slightly higher than previous year. Revenue has been impacted by;</p> <p>1. Airport. Reduced passenger numbers associated with QantasLink and reduced scheduled has reduced overall revenue by 2%; and</p> <p>2. Crematorium. Increasing external competition for cremation services reducing revenue by 15%.</p> <p>It should be noted that the Glasshouse and Environmental Lab had increases in revenue compared to the previous financial year of 8% and 12 % respectively.</p>				

**COMMUNITY THEME – YOUR COMMUNITY**

Operational Plan summary of performance measures					
2017 - 18	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2017	69	68	0	1	99%
2Q - Oct – Dec 2017	69	61	4	4	94%
3Q - Jan – Mar 2018	69	57	5	7	90%
<b>4Q – Apr – June 2018</b>	<b>69</b>	<b>6</b>	<b>52</b>	<b>11</b>	<b>84%</b>

**Your Community - Summary of highlights by Council Service****Commercial Business Units – Environmental Laboratory**

- Sampling, analysis and reporting of operational and regulatory requests at the Laboratory were completed within the set service standards
- National Association of Testing Authority corporate accreditation maintained

**Sports and Recreation**

- Lifeguard Services operated at Town, Flynns, Lighthouse, Lake Cathie, Rainbow and North Haven beaches including extended coverage at Lake Cathie during the Easter long weekend in March 2018
- The Lifeguard Education Program was delivered to over 3,800 students during the 2017-18 season
- A number of actions were implemented as part of the Recreation Action Plan including:
  - installation of sports field lighting at Oxley Oval Port Macquarie
  - installation of sports field lighting at Lank Bain Sports complex Wauchope
  - Lake Cathie Foreshore Master Plan adopted
  - Port Macquarie Coastal Walk Master Plan adopted
  - Draft Master Plan for Flynns Beach developed and will be presented to the Ordinary Council Meeting in July 2018

- Port Macquarie Pool has a community survey complete with further exploration underway of long term aquatic needs for the community
- Camden Haven Recreational Boating improvements has detailed designs commenced
- Rocks Ferry Reserve pontoon installation completed
- Regional Master Planning for recreational facilities included completion and adoption of the Lake Cathie Foreshore Master Plan in early 2018. A Draft Master Plan for Flynns Beach is expected to be placed on public exhibition in the first quarter of 2018-19
- A Leash Free Dog facility concept plan was developed for Port Macquarie
- The Playground equipment replacement program for 2018-19 included upgrades to Laura Place Reserve, Lasiandra Park, Laurieton Oval, Long Flat sports and recreation playground, Pioneer Park Comboyne and Sancrox Reserve
- The Recreational walkway replacement program for 2018-19 included completion of a pathway at Binbilla Reserve walkway in Bonny Hills. Structural investigations and scope of works also confirmed for the Flagstaff pedestrian bridge
- The Hastings Regional Sporting Facility had community engagement undertaken in March 2018 with preconstruction activities continuing into 2018-19
- Construction of Woodland Walk for Mrs Yorks Garden in Port Macquarie complete
- Upgrade of the Town Square in Port Macquarie complete

#### Compliance

- 415 pool inspections were undertaken from 1 July 2017 to 30 June 2018
- 994 risk based audit inspections relating to on-site sewage were undertaken from 1 July 2017 to 30 June 2018
- 283 inspections relating to development approvals and building, environmental, public health and on-site sewage standards were undertaken from 1 July 2017 to 30 June 2018
- 40 fire safety inspections were undertaken from 1 July 2017 to 30 June 2018
- Over 1,740 offences were recorded by Council Rangers in relation to parking, beach patrols, illegal signage and sale of goods on roads

#### Community Place

- Meetings held with local Police to support the Hastings Liqueur accord
- A number of actions were implemented as part of the Graffiti Blasters Program including removal of approx 200 tags per month by the graffiti blasters team during 1 July 2017 to 30 June 2018
- Support provided to the Youth Advisory Committee in coordinating 2017-18 Youth Week events
- A number of actions were implemented as part of the Aboriginal Awareness and Understanding Strategy including
  - NAIDOC Week Program activities
  - Bicentenary project activities
  - Community Inclusion Plan activities
  - Aboriginal Cultural Awareness training program for all staff
  - Community Cultural Protocols launched by the Hastings Aboriginal Education Consultative Group

- Attendance at Bearlay Aboriginal Interagency meetings
- Attendance at Hastings Primary School, Westport Public School and Port Macquarie Public School during NAIDOC Assemblies
- Support provided in planning for Hastings Secondary College NAIDOC Celebrations
- The 2017-2018 Community Grants Program was delivered with a range of community groups receiving funding to support activities across the local government area
- A number of actions were implemented as part of the Disability Inclusion Action Plan including
  - Liberty Wheelchair Swing installed at Town Beach Playground with Sunrise Rotary Club
  - Completion of wheelchair ramp at Wauchope Library
  - Building works for the new Shelly Beach accessible toilet amenities
  - Installation for Lasiandra Playground Wauchope intergenerational swing
  - Seniors outdoor exercise hub and flying fox with assisted seat
  - Community engagement for seven proposed designs for Port Macquarie CBD improvements including pedestrian crossings, kerb ramps and traffic lights and
  - Think Tank community engagement for the development of the Community Inclusion Plan
- Library membership increased from 32,167 as at 1 July 2017 to 36,052 as at 30 June 2018
- A number community activities have been held across the region including;
  - Waves and Melodies at Town Beach
  - Rainbow Rhythms at Bonny Hills
  - Maker Market at Port Library
  - Youth Week
  - Seniors Week
  - Artwalk
  - Heritage Festival
  - Creative Wauchope
  - Library School holiday program
  - Reconciliation Week activities and
  - Mayors Sporting Fund events
- A number of actions were implemented as part of the Volunteer Program including
  - Projects for the community college work at Wayne Richards Park
  - Developing a partnership with NSW Corrections to deliver projects across the region
  - Coastal Warrior
  - Beach to Beach - D9 path development
  - Creek to Creek
  - Fundraiser and Mrs Yorks birthday celebration

**Your Community - Operational Plan actions reported as behind**

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
2.1.3.1 Monitor and take action as appropriate to	Regulatory Services	Undertake 1,000 on-site sewage inspections	1000#	994#

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
ensure compliance with development approvals and building, environmental, public health and on-site sewage standards				
<b>Comment on Progress</b> - Behind target. The total annual inspections were slightly behind the set target.				
2.3.2.2 CW 17/18 Deliver sporting facility renewal and upgrades program across the LGA (including Various Sporting Fields - Automated Lighting)	Recreation and Buildings	Deliver renewal and upgrades as per schedule and reported according to seasonal sports	100%	50%
<b>Comment on Progress</b> - Behind target. This activity forms part of Councils Stronger Country Communities Funding application. Confirmation has been received regarding PMHC success for two major sports projects. Internal meetings continue to coordinate delivery of projects for Regional Stadium field 3 with lighting, and installation of new lighting to the 2nd hockey field at Wayne Richards Park, in addition to the automated lighting system installations. Tender documentation is currently being developed. Completion of a geotechnical report for Wayne Richards Park hockey field 2 has been scheduled.				
2.3.2.4 Commence regional master planning for recreational facilities	Recreation and Buildings	Develop a strategic concept plan for Port Macquarie public swimming pool including the site selection process	100%	60%
<b>Comment on Progress</b> - Behind target. Further project planning is ongoing with the current focus being on determining site requirements for the new facility. In June 2018, Council engaged Otium Planning Group, a specialist consultancy service with extensive expertise in facility development and management. Otium are currently investigating the longer-term aquatic needs of our community and exploring critical success factors for the site (e.g. the size of the site allowing for growth, parking requirements and site accessibility). The determination of these factors will inform the development of a concept master plan.				
2.3.2.6 CW 17/18 Undertake Hastings River recreational boating improvements	Recreation and Buildings	Deliver project according to approved project plan	100%	30%
<b>Comment on Progress</b> - Behind schedule. Acquisition negotiations with the landholder are continuing. Project to continue into 2018-19.				



Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
2.3.3.12 CW 17/18 Sancrox/Thrumster Sports Fields - Detailed design and approvals - (multi-year project)	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	90%
<b>Comment on Progress</b> - Behind schedule. Design project planning nearing completion. This is a multi year project and will continue into 2018-19.				
2.3.3.13 CW 17/18 Westport Park - Riverwall and pathway upgrade - (multi-year project)	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	90%
<b>Comment on Progress</b> - Behind Schedule. Construction to commence July 2018. Project to continue into 2018-19.				
2.3.4.02 Port Macquarie Coastal Walk — Master Plan development and implementation	Recreation and Buildings	Deliver project according to approved project plan	100%	75%
<b>Comment on Progress</b> - Behind schedule. Multi year project delayed to allow for finalisation of grant funding agreement with the State Government allocating an additional \$765,000 toward this project.				
2.3.4.03 Wayne Richards Park — Stage 3B detailed design and approvals	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	50%
<b>Comment on Progress</b> - Behind schedule. Project planning for design underway but delayed due to resourcing. Project to continue into 2018-19.				
2.3.4.06 CW 17/18 Flynn's Beach — upgrade sea wall (multi-year project)	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	50%
<b>Comment on Progress</b> - Behind schedule. Design and construction tender awarded. Design underway. Environmental assessment pathway impacted by Coastal SEPP changes and delays being treated within the design and construction contract. Project construction to continue, however commencement now scheduled post summer 2018-19, impact assessment of environmental pathway changes presently being considered.				
2.3.4.07 CW 17/18 Googik Track - construct shared walkway/cycleway, Stage 2 (multi-year project)	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	50%

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
<b>Comment on Progress</b> - Behind schedule. Project pending National Parks and Wildlife Services advice regarding next steps/preferred route.				
2.3.4.09 CW 17/18 Town Centre Master Plan - Kooloonbung Creek Foreshore - Gordon to Hayward Street upgrade	Recreation and Buildings	Deliver project according to approved project plan	100%	50%
<b>Comment on Progress</b> - Behind schedule. Delays due to electrical and lighting design certification. Project to continue into 2018-19.				

**COMMUNITY THEME: YOUR BUSINESS AND INDUSTRY**

Operational Plan summary of performance measures					
2017 - 18	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2017	24	24	0	0	100%
2Q - Oct – Dec 2017	24	22	1	1	96%
3Q - Jan – Mar 2018	24	21	2	1	96%
4Q - Apr – June 2018	24	1	17	6	75%

**Your Business and Industry - Summary of highlights by Council Service****Economic Development**

- A number of actions were implemented as part of the Economic Development Strategy including
  - Finalising the Draft Urban Growth Management Strategy following public exhibition
  - Health and Education Precinct planning project engagement undertaken
  - Reporting on the trial of CBD Wi-Fi and next steps
  - Successful operation of The Hub "pop up" co-working space
  - Finalised the Draft Cultural Plan
  - Completion of the local Skills Gap Analysis
  - Ongoing implementation of the Destination Management Plan
  - Ongoing implementation of the Major Events Strategic Action Plan and planning for a new 'whole-of-council' events plan
  - Exhibition at Manufacturing Week in Sydney and
  - Advocacy with other levels of government to progress economic development outcomes for our region.
- A number of actions were implemented as part of the Destination Management Plan including
  - Collaborated with Sails Resort Port Macquarie to host an Australian Society of Travel Writers luncheon in Sydney.
  - Development and implementation of on the Winter Campaign to drive visitation over the off-peak season.
  - Planning for procurement of the Destination PR and Media Planning and Buying contracts commenced.

- Destination North Coast proposed the creation of a Business Events Bureau for the North Coast, coordinated and facilitated engagement with the local association and relevant industry stakeholders.
- Visits to the destination website increased by over 15% (year on year) representing an increase from 217,644 to 251,703 user sessions
- The Investment Prospectus was reviewed and updated in March 2018 for the Franchise and Business Opportunities Expo
- Meetings attended with the Business Hub to support local business networks
- A number of actions were implemented as part of the Digital Strategy including Town Green Wi-Fi trial concluded on March 2018

Port Macquarie Airport

- Port Macquarie Airport Terminal upgrade has Terminal Building Upgrade design package finalised with tenders evaluated. Recommendations proposed to be presented to an Extraordinary Council Meeting on 4 July 2018

**Your Business and Industry - Operational Plan actions reported as behind**

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
3.1.2.1 Prepare Local Environmental Plan (LEP) and Development Control Plan (DCP) amendments in relation to a business park near Port Macquarie Airport	Strategic Land Use Planning	Report to Council regarding adoption of LEP and DCP amendments by 31 Dec 2017	100%	60%
<b>Comment on Progress</b> - Behind schedule. Draft Council report completed for consideration pending biodiversity certification of Council Airport lands.				
3.1.3.1 Implement the Major Events Strategic Action Plan	Economic Development and Communications	Have a 5% increase in the visitor nights associated with major events annually	5%	3.95%
<b>Comment on Progress</b> - Behind target. The event data received from sponsored events indicated that a 3.95% increase on visitor nights achieved this year. This is probably due to combination of small survey samples from some events and a slowing in event growth noting the absence of large events such as last year's Ulysses AGM. Council provided sponsorship support to two major events this quarter. One of those was the IRONMAN Australia event, with another 3-year contract with IRONMAN being secured and announced in May 2018.				
3.2.1.1 Continue installation of town and village signage installation	Community Place	Deliver project according to approved project plan	100%	80%
<b>Comment on Progress</b> - Behind schedule. The signs are all manufactured and awaiting installation. The contractor was taken by a competing project, installation is due in the first few weeks of July 2018.				

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
3.3.1.2 Support, facilitate and advocate for regular public transport (RPT) airline services at Port Macquarie Airport	Commercial Business Units	Increase in passenger numbers compared to previous year	100%	98%
<b>Comment on Progress</b> - Behind target. Current passenger numbers for July 2017 - June 2018 (220,887) are -2.2% behind the same period previous year (July 2016 - June 2017 = 225,791 passengers). Decrease in passenger numbers can be attributed to the cessation of Jetgo (PQQ-MEB) services and cancellation of some PQQ-SYD services by QantasLink as part of the airline's temporary regional network changes.				
3.3.1.2 Support, facilitate and advocate for regular public transport (RPT) airline services at Port Macquarie Airport	Commercial Business Units	Increase in RPT airline aircraft movements compared to previous year	100%	96%
<b>Comment on Progress</b> - Behind target. RPT movements are tracking -4.2% behind previous year for the Jul 2017 - June 2018 period. RPT aircraft movements for June 2018 (348) are behind June 2017 (426). Decrease in aircraft movements can be attributed to the cessation of Jetgo (PQQ-MEB) services and cancellation of some PQQ-SYD services by QantasLink as part of the airline's temporary regional network changes.				
3.3.1.3 CW 17/18 Port Macquarie Airport Terminal Upgrade - finalise detailed design and commence construction - multi-year project)	Commercial Business Units	Deliver project according to approved project plan	100%	85%
<b>Comment on Progress</b> - Behind target. The tender evaluation for the construction of the Terminal Building Upgrade Project has been completed and a recommendation was made to an Extraordinary Council meeting on 4 July 2018. Project to continue for delivery in 2018-2019.				



**COMMUNITY THEME: NATURAL AND BUILT ENVIRONMENT**

Operational Plan summary of performance measures					
2017 - 18	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2017	145*	128	4	13	91%
2Q - Oct – Dec 2017	147*	116	13	18	88%
3Q - Jan – Mar 2018	147	102	18	27	82%
4Q - Apr – June 2018	<b>147</b>	<b>51</b>	<b>76</b>	<b>20</b>	<b>86%</b>

\*Operational Plan action 4.1.7.2 split into three measures increasing overall total from 145 to 147.

**Natural and Built Environment - Summary of highlights by Council Service****Water Supply**

- Water supply provided in accordance with the Australian Drinking Water Quality guidelines with no reportable incidents recorded during 2018-19
- Installation of new water supply services to residential and business properties to cater for new development undertaken in line with development
- Water asset replacement and renewal program undertaken in accordance with the program
- Upgrade of the disinfection dosing system at Bonny Hills complete
- Designs are ongoing for the Beechwood Rosewood Reservoir
- Detailed designs are underway for the Reclaimed Water truck main at
  - Area 14
- Detailed designs for the Southern Arm Truck Main (Pacific Hwy to Cowarra Dam section) were complete with the construction tender awarded
- Maintaining and operation of storage dams has been undertaken in accordance with Australian National Committee On Large Dam guidelines

**Sewerage**

- Provision of centralised sewerage systems for Comboyne, Long Flat and Telegraph Point as part of the small town sewerage program is ongoing with the tenders closing in June 2018
- Design and construction of the ultra-violet system for Bonny Hills Sewer Treatment Plant is complete
- Programmed replacement and maintenance of sewerage assets including, sewer pumps, electrical switchboards, membrane replacement, odour control installations, minor extensions and pipelines were undertaken in accordance with approved programs
- The upgrade of the Port Macquarie Reclaimed Water Treatment Plant – Aeration Tank refurbishment is complete
- Operating and maintaining sewerage treatment plants in accordance with environmental licences, adopted maintenance programs and safety requirements was undertaken
- Designs nearing completion for the Port Macquarie Sewer Pump Station 71
- Dunbogan Sewerage Treatment Plant sewer rising main extensions have designs complete with preconstruction documentation underway

**Stormwater and Drainage**

- Stormwater detention facility at Black Swan Terrace has detailed designs prepared and currently under review

- Major designs continuing for stormwater drainage at Lake and Jindalee Road Port Macquarie including intersection upgrades for Lake Road between Fernhill and Jindalee Roads
- Stormwater investigations and concept designs complete for Gordon/Owen Streets at East Port Macquarie
- Stormwater remediation works at Skyline Place, Bonny Hills has alternate plan and solution provided and now seeking resident feedback
- Piped drainage – Stage 1 works at Batar Creek Road and Laurel Street Kendall is complete
- Stormwater maintenance and repairs program completed including relining stormwater pipelines at Hollingsworth and Waugh St Port Macquarie and other works in North Haven and the North Shore
- Settlement Shores – Stage 1 dredging has contract finalisation underway
- Condition assessments of Stormwater assets on a representative sample has been completed which will be used to inform the future works program

Roads, Bridges and Transport

- Maintenance programs for boat ramps, wharves and jetties undertaken including heavily used boat ramps cleaned up to four times per year
- Preconstruction and designs works for the North South Link Road is continuing
- Ocean Drive upgrades from Mountain View Road to Fairwinds Ave Lakewood complete
- Broad analysis of priorities for the sealing of unsealed roads was undertaken with a briefing provided to Councillors detailing costs and issues associated with these works
- Construction of new footpath undertaken with locations including;
  - Sherwood Road Port Macquarie
  - Park Street Port Macquarie
  - Bellbowrie Street Port Macquarie
  - Bain Street Wauchope
- Construction of improved pedestrian amenity for Wauchope Main Street – Stage 1 has construction tender complete with a report planned to be presented to the Ordinary Council Meeting in August 2018
- Preconstruction works for the duplication of Greenmeadows Drive south to Matthew Flinders Drive has designs complete. Council pursuing grant funding opportunities for construction of this project
- The design contract for Beechwood Road upgrades (including segments 20,40 and 50 and stages 5 and 6) awarded at the December 2017 Ordinary Council Meeting with work to continue into 2018-19
- Beechwood Road – Stage 2 reconstruction from Riverbreeze to Rosewood Road has construction commenced and continuing into 2018-19
- Detailed designs of dual lanes on Lake Road are continuing
- Lake Road upgrade to widen the westbound carriageway between Toorak Court and Oxley Highway has construction complete
- Upgrades to Hastings River Drive – Newport Island Road roundabout has construction underway and is continuing
- Houston Mitchell Drive, stages 2 and 3 upgrades complete
- Pedestrian amenity improvements – Kew to Laurieton along Ocean Drive and Bold Street has preconstruction designs complete

- Stage 1 structural repairs for Kindee Bridge complete. Currently determining appropriate methodologies and approach to completing Stage 2 due to the complex nature of the project
- Bulli Creek Bridge replacement on Comboyne Road was completed
- Hyndmans Creek Bridge replacement - Comboyne Road is complete
- Albert Street single lane timber bridge replacement is complete
- O'Neills Bridge replacement - Batar Creek Road is complete
- Shared path between Miala Street and Lake Cathie Medical Centre Ocean Drive Lake Cathie is complete
- Detailed designs north of Miala Street to Orana Drive Lake Cathie are ongoing
- Kew Main Street works have the scope of works confirmed February 2018, with preconstruction planning underway
- A number of actions were implemented as part of Road Safety Action Plan including
  - Promotion of the Safe Use of Off Road Shared Paths and
  - Driver Distraction Education Project
- The Area Wide Traffic Study report was received and presented to Councillors at a briefing session in April 2018
- The Road rehabilitation was completed in the following areas;
  - Glen Haven Drive, Lakewood
  - Ocean Drive, Lakewood
  - Captain Cook Bicentennial Drive, Laurieton
  - Diamond Head Road, Dunbogan
  - King Creek Road, Wauchope
  - Sarahs Cres, Wauchope
  - Stoney Creek Road, Wauchope
  - Redbank Road, Wauchope
  - Pembroke Road, Pembroke
  - Beechwood Road, Beechwood
  - Beechwood Road (Oxley Hwy), Wauchope
  - Blackbutt Road, Port Macquarie
  - Hill Street (Lake Road to Lord St), Port Macquarie
  - Rollands Plains Road, Rollands Plains
  - Houston Mitchell Drive, Lake Innes
  - Nelson Street, Wauchope
  - Parker Street, Wauchope
  - Campbell Street, Wauchope
  - Waugh Street, Wauchope
  - Young Street, Wauchope
  - Mackay Street, Wauchope
  - Johnstone Street, Wauchope
  - Cowdery Street, Wauchope
  - Graham Street, Wauchope and
  - Webb Street, Wauchope
- The Road Reseal Programme was completed in the following areas;
  - West Haven/Lakewood, Asphalt Rejuvenation
  - Rocks Ferry Area, Wauchope, Bitumen Reseal
  - Riverbreeze Area, Wauchope, Asphalt Rejuvenation
  - Redbank Rd, Wauchope, Bitumen Reseal
  - Stoney Creek Rd, Wauchope, Bitumen Reseal

- Old King Creek, Wauchope, Bitumen Reseal
- Sarah's Crescent Area Wauchope, Bitumen Reseal
- The unsealed road maintenance program, including resheeting, drainage and vegetation and rural roadside vegetation was completed in the following areas including resheeting portions of
  - Lorne Road,
  - Ballengara Bransdon Road,
  - Farrawells Road,
  - Colling Road and
  - Upper Rollands Plains Road and
  - Bril Road was also gravel resheeted with extensive works

#### Strategic Land Use Planning

- Project plan completed in regards to facilitating development in the Major Innes Road/Charles Sturt University Precinct, including the Port Macquarie Hospital Precinct. A Draft Master Plan has been prepared following stakeholder engagement
- The Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 was adopted at the 20 June 2018 Ordinary Council Meeting
- Review of the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 is ongoing
- Review of the Port Macquarie-Hastings Development Control Plan (DCP) 2013 is ongoing
- LEP and DCP amendments for the proposed Yippin Creek urban release area to the west of Wauchope has the detailed project plan completed

#### Waste Management

- Residential, commercial and industrial waste education program delivered to encourage correct source separation of waste products

#### Natural Resource Management

- Maintenance programs for bushfire mitigation works on Council land delivered in accordance with the Bushfire Risk Management Plan
- The Draft Flood Policy was placed on public exhibition in May 2018
- A number of actions were delivered as part of the Weed Management program including
  - Over 930ha of land treated for invasive weeds
  - Over 1,690kms of weed dispersal routes treated
  - Over 1,400ha of Bushland under active management and
  - 20% of plant nurseries in the local government area inspected for invasive weeds
- Riparian restoration works undertaken which has included over 100km (lineal) of control being undertaken
- Feral animal control undertaken on Council-controlled land at Kingfisher Tip, Henry Kendall, North Shore, Christmas Bells Plains, North Haven and Port Water catchment supply area
- Ongoing education provided to residents, industry and community groups on Council's tree management requirements within the Port Macquarie-Hastings 2013 tree management development control plan



- Over 1,700 customer requests relating to tree matters have been handled during 1 July 2017 to 30 June 2018 including those relating to public and private matters and illegal tree works
- Pruning or removal of high-risk trees as part of tree maintenance works has included: 70 tree related tasks completed. (Priority 1 = 48 and Priority 2 = 22)
- Delivering bushfire preparedness and planning programs to the community has been undertaken including joint collaboration with Rural Fire Services
- The Draft Biodiversity Strategy placed on public exhibition during January and February 2018. A final report including submissions received is planned to be presented to the Ordinary Council Meeting in July/August 2018

Asset and Property Investment

- Condition assessment of a representative sample of stormwater assets has been undertaken to inform future works programs
- Four potential sites were identified as suitable for future mid-scale solar projects and included in the Long Term Energy Strategy that was adopted at the Ordinary Council Meeting in October 2017
- Feasibility assessments complete for the bulk street lighting upgrade to LED

Building Maintenance

- Schedule and reactive maintenance programs undertaken for Council owned building as per the program including upgrades to public amenities at Shelly Beach Reserve
- Installation of a solar energy systems at the Council Office building and Library in Laurieton
- LED lighting upgrades complete for the Port Macquarie-Hastings Council office building
- Solar system feasibility assessments for existing Council building undertaken

Development Assessment

- Over 1,760 Development Applications, s96 Modifications, Construction Certificates and Complying Development Certificates were determined within agreed processing times from 1 July 2017 to 30 June 2018

Natural and Built Environment - Operational Plan actions reported as behind

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
4.1.1.01 CW 17/18 Sancrox Reservoir (to Area 13 - 750 mm) - trunk main construction (multi-year project)	Water and Sewer (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
<b>Comment on Progress</b> - Behind schedule. Design and pre-construction near completion. Ongoing delay in environmental assessment finalisation by contractor is delaying construction. Target design completion now extended to August 2018. Project to continue into 2018-19.				
4.1.1.03 CW 17/18 Southern Arm trunk main - rolling	Water and Sewer	Deliver project according to approved project plan	100%	20%

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
program to construct southern arm trunk main along Houston Mitchell Drive (multi-year project)				
<b>Comment on Progress</b> - Behind target. Pipeline alignment being finalised. The project will proceed into the detailed design and approvals phase, once the alignment is confirmed. This is a multiyear project and is expected to continue through 2019-20 financial year and into 2020-21 financial year				
4.1.1.05 Ocean Drive Marbuck bypass - connection to Camden Haven trunk main (multi-year project)	Water and Sewer	Deliver project according to approved project plan (Ocean Drive Marbuck bypass)	100%	20%
<b>Comment on Progress</b> - Behind Target. Design completed for the project. The timing for construction for this project will be planned to coincide with the Ocean Drive duplication construction.				
4.1.1.12 CW 17/18 Port Dam Bypass - 525mm interconnections and bypass pump	Water and Sewer	Deliver project according to approved project plan	100%	20%
<b>Comment on Progress</b> - Behind target. Project Scoping and materials procurement completed. Installation scheduled to be carried out during 2018-19.				
4.1.3.07 Thrumster (Area 13) Sewerage Treatment Plant - environmental impact and concept study	Water and Sewer	Deliver project according to approved project plan	100%	50%
<b>Comment on Progress</b> - Behind schedule. Project plan has been developed. This includes review of treatment plant concept and Environmental Impact Statement (EIS), as well as development of renewable energy strategy for the site.				
4.1.5.03 Continue stormwater remediation - flood remediation Blackbutt Creek, Wauchope	Transport and Stormwater Network	Deliver project according to approved project plan	100%	60%
<b>Comment on Progress</b> - Behind schedule. Project continued from 2014-15 financial year. Detailed design for the remediation is complete. Property acquisition matters have significantly delayed works commencement, with acquisition only recently finalised. Works currently being scheduled for construction with the project to continue into 2018-19.				

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
4.1.5.07 CW 17/18 Continue stormwater remediation - Calwalla Crescent	Transport and Stormwater Network, (Infrastructure Delivery)	Deliver project according to approved project plan	100%	0%
<b>Comment on Progress</b> - Behind schedule. Project continued from 2017-18 Works Program. Detailed designs were completed in 2016-17, however property acquisition negotiations are continuing which have significantly delayed the project. Additional funding has been allocated in the 2018-19 Operational Plan in order to complete construction.				
4.1.6.1 (a) CW 17/18 Andrews Park, Wauchope - Reconstruct existing drainage line	Transport and Stormwater Network	Deliver program according to approved schedule	100%	30%
<b>Comment on Progress</b> - Behind schedule. The contractor engaged to complete this work has encountered bats residing within the gaps of the stormwater pipes. These bats are a protected species and Council has engaged an ecologist to review the environmental factors which is likely to result in a species impact study and potential long delays. Council currently awaiting further advice is required from the ecologist to determine an appropriate way to manage the bat colony. Project to continue into 2018-19.				
4.1.6.4 CW 17/18 Broadwater canals - undertake maintenance - (multi-year project)	Transport and Stormwater Network	Deliver program according to approved schedule	100%	90%
<b>Comment on Progress</b> - Behind schedule. Programed canal maintenance activities including the rehabilitation of the existing lighthouse structures, replacement of degraded decking and handrails on the two flow defection structures, and crack sealing of the Broadwater Weir have been delayed due to operational program changes. Works rescheduled for commencement in October 2018. Project to continue into 2018-19.				
4.1.6.7 CW 17/18 Carry out the Stormwater Renewal Program (Stormwater Remediation; 10 Dilladerry Cr Port Macquarie, Lincoln Rd/ Racewyn Close, drainage improvement works)	Transport and Stormwater Network	Deliver program according to approved schedule	100%	90%
<b>Comment on Progress</b> - Behind schedule. This reporting line is being delivered as two separate sub projects.				

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
1. Lincoln Rd. Racewyn Cls, Design is underway with the project expected to be completed by September 2018. 2. Dilladerry Cr, Design phase continuing with the project projected to be completed by August 2018.				
4.2.1.2 Continue to implement Floodplain Risk Management, Coastal and Estuary Management Plans	Environmental Services	Deliver project according to approved project plan	100%	0%
<b>Comment on Progress</b> - Behind target. Business Case approved. Project management plan to be completed and is scheduled for July 2018.				
4.4.1.05 CW 17/18 Construction of improved pedestrian amenity, Wauchope Main Street, Stage 1 (multi-year project)	Transport and Stormwater Network, (Infrastructure Delivery)	Deliver project according to approved project plan	100%	75%
<b>Comment on Progress</b> - Behind schedule. Roads and Maritime Services (RMS) Grant funded project. NSW Public Works have been appointed by Council as Project Managers. Construction tenders are closed with the tender assessment underway. Construction tender recommendation expected to be tabled at Aug 2018 Ordinary Council meeting. The construction of this project will continue into and through 2018-19.				
4.4.1.09 Hastings River Drive - Aston Street crossing (multi-year project)	Transport and Stormwater Network, (Infrastructure Delivery)	Deliver project according to approved project plan	100%	50%
<b>Comment on Progress</b> - Behind Schedule. Design completed, however stakeholder engagement for land acquisition remains ongoing and is delaying project finalisation.				
4.4.1.21 CW 17/18 Dunbogan Bridge - Reid Street - undertake substructure rehabilitation (multi-year project)	Transport and Stormwater Network, (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
<b>Comment on Progress</b> - Behind schedule. Multi-year project. Concept designs currently being developed. Tender for design will be released later in 2018 with a construction tender in late 2018/early 2019. The complexity of works particularly from environmental management and works methodology perspective is significant and must be carefully considered prior to going to tender. Project to continue into 2018-19.				



Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
4.4.1.31 CW 17/18 Bold Street - Pedestrian Crossing Laurieton - between Seymour and Tunis Streets - Detailed investigation and design	Transport and Stormwater Network, (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
<b>Comment on Progress</b> - Behind schedule. Project design phase progressing and targeting completion late 2018. Construction of this project will continue into 2018-19 financial year in line with funding agreement.				
4.6.1.1 Undertake weed management program according to the Mid North Coast Invasive Plant Species Strategy 2012, working in partnership with community groups such as Landcare	Environmental Services	300 properties inspected for invasive weeds	300#	190#
<b>Comment on Progress</b> - Behind target. Due resourcing availability, annual target is behind the set target. Vacant position is now filled.				
4.6.1.5 Commence implementation of high priority actions following adoption of strategies for the management of Port Macquarie-Hastings Koala populations	Strategic Land Use Planning	Complete project plan for high priority actions by 30 June 2018	100%	50%
<b>Comment on Progress</b> - Behind target. Public exhibition extended one week, delaying start of submissions review. Submissions review delayed due to high priority report to Council June meeting to investigate deferral of payments of developer contributions for strata developments. Post-exhibition CKPoM now anticipated to be reported to August Council meeting.				
4.6.1.6 Inform and educate residents, industry and community groups about Council's tree management requirements within the Port Macquarie-Hastings 2013 Development Control Plan (DCP)	Recreation and Buildings	Provide advice in accordance with service standards and industry best practice	100%	62%

Operational Plan Activity 2017 - 18	Lead Responsibility	Success Measures	Target	YTD Actual
<b>Comment on Progress</b> - Behind target. Over 1,700 customer requests received in relation to trees for the July 2017 to June 2018 reporting period. 1,332 public tree issues, 307 private tree issues and 64 illegal tree works. Over 410 additional inquiries relating to public trees and over 185 relating to private trees were managed. This does not include calls transferred from call centre to staff. In addition, there were over 190 internal enquiries received.				
4.7.1.2 CW 17/18 Install solar energy systems at the Laurieton Office/Library, the Kew waste transfer station and the Port Macquarie Reclaimed Water Treatment Plant	Water and Sewer	Install solar energy systems at the Port Macquarie Reclaimed Water Treatment Plant	100%	50%
<b>Comment on Progress</b> - Behind target. Public works have been engaged to develop tender specifications. Tender for solar installation at the Port Macquarie Reclaimed Water Treatment Plant is likely to be issued at the start of the 2018-19 financial years due to delays with Public Works. Project to continue into 2018-19.				
4.8.1.5 Operate the sewerage network to ensure service delivery meets public health and safety requirements	Water and Sewer	Have nil reportable incidents relating to the operation of the sewerage network	0#	7#
<b>Comment on Progress</b> - Behind target. There have been seven reportable incidents due to unexpected premature pipe failure, wet weather events and pipe line blockages. Reportable incidents were recorded in Port Macquarie, Camden Haven and Wauchope.				

### Options

Seek further information on the content 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 Quarterly Budget Review Statements are tabled separately and reflects the financial implications against the 2017-2018 Operational Plan.

*Do not delete this line*

**Attachments**

- 1 [View](#). 2017-2018 Operational Plan End of Year Report (Quarterly Progress) as at 30 June 2018

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**Item: 09.07**

**Subject: MONTHLY FINANCIAL REVIEW FOR JULY 2018**

**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 adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for July 2018.**
2. **Amend the 2018-2019 one year Operational Plan to include all budget adjustments approved in this report.**

#### **Executive Summary**

This report will detail the monthly budget adjustments to 31 July 2018.

The Council adopted budget position as at 1 July 2018 was a shortfall of \$511,873. The budget adjustments included in this report will maintain this shortfall position.

#### **Discussion**

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 2018-2019 budget along with the proposed movement of funds to accommodate any changes.

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.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2018</b>	<b>Shortfall</b>	<b>(\$511,873)</b>
<b>Plus adjustments:</b>		
July Review	Balanced	\$0
<b>Forecast budget position for 30 June 2019</b>	<b>Shortfall</b>	<b>(\$511,873)</b>

#### July 2018 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	\$1,060,811
Reserve Transfers	2	Reserve	\$284,000
Transfer between projects	3	Revenue/Reserve	\$409,790
Additional revenue	4	Revenue	\$9,600
Council Resolutions	5	Reserve	(\$153,500)
<b>Total</b>			<b>\$1,610,701</b>

*1. Grant funding*

The total increase in project value for 2018-2019 is \$1,060,811.

Council project	Grant provider	Grant Amount	Section
Westport Public School Zone Installation	RMS	\$3,336	Network & Project Planning
NSW Small Business Funding	Department of Industry	\$5,000	Economic Development
NSW SES Building Works – Additional work to Camden Haven Unit	NSW State Emergency Services	\$10,516	SES & Public Safety
Local Priority Grant	NSW State Library	\$12,339	Library
Dementia Friendly Communities Community Engagement	Dementia Australia	\$13,490	Community Place
Detailed Hibbard Floodway Investigation	Office of Environment and Heritage	\$26,433	Natural Resources
Regional Road Block Grant and Traffic Facilities	RMS	\$33,429	Transport & Traffic
Lake Cathie-Illaroo Road Revetment Wall Funding Model	Office of Environment and Heritage	\$40,000	Natural Resources
Better Waste & Recycling Fund	Office of Environment and Heritage	\$45,017	Waste Management
2018 Annual program funding for the Glasshouse Regional Gallery	Arts NSW	\$57,528	The Glasshouse
Shared path – Wrights Road to PMQ CBD	RMS	\$70,000	Transport & Traffic
PM Hastings Fishing Litter Project	NSW Environmental Protection Authority	\$73,400	Waste Management
Beach to Beach – Shared path construction at Camden Haven	RMS	\$238,000	Roads and Transport



Council project	Grant provider	Grant Amount	Section
Stronger Country Communities – Sporting Field Improvement Program	NSW Department of Industry	\$432,323	Parks and Recreation
<b>TOTAL</b>		<b>\$1,060,811</b>	

## 2. Reserve Transfers

Additional reserve funding has been used this month to fund the following projects.

Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
Strategy & Growth Management – Off Site storage	Major Buildings	T/f from	Nil	\$7,500	This is to provide for off-site storage for the Community Participation Team as there is insufficient floor space within the current HQ building.
Airport Income - Advertising	Airport	T/f to	Nil	\$10,000	During the construction of the new terminal building it is envisaged that the advertising revenue will reduce. The reduction in revenue will reduce the transfer to the reserve.
Stormwater Drainage Revaluation	Revaluation	T/f from	Nil	\$40,000	Council is required to undertake a full revaluation of all infrastructure assets every 5 years. The Stormwater Drainage revaluation has been brought forward one year to reduce the need to undertake the stormwater and road revaluation in the same financial year.



Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
Port Macquarie Headquarters Alterations	Major Buildings	T/f from	Nil	\$226,500	This project was recently prioritised from delivery. Work commenced in May 2018 and will continue through into early 2019
<b>Net Transfer from reserves</b>				<b>\$284,000</b>	

3. *Transfers between projects*

Project Transferred from	Project Transferred to	Amount	Comments
Various Sporting Fields – Automated Lighting System	PM Sporting Fields Improvement Program - illuminator	\$9,790	These funds have been transferred to cover Council's contribution towards the illuminator project.
Data Communications	Digital Technology – Staff Costs	\$80,000	Expected savings from Data Technology has been transferred to salaries to allow for a new structure to be put in place.
Lake Street Laurieton – Stormwater Remediation	Kendall Drainage Works Stage 2	\$320,000	The Lake Street Laurieton project was in the draft OP, however it was found that the cost of the project would be excessive to achieve the required outcome. It was thought that the funds would be better utilised to continue the works in the Kendall area.
<b>Total</b>		<b>\$409,790</b>	

4. *Revenue Received*

Project	Funding	Amount	Comments
The Hub Pop Up	Revenue from the use of the facility	\$9,600	This refers to the operational expenditure of the Hub Pop Up project. The ongoing operational expenditure should be covered by the income received

Project	Funding	Amount	Comments
			from the use of the Pop Up centre.
<b>Total</b>		<b>\$9,600</b>	

#### 5. Council resolutions

Included in the current 2018-2019 budget is an item for the 2018 Tastings on Hastings with an allocation of \$153,500. In accordance with the resolution below (to the April 2018 Council meeting) this item has now been deleted.

### 10.02 TASTINGS ON HASTINGS

*RESOLVED: Cusato/Hawkins*

*That Council:*

- 1. Note the further engagement on and assessment of the potential 2018 Tastings on Hastings event.*
- 2. Not deliver a Tastings on Hastings Event in 2018.*
- 3. Request the General Manager develop and implement an October 2018 Bicentenary event, as the key community event for 2018.*
- 4. Request the General Manager table a future strategy for Tastings on Hastings at the November 2018 Ordinary Council meeting with the intention that Council continue to deliver the Tastings on Hastings event from 2019 onwards.*

*CARRIED: 7/0*

*FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner*

*AGAINST: Nil*

#### 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 current budget position at a shortfall of \$511,873.

#### Responsible Accounting Officer Statement

The approved original budget result for 2018-2019 was a shortfall of \$511,873. The budget adjustments in this report maintain this position. The shortfall position is considered an un-satisfactory result for the year and as such budgets will be monitored closely to find savings to reduce this shortfall.

**Attachments**

1 [View](#). July 2018 Budget Review

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**Item: 09.08****Subject: INVESTMENTS - JULY 2018****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 2018.**

**Executive Summary**

- Total funds invested as at 31 July 2018 equals \$266,442,893.
- Interest for the month of July was \$690,467.
- The year-to-date investment income of \$690,467 represents 9% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance over the last 12 months was 0.75% above the benchmark (3.01% against 2.26%). Benchmark being the Bank Bill reference rate as at 31 July 2018 as identified on [www.bloombergindices.com](http://www.bloombergindices.com).

**Discussion**

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio provides detailed information on the performance of council's investment portfolio.

**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 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.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular... that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council's website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

#### 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 30 June 2018, 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 2018, the investments held by Council totalled \$266,442,893 and were attributed to the following funds:

General Fund	112,854,685
Waste Fund	14,948,695
Water Fund	87,254,912
Sewer Fund	50,081,270
Sanctuary Springs Fund	38,253
Broadwater	1,265,079
	<hr/>
	<b>266,442,893</b>

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.

### **Options**

This is an information report.

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

Council uses the services of an independent financial advisor, on an ongoing 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. 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 2018 is 0.75% above the benchmark (3.01% against 2.26%) and year to-date income is 9% 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.

**Certification**

I hereby certify that the investments listed within this report were 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.

*Mitchel Woods*  
*Responsible Accounting Officer*

**Attachments**

- 1[View](#). Port Macquarie-Hastings Council Monthly Report - July 2018
- 2[View](#). Port Macquarie-Hastings Council Portfolio as at 31st July 2018

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Item: 09.09

Subject: GLASSHOUSE BIENNIAL 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 Biannual Report and Update on Strategic Plan Recommendations report.**

### Executive Summary

This report provides details of the Glasshouse finances for the 2017-18 financial year (i.e. as at 30 June 2018), 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

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 2017-18 financial year as at 30 June 2018, 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 2017-18 financial year (1 April 2018 to 30 June 2018) and the overall 2017-18 financial year (1 July 2017 to 30 June 2018), 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 quarterly 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 refers to the operating result before interest and depreciation.

The operating deficit for the financial year to date (before interest and depreciation) is a deficit/shortfall of \$2,182,611 against a budget of \$2,246,768, hence tracking \$64,157 under budget. Actual results for the same period in the prior year (1 July 2016 to 30 June 2017) was an operating deficit/shortfall of \$2,180,458. Hence the Glasshouse operating position has changed by only \$2,153 in a one year period.

It should be noted that the deficit/shortfall for the Glasshouse for the 2011-12 year was \$3,020,491 to provide some historical context on the result of the implementation of the Glasshouse Strategic Plan. This plan is now due for review pending finalisation of the Cultural Plan.

It should be noted that being a venue, income patterns can be subject to market forces, availability (and timing) of product in the market-place and seasonality.

This operating deficit (before interest & depreciation) can also be represented as follows:

## Glasshouse Operating Deficit by Activity - Year to Date 30 June 2018:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	0	0	0	3,424	1,444,491	450,217	1,898,132
Operating Expenditure (Before Council Overheads)	208,284	1,009,374	562,200	60,359	938,763	828,106	3,607,086
Council Overheads	108,941	37,892	80,522	23,682	56,839	165,781	473,657
Net Operating Surplus (Deficit)	(317,225)	(1,047,266)	(642,722)	(80,617)	448,889	(543,670)	(2,182,611)

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) can be represented as follows:

## Glasshouse Operating Deficit by Activity (after internal adjustments) - Year to Date 30 June 2018:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(317,225)	(1,047,266)	(642,722)	(80,617)	448,889	(543,670)	(2,182,611)
Internal Overhead Distribution	317,225	1,047,266	642,722	-546,206	-46,891	-1,414,116	-
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	-	-	-	(626,823)	401,998	(1,957,786)	(2,182,611)

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 2018, is \$13,719,752. This demonstrates that over \$14.25 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 - February 2018* 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.

Council’s Operational Plan 2017 – 2018 included an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2). At the Ordinary Council Meeting held on 16 August 2017, Council resolved as below:

**09.15 GLASSHOUSE END OF FINANCIAL YEAR REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS**

**RESOLVED:** Turner/Hawkins

*That Council:*

1. *Note the information provided in the Glasshouse End of Financial Year Report and Update on Strategic Plan Recommendations Report.*
2. *Note that the Glasshouse Strategic Plan will not be current past 2017.*
3. *Request the Cultural Steering Group provide recommendations to Council for the renewal of the Glasshouse Strategic Plan and associated KPI's as part of its review of Council's Cultural Plan.*

**CARRIED:** 9/0

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

**AGAINST:** Nil

Further to Resolution 3 above, Council’s Cultural Steering Group is currently reviewing the public submissions on the Cultural Plan. Once the Cultural Plan has been adopted, the Glasshouse Strategic Plan will be reviewed to ensure consistency between the plans.

**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 2018):

Performance Indicator	2014-15 Actual	2015-16 Actual	2016-17 Actual July- June	2017-18 Actual July- June	2017-18 Target



<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)	249,879	234,526	255,521	262,635	255,000
Visitation (Gallery)	46,336	49,660	54,617	59,859	55,000
Visitation (website)	121,394	112,985	135,905	153,526	135,000
Utilisation (%) (theatre)	38%	39%	42%	47%	> 40%
Utilisation (%) (studio)	22%	32%	26%	38%	> 35%
Utilisation (%) (meeting rooms)	42%	30%	47%	51%	> 40%
Average attendance (%) (theatre)	67%	71%	68%	74%	> 70%
Average attendance (%) (studio)	76%	64%	79%	69%	> 70%
Number of tickets processed	61,726	61,940	66,353	69,243	65,000
Percentage of tickets sold online*	27%	25%/30%*	27%	32%	>30%

The July - June KPI results represent very positive figures for the period and show continuing growth in utilisation and visitation compared to the corresponding period in 2016-17, noting that results can fluctuate year to year depending on the timing of particular events and the type and composition of venue hire.

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

The Glasshouse Membership Program operates in the calendar year to coincide with the annual performing arts program. As at 30 June 2018, there were 1,284 Glasshouse Members - this represents an increase of 130 members over the number of members at 30 June 2017. This level of membership far exceeds the patron participation results achieved by other similar NSW venues.

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 and a number of regional / local media organisations.

In 2018, the Glasshouse team has secured WIN Network as the inaugural Glasshouse Performing Arts Season Principal Sponsor, along with Angove Family Winemakers as Supporting partner and the Conservatorium Mid North Coast as a Presenting Partner (for Opera Australia). There were also 6 Presenting Partners secured for individual shows in the 2018 Season.

Council is also continuing to provide support for a wide variety of community groups to access and use the Glasshouse facilities. In 2017-18, there was an increase of 56% in the value of council support provided to community groups, versus 2016-17.



*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, work is underway to convert the “Speakers Room” (a space previously used as an office and storage area) to a hireable small meeting room space. This will give the venue a higher level of flexibility, additional break out space for conference and meeting events and increased venue hire income.

In July, a prominent outdoor poster was installed on the building to promote the business events facilities available in the venue. This supports the TV advertising campaign currently in market broadcasting 100 slots every month on the WIN network.

*4.4 Continue to rationalise operating costs and overheads*

Council has also been successful in being awarded \$135k in grant funding support from the NSW State Government to upgrade the existing halogen theatre lights to energy efficient LED lighting. This project, was implemented in March 2018, and will not only reduce annual operating costs but also enhance the technical quality of production services able to be offered by the Glasshouse to users of the theatre.

Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations - February 2018*.

**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.

Council’s Operational Plan 2017 – 2018 included an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2).

**Financial & Economic Implications**

The Glasshouse Strategic Plan 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](#). Update on Glasshouse Strategic Plan Recommendations August 2018
- 2 [View](#). Glasshouse Financial Statement 30 June 2018

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**Item: 09.10****Subject: NOTICE OF MOTION - STATUS OF GRANT APPLICATIONS  
QUARTERLY REPORTING**

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

**RECOMMENDATION**

**That Council request the General Manager investigate the resources required to provide a quarterly report to Council on the status of grant applications where Council is the applicant and report back to the October 2018 Council meeting on the outcomes of that investigation.**

**Comments by Councillor (if provided)**

Council relies on grants from both State and Federal governments as part of its continued operation. It is for assistance in road projects, library grants, the provision of coastal infrastructure such as boat ramps, shared pathways, bridges, sporting facilities and playgrounds.

The proposed report will provide a quarterly snapshot will assist councillors in lobbying other levels of government as well as provide transparency of the status of grant applications.

**Attachments**

Nil

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**Item: 09.11****Subject: NOTICE OF MOTION - PMHC SKILLED WORKFORCE**

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Councillor Intemann has given notice of her intention to move the following motion:

**RECOMMENDATION****That Council:**

1. Request the General Manager present a report to the September Council meeting on initiatives to develop key skill sets including:
  - a) Apprentice, trainee and cadetship programs, and
  - b) Work experience and internship opportunities
2. Request the General Manager present a report to the October Council meeting outlining Council's initiatives in regard to the broader workforce:
  - a) Attract, retain and develop skilled employees;
  - b) Encourage diversity in the workplace, and
  - c) Promote high levels of engagement amongst employees.

**Comments by Councillor (if provided)**

Next month Council is calling for new applicants for trainee positions in Council.

Council's various programs for young people are an important aspect of Council's Human Resources, delivering positive benefits for both Council and the community. The report for September arises out of last month's appointment of a new group training contract, and will outline Council's activities in this area.

The report for October will advise more broadly on Council's HR program, including method to ensure that PMHC is productively skilled and efficient, and also a highly desirable place to work.

**Attachments**

Nil

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**Item: 09.12**

**Subject: DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM  
PERFORMANCE**

**Presented by: Development and Environment, Melissa Watkins**

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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 note the Development Activity and Assessment System Performance report for the fourth quarter of 2017-2018.**

### **Executive Summary**

This report provides a summary of development assessment, building certification and subdivision certification activities for the April to June 2018 quarter and rounds out the financial year. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

### **Discussion**

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

The 2017-2018 period has proven to be similar to that of 2016-2017 and suggests a plateauing of application volumes. It should be noted though that the past 2 years are significantly up on the preceding 3 years. The monthly average number of development applications (DA) received for 2017-2018 was 89 DAs, on par with that received 2016-2017. It is interesting to note that the final quarter of 2017-2018 has seen a drop in applications received, with an average of 75 DAs received for each of the 3 months. Volumes of other the application types for 2016-2017 are also similar to that of 2017-2018, further suggesting that developed activity may have peaked.

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.

The monthly average building and plumbing inspections for 2017-2018 was 490 significantly greater than the monthly average of 455 in 2016-2017 and 407 the



previous year. This is a very good indicator of 'on the ground' activity. Inspection numbers may potentially decrease over the coming year noting the trend in applications mentioned above.

Applications Received and Determined	2013-14 Monthly Average	2014-15 Monthly Average	2015-16 Monthly Average	2016-17 Monthly Average	2017 - 18 Monthly Average	2017 - 18 TOTAL	Apr-18	May-18	Jun-18
DAs Received	70	76	85	89	89	1070	75	74	75
DAs Determined	65	74	79	80	86	1034	92	81	87
DA Modifications Received	11	14	17	15	16	194	12	10	18
DA Modifications Determined	11	14	15	15	15	174	21	14	10
Complying Development Certificates Received by Council	13	10	7	9	8	93	5	6	10
Complying Development Certificates Determined	12	10	7	16	8	92	3	5	11
Complying Development Certificates Determined (Private Certifier)	14	15	21	19	30	359	18	33	23
Construction Certificates (Building Work) Received by Council	42	46	41	42	41	496	30	36	33
Construction Certificates (Building Work) Determined by Council	38	45	38	38	42	507	45	43	42
Construction Certificates Building Work Determined (Private Certifier)	17	20	29	23	34	404	36	46	23
Building Inspections Undertaken	371	393	407	455	494	5930	462	588	470
Plumbing & Drainage Applications Determined	52	64	72	87	91	1093	61	110	90
Infrastructure Construction Certificates Received	5	8	9	13	13	150	16	16	13
Infrastructure Construction Certificates Determined	4	6	9	8	12	145	9	16	16
Subdivision Certificates Received	8	10	11	12	12	141	11	13	7
Subdivision Certificates Determined	7	9	10	11	10	121	10	9	6
Roads Act Applications Determined	30	38	49	49	52	619	38	65	48

The following table outlines the estimated value of works per development type approved for the quarter. With the total value of works for 2017-2018 being \$426 million, which is significantly greater than the 2016-2017 total of \$300million. This highlights the continued strength in the building sector and high level of investment in the region.

Value of Works DA	Apr-18	May-18	Jun-18	Total to date 2017 - 2018	Total 2016 - 2017
Ancillary DA	\$479,690	\$1,238,756	\$382,445	\$8,649,369	\$5,416,321
Ancillary CDC	\$678,406	\$536,645	\$398,495	\$5,750,178	\$1,559,611
Commercial DA	\$401,963	\$1,541,275	\$1,477,561	\$17,415,409	\$12,710,871
Commercial CDC	\$565,182	\$0	\$485,000	\$2,380,814	\$4,007,057
Community DA	\$9,066,235	\$1,600,000	\$0	\$13,111,186	\$1,851,000
Community CDC	\$0	\$692,872	\$0	\$692,872	\$330,000
Industrial DA	\$3,142,030	\$583,000	\$332,000	\$13,919,469	\$7,176,750
Industrial CDC	\$0	\$58,466	\$0	\$757,727	\$503,000
Residential DA	\$18,711,217	\$39,602,899	\$17,674,735	\$266,406,644	\$190,943,031
Residential CDC	\$1,798,992	\$4,789,046	\$3,278,621	\$51,975,736	\$37,712,396
Rural DA	\$937,500	\$51,000	\$0	\$9,718,464	\$7,635,746
Rural CDC	\$0	\$0	\$0	\$1,638,082	\$1,237,092
Subdivision DA	\$235,000	\$0	\$5,000	\$18,137,000	\$26,708,500
Tourist DA	\$2,173,320	\$300,000	\$11,382,792	\$14,777,822	\$1,711,860
Tourist CDC	\$0	\$0	\$0	\$1,225,000	\$690,000
<b>Total</b>	<b>\$38,189,535</b>	<b>\$50,993,959</b>	<b>\$35,416,649</b>	<b>\$426,555,772</b>	<b>\$300,193,235</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 64 days for 2017-2018 is up on 55 from the previous year. A significant factor



in the increased timeframes has been the difficulty in filling a number of vacant positions in the development assessment team. Work is continuing on recruitment strategies to assist with the backlog of applications.

Gross processing times for infrastructure construction certificates have increased from 77 in 2016-2017 days to 109 days. This figure has been influenced by a number of outliers. The net monthly average processing days of 53 is considered to be more relevant in this regard. It is noted however that this is still up on the 2016-2017 net monthly average of 39 days. Monthly gross average processing days for subdivision certificates for the year is 63 days, which is up from 60 days the previous year.

The overall increase in development assessment work generated by such significant growth occurring at present is a significant factor in influencing application processing time. As mentioned previously, additional resourcing is currently being sought to assist with this workload.

	NSW 2013-14 Monthly Average	PMHC 2013-14 Monthly Average	NSW 2014-15 Monthly Average	PMHC 2014-15 Monthly Average	NSW 2015-16 Monthly Average	PMHC 2015-16 Monthly Average	PMHC 2016-17 Monthly Average	PMHC 2017 - 18 Monthly Average	Apr-18	May-18	Jun-18
<b>PMHC Application Processing Performance</b>											
DAs Processing - Net Median Days	30	26	46	30	49	30	31	38	41	42	41
DA Processing - Net Average Days	39	31	48	36	52	34	26	46	51	69	49
DA Processing - Gross Average Days	61	55	76	56	63	58	55	64	67	71	64
Complying Development Processing - Net Average Days		7		13		6	6	7	5	5	4
Complying Development Processing - Gross Average Days	19	8	22	14	22	7	8	7	5	9	4
Building Construction Certificate Processing - Net Average Days		7		12		9	9	9	4	13	12
Building Construction Certificate Processing - Gross Average Days		41		49		51	52	66	87	63	50
Plumbing & Drainage Applications Processing - Net Average Days		19		17		16	15	21	21	21	17
Plumbing & Drainage Applications - Gross Average Days		57		61		51	47	52	55	68	42
Infrastructure Construction Certificate Processing -		41		41		54	39	53	48	25	49
Infrastructure Construction Certificate Processing -		52		114		94	77	109	59	78	86
Subdivision Certificates Processing - Net Average Days		32		33		42	40	49	75	36	47
Subdivision Certificates Processing - Gross Average Days		39		72		97	60	63	86	44	79
Roads Act Applications Processing - Net Average Days		26		16		17	19	17	8	24	14
Roads Act Applications Processing - Gross Average Days		36		41		43	48	43	45	46	50

## Options

This is an information report.

## Community Engagement & Internal Consultation

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

Ongoing engagement on development activity and process improvement is also undertaken through the Construction Industry Action Group (CIAG) forum.

**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

# 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: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - JULY 2018**

**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. Grant Maddison Baxter the amount of \$350 to assist with the expenses she incurred travelling to and competing at the NSW Country U16's Women's State Basketball Team at the National Basketball Championships on the Sunshine Coast, Queensland from 4 – 14 July 2018 inclusive.**
- 2. Grant the Wauchope High School Girls Under 16's & 18's Rugby Union Teams the amount of \$500 to assist with the expenses they incurred travelling to and competing at the NSWCHS Girls Rugby State Championships held at Parramatta, Sydney from 31 July – 1 August 2018 inclusive.**

### **Executive Summary**

The Mayor's Sporting Fund Sub-Committee met on 26 July 2018, reached consensus on Item 8 (attached) and submits the above recommendation for Council's approval.

### **Attachments**

1 [View](#). Mayors Sporting Fund Minutes 26072018

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**Item: 10.02**

**Subject: BONNY HILLS COMMUNITY PLAN**

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

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### **Alignment with Delivery Program**

1.1.2 Support community involvement in decision making through education around Council matters and services.

### **RECOMMENDATION**

#### **That Council:**

- 1. Endorse the Bonny Hills Community Plan.**
- 2. Note the information contained within the Bonny Hills Community Plan Engagement Report.**
- 3. Use the Community Plan development schedule to engage with Communities as a replacement to the previous Engaging and Communicating with our Community program.**

### **Executive Summary**

Council has identified the need to develop Community Plans for the various towns, and communities across our LGA. Community Plans enable Council to understand the issues and priorities for each community; assess these priorities in relationship to operational plan development; and encourage community-led place development.

Council's Community Plans, along with the Urban Growth Management Strategy (UGMS) will be critical to Council's ability to plan for growth in new and existing communities whilst recognising and enhancing local character ensuring that the places we plan today, become the much-loved places of the future.

Community Plans will help communities to explore concepts of place, character and liveability of their own towns and villages; identify a community's strengths and assets, and outline how those can be utilised to build capacity; enable community empowerment for the future and better align community projects and expectations with Council's processes and budgets.

Council previously adopted the Engaging and Communicating with our Communities Program in 2013 to enable better engagement across the region. With the need to develop Community Plans with each Community, it is proposed to cease the ECWOC's and use the Community plan development mechanism to engage with and empower our Communities as they are developed.

Bonny Hills was initially identified as a 'pilot project' owing to its manageable size, the volume of community-based projects under discussion and the good working relationship between Council and the Bonny Hills Progress Association.



The Bonny Hills Community Plan has been developed following extensive community consultation including a series of community workshops, a Family Fun Day, Postcard campaign and a 28-day exhibition period of the draft Community Plan. The draft Plan has the endorsement and support of the Bonny Hills Progress Association who have promoted the process and encouraged the community to be involved in its implementation.

## **Discussion**

### Background

Community Plans are a concept of community-based strategic visioning and capacity building that have been around in various forms for decades. Local governments across NSW and Australia are increasingly embarking on a community planning process to capture the priorities a community has identified as important to their strong and sustainable future; promote sustainable communities and neighbourhoods; better align community projects and vision with government processes and vice-versa. Additionally, community planning fosters community resilience and capacity building; and enhances a community's capacity to coordinate service delivery, maintain their spaces, and invest in revitalisation initiatives that are of importance to them.

The community planning process also reflects recent changes in the Environmental Planning and Assessment Amendment Act that fosters greater community participation in the planning process, particularly around how communities and urban environments might change over time. By leveraging place-based and design-led approaches, these changes seek to build on the valued characteristics of existing neighborhoods and places. They also recognise and champion the important role communities play in defining existing character and shaping a desired future character for their local area.

Community planning also helps communities to better familiarise themselves with and understand Council and government processes and helps to align community projects and expectations with broader government initiatives.

Council is embarking on approximately 17 community plans across the LGA over the next two years. This Bonny Hills Community Plan, while complete and valuable, is also seen as a 'pilot' to the community planning process where Council has tested a number of methodologies and outcomes. It is possible that future community plans may evolve from this template.

### Engaging with Communities

The initial workshop at Bonny Hill's coincided with Council's "Engaging and Communicating with our Communities" program (ECWOC) which was established via resolution of Council in March 2013. The ECWOC's were initially planned to run for a period of three years until 2016, however continued on beyond 2016 without an alternate to them proposed.

Given the success of the Bonny Hills Community Plan engagement, and the need to develop another 17 plans over the coming two year period, it is proposed to use the



Community Planning exercise as the mechanism for Councillor's and staff to engage specifically with each Community.

Upon completion of the Community planning process, further consideration on engagement activities will be required.

#### Development of the Bonny Hills Community Plan

The Community Plan has been developed in consultation with the Bonny Hills community over the period November 2017 – August 2018 using a 5-stage engagement process as detailed below. The program was designed to maximise the opportunity for public to participate, engage with the proposals and comment on the Plan.

Stage	Action	Date
Stage 1	ECWOC Workshops	Oct 17 – May 18
Stage 2	Postcard Campaign	May – June 2018
Stage 3	Community Plan Development and whole-of-community engagement	May – June 2018
Stage 4	Refine the Community Plan based on community feedback	May – June 2018
Stage 5	Final Draft – Public Exhibition	July - August

Over this period, a total of 449 submissions/comments were received from Bonny Hills residents.

Further information on the engagement process is detailed in the Community Engagement Report attached.

#### Outcomes

The Bonny Hills Community Plan identifies the key assets in the community including open spaces, community groups and events, and natural landscapes. It also identifies the current character and aesthetic of the village.

At the initial workshops, the Bonny Hills community were asked to develop a series of themes and actions that they saw as important to their community. Throughout the engagement process the community were asked to refine and prioritise these actions, eventually highlighting their 'top 3' for each theme, the outcomes of which are detailed below:

1. Maintain and Enhance the Character of Bonny Hills	
#	Action
1.1	Undertake additional planting of native trees and landscaping on Rainbow Beach.
1.2	Explore options to retain larger lot sizes in Bonny Hills.
1.3	Review and update the Bonny Hills Community Hall, Rainbow Beach and Bartlett's Beach Reserves Master Plans.

2. Maintain the Natural Environment	
#	Action
2.1	Maintain local character of beach scape by limiting heights of new buildings or creating a visual buffer.
2.2	Advocate for the reduction of tree removal in new residential developments.
2.3	Monitor water quality around our creeks and ocean.

3. Ensure Safe Access to Services and Amenities	
#	Action
3.1	Investigate the development of a walkway and cycle path linkage plan to Lake Cathie & North Haven.
3.2	Develop plan for safe pedestrian links through Bonny Hills.
3.3	Maintain water quality and security.

4. Manage Future Growth and Development	
#	Action
4.1	Undertake Ocean Drive upgrade design.
4.2	Identify a location for the creation of a local light industry precinct that is discrete, out of sight and away from commercial and residential areas.
4.3	Consider the development of an economic development plan for Bonny Hills.

These actions form the basis of Council-community collaboration for implementation of the Community Plan. Future tasks include forming a Bonny Hills Community Plan Steering Group (with representatives from the Bonny Hills community) to work with Council to co-deliver the actions outlined in the Plan.

Based on the success of this planning program, the replacement of Council's current ECWOC system with the Community Planning process is proposed.

### Options

Council does not endorse the Community Plan, and seeks further information.

### Community Engagement & Internal Consultation

Community submissions have been considered throughout the Community Planning process as noted in the Engagement Report (attached).

### Planning & Policy Implications

Community Planning has actions in the 18/19 Operational Plan:

- 1.1.2.2 – Work with the community to write and implement place based community plans
- 1.1.2.3 – Deliver the Community Planning Program.

Outcomes from the Bonny Hills Community Plan will need to be considered for inclusion in future Delivery & Operational Plans.

**Financial & Economic Implications**

At the time of writing, no funding exists within the 2018/19 Operational Plan to support the implementation of the actions identified within the Bonny Hills Community Plan.

With the development of this and future Community Plans, it is important to highlight a shared responsibility and opportunity to develop projects within the plans either via Council's future operational Plans or via community groups seeking funding or completing projects on a volunteered basis.

**Attachments**

1 [View](#). Community Engagement Report - Bonny Hills Community Plan

2 [View](#). Bonny Hills Community Plan

3 [View](#). Engaging and Communicating with Our Community - March 2013 Council Report

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**Item: 10.03****Subject: QUESTION FROM PREVIOUS MEETING - INCLUSIVE  
PLAYGROUNDS****Presented by: Development and Environment, Melissa Watkins**

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**RECOMMENDATION**

**That Council note the information contained in the Question from Previous Meeting – Inclusive Playgrounds Report.**

**Question from Mayor Pinson:**

In light of the recent successful installation of the Liberty Swing at Town Beach North, could the General Manager please detail how Council intends to provide more inclusive playgrounds across the local government area?

**Comments by Mayor (if provided):**

Nil.

**Response**

In addition to the recently installed Liberty Swing at Town Beach North, the key inclusive playgrounds within our local government area are located at Bain Park in Wauchope and Westport Park in Port Macquarie (known as 'Livvi's Place'). These play spaces aim to provide children of all ages and abilities a playground that promotes social interaction.

Council continues to move towards integrating inclusive play opportunities in playgrounds across our LGA with inclusive play elements (such as water, music, carousels, well located seating for parents and carers, etc.) presenting an opportunity to reduce the barriers experienced by people with special needs. Recently completed works at Vince Inmon Sporting Fields in Laurieton and Lasiandra Park in Wauchope are great examples of inclusivity being incorporated into playground upgrades.

Accessible play elements will soon be installed at the Foreshore Reserve playground (Lake Cathie) with further opportunities to incorporate inclusive play spaces in other areas of our region currently being investigated as part of Council's playground renewal program.

In addition to Council's focus on improved inclusivity within play facilities, the state government is in the process of developing inclusive play space guidelines for use by local government and the broader industry. Council's Group Manager Community Place, Lucilla Marshall is Regional NSW's representative on the reference group.

The guidelines will soon be exhibited for a six week period to allow stakeholders an opportunity to provide feedback on the draft document. Staff will provide feedback on the draft guidelines when exhibited.

The state government has also announced that \$20 million will be made available to build more than 200 new or upgraded playgrounds that are more inclusive and engaging. Staff are awaiting further information regarding this grants program to see what opportunities may exist for provision of improved inclusive playgrounds in the Port Macquarie – Hastings area.

**Attachments**

Nil

# 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:** DRAFT MARKETS POLICY

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

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### **Alignment with Delivery Program**

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

### **RECOMMENDATION**

#### **That Council:**

1. **Note the information presented in the report.**
2. **Place on public exhibition the Draft Markets Policy from 20 August 2018 for a period of 28 days to gather local business and community feedback.**
3. **Note that a further report will be tabled at the October 2018 meeting of Council, detailing the submissions received from the public during the exhibition period and proposed next steps.**

### **Executive Summary**

A range of public markets are held on a regular and ad-hoc basis across our region and, like most regions, in recent years we have seen a rise in the popularity of markets. Markets are widely acknowledged as helping create vibrant community meeting places but can also raise concerns around matters such as their impact on existing retailers.

In response to a Council Notice of Motion, staff have developed a Draft Markets Policy for Council consideration. Exhibition of the Draft Policy will act as a mechanism to gather further business and community feedback on our local approach to market approvals. Ideally this will ensure we can facilitate well managed markets that help to support and contribute to our community and complement the offerings of local businesses.

### **Discussion**

At the 13 December 2017 Ordinary Council meeting, it was resolved:

**11.01 NOTICE OF MOTION – MARKETS IN PORT MACQUARIE HASTINGS  
LOCAL GOVERNMENT AREA**

**RESOLVED:** *Turner/Griffiths*

That Council request the General Manager develop and table a policy for the approval of markets in the LGA at the April 2018 Council meeting. The policy should include:

1. A mechanism (with appropriate criteria) for controlling the locations and scheduling of markets in the Port Macquarie CBD and other potentially sensitive locations where significant concentration of retailers exist and compete.
2. A distinction between “occasional” markets associated with one-off, or annual, events compared to markets operating regularly more than four times per year.

**CARRIED 8/0**

**FOR:** *Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner*  
**AGAINST:** *Nil.*

It is understood that the notice of motion stems from concern regarding the number of markets now operating across our region – in particular, concern that some markets may negatively impact existing “bricks and mortar” retailers and retail precincts.

The rising number of markets and concerns around the retail impact, inconsistent quality of product offerings, and support for “out of town” sellers has prompted some Councils to develop a local markets policy to strategically inform the way markets are allocated/approved and how they operate.

On the other hand, markets are also widely acknowledged as adding value to local communities by:

- Activating spaces;
- Providing a local ‘meeting place’;
- Presenting opportunities for community groups to sell their wares and fundraise;
- Support local entrepreneurs, producers or start-up businesses - in particular artisans and fresh food producers;
- Being an activity that is attractive to out of region visitors (research indicates that some 30 percent of visitors to the Greater Port Macquarie region go to a market while they are here).

#### The local market environment

At present, Port Macquarie-Hastings Council does not have a specific policy relating to the operation of markets in our LGA. Rather, each market is required to operate under the legislation/policy that is relevant to the market type and location. In this sense, market applications are considered in a similar manner to a broad range of community events held in our parks and open spaces. For example:

- An annual section 68 activity approval for the sale of goods in a park/open space (eg Westport Park);
- Section 138 approval for activity on roadway (in the instance of the Hay St forecourt Port Central Real Food Markets);
- A DA (or under Council’s ‘blanket events DA’ for Port Macquarie) when temporary structures or the size of the event require it;
- Any other requirements relating to traffic management, sale of provision of food, liquor licensing, copyright (music), fireworks, fundraising and insurance.

There are currently some 14 regular markets operating in the Port Macquarie-Hastings Local Government Area – 8 on private land and 6 on public land. Most operate on a weekly or monthly basis and are both commercial operations and run by community/not for profit groups.

In considering market policy options, staff consulted with a range of Councils on their markets approach and also considered the number of regular markets operating. This indicated that the number of regular markets in our region, is not inconsistent with similar other local government areas. Whilst Council cannot (without considerable resource commitment) regulate the specific goods and services on offer at local markets, there is potential to implement a policy which defines our local approach to market approvals and aims to facilitate well managed markets that help to support and contribute to local communities, complementing the offerings of local businesses.

The policy has been developed following considerations of other regional and metropolitan market policies, review of unsolicited feedback to date from the business and broader community around local markets, and feedback from and discussions with Councillors.

#### Markets Policy with Site Suitability Criteria

Attachment 1 provides a Markets Policy which:

- Establishes a more rigorous assessment process which includes a new “site suitability” criteria review to be completed by Council’s Temporary Licence Panel which currently assesses any applications received for Commercial Activities on Council Managed Land (this panel includes representation from Recreation & Buildings, Economic Development, Community Participation, Compliance, Property and any other representatives co-opted);
- Focuses on those markets that can be “managed” under Council policy ie those conducted on Council owned or managed land (noting those on private land may be subject to development consent);
- Aims to avoid any additional ‘red tape’ for the applicant, by using the existing application process and internal referrals.
- Proposes a higher level of delegation for market approvals (Director Strategy and Growth).

Having considered the very minimal negative feedback to date from the local business community and the broader community feedback on markets (which is overwhelmingly positive), staff recommend that the ‘Markets Policy with Assessment Criteria’ is the appropriate market policy on which to see further community and local business feedback.

#### **Options**

Council may choose to:

1. Resolve that the Markets Policy be put on exhibition to allow local business and community to provide feedback;
2. Include further restrictions into the Draft Policy within the CBD areas of the LGA as indicated in maps in Attachment 2, together with imposing restrictions on the frequency and time of potential markets.
3. Not proceed with a markets policy and continue existing review/approval arrangements.
4. Request other amendments to the Draft Markets policy prior to proceeding to exhibition.

**Community Engagement & Internal Consultation**

No formal external consultation on the draft has occurred. Should Council proceed with public exhibition of a draft Policy, engagement will be undertaken with current and potential market stakeholders, local business and community members. Further, as occurred with the Commercial Activities on Council Managed Land Policy, should a Markets Policy be adopted by Council in the future, we would recommend a review point 12 months post implementation.

Consultation in the development of the attached draft policy has occurred with a range of NSW councils, Council's Executive Group and the following staff:

- Group Manager Economic Development & Communications
- Group Manager Recreation and Buildings
- Group Manager Transport and Stormwater Network
- Group Manager Community Place
- Group Manager Governance and Procurement
- (former) Acting Group Manager Development Assessment.

Consultation has also occurred through Councillor briefings and via the Economic and Cultural Development Portfolio.

**Planning & Policy Implications**

The recommended approach would not have any immediate planning or policy implications. Should a markets policy be adopted in the future, a number of existing policies may also need consideration during the approval process. These are referenced in the draft policy.

**Financial & Economic Implications**

There are no financial and economic implications in relation to this report, as fees for market operations will continue to be managed under existing event approval processes (Section 68/138). Should a draft policy ultimately be adopted, the proposed approval process for markets will require additional staff resources in terms of review by the Temporary Licence Panel and Director authorisation.

**Attachments**

1[View](#). Draft Markets Policy

2[View](#). Central Business District Areas



# 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: NOTICE OF MOTION - FORESTRY CORPORATIONS OPERATIONS  
IN OUR LOCAL GOVERNMENT AREA**

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

**RECOMMENDATION**

**That Council:**

- 1. Request the General Manager seek information from the Forestry Corporation on the impact of the following on the Port Macquarie-Hastings local government area:**
  - a) Current and proposed forestry operations in the area;**
  - b) Forestry trucks on the road network;**
  - c) Water catchments with run-off and siltation of watercourse;**
  - d) Koala habitat;**
  - e) Biodiversity in general.**
- 2. Request the General Manager to request senior Forestry Corporation management attend a briefing at Council to discuss the issues raised above.**

**Comments by Councillor (if provided)**

State Forests occupy a significant proportion of our Local Government Area (LGA). The Council is not designated as a regulator of activities within State Forests. Council receives no rateable income from logging operations in State Forests.

However, logging operations originating in State Forests has a significant impact on our road and bridge network and ratepayers' funds are spent in maintaining this infrastructure. The impact of logging operations on koala habitat, biodiversity and water catchments affect our community as a whole.

The purpose of this proposal is to inform Councillors and senior staff of the plans and impacts of logging operations by Forestry Corporation on our LGA and to establish what I hope may be an ongoing dialogue with Forestry Corporation.

**Attachments**

Nil



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**Item: 12.02**

**Subject: DRAFT UNSEALED ROADS POLICY**

**Presented by: Infrastructure, Alex Fisher**

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### **Alignment with Delivery Program**

4.4.2 Develop and implement annual maintenance and renewal programs for transport assets.

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition the Unsealed Roads Policy commencing from 17 August 2018 for a minimum of 28 days.**
- 2. Note that a further report is planned to be tabled at the October 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.**
- 3. Request the General Manager investigate opportunities for improving Council's current unsealed road maintenance practices including:**
  - a) A review of these practices by the Australian Road Research Board (ARRB);**
  - b) Supplementing gravel supply with crushed concrete;**
  - c) Education and signage for improved community awareness;**
  - d) Partnering with the community to undertake some works;**
  - e) Sale of local roads (as appropriate) to the land owners to create private roads;**
  - f) Workshops with the community regarding service levels as they relate to unsealed roads maintenance (gravel & grading), vegetation management required budget allocation.**
- 4. Request the General Manager present a report back to Council at its August 2019 meeting in relation to outcomes of the review detailed in No. 3 above.**

### **Executive Summary**

Council regularly receives customer queries and requests regarding the management of unsealed roads. To assist both customers and staff, Council has developed a Draft Unsealed Roads Policy which transparently sets out the principles by which Council manages the unsealed road pavements, both formed and unformed, throughout the Local Government Area (LGA).

The purpose of this report is to seek Council resolution to place the draft policy on public exhibition for a period of 28 days in accordance with Council's policy making requirements.

In parallel to this, and noting that the levels of service as outlined in the policy that can be provided within current resource allocations, this paper also briefly outlines

the review of unsealed road maintenance practices being initiated. The outcomes of which will identify opportunities for improvement in delivery of this service.

### Discussion

The management of unsealed roads is a complex and at times emotive issue. Unsealed roads are currently managed using a combination of historical work practices and legal requirements, balanced against community expectations and the availability of resourcing and funding. The intention of the unsealed roads policy is to provide Council's adopted position on matters that concern unsealed roads. The policy applies to all formed unsealed roads, access tracks within Council road reserve and unformed (paper) roads within the unsealed road network throughout the Local Government Area (LGA).

For rural communities the frequency of grading and application of new gravel to roads are critical points of contention and this policy aims to clearly set out the quantum of work and the level of service that Council can reasonably provide in managing unsealed road pavements within current resourcing levels. This policy has been developed to provide transparency on Council's approach to managing the unsealed road network, thereby providing greater awareness and understanding of this for our impacted community.

Other matters that typically affect the communities that live on unsealed roads include vegetation management, repairs to bridges and culverts and the treatment of drainage and flooding related matters. These are managed through other Council procedures, and policies will be developed for Vegetation Management, Bridges & Culverts and Drainage and be presented for Council and public consideration over the next 12-18 months.

The main elements of the unsealed roads policy, as attached, relate to the:

- classification of unsealed roads,
- the principles by which Council will manage the unsealed road network having regard to road classification, and
- the levels of service Council can provide in managing the unsealed road network.

Council currently maintains over 450km of unsealed roads. This road network is routinely maintained by Council with intervention works conducted as per the Unsealed Roads Scheduled Grading Program and Gravel Re-Sheeting Program, both of which have been developed with regard to the road classification and available annual budget. With current funding Council grades approximately 600km of road and gravel re-sheets 6km of road annually (with grading and intervention frequency dictated by the classification of the road and emerging / reactive management of risk).

A breakdown of the unsealed road network, by road classification, within the LGA is provided below.

Road Classification	Current Extent of Network
Major Roads	108km
Local Roads	346km
Access Tracks	Estimated at 50 km.

Unformed	Estimated at 100 km
Crown Road and Access Tracks	Estimated at 640 km.

Council regularly receives requests from the public to increase the level of service in relation to:

- grading frequencies,
- undertaking reactive potholing where there is history of high or regular deterioration of the pavement,
- providing dust suppression during extended dry periods,
- treating slippery road surfaces during wet periods,
- improving flood immunity and responding to road wash overs and scour,
- gravel re-sheeting,
- widening and realignment of roads, and
- upgrading unsealed roads to a sealed surface.

To assist in the understanding of these works, and some common concerns over unsealed road maintenance, the following table provides information relating to questions often raised by the community in relation to unsealed roads maintenance activities.

Topic	Details
Grading	<ul style="list-style-type: none"> <li>• Involves the use of a Grader, Water Cart and Roller.</li> <li>• The purpose of grading is to reshape and re-compact the existing pavement material to provide a crowned road that will shed water during rain and to address other issues such as potholes and corrugations, along with reshaping table drains.</li> <li>• <b>No additional gravel is added to the road pavement.</b></li> <li>• Council undertakes approximately 600km of road grading every year.</li> </ul>
Gravel Re-sheeting	<ul style="list-style-type: none"> <li>• The process of improving the unsealed road pavement by <b>adding new gravel to the road.</b></li> <li>• The gravel is generally laid in loose layers and then trimmed and compacted using a grader, water cart and roller so that the compacted new gravel generally has a depth of about 150mm.</li> <li>• Council can currently provide approximately 6km of new gravel in this manner each year.</li> <li>• This gravel re-sheeting process is undertaken concurrently with the normal grading.</li> </ul>
Loss of Gravel	<ul style="list-style-type: none"> <li>• Unsealed pavements are made of a mixture of gravel of differing sizes and finer particles such as clays (and soils). The different mixture of the gravel and clays affects the strength of the pavement and how long it will last. The gravel gives the pavement wearing strength and the clay holds the gravel together.</li> <li>• The gravel pavements will wear away over time due to the combination of the environment (wetness and dryness) and the volume and type of traffic as well as traffic speeds.</li> <li>• The quality of the gravel is also of consideration where softer rock will wear faster than harder gravels.</li> </ul>

Topic	Details
	<ul style="list-style-type: none"> <li>As the clay binder wears away the gravel becomes loose and is dislodged from the pavement, often accumulating in the table drains.</li> <li>This is where the grader drivers will recover as much of the loose gravel as possible during the grading of a road and turn it from the edge of the road back into the centre of the road.</li> <li>All unsealed roads lose gravel over time and this is why the unsealed road pavements require gravel re-sheeting.</li> </ul>
Reduction in pavement width	<ul style="list-style-type: none"> <li>The loss of gravel does not only occur from the centre of the road but also at the edges of the road.</li> <li>As the road wears down over time the edges of the road pavement will wear and the width can become less.</li> <li>Pavement edges are often affected more by wet weather if the table drains hold water for a period of time, and is exacerbated if motorists drive over or close to the edge of the road or cut corners on road bends.</li> <li>Vegetation encroachment can also weaken road edges, hence the spraying of the grass in table drains to kill off the grass in this location and reduce encroachment into the pavement.</li> <li>Width can also be affected over long periods due to grading when there is no new gravel being provided for the road.</li> <li>Operators collect the loose gravel from the table drains and redirect it into the pavement centre, a process which can also wear the road edges over time.</li> <li>When new gravel is provided on a regular basis the reduction in pavement width is significantly reduced. Unfortunately Council's current level of service only allows for 6km of gravel re-sheeting per year.</li> </ul>
Ripping or Tyning the road	<ul style="list-style-type: none"> <li>Tyning the road is only appropriate when there is sufficient gravel on the road surface.</li> <li>Tyning assists when repairing potholes by providing a homogenous pavement.</li> <li>The tynes of the grader dig into the road surface and bringing material from the lower part of the pavement to the surface (somewhat like ploughing) and combining these materials together. The road is then graded and rolled as normal.</li> <li>When there is limited gravel in the pavement surface this process only brings clay and other soil to the surface and further diminishes the pavement by dispersing what gravel exists in the pavement.</li> <li>As most of Council's road have limited gravel this process is not used very often.</li> </ul>
Vegetation Management	<ul style="list-style-type: none"> <li>Currently the table drains on unsealed roads are sprayed to kill the grass about 6 weeks prior to grading to ensure live grass does not spread into the road.</li> </ul>



Topic	Details
	<ul style="list-style-type: none"> <li>Other vegetation is managed through a separate program of works and a Vegetation Management policy will be brought to Council for consideration in the next 12 months.</li> </ul>
Stabilisation of Unsealed Roads	<ul style="list-style-type: none"> <li>Stabilisation of unsealed pavements through the introduction of Lime, Cement or Polymer based products is not undertaken by Council.</li> <li>Stabilisation basically makes the clays and soils holding the gravel stiffer and stronger and thus more resistant to wear, however they are still susceptible to the environment (wetness, dryness and traffic) as are un-stabilised pavements.</li> <li>Council does stabilise pavements but only for sealed roads where the pavement is protected by a bitumen seal.</li> <li>The extent to which the life of an unsealed road pavement may be extended through stabilisation is extremely variable depending on the in-situ materials and may vary from a couple of months to a couple of years.</li> <li>The introduction of stabilisation on a pavement is a costly and can only be undertaken if there is sufficient gravel on the road for the strengthened clays to actually bind together.</li> <li>As most of Council's unsealed roads do not have sufficient gravels to stabilise, it would only be practical to use stabilisation in partnership with gravel re-sheeting, thus increasing the cost of gravel re-sheeting. Investing additional cost into stabilisation will therefore significantly reduce the already small gravel re-sheeting program.</li> </ul>
Dust Generation	<ul style="list-style-type: none"> <li>Unsealed roads are significantly affected by the environment and driver behaviour.</li> <li>Unsealed roads will always generate some level of dust, as they wear from use, regardless of the materials used on the road or if they are stabilised in some manner.</li> <li>In very dry conditions roads will become more susceptible to dust generation through the wearing of the clays in the road.</li> <li>When motorists drive at an inappropriate speed (particularly heavy vehicles) excessive dust can also be generated.</li> </ul>
Gravel Quality	<ul style="list-style-type: none"> <li>Quality of gravel across the entire Council area varies.</li> <li>There are Laws and Regulations relating to the quarrying of material and these fall under the Work Health Safety (Mines) Act.</li> <li>Council has worked with a number of local property owners to develop approved mine sites from which Council can extract ridge gravels for use on the unsealed road network.</li> <li>Council also supplements this with materials from commercial hard rock quarries, reuse of excavated sealed road materials and recycled crushed concrete.</li> </ul>

The issue of unsealed roads maintenance and the level of the service provided is a difficult area to manage. In some cases an expectation exists for Council to regularly maintain every unsealed road to each ratepayer's property or other accesses such as Forestry areas and National Parks. This proposed policy identifies the classification of unsealed roads and the process by which unsealed roads are managed and maintained. The policy is intended to provide transparency as to where Council will and will not intervene in relation to unsealed road assets, particularly in relation to:

- crown roads,
- access tracks,
- unformed ("paper") roads, and
- private roads.

Unfortunately the extent of financial responsibility held by the Council across all areas it manages means there is a challenge on the resources available to maintain all of Council's assets to the levels of service our community would like. Thus the level of funding that can be allocated to the existing unsealed road network does not meet the expectations that some community members have of unsealed road network maintenance. To ensure the integrity of the allocation of available resources in an appropriate manner across the entire unsealed road network, road maintenance activities are allocated based on the road category, and risk based intervention levels as recommended by Council's Insurer Statewide Mutual.

Council is committed to continually exploring ways in which the level of service can be improved within the available resources and regularly invests in reviewing processes to optimise and improve efficiency. This includes recent alternative options such as the reuse of milled sealed road pavement and the use of recycled crushed concrete to supplement the gravel re-sheeting program. Other ideas being investigated, and which will be further developed over the next 12 months include:

1. supplementing gravel supply with crushed concrete and other appropriate materials,
2. education and signage for improved community awareness,
3. partnering with the community to undertake the works,
4. sale of local roads (as appropriate) to the land owners to create private roads that they can manage and maintain as they see fit,
5. workshops with the community to have them work through weighing off the levels of service for say vegetation, gravel and grading and budget allocation.

Additionally, to assist in the process of assessing Council's unsealed road maintenance practices and process and identifying potential alternatives, it is proposed to seek the assistance of the Australian Road Research Board (ARRB). ARRB has assisted Council previously in both the review of its sealed road maintenance processes and practices and also in the development of road pavement rehabilitation designs. ARRB are recognised as the lead body for road construction and maintenance practices in Australia, including unsealed road maintenance. Council currently uses the ARRB Unsealed Roads manual to guide our unsealed road maintenance practices.

### **Options**

Council has the option to adopt the recommendation as presented or determine an alternate resolution.



**Community Engagement & Internal Consultation**

This report is seeking Council resolution to place the Draft Unsealed Roads Policy on Public Exhibition for a period of 28 days to receive community comment.

Internal Consultation has occurred with the:

- General Manager and Executive Group
- Director Infrastructure
- Group Manager Transport and Stormwater Network
- Operations Manager Transport and Stormwater Network
- Manager Engineering Planning Transport and Stormwater Network
- Operations Engineers Transport and Stormwater Network

**Planning & Policy Implications**

This report presents the proposed Unsealed Roads Policy for consideration by Council to place the draft policy on public exhibition for comment, following which a report will be presented to Council relating to the exhibition and proposed policy.

**Financial & Economic Implications**

There are no financial and economic implications in relation to this report as it relates to the draft policy being placed on public exhibition. The proposed policy has been drafted to reflect the appropriate allocation of resources in line with the current allocations. If Council wishes to discuss alternate funding and resourcing arrangements for the maintenance of unsealed roads, then this can be done as part of the upcoming 2019-2020 Operational Plan and budget discussions.

The cost of engaging the ARRB to undertake the proposed review of unsealed road maintenance processes and practices will be funded through 2018-19 roads operational budgets, noting that at the time of writing this report, the cost to engage ARRB is unknown.

**Attachments**

1 [View](#). Policy Unsealed Roads Maintenance - Draft for Consultation

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**Item: 12.03**

**Subject: ROADS CROSSING PRIVATE PROPERTY**

**Presented by: Infrastructure, Alex Fisher**

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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 note the information relating to the impacts of roads crossing private property.**

#### **Executive Summary**

The purpose of this report to provide Council with a final update on the review of impacts of road openings and closures and on private property.

The extent to which private property may be affected by public roads crossing the land is difficult to ascertain in rural areas due to the discrepancies between the aerial imagery and the accuracy of property boundary information available in the mapping systems available to Council. As such it is not possible to adequately estimate the extent of property actually impacted by this issue.

Unfortunately as much of the rural road network is defined through old title systems including parish maps rather than Torrens Title the geospatial information available is not reliable to use as a definitive guide as to how much of the existing physical network sits outside of the road boundaries. The only way to definitively understand the extent to which the physical network sits outside the road boundaries, is to undertake lengthy and costly cadastral surveys to identify and set property boundaries to convert from the older systems to Torrens Title.

Therefore issues relating to the physical location of roads will continue to be dealt with on a case by case basis where an issue is raised, often through land sale or through land development. Council does not currently actively undertake road alignment surveys, unless associated with capital projects.

#### **Discussion**

A report was presented to the 18 September 2013 Council meeting in response to a question on notice in relation to the impacts of road openings and closing. Following the report the Council resolved as follows:

*12.03 Question on Notice - Roads Crossing Private Property*

**12.03 QUESTION ON NOTICE - ROADS CROSSING PRIVATE PROPERTY**

*RESOLVED: Griffiths/Levido*

*That the issue of road openings and closures including their impacts on private property be further reported as part of the overall review of Council's Road related policies.*

*CARRIED: 9/0*

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

It is generally known and understood that within the rural road network (and some urban areas) across the State the physically constructed road that is used by the public does not always lie wholly within the surveyed road boundaries. Whilst in many instances there is fencing along the road verge this fencing does not necessarily correspond to the property boundaries. Where the physical road is situated outside of surveyed boundaries it has the potential to be upon private property, Crown land, State Park, Forestry Land or National Park. Council has powers under the Roads Act 1993 and the Road Transport Act 2013 to undertake maintenance works in these circumstances.

The use of Council and State Government Geographical Information Systems (GIS) was used to commence a review of the extent of the impact of potential road openings and closures required to ensure all of Council's physical road network sits within registered road boundaries. When comparing aerial imagery with cadastral land boundaries within Council's GIS, it was possible to identify that approximately 10-20% of the network may sit outside the defined road boundaries. These tended to be minor anomalies that generally did not represent an issue in the management of our road network.

The rural road network is of greater concern and often has major anomalies, however, unfortunately as much of the rural road network is defined through old title systems including parish maps rather than Torrens Title the geospatial information available is not reliable to use as a definitive guide as to how much of the existing physical network sits outside of the road boundaries.

The only way to definitively understand the extent to which the physical network sits outside the road boundaries, is to undertake lengthy and costly cadastral surveys to identify and set property boundaries to convert from the older systems to Torrens Title. It is estimated there would be multiple millions of dollars in costs involved in undertaking all the survey work and property title investigations required to identify all road anomalies. As such, at this time, it is not currently a priority to define the extent of property actually impacted by this issue.

Therefore at this point in time, given the level of cost, this work is not considered a priority. Issues relating to the physical location of roads will continue to be dealt with on a case by case basis where an issue is raised, often through land sale or through land development. Council does not currently actively undertake road alignment surveys, unless associated with capital projects.

Should a property owner have concern with the potential location of a road with regard to actual road boundaries, the property owner can at their cost undertake the appropriate surveys to identify the cadastral boundaries of the road and the physical location of the road. In some circumstances the extent to which the road does not fall

within the road boundaries may be to such an extent that aerial photography and boundary overlays are sufficient to determine that road does not sit within the property boundary, this determination is at the discretion of Council.

Where the physical location of the road has been confirmed as being outside of road boundaries, Council may commence the process to either adjust road boundaries or reconstruct the road in the correct location at the Council's determination having regard to the associated costs, benefits, impacts and issues related to each option. The process of Opening and Closing the roads must be undertaken in accordance with the appropriate legislation in particular the Roads Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991, noting that it is always preferable to negotiate a private agreement for land acquisition matters with the affected property owner(s).

The Roads Act 1993 provides provision for a road to be identified as a Public Road regardless of land tenure as follows:

**249 Evidence as to whether a place is a public road**

- (1) Evidence that a place is or forms part of a thoroughfare in the nature of a road, and is so used by the public, is admissible in any legal proceedings and is evidence that the place is or forms part of a public road.*
- (2) This section is subject to section 178 of the Conveyancing Act 1919 (No way by user against Crown etc).*

Therefore in circumstances on Private Property, and land not managed by Council, where the locality of the physical road in relation to the surveyed road boundaries has been questioned, for maintenance activates the following process is undertaken:

- Road maintenance will continue as per the physical road definitions following the Roads Act 1993 and Transport Act 2013 and having regard to any environmental restrictions that may affect private property as opposed to public road owned by Council.
- No works are to be undertaken beyond the outside of the table drain.
- No pavement widening will occur.
- No vegetation management will occur beyond the table drain.

With regards to capital projects such as road and stormwater upgrades, and bridge replacements, Council may identify through the design process a need to acquire land to facilitate the new infrastructure or identify road boundary anomalies. In these instances Council will either look to amend the physical assets to remove the anomalies or create new road boundaries, and may also look to close old roads no longer required. In these instances these processes are regulated through the Roads Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991. Council must, and does, follow the requirements of these two acts when opening and closing roads that affect private property.

**Options**

Council has the option to adopt the recommendation as presented or determine an alternate resolution.

**Community Engagement & Internal Consultation**

Internal Consultation has occurred with:

- Group Manager Transport and Stormwater Network
- Group Manager Assets and Property Investment
- Manager Operations Transport and Stormwater Network
- Manager Engineering Planning Transport and Stormwater Network
- Operations Engineers Transport and Stormwater Network
- GIS Officer

**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**

- 1 [View](#). Report to Ordinary Council Meeting 18/19/2013 in Response to Question on Notice - Roads Crossing Private Property



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**Item: 12.04**

**Subject: PLANNING PROPOSAL: BUNDALEER AGED CARE - 67 HIGH STREET AND 4-8 JOHNSTONE STREET, WAUCHOPE - GATEWAY DETERMINATION**

**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 receipt of the Gateway Determination for the Bundaleer Aged Care Planning Proposal by the NSW Department of Planning and Environment.**
- 2. Amend the Planning Proposal to identify 67 High Street and 4-8 Johnstone Street Wauchope as a “Significant Urban Area” on the Significant Urban Areas Map of the Port Macquarie Hastings Local Environmental Plan 2011, in accordance with the Gateway Determination and then proceed with agency consultation and public exhibition of the proposal.**
- 3. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Gateway Determination, prior to public exhibition of the proposal.**
- 4. Receive a further report following the public exhibition period detailing any submissions received.**

#### **Executive Summary**

The purpose of this report is to advise Council that the Gateway Determination has been issued for the Bundaleer Aged Care Planning Proposal by the NSW Department of Planning and Environment.

Council at its meeting on 16 May 2018 considered a Planning Proposal to increase the maximum floor space ratio and maximum building height for a residential aged care facility on Lot 1 DP 603483 being 4-8 Johnstone Street and Lot A DP 157092 being 67 High Street Wauchope, and resolved to prepare a Planning Proposal supporting the Applicant's request and forward it to the Department of Planning and Environment for a Gateway Determination.

The Gateway Determination issued on 11 July 2018 allows the Planning Proposal to proceed to state agency and community consultation in accordance with the proposed increases to the maximum building height and floor space ratio controls supported by Council, subject to a number of conditions.



One of the conditions placed on the Gateway Determination requires the Planning Proposal to be amended to identify the subject land on the “Significant Urban Areas Map” of the Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011).

This will mean that any future development of the site involving the erection of a new building, or external alterations or additions to an existing building will be subject to the provisions of clause 7.11A – *Design excellence* of the LEP.

The objective of clause 7.11A is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Port Macquarie-Hastings. The clause currently applies to certain land in Port Macquarie including the former Food for Less building, car park and foreshore lands and the Settlement City Precinct.

The Gateway Determination requires the Planning Proposal to be updated to include the subject land on the Significant Urban Areas Map of the LEP prior to the commencement of agency consultation and the public exhibition of the Planning Proposal.

Other conditions of the Gateway Determination require the public exhibition of the Planning Proposal for a minimum of 28 days; consultation with the Roads and Maritime Services and the Office of Environment and Heritage – Heritage Division and completion of the LEP nine months following the date of the Gateway Determination.

It is recommended that Council note the receipt of the Gateway Determination for the Bundaleer Aged Care Planning Proposal, and amend the Planning Proposal to identify 67 High Street and 4-8 Johnstone Street Wauchope on the Significant Urban Areas Map of the LEP in accordance with the Gateway Determination, prior to proceeding with state agency consultation and public exhibition of the proposal.

#### Background

Council at its meeting on 16 May 2018 considered a Planning Proposal (Item 12.05) to increase the maximum floor space ratio and maximum building height for an aged care facility on Lot 1 DP 603483 being 4-8 Johnstone Street and Lot A DP 157092 being 67 High Street, Wauchope (the subject land) and resolved as follows:

*“That Council:*

1. *Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope being Lot 1 DP 603483 being 4-8 Johnstone Street and Lot A DP 157092 67 High Street, as follows:*
  - a. *Maximum height of 14.5m for the area shown blue in Figure 4 of this report*
  - b. *Maximum floor space ratio of 1.4:1*

2. *Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.*
3. *Request the Secretary of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the Planning Proposal.*
4. *Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to the public exhibition of the Planning Proposal.*
5. *Undertake community consultation in accordance with the Gateway Determination.*
6. *Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received."*

CARRIED: 6/3

FOR: Cusato, Dixon, Griffiths, Hawkins, Pinson and Turner

AGAINST: Alley, Intemann and Levido

Refer to **Attachment 1** for a copy of the Council Report and **Attachment 2** for the Minutes of the Ordinary Council meeting 16 May 2018 in relation to this item.

Following the decision of Council, a Planning Proposal was prepared in accordance with Council's resolution and on 5 June 2018, was forwarded to the Department of Planning and Environment (DPE) requesting a Gateway Determination.

#### Gateway Determination

On 17 July 2018 Council received the Gateway Determination (dated 11 July 2018) allowing the Planning Proposal to increase the building height and floor space ratio controls for a residential care facility to proceed, subject to the conditions in the Gateway Determination. A copy of the Gateway Determination is provided in **Attachment 3** of this report.

In summary, the conditions of the Gateway Determination require:

1. The amendment of the Planning Proposal prior to agency and community consultation, to identify the subject land on the significant urban area map of the LEP. This is to ensure the design excellence of the final development for is considered in accordance with clause 7.11A of the LEP and that it contributes to the natural, cultural, visual and built character of the area.
2. Public exhibition for a minimum of 28 days in accordance with the notice requirements for the exhibition of planning proposals and *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation with Roads and Maritime Services and the Office of Environment and Heritage – Heritage Division. These state agencies are to be given at least 21 days to comment on the Planning Proposal.
4. Authorise Council as the local plan making authority to make the LEP subject to all conditions of the Gateway determination being satisfied, the Planning

Proposal being consistent with Local Planning Directions and there are no outstanding objections from public authorities.

5. The timeframe for completing the LEP is to be nine months from 11 July 2018.

A key change to the Planning Proposal as prepared by Council and forwarded to DPE for a Gateway Determination, is the requirement to amend the Planning Proposal to identify the subject land on the Significant Urban Areas Map of the LEP. This is to be undertaken prior to agency and community consultation on the Planning Proposal.

Clause 7.11A - Design Excellence and the Significant Urban Areas Map

Clause 7.11A Design excellence and the Significant Urban Areas Map were introduced into LEP 2011 on 4 July 2014 as part of Council's consideration of the Kmart Planning Proposal to ensure that development exhibits design excellence within the Settlement City Precinct. The Precinct includes the Panthers Club, Sails Resort, marina, St Joseph's Primary School, Port Shores, McDonalds and the Kmart site.

A further amendment was made to the LEP on 18 December 2015 which identified land on the corner of Short Street and William Street including the Food for Less building, plaza car park and foreshore land on the Significant Urban Areas Map.

This clause applies to development involving the erection of a new building, or external alterations or additions to an existing building, and provides as follows:

**"7.11A Design excellence"**

- (1) *The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Port Macquarie-Hastings.*  
-
- (2) *This clause applies to development involving the erection of a new building, or external alterations or additions to an existing building, on land identified as "Significant Urban Area" on the Significant Urban Areas Map.*
- (3) *This clause does not apply to development that the consent authority considers to be minor.*
- (4) *Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (5) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*  
-
  - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
  - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
  - (c) *whether the development detrimentally impacts on view corridors,*

- (d) *whether the development incorporates active frontages to key streets and to pedestrian thoroughfares,*
- (e) *how the development addresses the following matters:*
  - (i) *the suitability of the land for development,*
  - (ii) *existing and proposed uses and use mix,*
  - (iii) *heritage issues and streetscape constraints,*
  - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
  - (v) *bulk, massing and modulation of buildings,*
  - (vi) *street frontage heights,*
  - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
  - (viii) *the achievement of the principles of ecologically sustainable development,*
  - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
  - (x) *the impact on, and any proposed improvements to, the public domain,*
- (f) *the desired future character and any aims or objectives (or both) relating to the development as set out in DCP 2013 and, in particular, in the area-based provisions.*

(6) *In this clause:*

**DCP 2013** means *Port Macquarie-Hastings Development Control Plan 2013 (as adopted by the Council on 15 July 2015, with effect on and from 27 July 2015 and known as version 20150727), and as amended by the following development control plans:*

**Editorial note.**

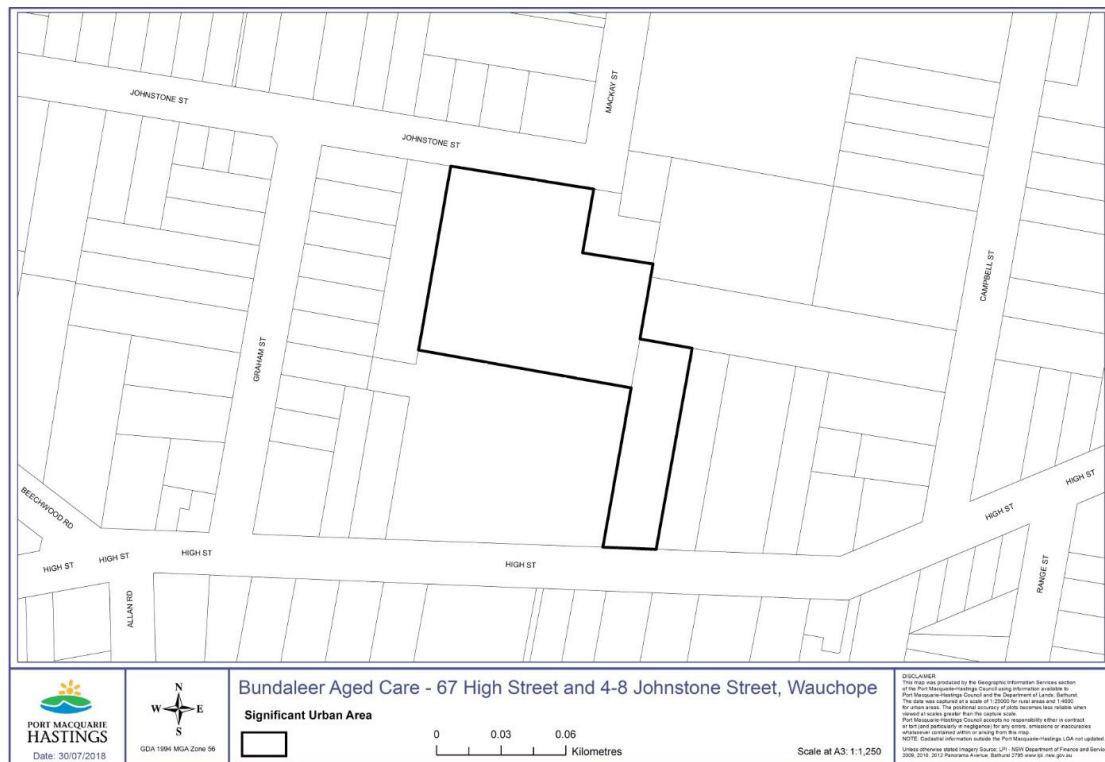
*No amending development control plans have been made."*

The clause requires Council to have regard to certain matters at the development application stage in considering whether a development exhibits design excellence, as outlined in subclause (5) above. As the Department's Gateway Determination requires the subject land to be identified on the Significant Urban Areas Map as a "Significant Urban Area" the design excellence provisions will apply to any type of new building or external alterations or additions (not only a residential care facility).

Significant Urban Areas Map

The Planning Proposal is therefore proposed to be amended to identify the subject land as a "Significant Urban Area" on the Significant Urban Areas Map as indicated in the figure below:





## Options

Council's options are to:

1. Resolve not to proceed with the public exhibition of the Planning Proposal. The land would remain subject to the existing planning controls and would require Bundaleer to significantly reduce the scale of the proposed development.
2. Resolve to amend the Planning Proposal to identify the subject land as a “Significant Urban Area” on the Significant Urban Areas Map of the LEP, in accordance with the Gateway Determination and proceed to agency consultation and public exhibition on the Planning Proposal.
3. Formally apply to the Department for a Gateway Review on the basis that the Gateway Determination imposes a condition in relation to design excellence that Council considers inappropriate. Council would need to apply for this review within 42 days if it proceeds with this Option. The Northern Planning Panel would provide advice on whether the original Gateway Determination should be altered giving consideration to Council’s submission and the reasons given for the original Gateway Determination.
4. Separate to the formal Gateway Review process, Council requests that the Gateway Determination be reconsidered and reissued. The Department’s Regional Team should be contacted to discuss any concerns with the Gateway Determination.

Option 1 does not provide any additional scope for development of the site.

Option 2 is recommended as it will ensure that the design excellence provisions of the LEP will apply to any type of new building or external alterations or additions on the subject land. This will mean that matters such as the height, bulk, streetscape



and overshadowing are appropriately considered at the development application stage, and that any future development on the site contributes to the natural, cultural, visual and built character of the area. Council is not able to proceed with public exhibition of the Planning Proposal without updating the proposal to identify the land on the Significant Urban Areas Map of the LEP.

Options 3 and 4 provide an opportunity for Council to make a submission to the Department to undertake a review of the Gateway Determination. In the case of Option 3, the formal Gateway Review would be informed by advice from the Northern Planning Panel.

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

The Department of Planning and Environment's Gateway Determination (**Attachment 3**) specifies the consultation requirements for the Planning Proposal. These include:

- Public exhibition of the Planning Proposal for a minimum of 28 days
- Consultation with Roads and Maritime Services and the Office of Environment and Heritage – Heritage Division. Each public authority will be given at least 21 days to comment on the proposal.

Community consultation for Planning Proposals will include notification in local newspapers (Port Macquarie Express, Camden Haven Courier and Hastings Gazette), notification to adjoining landowners and on Council's website for the duration of the public exhibition. In addition, the exhibition material will be available at the Council's Wauchope and Port Macquarie Customer Service Centres.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

The preparation of the Planning Proposal is to be completed as part of Council's Strategic Land Use Planning program.

Should a residential care facility proceed on the subject land there will be economic benefits in terms of health care and employment in Wauchope and the Port Macquarie-Hastings more generally.

### **Attachments**

- 1[View](#). Report - Council Meeting 16 May 2018 - Planning Proposal Bundaleer Aged Care
- 2[View](#). Minutes - Council Meeting 16 May 2018 - Planning Proposal Bundaleer Aged Care
- 3[View](#). Gateway Determination - Bundaleer Planning Proposal - 11 July 2018

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**Item: 12.05**

**Subject: LOT 13 FERNBANK CREEK ROAD - CLASSIFICATION OF LAND  
RECENTLY ACQUIRED BY COUNCIL**

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

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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 classify Lot 13 DP1139180 (Fernbank Creek Road) as operational land.**

### **Executive Summary**

At the Ordinary Council Meeting held on 16 May 2018, Council resolved to acquire Lot 13 DP1139180 (Fernbank Creek Road). The *Local Government Act 1993* requires that Council's classify land that is acquired following public notification of a proposed classification. This report recommends that Council classify the recently acquired land as "operational" land.

### **Discussion**

At the Ordinary Council Meeting held on 16 May 2018, Council considered a report on the acquisition of land as a buffer zone of the future Thrumster sewerage treatment plant, and resolved as follows:

<b>14.01 PROPERTY PURCHASE BY SEWER FUND</b>
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**RESOLVED: Levido/Alley**

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

*That Council:*

1. *Submit an offer within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 13 DP1139180 (Fernbank Creek Road).*
2. *Subject to the outcome of resolution 1 above:*
  1. *Delegate to the General Manager authority to:*
    - a) *Sign the Contract for Sale*
    - b) *Sign the letter to Revenue NSW seeking an exemption from the payment of Stamp Duty*
    - c) *Sign the Revenue NSW Purchaser Declaration Form*
    - d) *Sign the Land Registry Services Transfer Form*

- e) *Sign any of the above or additional forms, either by hand or electronically, that may be required with the introduction of e conveyancing from 1 July 2018*
3. *Utilise Council's Sewer Fund to complete this acquisition should Council's offer be accepted*
4. *On completion of the purchase of Lot 13 DP1139180, pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 13 DP1139180 as "operational" land by placing on exhibition for minimum of 28 days the proposed resolution "it is intended to classify Lot 13 DP1139180 (land on Fernbank Creek Road) as operational land."*
5. *Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.*

Subsequent to the May 2018 Council meeting, an offer was submitted and accepted for the purchase of Lot 13 DP1139180 (Fernbank Creek Road). The purchase settled in June 2018, utilising Council's Sewer Fund.

Public exhibition of the proposed land classification was subsequently undertaken, during the period 11 July 2018 to 8 August 2018 inclusive, with no submissions being received.

### 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 classification has been advertised for the minimum period of 28 days. At the conclusion of the advertising period, 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: 12.06**

**Subject: JOHN OXLEY DRIVE WORKS AS MATERIAL PUBLIC BENEFIT**

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

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### **Alignment with Delivery Program**

4.5.2 Plan for infrastructure that supports population growth.

### **RECOMMENDATION**

#### **That Council:**

- 1. Approve the application to undertake works involving the construction of cycleway/footpath and road works in John Oxley Drive, Port Macquarie on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended), subject to the applicant entering into a Works in Kind Agreement.**
- 2. Pursuant to Section 55(3)(i) of the Local Government Act 1993, not invite tenders for the construction of the works in Item 1, due to extenuating circumstances, as described in the report.**
- 3. Delegate authority to the General Manager to execute the Works in Kind Agreement in item 1 above.**

### **Executive Summary**

Council has received an application to undertake works as material public benefit from the developers of the Bulky Goods Premises, Hardware and Building Supplies (Bunnings) development on John Oxley Drive, Port Macquarie. The works involve construction of additional public cycleway/footpath and road work intersection improvements in the road reserve in conjunction with roadwork required as part of the development consent. The works are proposed to be constructed at the expense of the developer in lieu of payment of s7.12 (previously s94A) contributions in connection with the development.

The works are not identified in a contributions plan although they are consistent with the recent concept for the upgrading of John Oxley Drive.

The outcome is considered to provide a significant improvement to pedestrian access in the locality as well as provide the staged upgrading of the intersection of John Oxley Drive and Kingfisher Drive.

The value of the works will exceed \$150,000 and it is recommended that for the purposes of Section 55 of the Local Government Act 1993 Council does not call tenders in this case due to extenuating circumstances and that a satisfactory result would not be achieved by inviting tenders.

The costs have been verified by Council's Transport and Stormwater Network team.



**Discussion**

The applicant has proposed to undertake additional public cycleway/footpath and road work intersection improvements in John Oxley Drive as material public benefit in lieu of the payment of development contributions to the value of the cost of the works. Contributions for the development are payable pursuant to Section 7.12 (previously s94A) of the Environmental Planning & Assessment Act 1979 (as amended). A s94A Levy of \$230,242 applicable to the approved development. The value of the proposed material public benefit works to be undertaken as proposed settlement of the s94A levy is \$237,053.

**The Development**

An Amendment to Development Consent 2015/600 for Bulky Goods Premises, Hardware and Building Supplies was determined by the Joint Regional Planning Panel on 10 April 2018. The development has commenced and will include the construction of a signalised intersection on John Oxley Drive to serve the development.

**The proposed Works as Material Public Benefit**

The proposed works consist of the construction of additional road pavement, medians and cycleway/footpath in John Oxley Drive adjacent to the proposed development. A plan of the works is attached. The estimated costs have been verified by Council's Transport and Stormwater Network team.

The Engineering Planning Manager - Transport and Stormwater Network has advised that the application is supported on the basis that the works will provide material public benefit to the broader community by:

- The extension of the 2.5m shared cycleway footpath to existing path within Wrights Road creating a significant contribution to pedestrian and cyclist linkages within PMHC's Health and Education precinct. Such linkages do not currently exist but the need for pedestrian/cycleway/vehicle linkages within the Health and Education Precinct have been highlighted in the current master planning underway for this Precinct. This section of shared path will also form part of a strategic link from the health and education precinct to the CBD.
- Road works additional to that required for the approved development particularly with respect to the tie-in to the future upgrade of the Kingfisher Road and John Oxley Drive intersection to a signalised intersection.
- The efficiencies of undertaking the extension of the cycleway/pathway and additional road works in conjunction with other approved road works in John Oxley Drive.
- Provision of cycleway/pathway infrastructure within the John Oxley Drive road reserve and facilitating the upgrade of the Kingfisher Road intersection. The proposed works are consistent with the PMHC adopted Corridor Concept Plan for John Oxley Drive.
- Bringing forward the road improvements associated with the duplication of John Oxley Drive between Wrights Road and Kingfisher Road in conjunction with the construction of the signalised intersection providing access to the subject development.



**The Local Government Act**

An important aspect of the proposal is that the works are estimated to exceed \$150,000 in cost. The applicant has proposed to undertake the work and has provided an estimate of the costs. The costs have been reviewed and verified by Council's Transport and Stormwater Network team.

Council has received legal advice that Works in Kind agreements involving the construction of works having a value greater than \$150,000 are subject to tendering requirements under Section 55 (s55) of the Local Government Act 1993 (Act). Exceptions are provided under s55(3) of the Act including s55(3)(i) that specifies '*a contract where, because of the extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders*'.

Based on the legal advice regarding s55(3)(i), it is recommended that tenders not be called in this particular case due to extenuating circumstances for the following reasons.

- The developer in this case is able to undertake the works estimated to be \$237,052 in conjunction with other works and will bear any costs above the amount of the development contributions.
- Council is obtaining good value for money. The cost to Council of offsetting the development contributions would likely be less than the cost of contracting to a third party to undertake the works.
- There is little risk potential tenderers could claim Council has a preferential arrangement with the developer.

A formal Works in Kind agreement will need to be executed to formalise the developer's application.

**Options**

Council could resolve to approve the application to undertake works as material public benefit or reject the application.

Where Council decides to accept the offer described above it is recommended that Council determine not to call tenders in this particular case due to extenuating circumstances.

If the application is rejected, no offset or refund of development contributions would apply.

**Community Engagement & Internal Consultation**

The Engineering Planning Manager - Transport and Stormwater Network has been consulted and supports the construction of the works and the offset of development contributions in this case.

**Planning & Policy Implications**

The proposal conforms to Council's Works in Kind Policy.

Tendering requirements relating to contracts for works with a value greater than \$150,000 are considered in this report.

**Financial & Economic Implications**

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

The proposal will allow for footpath and road upgrade works to the value of \$237,052 (ex GST) to proceed in the short term without any significant impact on Council's financial position.

The design, assessment and construction of the works will be subject to Council's normal procedures for construction and acceptance of public infrastructure.

**Attachments**

1 [View](#). John Oxley Drive Material Public Benefit Additional Roadworks

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**Item: 12.07**

**Subject: CLEARING OF VEGETATION ON FLAGSTAFF HILL**

**Presented by: Development and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information in the Clearing of Vegetation on Flagstaff Hill report.**
- 2. Not undertake clearing of any Banksia's.**
- 3. Erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.**

### **Executive Summary**

At the April 2018 Meeting Council resolved to:

- 1. Note the information contained within the report.*
- 2. Note that the Flagstaff and Flagstaff Hill is designated as having Heritage significance in the Port Macquarie – Hastings LEP 2011.*
- 3. Request the General Manager investigate the clearing of a maximum of 0.25Ha on Flagstaff Hill and selected section of the Coastal Walk.*
- 4. Request the General Manager provide a briefing to Councillors in June 2018 outlining:*
  - a) Potential areas for clearing that maximise viewpoints of the Flagstaff along the coastal walk.*
  - b) Details of proposed 1:1 offset planting.*
  - c) How the proposed clearing will be maintained as part of the site's Heritage Management Plan.*
  - d) How the clearing could be funded.*
- 5. That the General Manager provide a report to the Ordinary Council Meeting in August 2018 to further progress the matter.*

**CARRIED: 7/0**

**FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner**

**AGAINST: Nil**

This report provides a response to point 2 above.

## Discussion

Flagstaff Hill was a prominent land and sea marker in the early 1900s, assisting the navigation of maritime transport in and out of Port Macquarie via the Hastings River. During these times Flagstaff Hill was devoid of shrubby vegetation. In more recent times this area has naturally revegetated to form a Coastal Banksia Woodland around the hill and along the coastal corridor between it and Town Beach.

The planning pathway to pursue the clearing of vegetation on Flagstaff Hill and the Coastal Walk is complex as the clearing work is not associated with specific development or piece of infrastructure being built. Accordingly, it cannot be considered under *State Environmental Planning Policy (Infrastructure) 2007* (SEPP) as 'development permitted without consent'.

The site is zoned E2 Environmental Conservation under the *Port Macquarie-Hastings Local Environmental Plan 2011*. Accordingly, the clearing is required to be assessed under *SEPP (Vegetation in Non-Rural Areas) 2017*. Under this SEPP, if the clearing is greater than 0.25Ha, it exceeds the biodiversity offset scheme threshold and the requirement for a 'Biodiversity Assessment Report' under the *Biodiversity Conservation Act, 2016* is triggered. This report is required to be prepared by an accredited ecologist and would ultimately need to be approved by the Native Vegetation Panel. The report/Panel ultimately determines an offset requirement under the scheme. This offset could be in the form of securing other land to meet the required offset or by purchasing credits through the Biodiversity Conservation Fund. The extent and cost of the required offset would be unknown until the assessment was undertaken and approved.

If the clearing does not exceed the threshold (i.e. is less than 0.25Ha) then the Vegetation SEPP enables Council to issue a permit for the clearing under Port Macquarie-Hastings Development Control Plan 2013 (DCP). The DCP provisions relating to the removal of trees on public land were established prior to the establishment of the Vegetation SEPP and Biodiversity Conservation Act and are typically applied on an individual tree basis as opposed to the removal of an area of trees. Council staff have identified a need to review the tree management provisions of the DCP noting these recent legislative changes. If Council were to pursue a permit for the clearing work under the DCP then it would be still considered prudent to undertake an ecological assessment similar to that which would be required to support a Review of Environmental Factors for development that would ordinarily be considered as being permitted without consent.

The DCP Objectives and Development Provisions relating to the removal of trees on public land are as follows:

### 1.6.3.3 Objective

- *To ensure that proper consideration is given to trees and native vegetation in designing, planning and constructing development.*
- *To minimise injury to or destruction of trees and native vegetation.*
- *To retain healthy individual trees of local amenity and aesthetic value.*
- *To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species to make a positive contribution to visual and environmental amenity and ecological sustainability.*



- *To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practical.*

#### *Development Provisions*

- a) *Trees on Council controlled land shall not be pruned or removed unless:*
  - *Written consent is provided by Council; and*
  - *They are dead, dying, diseased or dangerous, or*
  - *They are causing damage to infrastructure on public land, or*
  - *They are impacting on pedestrian or traffic conditions; or*
  - *They are interfering with services on private property; or*
  - *They impact on the outlook from historic sites or significant public viewing areas, or*
  - *The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or*
  - *The trees require removal to fulfil the requirements of section 100C of the Rural Fires Act 1997, as determined by the General Manager or his delegates.*
- b) *Where a tree removal on Council land is approved, the removal is to be supervised by the Director of Infrastructure Services or their delegate and undertaken in accordance with Council's tree management specifications.*
- c) *A tree removed on Council land is to be replaced by an approved species in a suitable location as determined by the Director of Infrastructure Services or his delegate.*
- d) *Council will not consider the pruning or removal of trees where the intent is to enhance the views of or from private property.*
- e) *Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not permitted. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council.*
- f) *Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report.*
- g) *Council has no statutory obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land.*
- h) *Any pruning, removal or treatment of any tree on public land must be undertaken in accordance with Council's tree management specifications.*
- i) *Council, or contractors working on behalf of Council are exempt from requiring an approval to remove or kill non-native or non indigenous native trees from public bushland reserves.*

It is noted that Development Provision a) above includes a reference to removal of trees that '*impact on the outlook from historic sites of significant public viewing areas*', which would potentially provide some justification to pursue tree clearing on the site. It is also noted that the DCP envisages a replanting ratio of 1:1 so an offset area would need to be accounted for in any tree removal proposal.

#### **Options**

1. Remove approximately 6 to 7 mature Banksia's along the western edge of the platform.



2. Remove approximately 6 to 7 mature Banksia's along the western edge of the platform. Erect directional site signage along the Coastal Walk to promote the Flagstaff hill location and investigate the possibility of additional historical and interpretive signage options.
3. Do not undertake clearing of any Banksia's, however proceed to erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.

Council staff recommend that option 3 be adopted. Council staff recommend that clearing work not be pursued for the following reasons:

1. Potential poor public perception noting:
  - a) Council's bush regeneration initiatives being undertaken within coastal public reserves.
  - b) Vandalism of coastal vegetation occurs in some areas to create views from private property. There is a compliance effort from Council staff in managing/preventing this. Clearing of vegetation on public land for view optimisation could send mixed messages.
2. Potential precedent to clear vegetation in other public reserves to improve views
3. Potential increased erosion and weed infestation
4. Cost and associated resource constraints

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

Community engagement would be considered necessary if any proposal to clear vegetation on Flagstaff Hill and along the Coastal walk was pursued.

### **Planning & Policy Implications**

Removal of vegetation by Council to recreate historical vistas may send mixed messages to the community on how Council manages clearing for views on coastal public bushland. The vegetation on Flagstaff Hill and along the Coastal Walk has an aesthetic value in its own right so there is the potential for poor public perception to be created, notwithstanding some members of the public may place greater value on a more prominent Flagstaff.

Clearing and fragmentation of coastal vegetation for views is listed as a key threatening process for many threatened ecological communities under State and Federal environmental law.

### **Financial & Economic Implications**

Undertaking the removal of the trees would require an environmental assessment. Due to staff resource constraints this may have to be pursued by an external consultant. Physical removal of the vegetation would vary depending on the area cleared and may incur high cost due to the steep terrain and the need for specialist equipment such as cranes. Ongoing annual maintenance may also be a factor. There is currently no budget in council's forward works program to address this issue.

**Attachments**

1 [View](#). Digital Elevation Model

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**Item: 12.08**

**Subject: MANAGEMENT OF THE FLYING-FOX COLONY IN  
KOOLOONBUNG CREEK NATURE RESERVE**

**Presented by: Development and Environment, Melissa Watkins**

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**Alignment with Delivery Program**

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

**RECOMMENDATION**

**That Council:**

- 1. Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report ;**
- 2. Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;**
- 3. Invite nominations for membership on the Committee from the following:**
  - Affected residents;**
  - Representatives from the Office of Environment and Heritage (OEH);**
  - Representatives of the Friends of Kooloonbung;**
  - Expert ecologists; and**
  - Other interested community representatives.**
- 4. Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;**
- 5. Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;**
- 6. Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).**
- 7. Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:**
  - a) Noise barriers (e.g. Perspex sheeting);**
  - b) Buffer landscaping using non-roost trees;**
  - c) Specific rebates to residents to assist with air-conditioning etc.;**
  - d) (Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;**
  - e) Other novel options.**

8. Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.

### Executive Summary

At its meeting on 18 April 2018 Council resolved the following:

*RESOLVED: Pinson/Alley*

1. Note the 2014 petition to Ms Leslie Williams MP resubmitted to the Mayor from concerned residents regarding the Flying-fox colony in the Kooloonbung Creek Nature Reserve.
2. Note the response from Ms Leslie Williams MP dated 7 March 2018 in relation to the Flying-fox colony in the Kooloonbung Creek Nature Reserve.
3. Request that the General Manager write to Office of Environment and Heritage (OEH) and both Federal and State local members of parliament seeking advice on funding opportunities to manage the impact of Flying-fox colonies adjoining residential properties.
4. That the General Manager bring back a report to Council for further consideration as soon as practicable following receipt of advice from the OEH.

*CARRIED: 7/0*

*FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner AGAINST: Nil*

This report provides a response to items 3 and 4.

### Discussion

#### Kooloonbung Creek: An Ecologically Important Area

The Kooloonbung Creek Nature Park (R97763) was notified as a Crown land Reserve on 19 April 1985, after a long public campaign to protect and rehabilitate the land. The Nature Park contains a high proportion of Threatened Ecological Communities, and a wide range of threatened flora and fauna species. The reserve was dedicated for the purpose of "Promotion of the study of native flora and fauna".

In the same year the *Friends of Kooloonbung* volunteer group formed, providing the impetus to undertake environmental rehabilitation works in addition to creating the Arboretum and boardwalk in the reserve. The work of this group has continued to control the weeds within the reserve and to undertake community education.

In the mid-1990s, a flying-fox colony established in the Park. The colony population fluctuates seasonally and inter-annually depending on regional climatic conditions and seasonal food resources across the coast.

Flying-fox numbers have been shown to vary from 5-10,000 in winter to up to 165,000 during peak summer seasons. Seasonal fluctuations are typical of all Flying-fox colonies in Australia, representing migration patterns across a network of habitat and foraging grounds along the eastern seaboard of Australia.

Recent summers have seen an increase in the abundance of the flying-fox colony within the Kooloonbung Creek Nature Reserve with the seasonal influx of little red flying-foxes. This seasonal influx in summer is a primary concern of some



neighbouring residents. The Flying-fox colony has also remained at high numbers for longer this year into autumn and winter than previous years. This is most likely as a result of the scarcity of feeding opportunities in inland areas, which have been experiencing drought and hot weather.

Grey-headed flying-foxes make up the majority of the permanent resident population of the colony in Kooloonbung Creek Nature Park. Despite a possible perception about the 'abundance' of this species, the population is actually in decline, such that the species was listed as Vulnerable by the NSW government through the *Threatened Species Conservation Act* in 2001. This listing was transferred to the *Biodiversity Conservation Act, 2016* when it came into force on 25 August 2017. The Kooloonbung Creek camp is also identified by the Federal Government to be of 'national significance' and is an important maternal camp for Grey-headed Flying-foxes.

*Background and Legislative Context of Flying-Fox Management in the Park*

In 2010, Council staff embarked on engaging the community on the management of flying-foxes in the reserve, and subsequently prepared a Plan of Management for the Kooloonbung Creek Nature Park pursuant to the Crown Lands Act, 1989 to address amongst other things, community concerns around noise, disease and odour from the flying-foxes within the limits of state and federal legislation. A series of community fact sheets (**Attachment 1**) were produced to assist with community engagement.

Following a period of public exhibition in May-June 2012, Council adopted the Plan of Management at the June 2012 Council meeting (**Attachment 2**) with the following resolutions;

1. *Adopt the amended Kooloonbung Creek Nature Park Plan of Management 2012.*
2. *Commit \$50,000 from the 2012-2013 Environmental Levy Reserve to assist in the cost of the removal of vegetation to provide a buffer to the flying-fox Colony.*
3. *Continue to look at the option of relocating the flying-foxes from Kooloonbung Creek and a further report to be brought back to Council by June 2013.*

The Plan of Management was subsequently formally adopted by the Crown under the Crown Lands Act, 1989 by way of notification in the NSW Government Gazette on 9 November 2012.

In response to the June 2012 Council meeting, a subsequent report (**Attachment 3**) was tabled at the February 2013 Council meeting detailing the progress of implementing the actions in the Plan of Management and an assessment of relocating the flying-foxes from Kooloonbung Creek.

Based on extensive review of past flying-fox relocation attempts around Australia and peer reviewed expert reports (**Attachments 4, 5, 6**), the Council report recommended not to attempt to relocate the flying-fox colony on the basis that:

- Relocation would require multiple attempts over many years and is unlikely to succeed, and may result in unintentional dispersal of the colony to other residential areas such as public reserves in Lighthouse Beach locality.
- State and Federal Government is unlikely to support the proposal as the action would create a significant impact on a nationally significant population.



- Cost of relocation and implementation of associated mitigation measures was estimated at the time to be in the order of \$3.9M
- Multiple relocation attempts are highly likely to increase a stress-related disease in the population, increasing the risk of disease transfer, such as Hendra virus to the local horse industry and the local community.

On this basis, Council resolved at the February 2013 meeting to:

1. *Note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.*
2. *Continue to focus primarily on the in-situ management of flying-foxes.*

Council staff have subsequently completed the in-situ management actions listed in the Plan of Management and continue to monitor the population quarterly as part of the CSIRO National Flying-fox census. This data can be found at:

[www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf](http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf)

In-situ management actions completed in accordance with the Plan of Management include:

- Population monitoring
- Signage and community education
- Removal of vegetation on the western margin
- A desktop feasibility assessment for the provision of additional roosting site(s)

In 2015, the NSW Office of Environment and Heritage published its Flying-fox Camp Management Policy (**Attachment 7**). The stated role of the policy is to: “*empower land managers, primarily local Councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which the OEH will make regulatory decisions*”.

A policy response by the NSW government to the management of flying-foxes has recently come off public exhibition, being the Draft Code of Practice Authorising Flying-fox Camp Management Actions 2018 (**Attachment 8**). The Australian Government “Referral Guidelines for Management Actions in Grey-headed and Spectacled Flying-fox Camps” (2001) still also apply and provide policy direction on the regulation and protection of Grey-headed flying-fox camps (**Attachment 9**).

#### Ongoing concerns regarding the impact of flying-foxes

The community, specifically those persons residing at the southern end of Glebe Close, have recently approached Council with a series of concerns about the noise, odour, defecation issues and vegetation impacts associated with the flying-foxes in this reserve. In March 2018, Council received a copy of a 2014 petition from Ms Leslie Williams MP from concerned residents regarding the Flying-fox colony in the Kooloonbung Creek Nature Park. Council at its meeting in April 2018 requested the General Manager to write to the OEH and both State and Federal Local Members of Parliament seeking advice on funding opportunities to manage the impact of flying-fox colonies adjoining residential properties and provide a further report back to Council upon receipt of this advice.

Results from the National Flying-fox census monitoring show that Flying-foxes do not commonly occupy the above-mentioned proportion of the Reserve, and this area is

normally a temporary 'overflow' when numbers are high, as they have been through this autumn.

The residents are also concerned that the Flying-foxes are decreasing the use of Kooloonbung Nature Reserve as a recreational destination, although advice from Friends of Kooloonbung does not agree with this. Similarly a broad number of groups, such as Hastings Birdwatchers and school groups, are known to use the Park for the nature-based activities that are provided.

On 3 May 2018 the Acting General Manager wrote to OEH to seek advice on funding opportunities to manage the impact of Flying-fox colonies adjoining residential properties (**Attachment 10**). On 30 May 2018, the General Manager wrote to OEH again requesting an extension to the funding offer, for the Port Macquarie-Hastings LGA (**Attachment 11**). The OEH subsequently advised that it was exploring an extension to the flying-foxes grants program and suggested that Council staff work with the North East OEH Branch to discuss camp management approaches (**Attachment 12**). Currently there are no active formal funding rounds open for Council to apply, however OEH have encouraged Council to still apply.

Meetings and consultations have recently been held between Council staff and the affected residents to listen to their views and to provide background for a better way forward. This has also included a meeting on site with Ms Gabrielle Upton, Minister for the Environment, Minister for Local Government and Minister for Heritage along with Ms Leslie Williams MP, Member for Port Macquarie.

At a number of the onsite meetings the residents of the southern end of Glebe Close also raised concerns regarding the potential expansion and/or relocation of the roosting area for the fly-fox to the area directly behind residential properties.

Staff from Council's Natural Resource Management section have also spoken with Local Government NSW (LGNSW) staff, who advise that they have recently appointed a Flying-fox Officer. These conversations in fact suggested that future funding opportunities may be directed towards planting/creation of alternate habitat for flying-foxes (i.e. long-term solutions rather than quick-fix solutions such as dispersal which have repeatedly been proven to be expensive and highly prone to failure), although funding for camp management plans may also be made available.

#### What Are the Options?

The Flying-fox Camp management Policy 2015 indicates that:

*"Where flying-fox camps are in close proximity to urban settlements and are causing amenity issues through noise, odour, prevalence of flying-fox droppings, or health concerns (including mental health); proactive management of camps is recommended."*

To address these concerns and to streamline regulatory approaches that are permissible within the current legislative framework, the OEH has developed a management approach on which "a hierarchy of options is based on a principle of using the lowest form of intervention required." This approach is required to be included in a camp management plan and requires:

- Routine camp management action (Level 1 actions)

- Creation of buffers (Level 2 actions)
- Camp disturbance or dispersal (Level 3 actions)

The Draft Code of Practice Authorising Flying-fox Camp Management Activities also outlines the three levels of camp management. Following are the Level 1 actions as included in the Draft Code:

### **Level 1: Routine Camp Management Actions**

*Routine camp management actions include:*

- a) *Trimming of understorey vegetation;*
- b) *Planting of vegetation, including revegetating areas between the flying-fox camp and areas of human settlement with plants that are unsuitable as flying-fox habitat;*
- c) *Minor habitat restoration for the benefit of roosting flying-foxes;*
- d) *Extending camp habitat through revegetation away from areas of human settlement;*
- e) *Mowing of grass and similar grounds-keeping actions that will not create a major disturbance to roosting flying-foxes;*
- f) *Installation of signage or similar-scale infrastructure; or*
- g) *Construction of artificial structures to augment camp habitat in current camps or to provide new camp habitat.*

Using these Level 1 actions, there is limited scope to solve resident's concerns. Planting non-roost trees or vines as visual buffers may offer some amenity to residents, although any such planting would have to be done with careful consideration of fire management buffers in this area and the ecological integrity of the park. Signage has been installed.

Trimming of understorey vegetation is likely to have little effect as flying-foxes are predominantly roosting in over storey vegetation. There is no scope to plant additional areas of the Kooloonbung Reserve as flying-fox habitat. Further, the use of ropes as 'alternate roosting sites' has proved largely ineffective where previously trialled.

Following are the Level 2 actions as included in the Draft Code:

### **Level 2: High Impact Camp Management Actions**

*High impact camp management actions include:*

- a) *Trimming or otherwise clearing vegetation at the camp boundary to create a buffer of cleared space between the flying-fox camp and areas of human settlement;*
- b) *Installation of noise attenuation fencing between the flying-fox camp and nearby residents;*
- c) *Disturbance actions, being non-lethal actions aimed at moving flying-foxes away from or preventing flying-foxes from occupying a specific location in a manner that will not cause harm or injury to flying-foxes. Disturbance actions may include (without limitation):*
  - i. *Habitat modification,*
  - ii. *Acoustic disturbance;*
  - iii. *Visual disturbance;*
  - iv. *Physical disturbance; or*
  - v. *Disturbance with smoke.*

Council staff have reviewed the new draft Code of Practice to determine the practicalities/ possibilities of undertaking any high impact activities to manage the flying-foxes in a manner to reduce residents' concerns. This review revealed that there are significant legislative impediments that would apply to the application of high impact activities, including but not limited to:

1. Council would be required to undertake a mail-out to all residents within a 300m buffer of the camp. This would be approx. 500 households. The Code requires that Council discuss all health risks of Flying-foxes, thereby presumably informing residents that health risks are increased during dispersal attempts as the colony is placed under stress, a factor known to increase the incidence of Hendra. The response from these letters must be considered in determining whether and how to continue with plans to conduct high-dispersal activities.
2. No flying-fox dispersal is to be undertaken while any flying-fox is in its third trimester of pregnancy or has dependent young. In a maternal camp such as Kooloonbung this introduces significant constraints, as it effectively means that no dispersal can be undertaken from August to April, and potentially longer, as out-of-season breeding can also occur with births later in the year. While Little Red flying-foxes have not been recorded breeding in NSW, and this is unlikely, if they were to commence use of Kooloonbung Creek as a maternal camp, this would rule out high impact activities altogether, as they breed 6 months out of phase with other flying-fox species.
3. High impact activities must not be carried out in a period of food stress. The last few seasons have included periods of flying-fox food shortages.
4. A "Flying-fox expert" must be appointed and significant pre and post monitoring and record-keeping must be conducted.
5. Stringent rules apply as to the timing and frequency of high impact activities (for instance, dispersal must be abandoned if >50% of the colony is still present within 7 days of a dispersal event). This is highly likely to be the case in Kooloonbung due to the size and spatial distribution of the colony and the fact that it is not the same flying-foxes present each night i.e. new flying-foxes come and go every day, therefore many would not be aware of the dispersal event on the evening of their arrival and would still arrive. This is particularly likely to be the case as the Code of Practice also outlines that 'rest' areas must be present within the camp where dispersal cannot occur.
6. In addition to these requirements under the NSW legislation, further criteria must be considered under the National Referral Guidelines for Grey Headed Flying Foxes, in fact placing further constraints on what is legislative permissible and required.

Although not impossible, undertaking any high-impact activities would therefore be expensive and quite complex and will require careful extension, framing, management, monitoring and reporting.

Following are the Level 3 actions as included in the Draft Code:



**Level 3: Pre-emptive Camp Management Actions**

Camp management actions may be carried out pre-emptively in an area in order to deter flying-foxes from establishing a camp in that area. However, the camp manager (Council) may not carry out pre-emptive camp management actions involving clearing or other impacts on critically endangered species or critically endangered ecological communities.

This approach may go some way to addressing the concerns of residents in regard to the movement/expansion of the roosting area, however consultation would need to occur with the OEH if this action was to be employed given the close proximity to existing camps to this area and also the number of other threatened ecological communities and threatened species that occupy Kooloonbung Creek Nature Park, including this vicinity. This approach would also be required to be addressed as part of the Plan of Management.

Council staff have also reviewed the work of other Councils in managing flying-fox camps. Each time a specific Flying-fox Camp Management Plan has been prepared by consultants, which is a requirement under the Flying-fox Camp Management Policy 2015, as the first step. This independent approach has many merits, including the fact the Consultant undertakes the community consultation, provides a 'flying-fox expert' and that the results/recommendations are independent of Council.

**Preferred Course of Immediate Action for Kooloonbung Creek**

The preferred course of immediate action for Kooloonbung Creek is therefore to:

1. Formulate a Consultative Committee for Flying-fox Management in Kooloonbung Creek. The Committee would include affected residents, representatives from the Office of Environment and Heritage, the Friends of Kooloonbung, expert ecologists and other community representatives.
2. Prepare a Project Plan for delivery of the Camp Management Plan and associated community consultation/engagement/education program.
3. Seek OEH funding for the development of a formal Camp Management Plan;
4. Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (formalised attitudinal surveys etc.). For information, in September 2017 Kempsey Shire Council, via EcoSure consultants, prepared a Camp Management Plan for the Rudder Park Flying-fox Camp (**Attachment 13**). This Plan has many similarities with the Kooloonbung Creek camp being close to residents, comprising multiple species and being a maternal camp. The Kooloonbung Creek plan would similarly fully explore all other options and outline the legislative obligations, pros, cons, and costs for each option including, but not limited to the following:
  - a. Noise barriers (e.g. Perspex sheeting);
  - b. Buffer landscaping using non-roost trees;
  - c. Specific rebates to residents to assist with air-conditioning etc.;
  - d. (Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;



- e. Other novel options (Rudder Park Plan of Management includes other examples including potential for provision of 'new' alternate habitat).
- 5. Council to consider the Camp Management Plan and the options outlined therein at a future meeting of Council with further Actions to be based on this work.

In the interim, Council arborists are assessing trees that overhang the walking trails within Kooloonbung to determine if any are deemed dangerous and routine cleaning of the footpath will be implemented. Following consultation with OEH, such trees could potentially be removed or trimmed appropriately without being deemed 'high impact activities'.

### **Community Engagement and Internal Consultation**

While extensive community consultation was undertaken at the time of the preparation of the Kooloonbung Creek Nature Reserve Plan of Management, this is obviously now quite outdated as are the educational community fact sheets.

It is appropriate now that Council increases its community engagement moving forward. The establishment of a Consultative Committee and development of an active community engagement plan as a part of the Camp Management Plan process, is anticipated to further identify ways that Council could better engage with the community in the longer-term.

### **Planning & Policy Implications**

Any on park, management actions in addition to the actions detailed in the Plan of Management will require a Plan of Management to be gazetted and approved by the Crown and approval under Part 4 of the Environmental Planning and Assessment Act, 1979. If the environmental impacts of further management actions on the park or the colonies are considered significant, any additional management actions, approvals, biodiversity credits, and offsets would require both State and Federal government approval. State and Federal Guidelines/Codes of Practice for Flying-fox Camp Management would also apply.

Modification of residential buildings to minimise the impact of the flying-fox colony (inclusion of air conditioners, sound proofing, car ports etc.) could be undertaken as exempt development.

Formulation of the Camp Management Plan would give detailed consideration to contemporary planning and policy Implications and outline these for various options.

### **Financial & Economic Implications**

If consent was obtained to relocate the flying-fox colony the financial cost of a attempting to relocate the flying-fox colony has previously been estimated at \$3.9M, however it should be noted that this estimate is several years old and considerable work would be required prior to understanding an estimated cost in today's dollars.

The preparation of a Camp Management Plan, including an associated community engagement plan, as prepared for Kempsey Shire Council, would cost approximately \$25,000-\$30,000. Kempsey Shire Council received \$15,000 grant funding through

the Local Government NSW Flying-fox grant program to assist with this and their consultants, EcoSure, actually completed the grant application.

It is the intention of staff to pursue external funding for the development of the Camp Management Plan with the OEH and LGNSW.

**Attachments**

- 1[View](#). 1. Flying-fox fact Sheets
- 2[View](#). 2. Kooloonbung Creek Nature Reserve Plan of Management
- 3[View](#). 3. Council Report Feb 2013
- 4[View](#). 4. Relocating Flying-foxes Paper
- 5[View](#). 5. Flying-fox Dispersal Paper
- 6[View](#). 6. Summary of Flying-fox Dispersal
- 7[View](#). 7. 2015 NSW Flying-fox Camp Management Policy
- 8[View](#). 8. NSW Draft Code of Practice for Flying-fox Camps
- 9[View](#). 9. EPBC Referral Guidelines
- 10[View](#). 10. OEH letter re extension to grants
- 11[View](#). 11. OEH letter re long-term solutions grants
- 12[View](#). 12. OEH Response to Council - Flying Foxes Grants
- 13[View](#). 13. Rudder Park Camp Management Plan

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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-18-22 Construction of Wauchope Main Street – Improve Pedestrian Amenity**

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-18-27 Alterations and Additions Port Macquarie Library**

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-18-01 Port Macquarie Airport Terminal Building Upgrade**

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 14.04 T-17-34 Comboyne, Long Flat and Telegraph Point Sewerage Schemes - Construction**

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 14.05 Legal Proceedings - PMHC v Mansfield**

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

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-18-22 Construction of Wauchope Main Street – Improve Pedestrian Amenity**

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**RECOMMENDATION**

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**RECOMMENDATION**