

Ordinary Council

Business Paper

date of meeting: Wednesday 17 October 2018

location: Laurieton School of Arts Hall
Corner Bold and Laurie Streets
Laurieton

time: 5.30pm

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 (3rd) 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 17 October 2018

Items of Business

Item	Subject	Page
01	Welcome to Country.....	<u>1</u>
02	Local Government Prayer	<u>1</u>
03	Apologies.....	<u>1</u>
04	Confirmation of Minutes	<u>1</u>
05	Disclosures of Interest.....	<u>32</u>
06	Mayoral Minute	
	06.01 Mayoral Discretionary Fund Allocations	<u>36</u>
07	Confidential Correspondence to Ordinary Council Meeting.....	<u>37</u>
08	Public Forum	<u>38</u>
09	Leadership and Governance.....	<u>39</u>
	09.01 Status of Reports From Council Resolutions.....	<u>40</u>
	09.02 Disclosures Register - Annual Returns 2017-2018	<u>45</u>
	09.03 Request for Leave of Absence - Councillor Michael Cusato	<u>47</u>
	09.04 Policy Review - Public Interest Disclosure - Internal Reporting	<u>49</u>
	09.05 Monthly Financial Review - September 2018	<u>52</u>
	09.06 Investments - September 2018.....	<u>56</u>
	09.07 Grant Applications Status Report Investigation	<u>60</u>
	09.08 Digital Technology Project Status.....	<u>63</u>
	09.09 Developing a Skilled, Diverse and Engaged Council Workforce.....	<u>67</u>
	09.10 Policy Review - Banners Over Public Roads and Reserves Policy - Rescind	<u>72</u>
10	Your Community Life	<u>75</u>
	10.01 Recommended Items from the Mayor's Sporting Fund Sub- Committee - October 2018	<u>76</u>
11	Your Business and Industry	<u>77</u>
	11.01 Opportunities for Local Firms to do Business with Council	<u>78</u>
12	Your Natural and Built Environment	<u>83</u>
	12.01 Notice of Motion - Petition - Opposition to Option for Proposed Future Duplication to Four Lanes of Ocean Drive, Lake Cathie.....	<u>84</u>
	12.02 Notice of Motion - Petition - Request for Upgrade and Sealing of Roads Servicing The Hatch	<u>85</u>
	12.03 Classification of Land to be Transferred to Council.....	<u>86</u>
	12.04 Acquisition of Easement - Telegraph Point Sewer Scheme.....	<u>88</u>

12.05	Sealing of Maria River Road - Council Allocation	<u>90</u>
12.06	Road Safety Report 2017-2018	<u>93</u>
12.07	Planning Proposal: Administrative Review of Port Macquarie- Hastings LEP 2011 (Amendment No 52) - Consideration of Submissions.....	<u>99</u>
12.08	Question from Previous Meeting - Revetment Wall, Lake Cathie.....	<u>107</u>
12.09	Question from Previous Meeting - State Environmental Planning Policy (Coastal Management) 2018	<u>109</u>
12.10	Update on Public Tree Management in Urban Areas.....	<u>112</u>
13	Questions for Next Meeting	
14	Confidential Matters	
	Motion to move into Confidential Committee of the Whole	<u>117</u>
14.01	Innes Gardens Memorial Park Crematorium and Lawn Cemetery	
14.02	T-18-31 Destination Media Planning and Buying	
14.03	T-18-41 Extension of SRM's and WM - Dunbogan Tip Access Road	
14.04	T-18-28 Port Macquarie-Hastings Council Advertising - Community Now Notices	
14.05	Supply of Electricity	
	Adoption of Recommendations from Confidential Committee of the Whole	

Item: 01**Subject: WELCOME TO COUNTRY**

A representative from the Bunyah Local Aboriginal Land Council will be invited to deliver the Welcome to Country.

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 19 September 2018 be confirmed.

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
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 Strategy and Growth (Jeffery Sharp)
Group Manager Governance and Procurement (Blair Hancock)
Acting Governance Support Officer (Gai Lazarides)
Communications Manager (Andy Roberts)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Major Kevin Unicomb from the Salvation Army delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Levido/Hawkins

That the apology received from Councillor Cusato be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

That the Minutes of the Ordinary Council Meeting held on 15 August 2018 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in Item 09.01 – 2018 NSW Public Libraries Conference, the reason being that Councillor Alley is the subject of the report.

Councillor Alley declared a Non-Pecuniary, Significant Interest in Item 12.08 – Update on Site Specific Planning Proposal Requests, the reason being that Councillor Alley includes property immediately adjacent to property that is owned by the Property Approvals Board, Anglicans Diocese of Newcastle, of which he serves as the Treasurer on the Parish Council. These changes may result in a financial loss or gain to nearby property owners and hence to the Property Trust.

Mayor Pinson declared a Pecuniary Interest in Item 09.16 – Legal Fees, the reason being that Mayor Pinson's husband's business was involved in one of the cases included in this report.

Mayor Pinson declared a Pecuniary Interest in Item 14.02 – T-18-11 Provision of Road Stabilisation Works, the reason being that Mayor Pinson's company Stabilcorp has had business dealings with tenderers involved in this item.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.03 – Strategic Land Use Planning – Fernbank Creek and Sancrox, the reason being that Councillor Levido is a Partner in the Port Macquarie law firm Donovan Oates Hannaford Lawyers who acts for parties who own property in the development dealt with in the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.08 – Update on Site Specific Planning Proposal Requests, the reason being that Councillor Levido is a Partner in the Port Macquarie law firm Donovan Oates Hannaford Lawyers who acts for the owner of one of the properties the subject of the report.

Councillor Levido declared a Pecuniary Interest in Item 14.07 –EOI-18-03 Community members of the Broadwater Canal Maintenance Plan Community Reference Group, the reason being that Councillor Levido is the joint owner of a residential property within the area covered by the subject of the report.

Councillor Dixon declared a Pecuniary Interest in Item 12.04 – Coastal Koala Plan of Management and Associated LEP and DCP Changes, the reason being that Councillor Dixon's brother in law, has made a submission to the KPom and it is his belief that as a developer he has a pecuniary link to this item, therefore so does he.

Councillor Griffiths declared a Pecuniary Interest in Item 12.03 - Strategic Land Use Planning – Fernbank Creek and Sancrox, the reason being that Councillor Griffiths is associated with a person who has interest in the land which is the subject of the report.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 2 August to 5 September 2018 inclusive be noted.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

06.02 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION'S NATIONAL ADVOCACY CAMPAIGN

RESOLVED: Pinson

That Council confirm its support of the Australian Local Government Association's National Advocacy Campaign to restore Financial Assistance Grants funding to a level of at least 1% and delegate the Mayor to complete the application process.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

06.03 RECOGNITION OF THE LATE RON WALESBY

RESOLVED: Pinson

That Council note the contribution to the local community by the late Ron Walesby.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Alley

That Council determine that the attachments to Item Number 09.16 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

08 PUBLIC FORUM

The Mayor advised of an application to address Council in the Public Forum from:
1. Mr Steven Gates regarding Thone River Road.

RESOLVED: Dixon/Griffiths

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

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

08.01 THONE RIVER ROAD

Mr Steven Gates addressed Council in regard to Thone River Road and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 09.22 – Mr John Drinan in support of the recommendation.
- Item 10.02 – Mr Alan Jeffrey in support of the recommendation.
- Item 11.03 – Ms Jillian McKittrick in opposition of the recommendation.
- Item 12.03 – Mr Maurice Driscoll in opposition of the recommendation.
- Item 12.03 – Mr Graham Burns in opposition of the recommendation.
- Item 12.04 – Ms Julie Ho in support of the recommendation.
- Item 12.04 – Mr John Jeayes in opposition of the recommendation.
- Item 12.04 – Ms Cheyne Flanagan in support of the recommendation.
- Item 12.04 – Mr Anthony Thorne in opposition of the recommendation.
- Item 12.05 – Mr Les Mitchell in support of the recommendation.
- Item 12.08 – Ms Geraldine Haigh in support of the recommendation.

RESOLVED: Levido/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Intemann

That Standing Orders be suspended to allow Items 09.22, 10.02, 11.03, 12.03, 12.04, 12.05, 12.08 and 09.09 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

09.22 BONNY HILLS COMMUNITY PLAN

Mr John Drinan, Bonny Hills Progress Association, addressed Council in support of the recommendation.

RESOLVED: Dixon/Alley

That Council:

1. Note the information contained within the Bonny Hills Community Plan – Results of Community Engagement Report.
2. Endorse the Draft Bonny Hills Community Plan and establish a Community-Council Action Team to drive the development of the plan.
3. Note the future approach to Community Plans.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

10.02 CULTURAL PLAN 2018 - 2021

Mr Alan Jeffrey, Port Macquarie Surf History Association, addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Turner/Hawkins

That Council:

1. Note the submissions and feedback received on the draft 2018 – 2021 Cultural Plan during the public exhibition period 20 June – 25 July 2018.
2. Note the resolution from the Cultural Steering Group Meeting in relation to this matter from its meeting of 5 September 2018.
3. Adopt the 2018 – 2021 Cultural Plan as amended based on public comment and further review by the Cultural Steering Group.
4. Rescind the 2016 – 2019 Cultural Plan.
5. Note that an annual report on implementation of the Plan will be presented to each September Ordinary Council meeting for the duration of the plan.
6. Thank all people and organisations who made a submission during the exhibition of the Cultural Plan and the members of the Cultural Steering Group for their tireless efforts in the development of this plan.

THE AMENDMENT WAS PUT AND WAS LOST

MOVED: Intemann/Alley

That Council:

1. Note the submissions and feedback received on the draft 2018 – 2021 Cultural Plan during the public exhibition period 20 June – 25 July 2018.
2. Note the resolution from the Cultural Steering Group Meeting in relation to this matter from its meeting of 5 September 2018.
3. Adopt the 2018-2021 Cultural Plan as amended based on public comment and further review by the Cultural Steering Group, but retain the Vision wording on page 4 of the draft document to read “Our region is recognised internationally as an innovative leader of creativity and culture”.
4. Rescind the 2016 – 2019 Cultural Plan.
5. Note that an annual report on implementation of the Plan will be presented to each September Ordinary Council meeting for the duration of the plan.
6. Thank all people and organisations who made a submission during the exhibition of the Cultural Plan and the members of the Cultural Steering Group for their tireless efforts in the development of this plan.

LOST: 3/5
FOR: Alley, Intemann and Pinson
AGAINST: Dixon, Griffiths, Hawkins, Levido and Turner

THE MOTION WAS PUT

RESOLVED: Turner/Hawkins

That Council:

1. Note the submissions and feedback received on the draft 2018 – 2021 Cultural Plan during the public exhibition period 20 June – 25 July 2018.
2. Note the resolution from the Cultural Steering Group Meeting in relation to this matter from its meeting of 5 September 2018.
3. Adopt the 2018 – 2021 Cultural Plan as amended based on public comment and further review by the Cultural Steering Group.
4. Rescind the 2016 – 2019 Cultural Plan.
5. Note that an annual report on implementation of the Plan will be presented to each September Ordinary Council meeting for the duration of the plan.
6. Thank all people and organisations who made a submission during the exhibition of the Cultural Plan and the members of the Cultural Steering Group for their tireless efforts in the development of this plan.

CARRIED: 8/0

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

AGAINST: Nil

11.03 DRAFT MARKETS POLICY

Ms Jillian McKittrick, Ewetopia Farm, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Council:

1. Note the information presented in the report.
2. Place on public exhibition the Draft Markets Policy from 23 September 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 November 2018 meeting of Council, detailing the submissions received from the public during the exhibition period and proposed next steps.

CARRIED: 8/0

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

AGAINST: Nil

12.03 STRATEGIC LAND USE PLANNING - FERNBANK CREEK AND SANCROX

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:41pm.

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:41pm.

Mr Maurice Driscoll, Le Clos Sancrox Lot Owners, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Graham Burns, Land Dynamics Australia, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Hawkins/Turner

That Council:

1. Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.
2. Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.
3. Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity.
4. Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.
5. Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increased program appropriately.
6. Submit an update report on all the above actions to the February, 2019 meeting of council

CARRIED: 6/0

FOR: Alley, Dixon, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 07:02pm.

Councillor Levido returned to the meeting, the time being 07:02pm.

Councillor Alley left the meeting, the time being 07:05pm.

Councillor Alley returned to the meeting, the time being 07:06pm.

12.04 COASTAL KOALA PLAN OF MANAGEMENT AND ASSOCIATED LEP AND DCP CHANGES

Councillor Dixon declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:05pm.

Ms Julie Ho, addressed Council in support of the recommendation and answered questions from Councillors.

Mr John Jeayes, addressed Council in opposition of the recommendation.

Ms Cheyne Flanagan, Port Macquarie Koala Hospital, addressed Council in support of the recommendation.

Mr Anthony Thorne, King & Campbell, addressed Council in opposition of the recommendation and answered questions from Councillors.

THE MOTION WAS PUT

RESOLVED: Levido/Griffiths

That Council defer further consideration of the Coastal Koala Plan of Management and associated LEP and DCP changes pending advice on the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.

CARRIED: 7/0

FOR: Alley, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Deputy Mayor Intemann left the meeting, the time being 07:37pm.

Councillor Dixon returned to the meeting, the time being 07:37pm.

Deputy Mayor Intemann returned to the meeting, the time being 07:40pm.

12.05 KOALA STRATEGY

Mr Les Mitchell, Friends of Kooloonbung Creek Nature Park, addressed Council in support of the recommendation.

RESOLVED: Alley/Turner

That Council:

1. As a result of the consideration of public submissions, adopt the amended draft Koala Recovery Strategy as included in Attachment 1 and detailed in this report;
2. Give consideration to funding the programs and actions included in the Koala Recovery Strategy as part of development of the 2019-2020 Operational Plan and forward budgets and Delivery Program;
3. Give consideration to delivering items from the Koala Recovery Strategy through a partnership model to increase financial and human resource capacity; and
4. Receive further reports on the success or otherwise of the funded programs of the Koala Recovery Strategy on an annual basis to ensure an adaptive management approach is maintained and outcomes are achieved.

CARRIED: 8/0

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

AGAINST: Nil

12.08 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

Councillor Alley declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:45pm.

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:45pm.

Ms Geraldine Haigh, GEM Planning Projects, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Hawkins

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. In relation to the Planning Proposal requests for Part Lot 39 DP 1191701, Frogs Road Sancrox (PP2017-3.1), Crestwood Drive Port Macquarie (PP2017-4.1), The Chimneys Homedale Road, Kew (PP2017-11.1) and Nos. 11 and 33 Mumford Street Port Macquarie (PP2014-10.1), provide each of the proponents with a further 3 months (until the end of December 2018), to

submit information supporting the preparation of a Planning Proposal, and if this information is not received that Council discontinue these proposals and advise the proponents accordingly.

3. Receive a further update report in six months regarding the progress of all other site specific Planning Proposal requests.

CARRIED: 6/0

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

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 08:06pm.

Councillor Levido returned to the meeting, the time being 08:06pm.

09.09 CREATION OF OFFICE OF DEPUTY MAYOR

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor. The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors and accepted by Councillor Lisa Intemann. The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council. The Mayor congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

MOVED: Alley/Griffiths

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months.
3. Elect the Deputy Mayor by way of open vote.

CARRIED: 8/0

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

AGAINST: Nil

09.01 2018 NSW PUBLIC LIBRARIES CONFERENCE

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

RESOLVED: Intemann/Dixon

That Councillor Peter Alley be granted permission to attend the 2018 NSW Public Libraries Conference in Coffs Harbour from 27 to 30 November 2018.

CARRIED: 8/0

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

AGAINST: Nil

09.02 NOTICE OF MOTION - COUNCILLOR PORTFOLIO STRUCTURE

RESOLVED: Turner/Hawkins

That Council:

1. Note Council's resolution on the Councillor Portfolio Structure from October 2017;
2. Endorse the Deputy Mayor as the Chair of the monthly Councillor Portfolio Reporting Meeting, as described in Council's resolution from October 2017, for the purpose of acting as a conduit between the Portfolios and the Council organisation, through the General Manager.

CARRIED: 8/0

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

AGAINST: Nil

09.03 NOTICE OF MOTION - COST SHIFTING

The General Manager tabled a media release by Peter Primrose MLC, entitled Local Government Minister Refuses Calls in Budget Estimates to Release Key IPART Reviews.

RESOLVED: Hawkins/Alley

That Council:

1. Note that the ongoing transfer of responsibilities from the Federal and State Governments to local councils without appropriate funding - also known as 'cost shifting' - which continues to increase year-on-year, & presently costs Port Macquarie-Hastings Council \$11,775,325 pa.
2. Note that ALGA and LGNSW have each signed an Intergovernmental Agreement with, respectively, the Federal and NSW Governments, and that both Agreements refer to the impost on councils from cost shifting.
3. Request the General Manager write to ALGA and LGNSW, requesting information on: how they have advocated on the cost-shifting issue; any responses they have received from the Federal and State governments, and their intended strategy for addressing the issue in future.
4. Request the General Manager provide a report to the February 2019 Council meeting, on the basic history and trends in cost-shifting, including the replies from ALGA and LGNSW regarding relevant progress through the Intergovernmental Agreements, and summary information on relevant financial arrangements between councils and higher levels of government.

CARRIED: 8/0

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

09.04 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TURNER

RESOLVED: Griffiths/Hawkins

That Council grant leave of absence for Councillor Turner for the period 29 October 2018 to 23 November 2018, which includes the Ordinary Meeting of Council scheduled for 21 November 2018.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.05 CORRESPONDENCE RESPONSES UPDATE - BY-ELECTION FOR POPULARLY ELECTED MAYOR

RESOLVED: Levido/Griffiths

That Council:

1. Note the information contained within the Correspondence Responses Update – By-Election for Popularly Elected Mayor report.
2. Request the General Manager continue to advocate for changes to Section 276 (2) of the NSW Local Government Act 1993, through ongoing conversations with the Office of Local Government and Local Government NSW.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.06 OFFICE OF ENVIRONMENT & HERITAGE - ENFORCEABLE UNDERTAKING

RESOLVED: Griffiths/Intemann

That Council note the information provided in this Office of Environment & Heritage – Enforceable Undertaking report.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.07 MID NORTH COAST JOINT ORGANISATION UPDATE

RESOLVED: Alley/Turner

That Council:

1. Note the information contained in the Mid North Coast Joint Organisation Update report.
2. Give approval to the General Manager to become the Interim Executive Officer of the Mid North Coast Joint Organisation until such time as a permanent Executive Officer is recruited, by no later than 14 June 2019.
3. Approve reimbursement of expenses for Councillors attending meetings of the Mid North Coast Joint Organisation.

CARRIED: 8/0

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

AGAINST: Nil

09.08 INVITATION TO JOIN REGIONAL CITIES NSW

RESOLVED: Pinson/Levido

That Council:

1. Note the information contained within this Invitation to Join Regional Cities NSW Council Report.
2. Join Regional Cities NSW (RCNSW) with a formal review of Council's membership to take place within the first 24 months of the formal commencement of RCNSW, to ensure it is meeting its stated objectives.
3. Note that whilst sixteen Councils have been invited to join RCNSW, a minimum of nine Councils will be needed to establish RCNSW.
4. Allocate \$5,000 for membership of RCNSW from 1 January 2019 to 30 June 2019 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), as the result of Council's recent resignation from MIDROC.
5. Note that any future requests for financial contributions over and above the annual membership fee to RCNSW will be reported to Council for further consideration.

CARRIED: 7/1

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

AGAINST: Turner

Item - 09.09 Creation of Office of Deputy Mayor - has been moved to another part of the document.

09.10 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Griffiths/Alley

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

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.11 COUNCIL MEETINGS DATES FOR 2019

RESOLVED: Alley/Hawkins

That Council set the Ordinary Council Meeting dates for 2019 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being:

20 February
20 March (Taking the Council to the Community - Wauchope)
17 April
15 May
19 June
17 July
21 August
18 September
16 October (Taking the Council to the Community - Laurieton)
20 November
11 December

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.12 DESIGNATED PERSONS

RESOLVED: Levido/Griffiths

That Council determine that the following positions become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

1. Building Surveyor Team Leader Building Regulation – Fire Safety
2. Contracts Administrator
3. Design Engineer
4. Design Manager
5. Development Compliance Co-ordinator
6. Development Compliance Officer
7. Engineering Planning Manager

-
8. Environmental Projects Officer
 9. Group Manager Digital Technology
 10. Group Manager Financial Services
 11. Group Manager Organisational Performance
 12. Group Manager Regulatory Services (title change from Group Manager Compliance)
 13. Land Use Planning Manager
 14. Operations Engineer
 15. Senior Works Engineer
 16. Stormwater Engineer
 17. Water and Sewer Operations Manager
 18. Water and Sewer Planning Manager
 19. Water and Sewer Process Manager
 20. Water and Sewer Process Engineer
 21. Water and Sewer Headworks Engineer
 22. Water and Sewer Operations Engineer
 23. Water and Sewer Planning Engineer
 24. Works Engineer

CARRIED: 8/0

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

AGAINST: Nil

09.13 STATUS OF COUNCIL POLICIES

RESOLVES: Levido/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

09.14 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - LEGISLATIVE COMPLIANCE 2017-2018

RESOLVED: Intemann/Hawkins

The Council note the information contained in the Recommended Item from Audit, Risk & Improvement Committee - Legislative Compliance 2017-2018 report.

CARRIED: 8/0

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

AGAINST: Nil

**09.15 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL
REPORT 2017-2018**

RESOLVED: Hawkins/Levido

That Council adopt the Audit, Risk & Improvement Committee Annual Report 2017-2018.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.16 LEGAL FEES

Mayor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:49pm.

The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

RESOLUTION: Alley/Turner

That Council:

1. Note the information in the Legal Fees report.
2. Request the General Manager to provide an updated report quarterly to Council.

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

Mayor Pinson returned to the meeting, the time being 08:51pm.

The Deputy Mayor vacated the Chair and the Mayor assumed the Chair.

09.17 MONTHLY FINANCIAL REVIEW FOR AUGUST 2018

RESOLVED: Hawkins/Intemann

That Council

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

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.18 INVESTMENTS - AUGUST 2018

RESOLVED: Intemann/Hawkins

That Council:

1. Note the Investment Report for the month of August 2018 report;
2. Refer to the Audit, Risk and Improvement Committee a draft policy that includes the ability of Council to invest in liquid senior floating rate notes (FRNs), as per the Imperium recommendation, and report back to the November 2018 Ordinary Council meeting;
3. Note that the General Manager is reviewing the detail of the internal and externally held Reserves, their purpose and restrictions;
4. Request the General Manager present the Reserve information identified above, including a timeline where possible for planned expenditure of significant reserves, to a Councillor briefing as part of the development of the 2019/2020 Operational Plan.

CARRIED: 8/0

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

AGAINST: Nil

09.19 DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT (JANUARY TO JUNE 2018)

RESOLVED: Alley/Hawkins

That the information in the Delivery Program (2017-2021) six monthly progress report (January to June 2018) be noted.

CARRIED: 8/0

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

AGAINST: Nil

09.20 TRAINEE AND APPRENTICESHIP PROGRAM OPPORTUNITIES

RESOLVED: Alley/Turner

That Council note the information relating to the current trainee and apprenticeship program opportunities.

CARRIED: 8/0

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

AGAINST: Nil

09.21 MEDIA RELATIONS POLICY - POST EXHIBITION

The Director, Strategy & Growth tabled the Media Relations Policy.

RESOLVED: Intemann/Turner

That Council:

1. Note no submissions were received on Council's draft Media Relations Policy during the public exhibition period.
2. Adopt the Media Relations Policy including minor administrative amendments since exhibition.

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, , Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item - 09.22 Bonny Hills Community Plan - has been moved to another part of the document.

Councillor Hawkins left the meeting, the time being 09:12pm.

Councillor Hawkins returned to the meeting, the time being 09:18pm.

09.23 POLICY REVIEW - SMOKE FREE OUTDOOR AREAS POLICY

RESOLVED: Levido/Alley

That Council:

1. Place on public exhibition from 24 September until 22 October (28 days), the draft Smoke Free Outdoor Areas Policy.
2. Note that a further report will be tabled at the November 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

09.24 FUTURE DEVELOPMENT OF KANGAROO PARK, NORTH SHORE

RESOLVED: Levido/Griffiths

That Council

1. Approve the use of the Council owned lot fronting Shoreline Drive at North Shore, Port Macquarie (Lot 72 DP 247188), by the community for place making and community activities.
2. Approve the sale of the 8 individual Council owned lots at North Shore, Port Macquarie, being 4 Marlin PI (Lot 78 DP 247188); 6 Marlin PI (Lot 79 DP 247188); 8 Marlin PI (Lot 80 DP 247188); 10 Marlin PI (Lot 81 DP 247188); 4 Dolphin Cct (Lot 85 DP 247188); 6 Dolphin Cct (Lot 84 DP 247188); 8

-
- Dolphin Cct (Lot 83 DP 247188); and 10 Dolphin Cct (Lot 82 DP 247188); to replenish Council's property reserve.
3. Note that a further report will be tabled to Council detailing the progress of sales of the 8 individual Council owned lots at North Shore, Port Macquarie.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

10.01 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2017-2018

RESOLVED: Pinson/Dixon

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2017-2018.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

Item - 10.02 Cultural Plan 2018 - 2021 - has been moved to another part of the document.

10.03 QUESTION FROM PREVIOUS MEETING - CAMDEN HAVEN SPORTING FIELDS

RESOLVED: Alley/Dixon

That Council:

1. Note the information contained within the Camden Haven Sporting Fields report.
2. Request the General Manager to investigate the development of a Master Plan for the Vince Inmon Sporting Complex; and
3. Receive a further report at the November 2018 Council meeting, regarding the cost and resourcing implications and the likely timeframe for the development of a Master Plan for the Vince Inmon Sporting Complex.

CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

11.01 PORT MACQUARIE AIRPORT AND SURROUNDING LANDS - BIODIVERSITY CERTIFICATION AGREEMENT

RESOLVED: Levido/Hawkins

That Council note that the Port Macquarie Airport and Surrounding Lands Biodiversity Certification Agreement was approved by the NSW Office of Environment & Heritage on 9 August 2018 with the Ministerial Order conferring biodiversity certification published in the NSW Government Gazette on 7 September 2018.

CARRIED: 8/0

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

AGAINST: Nil

11.02 POLICY REVIEW - ALCOHOL USE ON PUBLIC RESERVES AND BEACHES POLICY REVIEW

RESOLVED: Alley/Griffiths

That Council:

1. Place on public exhibition from 26 September until 19 October (28 days), the draft Alcohol Use on Public Reserves and Beaches Policy.
2. Note that a further report will be tabled at the November 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

Item - 11.03 Draft Markets Policy - has been moved to another part of the document.

12.01 NOTICE OF MOTION - PETITION RECEIVED - OCEAN DRIVE LAKE CATHIE

Councillor Intemann tabled a petition on Ocean Drive, Lake Cathie.

RESOLVED: Intemann/Griffiths

That Council:

1. Note the petition from residents of Lake Cathie, received by Council on 23 August 2018, concerning an upgrade of Ocean Drive, Lake Cathie from 1516 Ocean Drive to the Fiona Crescent intersection, with signatures collected between May and July 2017.
2. Note the related events, including Council's community forum in Lake Cathie on 8 May 2017, following which Council commenced detailed planning for an upgrade of Ocean Drive north of Miala Street, with the design for works in that vicinity included in the 2017-2018 Operational Plan.
3. Note that concept plans for the upgrade of Ocean Drive Lake Cathie are divided into two sections (between A - Miala Street/Fiona Crescent and B - Fiona Crescent/Ernest Street), and are currently on public exhibition for comment by the community as to preferred priority.
4. Consider this petition as a submission to the consultation on the upgrade Ocean Drive Lake Cathie, in support of Section A as priority.

CARRIED: 8/0

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

AGAINST: Nil

12.02 AUGMENTATION OF THE BEECHWOOD WATER SUPPLY - ACQUISITION OF EASEMENTS

RESOLVED: Levido/Hawkins

That Council:

1. Pay compensation in the amount of \$2,600 (GST Exclusive) to the owner of Lot 8 DP814540, A J Huzarek, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 8 DP814540.
2. Pay compensation in the amount of \$21,000 (GST Exclusive) to the owners of Lot 4 DP799432, C W & J Latimore, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 4 DP799432.
3. Pay compensation in the amount of \$8,000 (GST Exclusive) to the owner of Lot 2 DP556833, B L Coombes, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 2 DP556833.
4. Delegate authority to the General Manager to execute, electronically or otherwise, all documents included but not limited to any authorisation form as

required associated with the acquisitions in accordance with the Electronic Transactions Act 2000.

CARRIED: 8/0

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

AGAINST: Nil

Item - 12.03 Strategic Land Use Planning - Fernbank Creek and Sancrox - has been moved to another part of the document.

Item - 12.04 Coastal Koala Plan of Management and Associated LEP and DCP Changes - has been moved to another part of the document.

Item - 12.05 Koala Strategy - has been moved to another part of the document.

12.06 CARLIE JANE DRIVE TRUNK WATERMAIN WORKS-IN-KIND AGREEMENT

RESOLVED: Levido/Griffiths

That Council:

1. Pursuant to Section 55(3)(i) of the Local Government Act 1993, not invite tenders for the proposed trunk watermain works as described in Schedules 1 and 2 of the attached Works-in-Kind agreement, because of the unavailability of competitive tenderers for the reasons stated in this report.
4. Delegate authority to the General Manager to enter into and execute the attached Works-in-Kind Agreement.

CARRIED: 8/0

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

AGAINST: Nil

12.07 HIGHFIELDS CIRCUIT STORMWATER WORKS AS MATERIAL PUBLIC BENEFIT

RESOLVED: Griffiths/Hawkins

That Council:

1. Approve the application to undertake construction of stormwater works in Highfields Circuit, 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.

CARRIED: 8/0

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

AGAINST: Nil

Item - 12.08 Update on Site Specific Planning Proposal Requests - has been moved to another part of the document.

**12.09 RECOMMENDED ITEM FROM COAST, ESTUARY AND FLOODPLAIN
ADVISORY SUB-COMMITTEE - WRIGHTS CREEK FLOOD STUDY
UPDATE - DRAFT REPORT**

RESOLVED: Turner/Levido

That Council:

1. Place the draft Wrights Creek Flood Study Update (2018) (Attachments 2 and 3) on public exhibition for a minimum of 28 days; and
2. Receive a further report detailing the submissions received from the public during the exhibition period at the conclusion of the exhibition.

CARRIED: 8/0

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

AGAINST: Nil

**12.10 HASTINGS RIVER FLOOD STUDY - PUBLIC EXHIBITION
SUBMISSIONS REPORT**

THE MOTION WAS PUT

RESOLVED: Turner/Hawkins

That Council defer consideration of the Hastings River Flood Study pending the Wright's Creek Flood Study exhibition period and provide a briefing to Councillors on both studies as soon as practicable.

CARRIED: 7/1

FOR: Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Alley

13 QUESTIONS FOR NEXT MEETING

13.01 REVETMENT WALL, LAKE CATHIE

Question from Councillor Intemann:

What is the current status on the proposed revetment wall at Lake Cathie?

Comments by Councillor (if provided):

Nil

13.02 NSW COASTAL MANAGEMENT SEPP

Question from Councillor Levido:

What is the current status of discussions/negotiations with the relevant NSW government department as to the flawed mapping associated with the recently gazetted coastal management SEPP?

Comments by Councillor (if provided):

Nil

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

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 14.02 T-18-11 Provision of Road Stabilisation Works

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-18-22 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 14.04 T-18-26 Supply of a fully automated, self cleaning toilet facility

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 T-18-34 Dunbogan Bridge Rehabilitation - Detailed Design of Pile Rehabilitation including Cathodic Protection

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 14.06 T-18-35 Provision of Mattress Collection and Recycling

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 14.07 EOI-18-03 Community members of the Broadwater Canal Maintenance Plan Community Reference Group

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

Item 14.01 General Manager's 2017-2018 Performance Review

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

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: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 9.49PM.

RESUME MEETING

The Ordinary Council Meeting resumed at 10.09PM.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Intemann

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

- Item 14.02 T-18-11 Provision of Road Stabilisation Works
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 tenders from the following contractors to be appointed to a panel arrangement for the provision of Road Stabilisation Works for a three (3) year period commencing 21 September 2018, with two (2) options 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:
 - a) Accurate Asphalt & Road Repairs Pty Ltd t/as Accurate Stabilising;
 - b) Hiway Stabilizers Australia Pty Ltd; and
 - c) Stabilised Pavements of Australia Pty Ltd.
2. Accept the Schedule of Rates from:
 - a) Accurate Asphalt & Road Repairs Pty Ltd t/as Accurate Stabilising;
 - b) Hiway Stabilizers Australia Pty Ltd; and
 - c) Stabilised Pavements of Australia Pty Ltd for the provision of Road Stabilisation Works.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-11.

- Item 14.03 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.

RECOMMENDATION

That Council:

1. Accept the revised tender from Green Construction and Management Pty Ltd for \$2,288,240.15 (exclusive of GST) for the Construction of Wauchope Main Street – Improve Pedestrian Amenity.
2. Affix the seal of Council to the necessary documents.

-
3. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-18-22.
 4. Note the expected total cost of the project and approve the overall project budget as described in the included project financial summary.

Item 14.04 T-18-26 Supply of a fully automated, self cleaning toilet facility
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 quotation, through Local Government Procurement, from Exeloo Pty Ltd for \$201,000.00 (exclusive of GST) for the supply and delivery of a fully automated, self-cleaning twin toilets facility.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-29.

Item 14.05 T-18-34 Dunbogan Bridge Rehabilitation - Detailed Design of Pile Rehabilitation including Cathodic Protection
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 GHD Pty Ltd for \$119,346 (exclusive of GST) for the Detailed Design of Pile Rehabilitation including Cathodic Protection of the Dunbogan Bridge.
2. Accept the Schedule of Rates from GHD Pty Ltd for the Detailed Design of Pile Rehabilitation including Cathodic Protection of the Dunbogan Bridge.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-34.

Item 14.06 T-18-35 Provision of Mattress Collection and Recycling
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 Macleay Options Inc. for the provision of Mattress Collection and Recycling Services from Council's waste facilities, for a two (2) year period commencing 1 October 2018, with one (1) option to extend for a further one (1) year period, such option 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 Macleay Options Inc. for the provision of Mattress Collection and Recycling Services from Council's waste facilities.
 3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-35.

Item 14.07 EOI-18-03 Community members of the Broadwater Canal Maintenance Plan Community Reference Group
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Extend the tenure of the Broadwater Canal Maintenance Plan Community Reference Group for a further 24 months until August 2020, to meet with the Director Infrastructure at least twice per year.
2. Appoint the following four (4) members to the Broadwater Canal Maintenance Plan Community Reference Group:
 - a) Michael Goodwin
 - b) Graham Hyde
 - c) Ted Hyde
 - d) Michelle Vassalo
3. Commence the appointments by inviting the members to the next Broadwater Canal Maintenance Plan Community Reference Group meeting to be held in October 2018.
4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-18-03.

Item 14.01 General Manager's 2017-2018 Performance Review
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

RECOMMENDATION

That Council:

1. Note the information contained in the General Manager's 2017-2018 End of Year Performance Review report.

-
2. Request the Mayor to convene a meeting of the General Manager's Performance Review Panel to consider the 2018-2019 performance review criteria and comparable remuneration arrangements.
-

The meeting closed at 10.10pm.

.....
Peta Pinson
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:

.....

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

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

Councillor's Name:

Councillor's Signature: Date:

Important Information

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

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

-
- i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- ii. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest..
- iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 6 September to 3 October 2018 inclusive be noted.

DiscussionMayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 6 September to 3 October 2018 inclusive:

Floral Wreath for September 11 Memorial Service	\$65.00
Donation of Glasshouse Vouchers to All Abilities Futsal Fundraiser	\$200.00
Donation of Glasshouse Vouchers to 2018 Bravehearts Fundraiser	\$200.00
Donation to Walk to d'Feet MND Fundraiser	\$200.00
Donation of Glasshouse Vouchers for Fundraiser for Guy Winnall	\$200.00
Donation of Glasshouse Vouchers for Fundraiser for Ronald McDonald House	\$200.00
	\$1,065.00

Attachments

Nil

Item: 07

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

Presented by: General Manager, Craig Swift-McNair

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

Nil.

Discussion

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

Item: 08**Subject: PUBLIC FORUM**

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

A maximum of 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.

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

Item: 09.01

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
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		Oct-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 are outstanding.	DI	Aug-17 Oct-17 Feb-18 Sep-18	Oct-18
Opportunities for Local Firms to do Business with Council	16/08/17 Item 11.01		DCP		Oct-18
Tree Management – Proposed Improvements	20/09/17 Item 12.06		DDE		Oct-18

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Transfer to Council of Land for Sewer Purposes - post exhibition	18/07/18 Item 12.01		DCP	Sep-18	Oct-18
Grant Applications Quarterly Reporting	15/08/18 Item 09.10		DSG		Oct-18
PMHC Skilled Workforce - initiatives to attract, retain skilled employees, diversity, engagement, safe working environment	15/08/18 Item 09.11		DCP		Oct-18
QFPM - Revetment Wall, Lake Cathie	19/09/2018 Item 14.01		DDE		Oct-18
QFPM - NSW Coastal Management SEPP	19/09/2018 Item 14.02		DDE		Oct-18
Long Flat Village Sewer Scheme – Acquisition of Land and Easement – Classify as Operational Land	18/10/17 Item 12.03		DI		Nov-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
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice	DSG	1/09/2018 Oct-18	Nov-18
Unsealed Roads Policy - post exhibition	15/08/18 Item 12.02	Exhibition period extended	DI	Oct-18	Nov-18
PMHC v Mansfield - post 'without prejudice' discussions	15/08/18 Item 14.05		DDE		Nov-18
Draft Markets Policy - post exhibition	19/09/18 Item 11.03		DSG		Nov-18
Investments - draft policy	19/09/18 Item 09.18		DCP		Nov-18
Smoke Free Outdoor Areas Policy Review - post exhibition	19/09/18 Item 09.23		DSG		Nov-18
Alcohol Use on Public Reserves and Beaches Policy Review - post exhibition	19/09/18 Item 11.02		DSG		Nov-18
Vince Inmon Sporting Complex - Development of a Master Plan	19/09/18 Item 10.03		DDE		Nov-18

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Wrights Creek Flood Study Update 2018 Report - post exhibition	19/09/18 Item 12.09		DDE		Nov-18
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18	Dec-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.	DCP	Jul-18 Sep-18 Oct-18	Dec-18
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07		DDE		Dec-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, following the adoption of the Cultural Plan	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18 Sep-18	Feb-19
Cost Shifting	19/09/18 Item 09.03		DCP		Feb-19
Strategic Land Use Planning - Fernbank Creek and Sancro - Update Report	19/09/18 Item 12.03		DSG		Feb-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09		DSG		Mar-19
Specific Planning Proposal Requests - Progress Report	19/09/18 Item 12.08		DSG		Mar-19
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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 & Ml Tate And Tate Developments Pty Ltd - Post Exhibition	17/05/17 Item 13.05		DSG		TBA
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		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 - Library Funding Cuts - extent and nature of cuts and adjustments.	18/07/18 Item 10.01		DSG		TBA
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)		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	DSG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, Apr, Aug
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report	DDE	Quarterly	Dec, Mar, June, Aug
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Nov, Feb, Apr, Aug

Report	Reporting Officer	Reporting Cycle	Month
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug
Digital Technology Project Status (16/08/17 - Item 09.18)	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, Nov
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
UGMS - Update on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Feb
Mayoral and Councillor Fees (Setting of)	GM	Annually	Jun
Council Policy - Status	DCP	Annually	Jul
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	DCP	Annually	Sep
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	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
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

Attachments

Nil

Item: 09.02

Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2017-2018

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Disclosure Register for 2017-2018.

Executive Summary

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

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

Discussion

Section 449 of the *Local Government Act 1993*, requires Councillors and Designated Persons to submit a disclosure return on an annual basis and lodge it with the General Manager by 30 September each year.

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

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2017 to 30 June 2018 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

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

Options

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

Community Engagement & Internal Consultation

Internal Consultation

- Councillors.
- General Manager and Directors.
- Group Manager Governance and Procurement.
- Designated Persons.

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.03

Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR MICHAEL CUSATO

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council grant leave of absence for Councillor Michael Cusato for the period 24 September 2018 to 5 November 2018 inclusive.

Executive Summary

Council has received a request for leave of absence from Councillor Cusato for the period 24 September 2018 to 5 November 2018. During this period one (1) Ordinary Meeting of Council is scheduled.

Discussion

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

Councillor Cusato has requested leave of absence for the period 24 September 2018 to 5 November 2018. The reason for the Councillor's request is that he will be outside of the local government area and unable to attend to official Council duties during this time.

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

- 17 October 2018.

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

Financial & Economic Implications

Nil.

Attachments

Nil

Item: 09.04

Subject: POLICY REVIEW - PUBLIC INTEREST DISCLOSURE - INTERNAL REPORTING

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:

- 1. Place on public exhibition the draft Public Interest Disclosure – Internal Reporting Policy commencing from 24 October 2018 for a minimum of 28 days.**
- 2. Note that a further report will be tabled at the December 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The *Public Interest Disclosures Act 1994* (PID Act) sets in place a system to encourage public officials to report serious wrongdoing and requires Council to have an internal reporting policy and procedures in place for receiving, assessing and dealing with public interest disclosures.

The current Public Interest Disclosure Internal Reporting Policy was adopted at the November 2011 Ordinary Meeting of Council and is due for review.

The Public Interest Disclosure – Internal Reporting Policy has been reviewed for consideration by Council.

Discussion

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the PID Act.

The Public Interest Disclosure Internal Reporting Policy was developed in regard to the Ombudsman NSW "*Model internal reporting policy Local government*" that was current at the date the policy's development.

The current Public Interest Disclosure Internal Reporting document suite consists of four (4) documents:

1. Public Interest Disclosure - Internal Reporting
2. Public Interest Disclosure - Internal Reporting (flowchart)
3. Public Interest Disclosure - Internal Reporting - Disclosure Officers

4. Public Interest Disclosure - Internal Reporting – External Authorities

The Public Interest Disclosure – Internal Reporting Policy has been reviewed in line with the current NSW Ombudsman's model policy and guidelines with the following amendments:

Name of Document	Amendments
Policy – Public Interest Disclosure - Internal Reporting	<ul style="list-style-type: none"> Staff position title updated for Group Manager Governance and Procurement (previously Group Manager Governance and Executive Services); Further aligned to the Ombudsman NSW "Model internal reporting policy – June 2014" Inclusion of additional definitions and references Aligned to the revised Policy template Amalgamation of four documents into one.
Policy – Public Interest Disclosure - Internal Reporting (flowchart)	<ul style="list-style-type: none"> Incorporated into the Policy Changes made to flowchart to reflect the text in the policy. Particularly that the Mayor can only receive Public Interest Disclosures (PIDs) relating to the General Manager. The previous flowchart (incorrectly) included receiving PIDs relating to the General Manager and Councillors.
Policy – Public Interest Disclosure - Internal Reporting - Disclosure Officers	<ul style="list-style-type: none"> Incorporated into the Policy Staff position titles updated for Disclosure Officers
Policy – Public Interest Disclosure - Internal Reporting - External Authorities	<ul style="list-style-type: none"> Incorporated into the Policy Contact details of external authorities updated

Options

Council has the option to not publically exhibit the draft Public Interest Disclosure – Internal Reporting for exhibition.

Community Engagement & Internal ConsultationCommunity Engagement

Subject to the Council resolution, community engagement will occur during the public exhibition period.

Internal Consultation

- General Manager.
- Director Corporate Performance.
- Director Strategy and Growth.
- Director Development and Environment.
- Director Infrastructure
- Group Manager Governance and Procurement.

External Consultation

Following a review of Council's current Public Interest Disclosure Internal Reporting Policy, a draft copy was provided to the NSW Ombudsman Office in July 2018. The NSW Ombudsman Office provided feedback, this feedback has been incorporated into the attached revised draft policy.

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](#). Draft - Public Interest Disclosure - Internal Reporting Policy

Item: 09.05

Subject: MONTHLY FINANCIAL REVIEW - SEPTEMBER 2018

Presented by: Corporate Performance, Rebecca Olsen

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 - September 2018.**
- 2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report will detail monthly budget adjustments recommended to be made up to 30 September 2018.

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

Discussion

Each month, Council's budgets are reviewed by Group 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 position 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

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

September 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/Revenue/Reserve/S7.11	\$596,000
Reserve Transfers	2	Reserve	\$4,185,000
Contributions	3	Contribution	\$0
Section 7.11 Contributions	4	S 7.11 Contributions	\$36,270
Over-expenditure Reviews	5	Reserve	\$0
Transfer between projects	6	Reserve/Revenue	\$584,059
Council Resolutions	7	Grant/Loan/Reserve	\$0
Total			\$5,401,329

1. *Grant funding*

The total increase in grant funding value for 2018-2019 is \$596,000.

Council project	Grant provider	Grant Amount	Other Funding*	Section
NSW Boating Now Program	RMS	\$570,000	\$465,725	Parks & Recreation
Country Passenger Transport Infrastructure Scheme	Transport for NSW	\$126,000	\$0	Network & Project Planning
Floodplain Management Plan Implementation	None	(\$100,000)	\$0	Natural Resource Management
TOTAL		\$596,000	\$465,725	

* Other funding already contained within existing budgets.

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
Reclaimed Water – Area 14 Trunk Main	Water Supply	Transfer from	None	\$1,100,000	Project previously in planning phase now online.
Beechwood Rosewood Reservoir	Water Supply	Transfer from	None	\$2,100,000	Project previously in planning phase now online.
Koree Island HV Income Electrical Upgrade	Water Supply	Transfer from	None	\$100,000	Project previously in planning phase now online.
Camden Haven Reticulation Augmentation	Sewerage Services	Transfer from	None	\$615,000	Project previously in planning phase now online.
PMQ Sewer Pump Station No71 Rising Main	Sewerage Services	Transfer from	None	\$270,000	Project previously in planning phase now online.
Net Transfer from reserves				\$4,185,000	

3. *Contributions*

Nil

4. *Utilisation of Section 7.11 Contributions*

Project	Amount	Comments
Glenview Estate VPA Maintenance Works	\$33,450	Works associated with the Glenview Estate VPA.
Red Ochre Vegetation Management Plan (VMP)	\$840	Bushfire fuel management activity.
Lakeside Woods VPA Works	\$1,980	Fire trail maintenance
Total	\$36,270	

5. *Over-expenditure Reviews (approved by Executive)*

Nil

6. *Transfer between projects*

Transfer from	Transfer To	Amount	Comments
Beechwood Road Preconstruction	Beechwood Road Design	\$13,134	Utilising funds on other projects.
Beechwood Road Preconstruction	Gordon/Horton Street	\$95,000	Utilising funds on other projects.
Camden Haven River Recreational Boating Improvements	Dunbogan Reserve Boat Ramp Upgrade	\$195,725	Funds utilised as Council's contributions towards the grant program
Camden Haven River Recreational Boating Improvements	Bruce Porter Reserve Boat Ramp Upgrade	\$250,000	Funds utilised as Council's contributions towards the grant program
Bruce Porter Reserve – Riverbank Erosion Management	Bruce Porter Reserve Boat Ramp Upgrade	\$20,000	Funds utilised as Council's contributions towards the grant program
Floodplain Management Implementation Plan	Dunbogan Flood Access EIS	\$10,200	Grant matching funds utilised on other projects after grant not received.
Total		\$584,059	

7. Council resolutions

None.

Options

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

Planning & Policy Implications

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

Financial & Economic Implications

The Attachment to this report contains information of 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.

Statement by Responsible Accounting Officer

The adopted 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 further budget adjustments will be required throughout the year to reduce this shortfall.

Attachments

1 [View](#). September 2018 Budget Adjustments

Item: 09.06**Subject: INVESTMENTS - SEPTEMBER 2018****Presented by: Corporate Performance, Rebecca Olsen**

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 September 2018.

Executive Summary

- Total funds invested as at 30 September 2018 equals \$289,500,921.
- Interest for the month of September was \$703,989.
- The year-to-date investment income of \$2,114,937 represents 29% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 0.89% above the benchmark (2.95% against 2.06%). Benchmark being the Bank Bill reference rate as at 30 September 2018 as identified on 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 30 September 2018, the investments held by Council totalled \$289,500,921 and were attributed to the following funds:

General Fund	122,688,690
Waste Fund	16,330,600
Water Fund	93,890,100
Sewer Fund	55,217,388
Sanctuary Springs Fund	37,608
Broadwater	1,336,535
	<hr/>
	289,500,921

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 the financial year to date is 0.89% above the benchmark (2.95% against 2.06%) and year to-date income is 29% 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.

*Nicole Spencer
Responsible Accounting Officer*

Attachments

1 [View](#). Port Macquarie-Hastings Council Monthly Report - September 2018

2 [View](#). Port Macquarie-Hastings Council Portfolio as at 30 September 2018

Item: 09.07

Subject: GRANT APPLICATIONS STATUS REPORT INVESTIGATION

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Request the General Manager to produce a quarterly 'Grant Application Status Report', in relation to grants applied for by Port Macquarie-Hastings Council for a 12 month trial period with the first report to Council due to the February 2019 Council meeting; and**
- 2. Request the General Manager provide a report to Council on the expiration of the trial period to detail the ongoing resourcing requirements and to assess the ongoing benefits of the report.**

Executive Summary

At the August 2018 Ordinary Meeting of Council it was resolved:

09.10 NOTICE OF MOTION - STATUS OF GRANT APPLICATIONS QUARTERLY REPORTING

RESOLVED: Alley/Levido

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.

CARRIED: 8/0

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

AGAINST: Nil

This report considers the resolution above with the recommendation to commence a trial reporting regime to accurately determine the resourcing required.

Discussion

Following the resolution of the August Council meeting, staff have investigated the type of information which can be provided, and an indication of the resources required to compile this information in the initial phase and on an ongoing basis.

These investigations have discovered that Council currently, as part of its normal accounting practices, maintains a grants register which contains a large volume of data in relation to grant monies that Council has received throughout the financial year.

This register is primarily for accounting purposes and deals with grants that have already been awarded to Council and payment being received. It does not capture those grants which Council has applied for and been unsuccessful, nor does it capture the grants that Council has been successful with but are yet to receive any payment.

In addition, there exists a process where grant applications are recorded detailing the organisations offering the funding, the funding program and the amount.

It is proposed to combine these two registers and processes and collect new data in order for Council to produce a grant register which provides the following:

- Organisation or agency providing the funding;
- Funding program name;
- Amount applied for;
- Council contribution required;
- Application Date;
- Anticipated Grant Announcement Date;
- Time taken to prepare application; and
- Whether the application has been successful.

This includes additional information which is not currently captured in either register.

In terms of resourcing, the exact impact is unknown at this stage. The collation will be a manual process involving employee time. The Financial Services team will liaise with Key Stakeholders to collect and update all of the above data and ensure that it is accurate. The initial report will take considerable more time to prepare than ongoing reports and hence a staff resource will be allocated for this purpose.

It is recommended that the reporting of the Grant Application Status Report be trialled for a period of twelve months to ascertain the ongoing resourcing requirements after the additional set up and to ascertain the ongoing benefits.

Options

1. That Council receive the Grants Application Status Report on a quarterly basis; or
2. That Council receive the Grants Application Status Report on a more/less frequent basis, not at all, or for an ongoing period.

Planning & Policy Implications

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

Financial & Economic Implications

The financial implication of the recommendation made in this report is the resources that will be required to collect and collate any new data not previously captured, maintain the register and prepare the reports to Council.

A number of staff from across the organisation will be required to participate in the collation of this data.

Attachments

Nil

Item: 09.08

Subject: DIGITAL TECHNOLOGY PROJECT STATUS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.1 Provide efficient technology and inclusive digital systems that are easy to use and easy to access.

RECOMMENDATION

That Council:

1. **Note the information in the Digital Technology Project Status report and the progress made to date.**
2. **Note that as previously resolved by Council, future cyclic reports will include efficiencies gained as Digital Technology projects are completed.**

At the Ordinary Council Meeting held 16th August 2017, Council resolved:

09.18 NOTICE OF MOTION – ICT STRATEGY

RESOLVED: Hawkins/Alley That Council:

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

Carried: 9/0

For: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner.

Against: Nil

In line with resolution 2 above, this report presents a progress report with an overview of the recent completion of Council's ICT Renewal program. It should be noted that this report was due in August. This cyclic report has now been added to the "Status of reports from Council Resolutions" with the next update due in February 2019.

DiscussionICT Renewal

The history of the ICT renewal program starts from a review conducted in 2015, reporting to council and highlighting identified significant risks around Councils technology infrastructure, including network and server equipment, which was out of warranty, out of support, and considered end of asset life.

Council approved capital projects via the Operational Plan, which aimed to refresh all of Councils existing ICT infrastructure. This included expenditure of approx. \$4.3 million over a number of years. In summary, the ICT review undertaken in 2015 found that the following risk exposure:

- Current technology in use was no longer fit for purpose;
- There was significant risk around past years lack of investment within ICT;
- Capability to drive efficiencies and productivity was limited due to significantly aged software and IT equipment;
- Cyber security risks to data existed due to outdated security measures and network security devices running out dated firewalls;
- Network hardware was failing and was designed with outdated architecture no longer capable of supporting a large Council business;
- Software systems had not been upgraded for many years and lack of integration to achieve critical data and business insights was not support new decision making.

This ICT renewal program has now been completed in 2018 to address these risks. A final project is the replacement of Council's telephone system. This due for completion in late October 2018.

A report presented to the February 2018 meeting of Council listed the projects undertaken as part of the renewal program. This report is attached for information.

Digital Technology Roadmap

In July 2018, the Digital Technology Roadmap 2018-2020 was approved by the Executive team and presented to the Finance, Corporate Services and Information Technology Council portfolio members. The February 2018 Council report (attached) aimed at presenting the overview of this new roadmap and the improvements it aims to deliver for the organisation into the future. The intent of the roadmap is to be agile to respond to changing organisational priorities.

Customer Experience Integration

Following the recent completion of work around the customer experience plan, work is underway to progress next steps. The roadmap will be aligned to this project to ensure effective delivery of outcomes and effort is made across the organisation.

Progress has been made on a number of projects. These projects include:

- Rollout of staff productivity software through Microsoft Office365. This has included commencing selective use of Microsoft Teams (team collaboration software), Microsoft Planner (team task management), Microsoft ToDo (personal task lists) and Microsoft OneNote (electronic notebook).
- Procure 2 Pay. Following a review of stores operations a recommendation from the Business Improvement Office was to seek efficiency & productivity outcomes by automating internal procurement, approval and invoice processing capabilities. This project involves reducing extremely time consuming manual processes, wait times around processing purchase orders, reducing risk through improvements to audit capability and reduction of paper invoices.
- Back scanning of Councils historical microfiche records. The digital scanning of approximately 2,740,451 historical images relating to past property, sewer and other planning records has recently commenced. These records are in high demand within Council, due to current development progress. It is estimated that the searching, accessing, and assistance required for staff to effectively use these old records is approximately 20 hours per week. Through digital scanning of these images, and integration of them into property management and document management systems, it is expected that approximately 19 hours of staff time per week will be saved in undertaking the same tasks.

Updates on the benefits realised through these projects will be reported to Council during the February 2019 meeting.

Community Engagement & Internal Consultation

Internal consultation on the development of the Digital Technology Roadmap has been undertaken with:

- Finance, Corporate Services, Information Technology portfolio councillors
- Executive Management team
- Senior Leadership team
- Internal staff

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

The Digital Technology roadmap is currently funded through an approved allocation in the 18/19 Operational Plan and current draft budget estimates for FY19/20 are being developed.

Attachments

1 [View](#). Digital Technology Project Status February 2018

Item: 09.09

Subject: DEVELOPING A SKILLED, DIVERSE AND ENGAGED COUNCIL
WORKFORCE

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.4 Manage our workforce to deliver community outcomes.

RECOMMENDATION

That Council note the information relating to Council's initiatives to recruit and develop a skilled and engaged workforce, and the benefits of such an environment.

Executive Summary

The central aim of Council's workforce management activities is to attract, develop, retain and engage highly skilled staff, to ensure that Council can meet the needs of our community, now and into the future.

At the Ordinary Council Meeting held on 15 August 2018, Council resolved the following:

09.11 NOTICE OF MOTION - PMHC SKILLED WORKFORCE

RESOLVED: Intemann/Hawkins

That Council:

1. *Request the General Manager present a report to the September 2018 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 2018 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.*
3. *Request that the October 2018 report include an outline of the broad benefits of an engaged workforce and safe working environment to the Council and community in terms of productivity and efficiency.*

CARRIED: 8/0

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

AGAINST: Nil

This report addresses Resolutions 2 and 3.

Council currently delivers a range of initiatives to ensure our workforce supports diversity, and consists of skilled, engaged employees. Having an engaged workforce and safe working environment delivers benefits to the organisation, and to the community Council serves.

Discussion

Attracting, retaining and developing skilled employees

Council is committed to attracting, retaining and developing skilled employees. It is recognised that staff are one of the organisation's greatest assets. Council engages in a range of attraction initiatives to ensure that when roles become vacant, that Council is able to attract appropriately skilled and qualified candidates to apply for roles.

Current attraction initiatives include advertising vacant roles using a variety of media and techniques, promoting the benefits of working for Council, promoting the Port Macquarie – Hastings region as a desirable location to live, and 'growing our own' skilled employees through apprenticeships, cadetships and traineeships. Every year Council attends the local Careers Market to engage with high school students, as well as maintaining links with local schools and universities.

Council maintains a weekly 'Job Alert' e-newsletter, currently distributed to 3,300 job seekers, and utilises various print, online and social media advertising options for recruitment campaigns. Council's overall success in attracting candidates to apply for roles is evident in our recruitment history with a total of 2307 applications received in the 2017/18 financial year. For the majority of roles, Council does not experience difficulty in attracting and recruiting suitable people.

With regard to staff development, Council is committed to working with employees to assist them in developing their skills, and to ensure our workforce has the skills required to meet the needs of the organisation now and into the future.

Our current learning and development activities include:

- Safety and statutory training;
- Professional and technical skill development courses;
- Governance training;
- Leadership development programs;
- Educational assistance program;
- Networking opportunities with other Councils and professional groups;
- Secondments to other roles;
- Conference attendance opportunities;
- Relief opportunities in more senior roles;
- Job rotation opportunities; and
- Apprenticeships, traineeships and cadetships.

In relation to retaining skilled employees, Council recognises the importance of providing opportunities and benefits that encourage skilled and qualified employees to stay with Council, so that the organisation retains required skill-sets. Council provides employees with career development opportunities, flexible hours of work,

family-friendly work practices, an award and recognition program, secure employment, employee engagement activities, and a positive, safe working environment.

Overall, Council is successful in retaining staff. Our turnover of permanent staff has declined in recent years as follows:

Year	PMHC	NSW Average
2013/14	11%	11%
2014/15	12%	11%
2015/16	9%	11%
2016/17	8%	12%

Source: Australasian Local Government Performance Excellence Program, PwC and Local Government Professional Australia, December 2017

Encouraging diversity in the workplace

Council recognises that there is a gap between the demographics of our workforce, and the demographics of our local community. As part of Council's Equal Employment Opportunity Management Plan, the following groups have been identified as target groups:

- People living with disability;
- Aboriginal and Torres Strait Islander People;
- Women;
- Young people; and
- People from culturally and linguistically diverse backgrounds.

To promote the attraction, retention and development of people from these target groups, Council offers a range of initiatives including:

- Cultural awareness training;
- Code of Conduct and Bullying and Harassment training;
- Leadership development opportunities;
- Work experience placements;
- Apprenticeships, cadetships and traineeships;
- Flexible / family friendly working arrangements;
- Provisions for breastfeeding women; and
- Reasonable workplace adjustments for people with a disability.

In addition to the above, Council works to ensure that processes for recruiting and selecting new employees, and processes for selecting staff for inclusion in learning and development opportunities, do not involve bias or artificial barriers, which might be detrimental to the career prospects of people from the target groups.

Promoting high levels of employee engagement and the benefits

Council has a strong focus on employee engagement and a values based culture. As an organisation, Council has shifted from a traditional approach to performance appraisals, to an Employee Engagement Process which is based on the philosophy that communicating with employees and holding regular, meaningful conversations

about expectations, performance, behaviours and values will lead to increases in employee engagement, performance and productivity.

Council's regular communication and engagement with employees also involves annual Employee Engagement Days (staff development days), twice yearly all of staff briefings, General Manager weekly emails, poster campaigns, weekly Staff Connect e-newsletters and ongoing team and cross organisational workshops. An example of a series of workshops which has engaged employees from across the organisation is the Millennials (born in the period 1980-2000) workshops currently taking place with staff being invited to participate in a conversation about how Council attracts, engages and retains the workforce of the future. This series of workshops being an example of how Port Macquarie-Hastings Council is leading the way in terms of engaging with its workforce to design for future needs.

The engagement levels of employees are measured through annual employee engagement surveys. To measure how engaged Council is as a workforce, Council undergoes an annual engagement and communication campaign inviting all staff to participate in a survey. Since 2017 Council has led the way in Local Government by partnering with Gallup to measure employee engagement. The opportunity by focussing on engagement is to increase the number of engaged employees, as engaged employees are loyal and psychologically connected to an organisation, they are productive, put in discretionary effort and will look for ways to innovate and do things better. Survey results are actionable and allow people managers to evaluate performance and concentrate efforts on areas most relevant to growing team and individual engagement.

Staff participation in the survey for the past two years has been high at approximately 90%. Such a high participation rate allows for a true reflection and measurement of engagement within the organisation.

The Australasian Local Government Performance Excellence Program FY17 report states that "high levels of staff engagement are crucial for local government as this can help avoid regretted staff turnover, improve productivity, and create efficiency in delivery and outcomes".

Whilst Council is only two years into taking this approach there is already positive signs of the impact an engaged workforce has directly upon key PMHC workplace indicators:

- Absenteeism is relatively stable with 2017 PWC data reflecting PMHC median sick days taken as 4.6 with the NSW average being 6.4; and
- Staff turnover has decreased from 12% in FY15 to 8% in FY17.

Gallup research shows that when people look out for each other it can result in fewer safety incidents in the workplace and wellbeing can be benefitted by having close working relationships. Gallup has stated that the reason engagement matters is:

"An employee's engagement affects reported levels of stress at work, bringing home stress to family and friends, anxiety and depression levels and cholesterol levels. When it comes to employee well-being, engagement levels have a much greater effect than other corporate policies such as hours worked, flextime and vacation

time.” By having a shared commitment to each other and working together to achieve outcomes employee well-being is improved.”

In terms of safety, the PWC data shows that Council has 20 lost time injury days per 100 employees compared to the NSW survey population average of 63.

In summary, Council is actively delivering initiatives to measure and enhance the engagement levels of our employees, in order to deliver better outcomes for the organisation and the community. Further, Council delivers a range of activities to ensure we are able to recruit, retain and develop a skilled and diverse workforce.

Options

This is an information report.

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

Item: 09.10

**Subject: POLICY REVIEW - BANNERS OVER PUBLIC ROADS AND
RESERVES POLICY - RESCIND**

Presented by: Infrastructure, Alex Fisher

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Place on public exhibition from Monday 22 October until 18 November 2018 (28 days) the intent to rescind the Banners Over Public Roads and Reserves Policy.**
- 2. Note that a further report will be tabled at the 12 December 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

Council at its meeting held on 20 July 2016 resolved:

"That Council request that within the next 12 months, the General Manager review all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review."

The Banners Over Public Roads and Reserves Policy has been reviewed for consideration by Council in line with the above resolution.

The review highlighted that this policy is no longer required due to safety issues associated with hanging banners over roads, suitable alternatives that are currently in place and adequate existing legislation to govern advertising or displaying community information within the road reserve. It is therefore recommended to rescind this policy.

Discussion

A review of the existing Banners over Public Roads and Reserves Policy has been undertaken and it is assessed that this policy is no longer required as the act of hanging a banner across a road without an appropriately engineered fixing point is unsafe and high risk for Council.

The current policy allows Banners over Public Roads at two locations, Clarence Street, Port Macquarie and High Street, Wauchope. These two approved locations listed in the current policy don't have engineered fixing points, with the location in Clarence

Street using a sling around a Norfolk pine tree. It is unclear how banners were installed across High Street or the specific location.

The location on Clarence Street was just west of Hay Street forecourt and utilised two Norfolk pine trees. The Clarence Street location was regularly used, however required Council Crews to hire an elevated work platform and crudely attach the banner using a sling around the tree. Approximately two years ago the sling was damaged therefore the practice of hanging banner across Clarence Street ceased due to safety concerns.

The current Policy is out of date and doesn't reflect current practice. A copy of the current policy is attached for reference.

The current practice for displaying Council and community information within the road reserve is to use banner poles, the electronic billboard on Gordon Street and bus shelters, which provides a safe suitable alternative. The use of banner poles, the electronic billboard and 10 bus shelters for displaying community information is managed by Council's Communications Team.

The placement of advertisement signs, including banners, is legislated under the Local Environmental Plan, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and State Environmental Planning Policy 64 – Advertising and Signage.

The installation of any structures within the road reserve, including banners across roads is regulated by the Roads Act and as such any structure installed in the road reserve is illegal unless approved by Council by issuing a Roads Act s138 permit. This permit process is appropriate for controlling requests to install banners where applicants can discuss the use of banner poles or bus shelters.

Due the existing legislation it is assessed an additional Council policy to govern this requirement is no longer required.

Options

Council has the option to not place the intent to rescind the Banners Over Public Roads and Reserves Policy on public exhibition and request the General Manager investigate options to allow banners over roads.

Community Engagement & Internal Consultation

Internal consultation has occurred with:

- General manager;
- Director Strategy and Growth;
- Director Corporate Performance; and.
- Group Manager Transport & Stormwater Network

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](#). Current Policy - Banners Over Public Roads and Reserves - adopted 2010
10 06

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

Item: 10.01

**Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - OCTOBER 2018**

Presented by: Strategy and Growth, Jeffery Sharp

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 Madelaine Goodridge \$350.00 to assist with the expenses incurred travelling to and competing at the NSW CHS Track & Field Championships held at Sydney Olympic Park from 5 – 7 September 2018 inclusive.**

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 27 September 2018, reached consensus on Item 8 (attached) and submits the above recommendation for Council's approval.

Attachments

1 [View](#). Extract Item 8 - MSF Minutes 27092018

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

Item: 11.01

Subject: OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information provided relating to the Local Preference Policy 12 month trial period.**
- 2. Adopt the attached Local Preference Policy incorporating a 5% Notional Price Offset.**

Executive Summary

This report details the influence of the Local Preference Policy trial and information relating to the application of the policy on Council's tender processes.

There have been 48 tender processes initiated during the Local Preference Policy trial period of 12 months, from 1 September 2017. As of 19th September 2018, 22 tender processes had been resolved by Council.

It is recommended to adopt the Local Preference Policy incorporating a 5% Notional Price Offset.

Discussion

At the Ordinary Council Meeting on 16 August 2017, Council resolved as follows:

11.01 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL
--

RESOLVED: Turner/Griffiths

That Council:

- | |
|--|
| <ol style="list-style-type: none"> 1. Adopt the attached Local Preference Policy incorporating a 5% Notional Price Offset for a 12 month trial period from 1 September 2017. 2. Note that a further report will be tabled providing a result of the trial. |
|--|

CARRIED: 7/2

FOR: Alley, Dixon, Griffiths, Hawkins, Levido, Pinson and Turner

AGAINST: Cusato and Intemann

For the purpose of clarity, the Local Preference Policy has defined:

- “Notional Offset”, as a five percentage (5%) discount, capped to an upper limit of \$25,000, to the pricing submitted by local suppliers to be used in the tender evaluation process. It offers a price advantage to local/regional suppliers during the tender evaluation.
- “Local Supplier”, *a tenderer will be a Local Supplier for the purposes of this Policy if it is a business which:*
 - *in the case of a business which has been operating for more than 3 months prior to lodging the relevant tender:*
 - *has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA and has had for the 3 months prior to the lodging of the relevant tender; and*
 - *operates within a market within the LGA and has been doing so for the 3 months prior to the lodging of the relevant tender, or*
 - *In the case of a new business which has not been operating for 3 months, has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA, and has been operating or is proposing to operate within a market in the LGA.*

The Local Preference Policy (LPP) has been applied to 48 request for tender processes initiated between the 1st September 2017 and 31st August 2018. Of this, 23 tender processes have been resolved by Council as at the Ordinary Council Meeting held on 19th September 2018. There have been two instances where the LPP has not been applied to tender process. The reasons for not applying the LPP resulted from the proposed evaluation methodology for assessing the RFT's pricing schedule (ie: tenders are assessed on compliance with the requirements and the schedule of rates are not scored).

To date, the LPP notional offset that has been applied to the evaluation of Local Supplier's tender submission has not influenced the determination of tender process outcome. There have been seven Local Suppliers identified as preferred tenderers and awarded contracts, with all seven Local Suppliers being ranked as providing Council the most advantageous offer prior to the application of the notional offset. The attached Local Preference Policy statistics provide a detailed comparison of the tender outcomes and the composition of the local/non-local market responding to Council's tender processes.

LOCAL PREFERENCE POLICY STATISTICS		
Tender processes initiated after 1 September 2017	No. of Tenders 48	% of Tenders
Resolved by Council as at 19 September 2018	23	48%
Local Preference Policy applied to Tender	20	87%
Local Preference Policy NOT applied to Tender	2	9%
Local Supplier Awarded Contract with LPP applied	7	35%
Local Supplier is Ranked 1 before Offset applied	7	
Influence on Determination of Tender	0	
Tenders response composition		
Local Suppliers & External Suppliers	7	35%
Only Local Suppliers	2	10%
Only External Suppliers	11	55%
Total Number of Tenderers	86	
Total Number of Local Suppliers	19	
% of Local Suppliers		22%
To be Resolved by Council	25	52%
To be Resolved by Council - Local Preference Policy applied	23	92%
To be Resolved by Council - Local Preference Policy NOT Applied	2	8%

At the Ordinary Council Meeting on 16 August 2017, it was considered that a local preference policy incorporating a notional price offset represented the least risk to Council in comparison to the other forms of an LPP presented in that report. The main risks to Council from a LPP were identified as:-

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

With reference to the risks identified above, Council must accept to resolve the most advantageous tender, this may include aligning with Council's objective such as supporting local businesses not necessarily the most economically advantageous offer (ie best value).

On balance, due consideration has been given to determine the potential impact of local preference factors will have on the market, so as to not breach the *Competition and Consumer Act 2009*. There have been no instances where it has been determined that the application of the LPP may have an adverse effect and be deemed anti-competitive for a tender process.

All tendering documentation has been updated for the implementation of the Local Preference Policy to clearly define the objectives and application of the LPP in the evaluation process. Further and in support, the tendering documentation includes a Local Preference Policy response schedule to assist the market in determining their status as a local supplier.

Additional impacts and challenges to the procurement process resulting from the implementation of a Local Preference Policy identified in the August Council Report, included:

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

Observations to the impacts and challenges detailed above, include:

- Absence of a noticeable reduction in the level of competition from the market to tender processes to date;
- Some additional administrative requirements, with the assessment of a tenderer's local presence being conducted as part of the compliance and check and in accordance with the Policy, the onus is on the Tenderer to provide all required evidence to support their local supplier claims; and
- Rigorous procurement planning and market analysis develops knowledge of market dynamics and composition, thus improving the overall tender outcomes and mitigation of procurement risk.

Options

Council has the option to:

- To implement the Local Preference Policy incorporating a 5% Notional Price Offset;
- Decline to implement the Local Preference Policy; or
- Amend the Local Preference Policy.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with:

- Director, Corporate Performance;
- Group Manager, Governance and Procurement;
- Strategic Procurement Manager; and
- Finance, Corporate Services and Information Technology Portfolio Councillors.

The Local Preference Policy has been trailed for a period of 12 months by internal and external stakeholders. No submissions or written feedback from external stakeholders has been received during this trial period, however a number of

submissions were made whilst the Draft Policy was publicly exhibited for 28 days between 24 May and 21 June 2017. The details of these submissions are included in the report to the 16 August 2017 Council Meeting which is attached for information. The submissions were broadly in support of providing support to local business.

Planning & Policy Implications

The implementation of the Local Preference Policy will not trigger an immediate change to procurement policies and procedures as the existing wording in the documents are not in conflict with the Local Preference Policy. The review of procurement policies and procedures will occur as the fall due for review.

Financial & Economic Implications

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

Attachments

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

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

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 12.01**Subject: NOTICE OF MOTION - PETITION - OPPOSITION TO OPTION FOR
PROPOSED FUTURE DUPLICATION TO FOUR LANES OF OCEAN
DRIVE, LAKE CATHIE**

Mayor Peta Pinson has given notice of her intention to move the following motion:

RECOMMENDATION**That Council:**

1. **Note the petition received in opposition to the option for the proposed future duplication to four lanes of Ocean Drive, Lake Cathie.**
2. **Note that the petition has been included with other submissions received by Council on the preliminary design plans for Ocean Drive, Lake Cathie.**

Comments by Mayor (if provided)

On 25 September 2018, Ms Claire Briggs and Sue East, on behalf of residents of Lake Cathie, met with myself and Councillor Lee Dixon and presented a petition on behalf of residents. The request was that Council remove "the future duplication to four lanes" from the proposed Ocean Drive upgrade design and allow residents to select Section A or Section B for construction as a priority and provide feedback on the design without fear of Ocean Drive, Lake Cathie becoming a four-lane thoroughfare.

The petition has also been forwarded to staff to include as a submission on the preliminary design plans for Ocean Drive, Lake Cathie.

A copy of the petition has been tabled for the information of Councillors

Attachments

Nil

Item: 12.02

**Subject: NOTICE OF MOTION - PETITION - REQUEST FOR UPGRADE AND
SEALING OF ROADS SERVICING THE HATCH**

Mayor Peta Pinson has given notice of her intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Note the petition received by residents of The Hatch requesting the upgrade and sealing of roads servicing The Hatch.**
- 2. Note that the petition has been included as a submission on the Draft Unsealed Roads Policy.**

Comments by Mayor Pinson (if provided)

Council recently received a petition from the residents of The Hatch requesting the upgrade and sealing of roads servicing The Hatch.

The petition has been referred to the Infrastructure Division as a submission on the Draft Unsealed Roads Policy.

A copy of the petition is tabled for information and noting.

Attachments

Nil

Item: 12.03**Subject: CLASSIFICATION OF LAND TO BE TRANSFERRED TO COUNCIL****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council classify Lot 374 Deposited Plan 1237302 (land off Phar Lap Circuit, Port Macquarie) as operational land.

Executive Summary

When Council acquires land, or has land transferred to it, it is required to classify the land to satisfy the requirements of the *Local Government Act 1993*. Public exhibition of a proposed land classification has been undertaken with no submissions received during the exhibition period. This report provides for Council to resolve a land classification in line with its prior resolutions.

Discussion

At the Ordinary Council meeting held on 18 July 2018, Council considered a report on the transfer of land in Port Macquarie that contains a sewer pumping station constructed by the developer as part of an urban land release (Stage 3 of the Ascot Park subdivision – see attached) and resolved as below:

12.01 TRANSFER TO COUNCIL OF LAND FOR SEWER PURPOSES

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

Exhibition of the proposed land classification has been undertaken. At the conclusion of the exhibition period no submissions were received.

Notwithstanding that the land transfer process by Land Registry Services has not yet concluded, Council may resolve to classify the land before it is transferred.

Options

Given Council's prior resolutions and having regard to no submissions or enquiries being received during the exhibition period, an "operational" land classification is appropriate.

Community Engagement & Internal Consultation

The proposed land classification has been placed on public exhibition. No submissions have been 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

1 [View](#). Map of land to be Classified - Lot 374 DP1237302

Item: 12.04

Subject: ACQUISITION OF EASEMENT - TELEGRAPH POINT SEWER
SCHEME

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$1,425.00 (GST Exclusive) to the owners of Lot 1 Deposited Plan 1241130, C J & A M Ylias, for the acquisition of the easement to drain sewage variable width marked as (Z) in Deposited Plan 1243358 as it affects Lot 1 Deposited Plan 1241130.
2. Pay compensation in the amount of \$2,180.00 (GST Exclusive) to the owner of Lot 57 & Lot 58 Deposited Plan 754404, J Hack, for the acquisition of the easement to drain sewage variable width marked as (Z) in Deposited Plan 1243358 as it affects Lot 57 & Lot 58 Deposited Plan 754404.
3. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* meet the reasonable legal and finance costs incurred by the landowners arising from the acquisition of the easement.
4. Pursuant to Section 377 of the *Local Government Act 1993* 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*.

Executive Summary

The provision of sewer to Telegraph Point will require the acquisition of land and easements. This report recommends the payment of compensation to landowners for the acquisition of an easement over the treated effluent pipe along part of Hacks Ferry Road.

Discussion

Planning for the provision of sewer to Telegraph Point has been progressing for some time. As it has not been possible to fully contain the pipeline that carries the treated effluent within the designated road reserve being Hacks Ferry Road, the acquisition of an easement will be required where the pipe traverses private property.

The route of the easement has been surveyed and is shown as (Z) in Deposited Plan 1243358. A marked up copy of Deposited Plan 1243358 highlighting the easement is attached.

Options

Design limitations necessitate the acquisition of the easement. For the Telegraph Point Sewer Scheme to be constructed, there are no options other than to proceed with the acquisition.

Community Engagement & Internal Consultation

The community has been kept informed regarding the provision of sewer to Telegraph Point.

There has been consultation with the landowners and their legal representatives regarding the acquisition of the easement.

There has been ongoing consultation between the Infrastructure Division and the Corporate Performance Division.

Planning & Policy Implications

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

Financial & Economic Implications

The acquisition of the easement entitles the landowners to the payment of compensation. Council's Consulting Valuer has assessed compensation having regard to the provisions set out in the *Land Acquisition (Just Terms Compensation) Act 1991* and an offer has been made to the landowners. As the landowners have accepted the offer, Council now needs to resolve to pay the agreed compensation for the easement acquisition to progress.

In addition to the payment of compensation for the easement, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires that Council meet the reasonable legal and other financial costs incurred by the landowners as part of the acquisition process.

Attachments

1 [View](#). Plan Highlighting Location of Easement (Z) to be Acquired

Item: 12.05

Subject: SEALING OF MARIA RIVER ROAD - COUNCIL ALLOCATION

Presented by: Infrastructure, Alex Fisher

Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

RECOMMENDATION

That Council reduce the funding allocation for the proposed project to seal Maria River Road to \$600,000 to match the Kempsey Shire Council's funding offer, subject to grant funding being successful.

Executive Summary

Council resolved in June 2018 as part of the Integrated Planning and Reporting Documents a joint funding contribution of \$2.0M for the sealing of Maria River Road, subject to grant funding being successful and subject to matching funds being provided by Kempsey Shire Council (KSC). This report provides an update on the proposed project following advice from Kempsey Shire Council.

Discussion

Council considered the matter of sealing Maria River Road as part of the Integrated Planning and Reporting documents at the 20 June 2018 Council meeting.

Point 6 of the resolution from the above-mentioned meeting clearly indicates the terms under which Council was willing to make an allocation to joint fund the sealing of Maria River Road.

09.06 INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS

RESOLVED: *Turner/Griffiths*

That Council:

1. *Adopt the following Integrated Planning and Reporting (IPR) documents:
 - a) *Delivery Program 2017-2021 (Revised 2018); and*
 - b) *Operational Plan 2018-2019.**
2. *Note the 2018-2019 budget position of a \$511,873 shortfall which will be reported to Council monthly during the financial year.*
3. *Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.*

-
4. *Transfer \$5,500,000 from the Playing Fields reserve to the Regional Roads Infrastructure reserve as Council's contribution towards the Ocean Drive duplication project.*
 5. *Transfer \$337,967 to the Regional Roads Infrastructure Reserve as Council's general fund contribution to the Lighthouse Road East project.*
 6. *Transfer \$2,000,000 into the Regional Road Infrastructure Reserve as Council's contribution for Maria River Road subject to grant funding being successful and also subject to matching funds from Kempsey Shire Council, noting that this funding will come from a combination of the following:-*
 - a) *A one off transfer of \$162,033 into the Regional Road Infrastructure Reserve;*
 - b) *A transfer of savings from the 2017-2018 financial year up to a maximum of \$1,837,967;*
 - c) *In the event that b) cannot be achieved that borrowings are entered into for the balance required.*

CARRIED: 8/0

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

AGAINST: Nil

Council staff have recently received confirmation from Kempsey Shire Council (KSC) that an allocation of \$600,000 only has been agreed by their Council for the project.

Accordingly, given the scale of the project and the joint funding arrangements originally proposed, it is recommended that Council's contribution to the project be reduced to match that of KSC.

Councillors will recall previous information provided to them regarding the project and the unsuccessful joint grant application between this Council and KSC under the NSW Governments Fixing Country Roads program.

The length of proposed sealing and upgrade works along Maria River Road is approximately 24kms. Council maintains 13km to our local Government Area (LGA) boundary with KSC maintaining the remaining 11kms.

While this Council does have a greater length of the upgrade, staff contend that the majority of the cost of the road upgrade falls within the Kempsey Shire due to the relocation of existing services, treatment of tight corners, widening of large culverts and additional works to overcome poor ground conditions through the lower lying areas. The section of Maria River Road within this LGA is relatively straight, requires no service relocations and no to minimal pavement foundation treatment.

Since the rejection of the original joint funding proposal, staff from both Councils have worked hard in reducing the scope of the project in an attempt to attract relevant State funding, however the total project estimate remains in the order of \$16.6M.

Options

Council has a number of options available in relation to this report including:

1. Maintain the \$2M PMHC allocation as resolved at the 20 June 2018 Council Meeting and seek funding from the NSW State Government.

2. Reduce funding to match that of KSC and seek additional funds from the NSW State Government for the overall estimated project cost. This is the staff preferred option based on the information provided in the report.

Community Engagement & Internal Consultation

There has been no additional community consultation in respect of this report.

Internal consultation has occurred within both the Executive and Transport and Stormwater Network staff in presenting this report as well as relevant staff from KSC.

Planning & Policy Implications

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

Financial & Economic Implications

Given the original allocation of \$2M was coming from a variety of sources and contributed to the generation of a deficit budget at the beginning of the 2018/19 financial year, a reduction in allocation would have a net positive benefit on the current budget.

Attachments

- 1 [View](#). Maria River Road Concept Design Report General Arrangement Plan

Item: 12.06

Subject: ROAD SAFETY REPORT 2017-2018

Presented by: Infrastructure, Alex Fisher

Alignment with Delivery Program

4.4.3 Develop and implement traffic and road safety programs.

RECOMMENDATION

That Council receive and note the Road Safety Report 2017-2018 for the Port Macquarie-Hastings Local Government Area.

Executive Summary

The purpose of this report is to provide Council with an overview of road safety initiatives and outcomes achieved during 2017-2018 for the Port Macquarie-Hastings Local Government Area (LGA) as well as outlines some key road safety statistics for the LGA.

Council, through the Road Safety Officer, delivers two road safety related educational projects per financial year.

During the 2017/18 financial year the Road Safety Officer undertook the following project:

1. Distracted Driver Education
2. Promotion of the Safe Use of Off Road Shared Paths

This financial year (2018/19) the projects are:

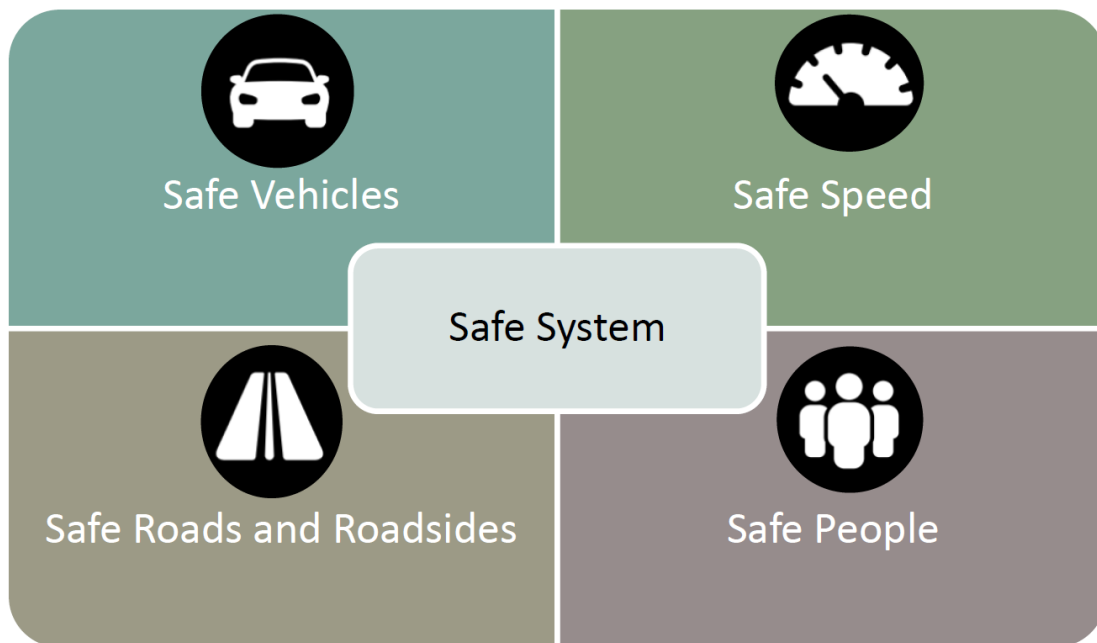
1. Distracted Driver Action Plan Implementation
2. Safety Around Schools

These road safety initiatives are a key component to Council's implementation of the Safe Systems Approach to road safety.

Discussion

Safe System Approach

The Safe System approach, as illustrated below, is a holistic and globally recognised approach to saving lives and reducing serious injury road trauma.



The Safe System approach has been adopted at a national, state and local level and aligns with Council's Delivery Program objectives. Council utilises safe system principles in the design, construction and ongoing maintenance of all transport assets.

Key elements of the approach include:

- The system acknowledges that roads, roadsides, travel speeds and vehicles need to be designed to help avoid a crash or reduce the impact of a crash if it occurs.
- The road environment should be forgiving where a mistake does not result in serious injury or death.
- The system recognises that road safety is a shared responsibility. Each and every one of us need to make safe decisions on the road.

Crash Data Statistics

Roads and Maritime Services (RMS) road crash data is used for site investigations, identifying black spots, responding to customer requests, grant funding submissions and identifying trends in local crashes.

Serious injury casualty crashes are those that result in major injury hospitalisation or lifelong health impacts. Many minor crashes and crashes in outlying rural areas are often not reported to the Police and therefore not captured in crash databases.

A summary of the number of reported crashes for the most recent five-year period, 2013-2017, for the Port Macquarie-Hastings local government area is presented below:

Year	Reported Crashes					
	Fatal	Serious Injury	Moderate Injury	Minor/ Other Injury	Non-casualty	Total
2013	4	64	112	33	182	395
2014	5	48	83	35	145	316
2015	4	63	60	25	69	221
2016	7	47	80	21	54	209
2017	8	54	55	25	47	189
Total	28	276	390	139	497	

Notes:

1. A change in protocol was introduced in October 2014 which resulted in the reporting of fewer "Moderate Injury" and "Minor/ Other Injury" crashes
2. There have been 6 fatal crashes in the period 1/1/2018 – 30/9/2018

In the 2013-2017 period, 30 people were killed, 313 seriously injured and 576 moderately injured on our roads. Other key observations from the data include:

- 17 people who died or were seriously injured were not wearing a seatbelt
- 40% of fatal or serious injury crashes occurred on either the Pacific or Oxley Highways (where RMS is the roads authority)
- 41% of all crashes occurred in a section of road with a speed limit of 80 km/h or greater
- Speeding was involved in at least 26% of all crashes, and 34% of fatal or serious injury crashes
- Alcohol was involved in at least 7% of all crashes, and 10% of fatal or serious injury crashes
- Fatigue was involved in at least 13% of all crashes
- Provisional licence holders were drivers in 15% of all crashes
- Motorcycle riders were involved in 8% of all crashes

Local Government Road Safety Program

Council has an important role to play in the area of road safety. The RMS funds local councils to deliver road safety projects to raise the profile of road safety within the local government area.

Transport for NSW (TfNSW) via the Centre for Road Safety is responsible for public education, road safety resources, and provide funding to the RMS to administer the *Local Government Road Safety Program* (LGRSP). This program enables Council to employ of a full time Road Safety Officer who is instrumental in delivering targeted and coordinated road safety initiatives across the local government area.

The Road Safety Officer (RSO) plays a key role not only through behavioural road safety education, but also influencing the construction and management of infrastructure to improve safety for road users. The RSO works across engineering, community services, planning, communications and customer service areas, and provides links to community stakeholders, community groups, local health and police officers, all of whom contribute to road safety over the long term.

The RSO is also tasked with providing road safety advice for special events, school safety, bus routing and transport facilities. The Road Safety Officer also contributes

time to community enquiries, council committees and promotes NSW road safety campaigns such as Road Rules Awareness Week and Bike Week.

RMS Funded Road Safety Projects

The LGRSP provides funding for 50% of the RSO employee costs with Council providing the other 50%. The LGRSP also provides a further \$10,000 annually to Council to deliver local road safety community initiatives.

The completed RMS funded 2017-18 projects were:

1. Distracted Driver Education

Objective

- Understand patterns and prevalence of distracted driver activity in the Port Macquarie-Hastings LGA.

-

Description

Targeted market research project conducted by a specialised consultant commissioned by Council. 400 participants surveyed about their driving patterns and opinions regarding distracted driving.

Output

Research to inform 2018-19 distracted driver action plan implementation.

2. Promotion of the Safe Use of Off Road Shared Paths

Objectives

- Assess existing shared path compliance
- Develop guidelines for the safe and correct use of shared paths

Description

Site and desktop review of shared path safety compliance against Australian Standards and relevant best practice guidelines (i.e. Austroads)

Outputs

Recommendations for safety and compliance improvements for shared paths across the LGA.

The current RMS funded 2018-19 projects are:

1. Distracted Driver Action Plan Implementation

Objective

Increase community awareness of the road safety risks regarding mobile phone use and enhance community knowledge of the applicable NSW road rules, demerit points and fines.

Description

The project will implement a targeted education campaign to address distracted driving involving website, social media, and education with local delivery services,

attendance at university open days, and other face-to-face engagement based on the findings of the 2017-18 market research project.

2. Safety Around Schools

Objectives

- Improve school safety by increasing parking compliance around schools
- Engage with schools to empower students to take ownership of road safety

Description

Targeted road safety review and education campaign around identified schools to reduce congestion, improve parking compliance and enhance road safety ownership.

Options

Council has in partnership with the RMS committed to funding of the Road Safety Program since 2003. The program is reviewed annually by TfNSW and the RMS in consultation with Council.

The details of the program are outlined in the *Local Government Road Safety Program Guidelines*. Council has the option to continue with the program or withdraw from the program.

Community Engagement & Internal Consultation

The RSO has regularly engaged with the following groups, organisations and agencies in 2017-18:

- Schools
- NSW Police
- Mid North Coast Local Health District
- Universities
- Resident groups
- Council committees
- Transport groups and providers
- Bus providers
- Sporting groups and retailers
- Community organisations
- Event organisers
- Hastings Liquor Accord

Planning & Policy Implications

The profile of road safety is progressively increasing across all levels of government. Previously there has been a focus on engineering solutions to address traffic efficiency and capacity issues. However road safety is becoming a key consideration in infrastructure planning and policy. It is commonly accepted that a balance between road safety and capacity outcomes is required.

The *NSW Road Safety Plan 2021* was introduced in February 2018 and reinforces the NSW government's commitment to road safety. The Plan formalises the

government's commitment to the safe system approach and outlines key target areas for road safety improvement.

Council is currently preparing a Road Safety Strategy as part of the suite of documents that comprise the Regional Integrated Transport Strategy. The Road Safety Strategy will outline Council's commitment and provide ongoing direction to improve road safety for our community.

The behavioural and educational aspects of road safety needs to be reinforced on an ongoing basis as part of road related policy making and implementation.

Financial & Economic Implications

The RSO position is funded 50/50 by Council and the RMS which includes salary, salary on-costs, travel and training. RMS also provides funding of \$10,000 annually for local road safety projects.

Provision has been made within the current financial year operating budget for the continuation of Council's funding for the Local Government Road Safety Program.

Attachments

Nil

Item: 12.07

Subject: **PLANNING PROPOSAL: ADMINISTRATIVE REVIEW OF PORT
MACQUARIE-HASTINGS LEP 2011 (AMENDMENT NO 52) -
CONSIDERATION OF SUBMISSIONS**

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

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. **Take the necessary steps under sections 3.35 and 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 52) as attached.**
2. **Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.**
3. **Notify all persons who lodged submissions of the meeting outcome.**

Executive Summary

In February 2018 Council considered a report proposing to commence a Planning Proposal in relation to six minor amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011).

A seventh amendment was added after the March 2018 Council meeting, where Council resolved to commence a Planning Proposal for an additional minor amendment to the LEP 2011 in relation to Diamond Drive, Port Macquarie.

A planning proposal for the seven matters was placed on exhibition for 14 days from 22 August 2018 to 5 September 2018, consistent with the minimum required exhibition period of 14 days conditioned in the Gateway determination.

This report considers the public submissions received in response to the exhibition of the above Planning Proposal. Refer to Attachment 1 for exhibited proposal.

The seven matters are:

1. Clause 4.1 Minimum subdivision lot size – Insertion of an additional subclause to clarify that the area of any 'battle-axe' access to the lot is not to be included in determining the minimum lot size.
2. Land Use Table – Industrial retail outlets proposed to be allowed with consent in certain land use zones; and to be prohibited in B2 (Local Centre) zone.

3. Lot 10 DP 1232850 (14 Misty Vale Way) & Lot 1 DP 1244311 (1497 Pappinbarra Road) Hollisdale – correction to Lot Size map: applying a minimum lot size of 100ha.
4. Lot 1 DP 745953 and part Lot 50 DP 1139289 (Bain Park) Wauchope – adjustment of boundaries - affects Land Zoning map, Floor Space Ratio map and Heritage map. Associated update to item name and property description for existing Heritage Item (Memorial Gates) in Schedule 5 (Environmental heritage) of the LEP.
5. Land Reservation Acquisition map – updating map to remove identification for land at Lots 69 & 70 DP 219719, Lot 27 DP 221558, Lots 67 & 68 DP 754451, Lots 56 & 57 DP 219719 on the North Shore now acquired by the National Parks and Wildlife Service and by Council.
6. Lot 31 DP 0835708 (24 Yaluma Drive) Port Macquarie – rezone land from E3 (Environmental Management) to R1 (General Residential) – affects Land Zoning map, Lot Size map, Floor Space Ratio map.
7. Lot 22 DP DP1229697 and Nos 19 - 31 Diamond Drive, Port Macquarie – adjustment of boundaries – affects Land Zoning map, Lot Size map, Floor Space Ratio map and Height of Buildings map; cadastre updates for Flood, Heritage and Koala Habitat maps.

Eight (8) submissions were received during public exhibition of this Planning Proposal. Four of these were from neighbouring landowners, one from another member of the community and three from government agencies.

All issues raised in the submissions have been addressed in the Community Engagement and Internal Consultation section of this report.

After considering the submissions, it is recommended the Planning Proposal to amend LEP 2011 be supported, as exhibited, by Council and finalised in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Discussion

Background

Council continually monitors the operation of the LEP 2011 to identify necessary refinements and adjustments to the LEP text and maps. A report to Council on 21 February 2018 recommended amendments relating to six issues – refer to **Attachment 2**. The meeting minutes record:

RESOLVED: *Hawkins/Alley*

That Council:

1. *Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the 6 issues as generally described in this report.*
2. *Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.*
3. *Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the Planning Proposal.*

CARRIED: 8/10

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

AGAINST: Nil

A report to Council on 21 March 2018 resolved to commence a Planning Proposal in relation to one minor issue, being the mapping errors at Diamond Drive in Port Macquarie. **Refer to Attachment 3.** This issue was combined with the above six matters and is the seventh issue in this Planning Proposal.

The meeting minutes record:

RESOLVED: Griffiths/Intemann

That Council:

1. *Prepare a draft planning proposal as described in this report in relation to Lot 22 DP 1229697 and Nos 19-31 Diamond Drive, Port Macquarie, pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of Port Macquarie-Hastings Local Environmental Plan 2011.*
2. *Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 3.34, 3.35 and clause 4 of Schedule 1 of the Act.*
3. *Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the planning proposal.*

CARRIED: 8/0

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

AGAINST: Nil

Following Council's resolutions in February and March 2018, a Planning Proposal was prepared and forwarded to the Department of Planning & Environment requesting a Gateway Determination. A Gateway Determination was issued on 27 June 2018 allowing the Planning Proposal to proceed to public exhibition subject to the following conditions:

- a) Identifying all of Bain Park, Wauchope, as a local heritage item; and
- b) Updating the cadastre on the flood, heritage, koala habitat and land reservation maps for the Diamond Drive area at Port Macquarie.

These updates were made to the Planning Proposal prior to public exhibition.

Options

This Planning Proposal relates to seven separate issues as outlined in the Executive Summary. Council could omit or amend any of the Issues in the exhibited draft Planning Proposal.

Council's options are:

1. To support the Planning Proposal as exhibited and resolve to make the Local Environmental Plan.
2. Make amendments to the Planning Proposal. Note: if any substantive change is made to the planning proposal (e.g. zoning, lot size, height of building controls), re-exhibition will likely be required.

3. Not support the Planning Proposal.

It is recommended that Council approve option one and proceed with the steps for finalisation of the proposal.

Community Engagement & Internal Consultation

The proposal was placed on exhibition for 14 days from 22 August – 5 September 2018, consistent with the minimum required exhibition period of 14 days, as required in the Gateway determination.

The proposal was publically exhibited at Council's three offices and on Council's *HaveYourSay* website. Affected and potentially affected landowners for issues 3 – 7 were also notified in writing of the proposed changes and invited to make a submission.

A total of eight (8) submissions were received. Over the two weeks of exhibition, the Strategic Land Use Planning team received approximately 15 telephone calls and about seven front counter enquiries from members of the public seeking to understand how these changes affected them. The enquiries were particularly in relation to Issue 5 (removal of the Land Reservation and Acquisition Map on the North Shore) and Issue 7 (mapping changes at Diamond Drive, Port Macquarie). There were also enquiries relating to Issue 4 (mapping changes at Bain Park, Wauchope) and Issue 6 (zone change from E3 Environmental Management to R1 General Residential at 24 Yaluma Drive, Port Macquarie).

Details of the submissions received are provided below:

Submission		Issue
Submissions in relation to Issue 7 (Diamond Drive, Port Macquarie)		
1.	K and M Dunne	<p>Queries as follows:</p> <ol style="list-style-type: none"> 1. Does this change to the Plan mean that our new boundary will need to be altered by documentation? 2. If so, will the change mean that the position of our back fence will need to be altered? 3. In the above events occurring, who would be responsible for the costs incurred?
	Response/Comment:	This is an administrative mapping change and does not affect/change property boundaries.
Submissions in relation to Issue 6 (24 Yaluma Drive, Port Macquarie)		
2.	J. Warren	This block of land stands at the end of the ridgeline koala corridor and is part of it.

Submission		Issue
		<p>Regular sightings of koalas and other animals using the block to access food trees further along Yaluma Drive.</p> <p>A rezoning to residential will block the koala's access, pushing them onto the road.</p> <p><i>"All residents purchased their blocks surrounding this relatively open parcel of land believing that it is part of the Koala corridor and it should stay that way, for the residents but mainly for the koalas".</i></p>
	<p>Response/Comment:</p> <p>The site contains a small amount of vegetation on the southern boundary. There is little prospect of providing safe koala movement through the existing residential area surrounding the site other than to the south-west away from the site.</p> <p>The site is less than 1 hectare in area and as such <i>State Environmental Planning Policy No 44 - Koala Habitat Protection</i> does not apply. Chapter 2.6 (Tree Management) of Council's Development Control Plan (DCP) will be used to assess future development applications in relation to this land.</p> <p>The site is substantially cleared apart from some scattered trees (predominantly along the Yaluma Drive boundary and the small patch mentioned above along the sites southern boundary (abutting the land to be retained in E3 (Environmental Management) zone.</p>	
3.	A. Kuhn and F. Baxendale	<p>The submission does not object to the Planning Proposal.</p> <p>Requests that Council investigate the possibility of removing the covenant that affects the four lots from the corner of Yaluma Drive and Celestial Way, which currently include height restrictions.</p>
	<p>Response/Comment:</p> <p>The Planning Proposal does not apply to the four lots on the corner of Yaluma Drive and Celestial Way; this request would need to be dealt with as a separate matter.</p> <p>The certificate of title will provide details of the covenant.</p> <p>It should then be possible to establish which parties are involved and which parties can distinguish the covenant. Without sighting a copy of the certificate of title, it is not clear who is responsible (e.g. Council or the developer) for distinguishing the covenant.</p>	
4.	J. Oxley (late submission)	<p>Concerned over the implications of the change of use and particularly in relation to the height restriction of 8.5m, which doesn't seem to be a sufficient</p>

Submission		Issue
		<p>restriction as it results in “a fairly tall building overlooking” their property.</p> <p>The submission considers that “this application clearly has the end objective of maximising the use of the property and is likely to result in further developments in relatively small lot sizes”.</p> <p>The submitter considers that his property is likely to devalue as a result of this proposal.</p> <p>“The allowable height of the building is magnified by the fact that this property is situated on higher ground (above mine) so the “overlooking” effect will be magnified. The property also forms a contiguous line with the existing reserve on the top of the hill and I believed, on my purchase of the property, that it would, therefore, remain under the environmental management zoning (E3)”.</p>
	<p>Response/ Comment:</p>	<p>8.5m is the standard height control in a R1 General Residential zoned area and all of the land surrounding the site which is zoned R1 has a maximum building height of 8.5m under LEP 2011.</p> <p>A maximum building height of 8.5m currently applies to 24 Yaluma Drive and the Planning Proposal does not propose to make any change to this existing standard.</p> <p>The proposal is for standard residential controls to be applied, consistent with the surrounding land zoning, which will allow infill development in an established residential neighbourhood.</p> <p>The E3 (Environmental Management) zoning was originally applied to facilitate a ridge-top line of trees. This property is below the most prominent section of the ridgeline and the retention of these provisions does not achieve the original objectives.</p>
General submissions		
5.	M. Hackman	<p>Key concerns relate to river flooding (specifically the Hastings River) and the impacts of this on development.</p> <p>The area (National Parks) should be preserved and unaffected by human activity. It provides habitat for birds and animal life.</p>

Submission		Issue
		Ecological research should be undertaken by an independent specialist.
	Response/Comment:	It is unclear which issue this submission relates to. The Planning Proposal is administrative in nature and does not bring about development in or near a National Park or the Hastings River. Due to the administrative nature of this proposal, Council staff are of the view that there is no need for ecological research to be undertaken. Further, this submission is ambiguous about where the research should occur.
Agency submissions		
6.	NSW National Parks & Wildlife Service	<u>Relates to Issue 5 (North Shore):</u> NSW National Parks & Wildlife Service provided confirmation that the land subject to this proposal (on the North Shore) is now part of the Limeburners Creek National Reserve. Seeks clarity on Lots 66, 88, 70, 72 DP 754451. Wanting confirmation that these lots are still designated for acquisition by national parks.
	Response/Comment:	Lots 66, 88, 70, 72 DP 754451 are not affected by this amendment and the Land Reservation Acquisition map will remain to identify these lots for 'Future Park purchase (E1)' for acquisition by National Parks and Wildlife Service or Council.
7.	Office of Environment and Heritage	The OEH acknowledges that the proposed amendments are " <i>minor administrative matters only</i> ". They have reviewed the documents supplied and advised that they have no issues to raise about the proposed amendments in relation to matters associated with their statutory interests.
	Response/Comment:	Noted.
8.	Office of Environment and Heritage – Heritage Division	The Heritage division accepts that the amendments are " <i>minor or administrative in nature and are unlikely to result in any heritage impacts. The Heritage Division has no objection to the proposed LEP amendment</i> ".

Submission		Issue
	Response/ Comment:	Noted.

All persons who made a submission in response to the public exhibition have been notified in writing that this matter is being reported to Council at its 17 October 2018 meeting.

A full copy of the submissions has been made available to Councillors under separate cover.

Planning & Policy Implications

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

The proposed minor amendments will:

- Facilitate future development through fine-tuning the LEP provisions.
- Ensure continuous improvement of the LEP.

Financial & Economic Implications

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

Council's Strategic Land Use Planning staff have prepared the Planning Proposal as normal practice and will complete the process for finalisation of the plan, in accordance with section 3.36 of the Act, following a decision by Council.

Attachments

1 [View](#). Planning Proposal as exhibited

2 [View](#). Report and Minutes of 21 February 2018 Council Meeting

3 [View](#). Report and Minutes of 21 March 2018 Council Meeting

Item: 12.08**Subject: QUESTION FROM PREVIOUS MEETING - REVETMENT WALL, LAKE CATHIE****Presented by: Development and Environment, Melissa Watkins**

RECOMMENDATION

That Council note the information contained within the response to the Question from Previous Meeting – Revetment Wall, Lake Cathie.

Question from Councillor Intemann

What is the current status on the proposed revetment wall at Lake Cathie?

Comments by Councillor (if provided)

Nil.

Response

Council, along with the community and relevant stakeholders worked on a detailed Coastal Zone Management Plan (CZMP) for Lake Cathie for over 10 years. Final certification of the CZMP was provided by the then NSW Government Minister for Planning Rob Stokes, in November 2016.

The option for a revetment wall along with periodic dredging of Lake Cathie and ongoing beach nourishment are the primary actions that were recommended for implementation as part of the CZMP.

Ongoing stormwater and foreshore management are also key measures that were identified under the CZMP and are progressively being implemented as interim measures pending consideration of and funding for construction of a revetment wall.

To this end funding for stormwater works was announced in September 2018 from the 2017-18 Coastal Management Program on the basis of a 50:50 funding arrangement, being \$360,000 each from OEH and Council. Construction of these works are scheduled for 2019 the new year holiday period

As part of the certification process for Lake Cathie's CZMP, the Minister requested that Council undertake certain additional tasks before considering construction of a revetment wall. One of these tasks was the development of a distribution funding model to determine the apportionment of costs for the construction of the wall. Council and OEH have commenced this project and anticipate that it will be completed in late 2018 or early 2019.

In addition to the funding arrangements, there are also numerous other tasks that are required to be undertaken before the revetment wall can be constructed. Council was also working through the following additional tasks:

- Completing the REF (Review of Environmental Factors)
- Reviewing the detailed design plans of the revetment wall

Further, the State Government commenced new coastal management legislation (via the Coastal Management Act 2016 that affect the long term status of the certified CZMP for Lake Cathie. As a result of the new legislation the Lake Cathie CZMP will cease to have effect on 31 December 2021. In order to ensure that the recommendations of this plan are still valid beyond 31 December 2021, the Lake Cathie CZMP plan must now be incorporated into a regional Coastal Management Program (CMP) which meets the requirements of the new Coastal Management Act (2016).

Preparation of this CMP will require significant work for Council as an understanding of the prevalent issues and remediation works will need to be documented for the entire coastal zone of the Port Macquarie-Hastings Local Government Area. Discussions with OEH are underway to determine how best to fast track this work to ensure programmed works are completed and meet the new State government mandated Coastal Management Program.

Council appreciates the concerns of the community around this issue, in particular timing. However, the current circumstances and the changes in legislation will unfortunately further delay consideration of the revetment wall for Lake Cathie and are outside of Councils control.

Attachments

Nil

Item: 12.09

Subject: QUESTION FROM PREVIOUS MEETING - STATE ENVIRONMENTAL
PLANNING POLICY (COASTAL MANAGEMENT) 2018

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That Council note the information contained within the response to the question from previous meeting regarding the State Environmental Planning Policy (Coastal Management) 2018.

Question from Councillor Levido

What is the current status of discussions/negotiations with the relevant NSW government department as to the flawed mapping associated with the recently gazetted coastal management SEPP?

Comments by Councillor (if provided)

Nil

Response

The 'coastal wetlands and littoral rainforest area' is defined in the *Coastal Management Act 2016* as meaning land identified by a SEPP to be 'land which displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features'.

While the mapping of land as 'coastal wetland and littoral rainforest area' (CW/LR area) area does not prohibit development, nor change the permissibility of development as set by the land zoning in the relevant LEP it does trigger the 'designated development' provisions of the Environmental Planning and Assessment Act, 1979. In accordance with the Regulation this means that an Environmental Impact Statement (EIS) is required with any development application on the land including a dwelling, a shed a pool, etc and this requires and the Secretary's requirements (SEARS) be sought and provided from the Department of Planning and Environment to prepare the EIS. The designated development process also requires specific extended notification arrangements.

Another significant impact of the new mapping under the SEPP is to 'turn-off' the Exempt and Complying development provisions for land affected by the SEPP as it is now designated development. This also means that new development cannot be certified by a Private Certifier as Complying Development.

The mapping of land as CW/LR does not relate to or hinge on the zoning of land.

The Department has advised that it was of the view that identification of land as CW/LR area within the Port Macquarie–Hastings LGA under the revised SEPP was based on the best available state-based mapping combined with data provided by Council in 2016 and 2017. However, the mapping provided by Council was dated 2013 and was provided by Council as part of its submission to the draft SEPP in March 2016. The words used by Council in part of its submission in this regard stated:

“PMHC requests that a comprehensive review of the draft mapping, incorporating changes made to the mapping as a result of the submissions process be undertaken in consultation with councils and the general public before the mapping is finalised and incorporated into the SEPP.”

Thank you for the opportunity to review the draft SEPP coastal management mapping. PMHC looks forward to receiving the full draft Coastal Management SEPP in the near future.”

Council has advised the Department of the impact of the new mapping on development in the PMHC area and have requested amendments to the mapping on a number of occasions.

Staff have also attended a meeting with a local landowner and the staff of the Minister for Planning at the request of the landowner regarding the impact of the mapping and amendments to the SEPP on their land and have had a number of meetings with various staff of the Department of Planning and Environment. Council’s concerns about the impact of the mapping have also been raised at a meeting with the Local Member for Port Macquarie, Leslie Williams and the Minister for the Environment, Gabrielle Upton.

Most recently on 20 September 2018 the General Manager and Director Development and Environment attended meeting with the Minister for Planning Anthony Roberts, the Member for Myall Lakes, Stephen Bromhead and another local land holder/developer and staff of the Department of Planning and Environment. At this meeting the Department confirmed that the Department would commit resources to review “the mapping” for the PMHC local government area.

The Department at the meeting advised however that any amendments must be based on evidence that the land does not meet the criteria specified in the *Coastal Management Act 2016*. In undated correspondence from the Department received by Council on 20 September 2018 (**Attachment 1**) it was stated “that the Coastal Management SEPP maps being amended to remove the CW/LR areas added in response to Council supplied data, which is zoned for residential, industrial or business purposes” would not on its own meet the criteria required by the *Coastal Management Act 2016*.

The Department also advised in their letter that it was critical that any mapping changes be supported by evidence and that noting Council’s advice that a complete review of the CW/LR area would take Council at least 12 months, the Department was willing to engage a vegetation consultant to analyse the coastal wetland and littoral rainforest “areas that were added post- exhibition” of the draft Coastal Management SEPP for alignment with the *coastal Management Act 2016*. It should

be noted however that this will really only apply to the areas that Council identified post exhibition, as distinct from the whole local government area.
At the meeting the Minister confirmed that this would take 2 months.

What happens now?

Council is required (based on the letter received 20 September 2018 (**Attachment 1**)) to:

- Advise the Department and the vegetation consultant who to liaise with at Council to obtain access to vegetation data, development assessment data and any other information that Council has relating to the vegetation presence.
- Provide any necessary assistance to the vegetation consultant to ensure this review can be undertaken in an expedited manner.

At the meeting it was also agreed that the Department would:

- Draft a letter of “comfort” for the developer to provide to prospective purchasers explaining the process. Council was to review and provide input to the letter;
- Confirm whether or not a standard template as an EIS over an entire subdivision would be acceptable for lodgement of the separate dwelling DA’s on newly realised subdivisions;
- Provide the expedited SEARs (Secretary’s Requirements) for the preparation of a EIS; and
- “Embed” a vegetation expert at PMHC to undertake the review of the mapped vegetation and
- Complete the review in 2 months including consultation with OEH

To date the Department has been in contact with Council and requested additional mapping data for approved subdivision development sites affected by mapping changes that occurred post exhibition of the SEPP. This data has been compiled and is to be provided to the Department by 12 October 2018.

It is understood that this data will be used for initial amendments to the SEPP with more detailed work including the review of vegetation mapping to follow.

Attachments

1 [View](#). Response to Council - Coastal Management SEPP Mapping

Item: 12.10

Subject: UPDATE ON PUBLIC TREE MANAGEMENT IN URBAN AREAS

Presented by: Development and Environment, Melissa Watkins

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 within the update on public tree management in urban areas report; and**
- 2. Endorse the Risk Matrix (4x4) and Evaluation of Hazard Trees in Urban Areas Methodology (Matheny & Clark) as detailed in the report and included as Attachment 1.**

Executive Summary

The purpose of this report is to provide Council with an update on the service delivery area of Public Tree Management in urban areas and seek endorsement for the Risk Matrix (4x4) and Evaluation of Hazard Trees in Urban Areas Methodology (Matheny & Clark) (**Attachment 1**).

This service is a highly visible and critical Council deliverable for the community, particularly from a risk management perspective. There are currently 783 outstanding tree works listed to be undertaken by Council within the LGA.

Council has recognised the need to increase financial resources allocated to addressing this tree list backlog. An additional \$96,000 was allocated to allow for more high risk tree works to be completed during the 2017/18 financial year. The result was a significant reduction from 966 listed tree works at the start of the 2017/18 financial year to 783 as at 1 October 2018 (refer to table included below).

Based on this positive result Council have allocated an additional \$96,000 for the 2018/19 financial year to allow for a continued effort in reducing the total number of listed tree works.

Discussion

Council's Tree Management staff (comprising 1 Senior Arborist, 1 Arborist and 2 Tree Workers) carry out visual tree assessments to identify trees which require works. Works are undertaken by Council staff and external contractors appointed as preferred suppliers on Council's Tree Maintenance and Management Services tender panel.

Scheduled works are evaluated using a combination of two systems; Risk Score and Hazard Score which define a priority rating. These systems are Council's Risk Matrix (4x4) and Evaluation of Hazard Trees in Urban Areas (Matheny & Clark) (**Attachment 1**), an internationally recognised arboriculture evaluation guide.

Council's Risk Matrix

Risk scores are a result of the likelihood of an event occurring (branch or tree failure) with the 12 months following the date of inspection and provides a basis for Priority Ratings; which are disclosed to customers. A risk score of between 1-6 is allocated based on the likelihood/severity of an event occurring.

Risk Score	Definition	Priority
1	Very High	1
2	High	2
3/4	Moderate	3/4
5/6	Low	5/6

Hazard Rating

Tree Hazard Ratings are based on the Matheny & Clark method (Hazard scores 1 - 12) which evaluates:

- Failure potential
- Size of part most likely to fail
- Frequency of occupancy

The above elements are evaluated and each receives an individual score between 1 and 4. When each of their individual scores are added together, the resulting score can range between 3 and 12.

Hazard Score	Definition
1-4	Low
5-8	Moderate
9-12	High

Priority Rating

The primary driver for scheduling and prioritising works is the Risk score, with the Hazard score used as supplementary information. Consideration of both scores determines the Priority Rating which is communicated to customers.

Priority Rating	Definition
1	Event is imminent or very likely to occur within 12 months
2	Event is likely to occur within 12 months
3/4	Event is unlikely to occur within 12 months
5/6	Either recorded for monitoring (an annual inspection) or may not be recorded dependant on the determination of the initial inspection

Examples:

Trees displaying **lower risk matrix score** with **high hazard score** are generally actioned first, compared to a high risk score with low hazard score tree.

Tree	Risk Score	Hazard Score		Works would be prioritised in this order
A	2	7		4
B	1	10		1
C	2	10		3
D	2	12		2
E	3	7		6
F	2	6		5

By using these systems in conjunction with the initial inspection date, Council is able to advise a **Priority Rating** on the current status and position of a particular tree compared to others within the work schedule.

The work schedule is a live document and can change frequently, depending on new inspection requests, storm damage and resourcing. As a result it is extremely difficult to provide a customer with a guarantee on when works will be scheduled, with the exception of Priority 1 listings. Tree works that have not been completed are re-inspected annually to determine if there are any changes in risk and hazard scores.

Council's Tree Works List (Public Trees in Urban areas)

There are currently 783 trees listed for works to be undertaken by Council within the LGA. A breakdown of the current outstanding tree works list is as follows:

Priority Rating	Number of trees listed as at 1/07/17	Number of trees listed as at 1/07/18	Number of trees listed as at 1/10/18
1	66	24	2
2	341	305	280
3/4	523	474	461
5/6	36	34	40
Total	966	837	783

This table shows that the increased investment by Council in managing public trees in urban areas has had a significant impact over a short period. The allocation of additional financial resources has allowed staff to reduce the level of risk to Council through increasing the number of works completed on public trees, particularly those rated as a priority one and priority two.

Options

Council can opt to:

1. Adopt the recommendation contained within this report; or
2. Request further information in regards to Tree Management practices and the current status of this Council service area.

Community Engagement & Internal Consultation

Internal consultation in developing this status report has involved the following Council staff:

- Group Manager Recreation and Buildings
- Director Development and Environment
- Senior Arborist
- Recreation and Facilities Manager

Council staff have recognised the need to provide our community with an improved understanding of public tree management processes/practices. On this basis, a number of actions are planned or have been implemented to improve community awareness including:

- Implementation of a Customer Request auto-acknowledgment system to provide an initial acknowledgement to a customer's request for a tree inspection. The auto-acknowledgement details assessment and response timeframes for public tree requests.
- Development of a brochure which identifies how Council staff assess risk, hazard and subsequently prioritise public tree works. This brochure is available for general information and is being mailed out to customers where relevant. Refer to attachment - *Priority Rating of Public Trees Brochure – Methodology*.

- Development of improved public tree content on Council's website including a monthly status update of Council's Tree Works List. This will allow the community to be able to locate relevant information and gain a general understanding of where their tree request is placed within Council's priorities of tree works to be undertaken.

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](#). Priority Rating of Public Trees Brochure - Methodology

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:
 - Item 14.01 Innes Gardens Memorial Park Crematorium and Lawn Cemetery
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - Item 14.02 T-18-31 Destination Media Planning and Buying
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 14.03 T-18-41 Extension of SRM's and WM - Dunbogan Tip Access Road
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 14.04 T-18-28 Port Macquarie-Hastings Council Advertising - Community Now Notices
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 14.05 Supply of Electricity
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

RECOMMENDATION

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

Item 14.01 Innes Gardens Memorial Park Crematorium and Lawn Cemetery

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

RECOMMENDATION

Item 14.02 T-18-31 Destination Media Planning and Buying

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

RECOMMENDATION

Item 14.03 T-18-41 Extension of SRM's and WM - Dunbogan Tip Access Road

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

RECOMMENDATION

Item 14.04 T-18-28 Port Macquarie-Hastings Council Advertising - Community Now Notices

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

RECOMMENDATION

Item 14.05 Supply of Electricity

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