



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 12 December 2018

**location:** Council Chambers  
17 Burrawan Street  
Port Macquarie

**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 (3<sup>rd</sup>) or subsequent application by a single member of the public to address Council on the same issue in the same calendar year. Council, at its discretion, may elect to exempt representatives or members of community groups from this restriction.
  - Any formal procurement process, contract negotiation or dispute resolution being undertaken.
  - Any matter the General Manager (or their delegate) considers inappropriate for discussion in the Public Forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

# Ordinary Council Meeting

Wednesday 12 December 2018

## Items of Business

Item	Subject	Page
01	Acknowledgement of Country .....	1
02	Local Government Prayer .....	1
03	Apologies.....	1
04	Confirmation of Minutes .....	1
05	Disclosures of Interest.....	37
<b>06</b>	<b>Mayoral Minute</b>	
	06.01 Mayoral Discretionary Fund Allocations .....	41
07	Confidential Correspondence to Ordinary Council Meeting.....	42
08	Public Forum .....	44
<b>09</b>	<b>Leadership and Governance.....</b>	<b>45</b>
	09.01 Councillor Portfolio Protocol - Revised .....	46
	09.02 2018 Local Government NSW Annual Conference .....	50
	09.03 Why Local Government Matters .....	54
	09.04 Question From Previous Meeting - Councillor Portfolio System .....	58
	09.05 Status of Reports From Council Resolutions.....	59
	09.06 Delegated Authorities - Certificate of Identification Issued Under the Swimming Pools Act 1992 .....	65
	09.07 2020 Ordinary Local Government Election.....	67
	09.08 Code of Conduct Complaint Statistics .....	73
	09.09 Policy Review - Public Interest Disclosure - Internal Reporting - Post Exhibition .....	77
	09.10 Draft Investment Policy .....	79
	09.11 Monthly Budget Review - November 2018.....	84
	09.12 Investments - November 2018.....	88
	09.13 Policy Rescission - Banners Over Public Roads and Reserves Policy - Post Public Exhibition .....	92
	09.14 Compliments and Complaints Annual Report 2017-2018 .....	94
<b>10</b>	<b>Your Community Life .....</b>	<b>99</b>
	10.01 Draft Mrs York's Garden Master Plan .....	100
	10.02 Future Strategy for Tastings on Hastings .....	104
	10.03 Port Macquarie-Hastings Council Disability Inclusion Action Plan 2017-2018 Annual Progress Report.....	112
	10.04 Recommended Items from the Mayor's Sporting Fund Sub- Committee - November 2018 .....	115

	10.05	Cultural Plan 2018 - 2021 - Allocation of Funds .....	116
<b>11</b>		<b>Your Business and Industry .....</b>	<b>121</b>
	11.01	Draft EPBC Act Preliminary Documentation Assessment Report - Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area .....	122
<b>12</b>		<b>Your Natural and Built Environment .....</b>	<b>127</b>
	12.01	Notice of Motion - Traffic Congestion Crisis - Oxley Highway, Port Macquarie.....	128
	12.02	Question From Previous Meeting - Legal Advice on Water Fluoridation .....	129
	12.03	Land Acquisition - Intersection of Doyles Road and Rollands Plains Road, Ballengarra .....	131
	12.04	Land Acquisition - 921 Hastings River Drive, Pembroke.....	133
	12.05	Transfer of Land to Council for Sewer Purposes - Leaders Way Wauchope.....	136
	12.06	Recommended Item from Local Traffic Committee - Pedestrian Crossing - Bold Street, Laurieton .....	138
	12.07	Recommended Item from Local Traffic Committee - 40 km/h High Pedestrian Activity Area - Wauchope Town Centre .....	140
	12.08	Recommended Item from Local Traffic Committee - 40 km/h High Pedestrian Activity Area - Port Macquarie Town Centre.....	142
	12.09	Ocean Drive Upgrade Lake Cathie - Community Feedback .....	144
	12.10	Bundaleer Aged Care - Project Update .....	159
	12.11	Development Contributions Deferral Scheme .....	162
	12.12	Hastings River Flood Study - Public Exhibition Submissions Report .....	169
	12.13	Wrights Creek Flood Study Update - Public Exhibition Submissions Report.....	184
	12.14	Update on Kooloonbung Creek Flying-fox Camp Management Plan.....	193
<b>13</b>		<b>Questions for Next Meeting</b>	
<b>14</b>		<b>Confidential Matters</b>	
		Motion to move into Confidential Committee of the Whole .....	198
	14.01	Request from Resident in Respect of Water Charges	
	14.02	T-18-54 Provision of Property Sales and Buyer's Agent Services	
	14.03	T-18-33 Concrete, Bricks and Masonry Processing	
		Adoption of Recommendations from Confidential Committee of the Whole	

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 21 November 2018 be confirmed.

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## **PRESENT**

### ***Members:***

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

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

General Manager (Craig Swift-McNair)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Strategy and Growth / Acting Director Infrastructure (Jeffery Sharp)  
Group Manager Governance and Procurement (Blair Hancock)  
Executive Assistant to the Mayor (Linda Kocis)  
Communications Manager (Andy Roberts)

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The meeting opened at 5.30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 LOCAL GOVERNMENT PRAYER**

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Pastor Simon Chen from the Port Macquarie Baptist Church delivered the Local Government Prayer.

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### **03 APOLOGIES**

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*RESOLVED: Levido/Alley*

That the apology received from Councillor Rob Turner be accepted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Alley*

That the Minutes of the Ordinary Council Meeting held on 17 October 2018 be confirmed.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

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Councillor Intemann declared a Non-Pecuniary – Less than Significant Interest in Item 12.05 – Draft Port Macquarie-Hastings DCP 2013 – Highways Gateway Sites, the reason being that Councillor Intemann is a Director of the Hastings Co-operative Ltd, which operates several service stations in Wauchope and Port Macquarie. After consulting the publicly available Business Case materials from the proponents and the Hastings Co-op Executive, Councillor Intemann perceives no pecuniary or significant interest arising from this matter before Council.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.02 – T-18-47 Laurieton Sewer Rising Main SPS No. 1, the reason being Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.03 – T-18-53 Design and Construction of Underbores – Beechwood and Bonny Hills, the reason being Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Cusato declared a Pecuniary Interest in Item 12.09 – Airport Precinct Investigation Area – Site Selection for Proposed Business Park, the reason being that Councillor Cusato owns a hangar within the precinct.



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Mayor Pinson declared a Pecuniary Interest in Item 14.02 – T-18-47 Laurieton Sewer Rising Main SPS No. 1, the reason being that the Mayor's business, Stabilcorp, has occasional business dealings with one of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 14.03 – T-18-53 Design and Construction of Underbores – Beechwood and Bonny Hills, the reason being that the Mayor's business, Stabilcorp, has occasional business dealings with one of the tenderers.

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

*RESOLVED: Pinson*

That the Mayoral Discretionary Fund allocations for the period 4 October 2018 to 7 November 2018 inclusive be noted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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

*RESOLVED: Levido/Dixon*

That Council determine that the attachments to Item Numbers 09.06 and 11.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **08 PUBLIC FORUM**

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

1. Mr Jamie Harrison regarding staff bias, asset management, project management and local content.
2. Mr John Lusk regarding fluoridation and Council must protect its citizens from undisclosed harm and act lawfully.
3. Mr Raymond Griffiths, Rollands Plains Community Group, regarding Council adopting a Rural Road Policy and current state of rural roads.
4. Mr Warren Bradley regarding disabled parking laws.

*RESOLVED: Dixon/Alley*

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

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

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### **08.01 STAFF BIAS, ASSET MANAGEMENT, PROJECT MANAGEMENT & LOCAL CONTENT**

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Mr Jamie Harrison addressed Council in relation to staff bias, asset management, project management and local content. Mr Harrison answered questions from Councillors.

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### **08.02 FLUORIDATION - PROTECTING CITIZENS FROM UNDISCLOSED HARM AND ACTING LAWFULLY**

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Mr John Lusk addressed Council suggesting that Council must protect its citizens from undisclosed harm and act lawfully in relation to fluoridation of the local water supply. Mr Lusk answered questions from Councillors.

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### **08.03 ADOPTION OF A RURAL ROADS POLICY AND CURRENT STATE OF RURAL ROADS**

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Mr Raymond Griffiths, on behalf of the Rollands Plains Community Group, addressed Council suggesting that Council adopt a Rural Roads Policy and spoke on the state of rural roads. Mr Griffiths answered questions from Councillors.

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### **08.04 DISABLED PARKING LAWS**

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Mr Warren Bradley addressed Council on disabled parking laws and answered questions from Councillors.

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#### **REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 12.05 – Mr Anthony Thorne in support of the recommendation.

Item 12.05 – Mr Peter Scott in support of the recommendation.

Item 12.07 – Mr Anthony Thorne in support of the recommendation.

Item 12.09 – Mr Anthony Thorne in support of the recommendation.

*RESOLVED: Hawkins/Cusato*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Intemann/Hawkins*

That Standing Orders be suspended to allow Items 12.05, 12.07 and 12.09 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.05 DRAFT PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2013 - HIGHWAYS GATEWAY SITES**

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Councillor Intemann declared a Pecuniary - Less than Significant Interest in this item.

Mr Anthony Thorne, King & Campbell Pty Ltd, representing Mr and Mrs Martin and Ms A Hazenveld, addressed Council in support of the recommendation and made comments on access and servicing (sewer). Mr Thorne answered questions from Councillors.

Mr Peter Scott, Scott PDI Pty Ltd, addressed Council in support of recommendation No 1 but advised his Company was not in support of recommendation No 2 and outlined the reasons for this. Mr Scott answered questions from Councillors.

*RESOLVED: Cusato/Hawkins*

That Council:

1. Endorse the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites for public authority consultation and public exhibition together with the Port Macquarie Highway Service Centre Planning Proposal.
2. Note that prior to the public exhibition, the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites will be updated to include details of vehicle ingress and egress, as noted in this report.
3. Proceed with public authority consultation with RMS, RFS, OEH & EPA in accordance with the DoP Gateway Determination letter dated 29 August 2018.
4. Request the General Manager to report to the March 2019 Council Meeting with an update on the Public Authority consultation with RMS, RFS, OEH & EPA.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.07 PLANNING PROPOSAL: LOT 14 DP 240042 PIONEER STREET, NORTH HAVEN - CONSIDERATION OF SUBMISSIONS**

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Mr Anthony Thorne, King & Campbell Pty Ltd, representing landowners Robert & Neil Tate, addressed Council in support of the recommendation.

*RESOLVED: Intemann/Hawkins*

That Council:

1. As a result of the consideration of submissions, amend the Planning Proposal as outlined in the report to extend the area of E2 Environmental Conservation zoned land in the southern part of the site to protect habitat for the Squirrel Glider.
2. Subject to approval under Item 1 above, take the necessary steps under section 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Local Environmental Plan 2011 (Amendment No 25).
3. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
4. Notify all persons who lodged submissions and provide information of the meeting outcome.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.09 AIRPORT PRECINCT INVESTIGATION AREA - SITE SELECTION FOR PROPOSED BUSINESS PARK**

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Councillor Cusato declared a Pecuniary Interest in this item, left the room and was out of sight during the Council's consideration, the time being 7.12pm.

Mr Anthony Thorne, King & Campbell Pty Ltd, representing Council as the owner of the Port Macquarie Airport, addressed Council in support of the recommendation.

*RESOLVED: Levido/Hawkins*

That Council:

1. Notes the assessment in this report and confirms that the Council owned land within the Port Macquarie Airport Precinct Investigation Area, as shown coloured light brown in Attachment 15, is the most suitable land to supply 23.75 hectares of gross developable Business Park zoning in the Airport Precinct Investigation Area.
2. Receive a further report to the February 2019 Council meeting in respect of a Planning Proposal for the Council owned land as identified in 1 above.
3. Advise landowners within the Airport Precinct Investigation Area of the outcome of this decision.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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Councillor Cusato returned to the meeting, the time being 07:24pm.

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

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Councillor Hawkins left the meeting, the time being 07:25pm.

*RESOLVED: Griffiths/Intemann*

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

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

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#### **09.02 REQUEST FOR LEAVE OF ABSENCE - MAYOR PETA PINSON**

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*RESOLVED: Dixon/Alley*

That Council:

1. Grant leave of absence for Mayor Peta Pinson for the period 21 February to 17 March 2019 inclusive.
2. Note that in accordance with Section 231(3) of the Local Government Act, the Deputy Mayor will perform all duties of the Mayor during this period.
3. Allocate the Mayoral allowance to the Deputy Mayor during this period in accordance with Section 249(5) of the Local Government Act.

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

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#### **09.03 NOTICE OF MOTION - COUNCILLOR PORTFOLIO PROTOCOL**

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Councillor Hawkins returned to the meeting, the time being 07:27pm.

*RESOLVED: Intemann/Alley*

That Council:

1. Request the General Manager amend the Councillor Portfolio Protocol to remove participation by the Mayor, as per the Mayor's recent request.
2. Request the General Manager table the amended Councillor Portfolio Protocol at the December 2018 Ordinary Council Meeting for consideration.

*CARRIED: 7/1*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Pinson*  
*AGAINST: Griffiths*

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#### **09.04 POLICY REVIEW - RISK MANAGEMENT**

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Councillor Dixon left the meeting, the time being 07:39pm.

*RESOLVED: Hawkins/Alley*

That Council:

1. Place on public exhibition the draft Risk Management Policy commencing from 28 November for a minimum of 42 days.
2. Place on public exhibition the Risk Management Framework Policy commencing from 28 November for a minimum of 42 days with the intent to rescind, as the document will be reclassified as an internal procedure.
3. Note that a further report is planned to be tabled at the February 2019 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **09.05 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018**

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Councillor Dixon returned to the meeting, the time being 07:41pm.

*RESOLVED: Griffiths/Hawkins*

That Council:

1. Adopt the Annual Financial Statements for the year ended 30 June 2018, as submitted, together with the Auditor's Report.
2. Request the General Manager provide a briefing to Councillors by March 2019 on the substantial increase in employee expenses over the last three years.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.06 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2018**

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*RESOLVED: Cusato/Hawkins*

That Council note the Quarterly Budget Review Statement for the September 2018 Quarter.

*CARRIED: 8/0*

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

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AGAINST: Nil

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**09.07 MONTHLY FINANCIAL REPORT - OCTOBER 2018**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Adopt the adjustments in the "Budget Variations – October 2018" section of the Monthly Financial Review - October 2018.
2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0

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

AGAINST: Nil

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**09.08 INVESTMENTS - OCTOBER 2018**

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*RESOLVED: Griffiths/Hawkins*

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

CARRIED: 8/0

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

AGAINST: Nil

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**09.09 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the information in the Financial Impact of Cost Shifting Report.
  2. In particular, note that the ongoing accelerating transfer of responsibilities from the NSW State and Federal Governments to local councils without appropriate offset funding (also known as cost shifting) presently costs Port Macquarie-Hastings Council and our community \$16.123 million per annum - an average of \$1,344,000 per month.
  3. Request the General Manager raise the issue of cost shifting at the December 2018 Mid North Coast Joint Organisation Board Meeting.
  4. Request that the General Manager raise the issue at 4 December 2018 meeting with the Treasurer and the Member for Port Macquarie, Ms Leslie Williams MP.
  5. Request the Communications Portfolio to discuss an appropriate media and communications strategy with the primary objective of informing our community of this ongoing practice by higher levels of government and increasing the community's understanding of how cost shifting negatively impacts Council's ability to support existing services and new services alike.
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6. Note that a further report is due to the February 2019 Council Meeting on cost shifting as per the resolution of Council in September 2018.
  7. Request the General Manager write to:
    - (a) The Member for Port Macquarie, Ms Leslie Williams MP;
    - (b) The Member for Oxley, the Hon. Melinda Pavey MP;
    - (c) The Member for Cowper, Mr Luke Hartsuyker MP;
    - (d) The Member for Lyne, Dr David Gillespie MP
    - (e) Local Government NSWenclosing a full copy of this Financial Impact of cost shifting report and - importantly - request their active assistance in removing this financial burden on our community.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.10 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2018**

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*RESOLVED: Alley/Dixon*

That Council note the 2018-2019 Operational Plan - Quarterly Progress Report as at 30 September 2018.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.11 2017-2018 ANNUAL REPORT**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Adopt the 2017-2018 Annual Report, comprising Parts A and B.
2. Submit the adopted 2017-2018 Annual Report to the Minister for Local Government by 30 November 2018.
3. Publish the adopted 2017-2018 Annual Report on Council's website and make copies of the report available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2017-2018.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.12 POLICY REVIEW - SMOKE FREE OUTDOOR AREAS POLICY**

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*RESOLVED: Intemann/Dixon*

That Council:

1. Note the submissions received to the draft Smoke Free Outdoor Areas Policy received from public during exhibition period.
2. Adopt the Smoke Free Outdoor Areas Policy.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.13 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Note the update provided on the Property Investment Portfolio as provided in this report.
2. Request the General Manager to include relevant trend data and analysis in future reports.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.14 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2018-2019.
2. Note the Clause 4.6 - Port Macquarie-Hastings Local Environmental Plan 2011 determinations that have been made under staff delegation.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **10.01 LIBRARY FUNDING CUTS**

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Councillor Alley tabled a speech from the Hon Peter Primrose MLC (Shadow Minister for Local Govt) to the LGNSW Annual Conference on 23 October 2018 at the Albury Entertainment Centre.

### **MOTION**

*MOVED: Alley/Cusato*

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

### **AMENDMENT**

*MOVED: Griffiths/Pinson*

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.

- 
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
  7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

**THE AMENDMENT WAS PUT**

*MOVED: Griffiths/Pinson*

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

*CARRIED: 6/2*

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

*AGAINST: Alley and Cusato*

**THE AMENDMENT BECAME THE MOTION**

*RESOLVED: Griffiths/Pinson*

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.

5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

*CARRIED: 8/0*

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

*AGAINST: Nil*

## 10.02 2018-2019 COMMUNITY GRANT PROJECTS FOR ENDORSEMENT

*RESOLVED: Intemann/Dixon*

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2018-2019 Round 1 for the total amount of \$131,104 to the following:

<i>Organisation Name</i>	<i>Project</i>	<i>Funding</i>
<i>General</i>		
Kendall Riding for the Disabled	Generator	\$2859
Mid North Coast Maritime Museum	New Fence	\$6,870
Port Macquarie Museum	Master Plan Upgrade	\$10,000
Lake Cathie Progress Association	New Website	\$3,200
Hastings Valley Mountain Bikers	Park Entry Signage	\$2,245
Wauchope District Memorial		
Hospital Volunteers	New Gazebo	\$7,725
Wauchope Little Athletics	Equipment Upgrades	\$2,444
Mother's Day Classic Foundation	Charity Fun Run	\$3,000
Care Flight Limited	Care Flight Stretcher	\$8,214
Marine Rescue Camden Haven	Base upgrade	\$10,000
Douglas Vale Conservation Group	Cellar Restoration	\$10,000
	Sub Total:	\$66,557
<i>Non-Council Owned Halls</i>		
Comboyne War Memorial Hall	New Sound System	\$3,297
	Sub Total:	\$3,297
<i>Christmas &amp; New Year's Eve</i>		
Long Flat Public School P&C	Christmas Event	\$450
Beechwood Public School P&C	Christmas Event	\$2,957
Lake Cathie/Bonny Hills Lions Club	Christmas Event	\$2,530
Camden Haven Chamber of Commerce	Christmas Event	\$5,000
Wauchope Chamber of Commerce	Christmas Event	\$5,000

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	Sub Total:	\$15,937
<i>Environmental Grants</i>		
Port Macquarie Landcare	Environmental Activities	\$10,000
Friends of Kooloonbung Creek	Environmental Activities	\$5,000
Lake Cathie Landcare	Environmental Activities	\$1,000
	Sub Total:	\$16,000
<i>Band Grants</i>		
Port Macquarie Hastings		
Municipal Band	Community Performances	\$10,000
Camden Haven Community Band	Community Performances	\$7,224
Hastings Koalas Orchestra	Community Performances	\$4,865
Hastings District Highland		
Pipe Band	Community Performances	\$7,224
	Sub Total:	\$29,313
	TOTAL:	\$131,104

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

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#### **10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - OCTOBER 2018**

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*RESOLVED: Cusato/Pinson*

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 Lleyton Wall the amount of \$350.00 to assist with the expenses he will incur travelling to and competing at the Australian Junior Triathlon Series to take place at the Gold Coast, Canberra and Devonport from December 2018 through to March 2019.

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

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#### **10.04 VINCE INMON SPORTING COMPLEX - MASTER PLAN DEVELOPMENT**

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*RESOLVED: Alley/Dixon*

That Council:

1. Note the information contained in the Vince Inmon Sporting Complex – Master Plan Development Report.
2. Request the General Manager to prioritise development of a Master Plan for Vince Inmon Sporting Complex.
3. Request the General Manager to provide a report to the June 2019 Ordinary Council Meeting presenting the Draft Master Plan for Vince Inmon Sporting Complex.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **11.01 NSW CROWN LAND MANAGEMENT ACT 2016 - NOMINATION AND NOTIFICATION OF COUNCIL'S NATIVE TITLE MANAGER**

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*RESOLVED: Levdo/Griffiths*

That Council:

1. In accordance with Section 8.6 of the Crown Land Management Act 2016, nominate the Property and Leasing Coordinator as its Native Title Manager.
2. In accordance with Section 8.8 of the Crown Land Management Act 2016, give written notice to the Minister for Lands and Forestry of the name and contact details of Council's Native Title Manager.
3. Request the General Manager write to the Minister for Lands and Forestry requesting that further Native Title Manager training be provided by the NSW Government as a matter of urgency.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **11.02 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS**

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*RESOLVED: Hawkins/Cusato*

That Council note the six monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.

*CARRIED: 8/0*

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

*AGAINST: Nil*



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**11.03 POLICY REVIEW - MARKETS POLICY - POST PUBLIC EXHIBITION**

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**MOTION**

*MOVED: Intemann/Alley*

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.

**AMENDMENT**

*MOVED: Griffiths/Hawkins*

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.
5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development



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Portfolio and include any fee structure developed to the December 2019 Annual Report to Council.

### **THE AMENDMENT WAS PUT**

MOVED: Griffiths/Hawkins

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.
5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development Portfolio and include any fee structure developed to the December 2019 Annual Report to Council.

*CARRIED: 5/3*

*FOR: Alley, Griffiths, Hawkins, Levido and Pinson*

*AGAINST: Cusato, Dixon and Intemann*

### **THE AMENDMENT BECAME THE MOTION**

RESOLVED: Griffiths/Hawkins

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a set-up time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday set-up time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.

- 
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.
  5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development Portfolio and include any fee structure developed to the December 2019 Annual Report to Council.

**CARRIED:** 8/0

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

**AGAINST:** Nil

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#### **11.04 EVENT SPONSORSHIP PROGRAM ROUND 1, 2019 - RECOMMENDATIONS**

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**RESOLVED:** Levido/Dixon

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1 2019 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Fox Super Flow Mountain Bike Championships (Bonny Hills)	\$5,000
2. Seaview Classic Road Cycling Race (Port to Walcha)	\$5,000
3. Regional Dementia (RED) Conference (Port Macquarie)	\$5,000
4. Multisport Adventurethon (Laurieton)	\$5,000
Total allocated this round	\$20,000

**CARRIED:** 8/0

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

**AGAINST:** Nil

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#### **11.05 THE HEALTH AND EDUCATION PRECINCT DRAFT MASTER PLAN**

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*RESOLVED: Cusato/Griffiths*

That Council:

1. Place the draft Health and Education Precinct Master Plan on public exhibition for an extended period from 26 November 2018 through to the 21 February 2019.
2. Note a further report will be tabled at the April 2019 meeting of Council detailing the submissions received during the public exhibition period.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **11.06 POLICY REVIEW - ALCOHOL USE ON PUBLIC RESERVES AND BEACHES POLICY REVIEW**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Note the submissions received on the draft Alcohol Use on Public Reserves and Beaches Policy received from public during exhibition period.
2. Adopt the Draft Alcohol Use on Public Reserves and Beaches Policy.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **12.01 NAMING OF A PRIVATE RIGHT OF ACCESS - 210 NORTH BRANCH ROAD, UPSALLS CREEK**

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*RESOLVED: Intemann/Hawkins*

That Council name the right of access to land west of 210 North Branch Road at Upsalls Creek, "Malcolmvale Road (Private Access)".

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.02 CLOSURE OF PART JOHN OXLEY DRIVE AND TRANSFER OF FORMER HIGHWAY LAND, THRUMSTER**

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*RESOLVED: Levido/Intemann*

That Council:

1. Affix the Common Seal of Council to the survey plan of road closure.
2. 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 road closure and subsequent transfer of the former highway land in accordance with the Electronic Transactions Act 2000.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.03 PORT MACQUARIE TOWN CENTRE - PEDESTRIAN FACILITY INVESTIGATIONS**

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### **MOTION**

*MOVED: Hawkins/Cusato*

That Council:

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
  - (a) Pedestrian refuge on Hayward Street west of Horton Street.
  - (b) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

### **AMENDMENT**

*MOVED: Alley/Pinson*

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
  - (a) Pedestrian crossing at Hayward Street east of Short Street.
  - (b) Pedestrian refuge on Hayward Street west of Horton Street.
  - (c) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.

- 
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

**THE AMENDMENT WAS PUT**

MOVED: Alley/Pinson

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
  - (a) Pedestrian crossing at Hayward Street east of Short Street.
  - (b) Pedestrian refuge on Hayward Street west of Horton Street.
  - (c) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

LOST: 3/5

FOR: Alley, Dixon and Pinson

AGAINST: Cusato, Griffiths, Hawkins, Intemann and Levido

**THE MOTION WAS PUT**

RESOLVED: Hawkins/Cusato

That Council:

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
  - (a) Pedestrian refuge on Hayward Street west of Horton Street.
  - (b) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

CARRIED: 8/0

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

AGAINST: Nil

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#### **12.04 DRAFT UNSEALED ROADS POLICY - POST PUBLIC EXHIBITION**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Note the submissions made on the Draft Unsealed Roads Policy during the exhibition period.
2. Adopt the Unsealed Roads Policy.
3. Note the actions outstanding as listed in Point 3 of the Council Resolution from the 15 August 2018 meeting, will be reported back to Council in August 2019.
4. Give consideration in the 2019-2020 budget to funding for gravel resheeting on unsealed roads.

*CARRIED: 7/1*

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

*AGAINST: Pinson*

Item 12.05 - Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites - has been moved to another part of the document.

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#### **12.06 LONG TERM ENERGY 6 MONTH UPDATE**

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*RESOLVED: Alley/Intemann*

That Council:

1. Note the update on the Long Term Energy Strategy implementation, as provided in the report.
2. Noting the issues in addressing the current resolution, request the Planning, Environment and Sustainability Portfolio review the data required for future reports.
3. Commit to the five Cities Power Partnership initiatives identified in the body of the report as part of Council's membership with this free National program.

*CARRIED: 7/1*

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

*AGAINST: Cusato*

Item 12.07 - Planning Proposal: Lot 14, DP 240042, Pioneer Street, North Haven - has been moved to another part of the document.

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**12.08 NSW GOVERNMENT APPROVAL OF PORT MACQUARIE-HASTINGS  
URBAN GROWTH MANAGEMENT STRATEGY 2017-2036**

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*RESOLVED: Intemann/Dixon*

That Council:

1. Note the approval of the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 by the NSW State Government.
2. Formally publish the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 on Council's website and in print, including a copy of the State government approval.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 12.09 - Airport Precinct Investigation Area - Site Selection for Proposed Business Park - has been moved to another part of the document.

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**12.10 DA2018 - 649.1 ALTERATIONS AND ADDITIONS TO A DWELLING  
INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF  
BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL  
ENVIRONMENTAL PLAN 2011 - LOT 346 DP 236950, NO. 14 VENDUL  
CRESCENT, PORT MACQUARIE**

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*RESOLVED: Griffiths/Hawkins*

1. That the Clause 4.6 Objection submitted with DA2018 – 649 be supported.
2. That DA2018 – 649.1 for alterations and additions to a dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 346 DP 236950, 14 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **13 QUESTIONS FOR NEXT MEETING**

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### **13.01 LEGAL ADVICE ON WATER FLUORIDATION**

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#### **Question from Councillor Intemann:**

There continues to be community objection to the fluoridation of our public water supply and in April 2018, Council adopted a watching brief on the legal issues.

Specifically 'Lusk v Tong and Commonwealth Ombudsman' concerns the need for registration and licensing the manufacture of fluoridated water under the federal Therapeutic Goods Act 1989.

As fluoridated water is intended for consumption in preventing a disease or ailment in persons, namely tooth decay, it seems obvious that it should be defined as a therapeutic good under the Act, requiring registration. However the court finding has been delayed long past the time normally expected.

As Council adds fluoride under instruction from NSW Health, storing it in dams, and as fluoridated water seems obviously a therapeutic good, it would seem prudent to seek assurance from NSW Health that the NSW Government will indemnify or otherwise shield PMHC from prosecution under the Therapeutic Goods Act 1989 with respect to fluoridated water.

Could the General Manager please consider getting legal advice on these matters, with a response provided either now or back to the December Council meeting?

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

Nil.

The General Manager replied that he would get legal advice and report back to the February 2019 Council Meeting.

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### **13.02 COUNCILLOR PORTFOLIO SYSTEM**

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

Can the General Manager please provide advice to the February 2019 Council Meeting on the resources required (and resultant cost to Council) to operate the Councillor Portfolio system and provide advice on outcomes achieved to-date from the Councillor Portfolio structure.

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

Nil.



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## **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Dixon/Hawkins*

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

Item 14.01 T-18-44 Supply and Delivery of a Lift and Carry 4WD Crane

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 14.02 T-18-47 Laurieton Sewer Rising Main SPS No.1

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-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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 Kew Sewage Treatment Plant Upgrade - Public Works Advisory Project Management Engagement

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-18-12 Provision of Dredging Services - Settlement Shores Estate Canal Maintenance Dredging (Part B)

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 14.06 T-18-36 Port Macquarie Town Square Shade Structures

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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 14.07 T-18-39 Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB)

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 14.08 T-18-40 Pressure Cleaning of Street Litter Bins

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 14.09 T-18-43 Orbital Road Communications Strategy and Community Engagement

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 14.10 T-18-24 Sports Field Lighting Installation Program Part A: Wayne Richards Park Hockey Precinct & Part B: Regional Sports Stadium

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 14.11 Cairncross Materials Recovery Facility (MRF) Contract Variation

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.

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.

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

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## **ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 9.34pm.

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## **RESUME MEETING**

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The Ordinary Council Meeting resumed at 9.45pm.

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

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*RESOLVED: Alley/Dixon*

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

Item 14.01 T-18-44 Supply and Delivery of a Lift and Carry 4WD Crane

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**

That Council:

1. Accept the tender from Terex Australia Pty Ltd for \$336,950 (exclusive of GST) for the supply and delivery of a Lift and Carry 4WD Crane.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-44.

Item 14.02 T-18-47 Laurieton Sewer Rising Main SPS No.1

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**

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That Council:

1. Accept the tender from Coffs Harbour City Council t/as Coastal Works for \$747,695 (exclusive of GST) for the construction of the Sewer Rising Main from Laurieton SPS No.1 to Dunbogan Bridge.
2. Accept the Schedule of Rates from Coffs Harbour City Council t/as Coastal Works for construction of the Sewer Rising Main from Laurieton SPS No.1 to 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-18-47.

Item 14.03 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178 (1) (b), decline to accept any of the tender submitted for Design and Construction of Underbores – Beechwood and Bonny Hills due to the inability to determine value for money.
2. In accordance with the Local Government (General Regulations) 2005 clause 178 (3) (e) decline to invite fresh tenders and enter into negotiations with the following contractors (listed in alphabetical order) with a view to entering into a contract for the Design and Construction of Underbores – Beechwood and Bonny Hills.
  - (a) Codmah Pty Ltd
  - (b) Eire Constructions Pty Ltd
  - (c) Ledonne Constructions Pty Ltd
  - (d) Midcoast Under Road Boring Pty Ltd
3. Maintain the confidentiality of the documents and considerations in respect of tender T-18-53.
4. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of Tender T-18-53 based on the outcome of the negotiations and confirming value for money.

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Item 14.04 Kew Sewage Treatment Plant Upgrade - Public Works  
Advisory Project Management Engagement

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 from the Public Works Advisory of \$1,219,295 (exclusive of GST) to complete the Design and Construction Project Management of the delivery of the Kew Sewage Treatment Plant.
2. Pursuant to Section 55 (3) (b) of the Local Government Act 1993, resolve to not invite tenders for the Design and Construction Project Management of the delivery of the Kew Sewage Treatment Plant.
3. Note the expected total cost of the project and approve the overall project budget as described in the included project financial summary.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of the Kew Sewage Treatment Plant Public Works Advisory Project Management Engagement.

Item 14.05 T-18-12 Provision of Dredging Services - Settlement Shores  
Estate Canal Maintenance Dredging (Part B)

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**

That Council:

1. Note the options presented within this report regarding maintenance dredging for the Settlement Shores Estate canals.
2. Accept the quotation from Birdon Pty Ltd for \$780,863.00 (exclusive of GST) (Option A) to undertake maintenance dredging of the Settlement Shores Estate canal system.
3. Accept the Schedule of Rates from Birdon Pty Ltd for variation to the project.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-12.

Item 14.06 T-18-36 Port Macquarie Town Square Shade Structures

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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**

That Council:

1. Accept the alternative tender from AMAC Holdings Pty Ltd t/as Alfresco Shade for \$186,800.00 (exclusive of GST) for the supply and installation of shade structures for the Town Square in Port Macquarie.
2. Accept the Schedule of Rates from AMAC Holdings Pty Ltd t/as Alfresco Shade for the supply and installation of shade structures for the Town Square in Port Macquarie.
3. Increase the project budget through journals from existing budget allocations as detailed within the report.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-36.

**Item 14.07 T-18-39 Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB)**

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**

That Council:

1. Accept the tender from Sims Group Australia Holdings Limited t/as Sims Metal Management for the Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB) for a two year period commencing 1 December 2018, with two options to extend for a further one 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 Sims Group Australia Holdings Limited t/as Sims Metal Management for the Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB).
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-39.

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Item 14.08 T-18-40 Pressure Cleaning of Street Litter Bins

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**

That Council:

1. Accept the tender from Glen & Cathy Barnett t/as B&B Wheelie Bin Wash for the provision of Pressure Cleaning of Street Litter Bins for a three year period commencing 1 December 2018, with two options to extend for a further one year period, such options 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 Glen & Cathy Barnett t/as B&B Wheelie Bin Wash for the provision of Pressure Cleaning of Street Litter Bins.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-40.

Item 14.09 T-18-43 Orbital Road Communications Strategy and Community Engagement

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**

That Council:

1. Accept the quote from RPS Manidis Roberts Pty Ltd trading as Straight Talk for Phase 2 of the Orbital Road Communications Strategy and Community Engagement project for \$106,525.00 (inclusive of Project Management Fees- exclusive of GST).
2. Note that the total cost for engaging RPS Manidis Roberts Pty Ltd trading as Straight Talk for the Orbital Road Communications Strategy and Community Engagement project (Phase 1 and Phase 2) will total \$181,275.00 (inclusive of Project Management Fees- exclusive of GST).
3. Pursuant to Section 55 (3) (a) of the Local Government Act 1993, resolve to not invite tenders for the Orbital Road Communications Strategy and Community Engagement project.
4. Affix the seal of Council to the necessary documents.



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5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-43.
  6. Request the General Manager to commence community and stakeholder engagement on the viable route options for the Orbital Road.
  7. Request the General Manager to actively seek external funding for preconstruction activities required to progress the planning for the Orbital Road.

Item 14.10 T-18-24 Sports Field Lighting Installation Program Part A: Wayne Richards Park Hockey Precinct & Part B: Regional Sports Stadium

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

**RECOMMENDATION**

That Council:

1. Accept the tender from Rees Electrical Pty Ltd for \$200,300 (exclusive of GST) for Sports Field Lighting Installation Program Part A Wayne Richards Park Hockey Precinct.
2. Accept the tender from Rees Electrical Pty Ltd for \$113,000 (exclusive of GST) for Sports Field Lighting Installation Program Part B Port Macquarie Regional Sports Stadium.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-24.
5. Increase the project budget associated with Sports Field Lighting Installation Program Part A Wayne Richards Park Hockey Precinct as outlined in the Financial and Economic Implications section of this report.

Item 14.11 Cairncross Materials Recovery Facility (MRF) Contract Variation

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. Endorse the 'In Principle' agreement between JR Richards and Council which seeks to:



- 
- (a) Extend the Material Recovery Facility (MRF) contract for a further two years to 2022.
  - (b) Extend the waste collection contract for a further two years to 2026
  - (c) Share equally the increased costs of MRF processing due to the China National Sword Policy.
  - (d) Share equally in the revenue generated through the Container Deposit Scheme (CDS) for the duration of the MRF contract.
- 2. Authorise the General Manager to finalise the CDS refund sharing agreement.
  - 3. Authorise the General Manager to register the signed CDS refund sharing agreement and accompanying documentation with the NSW State government by 1 December 2018.
  - 4. Authorise the General Manager to affix the Council Seal to any necessary documents.
- 

The meeting closed at 9.46pm.

.....  
Peta Pinson  
Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....  
Meeting Date: .....  
Item Number: .....  
Subject: .....  
.....

I, ..... declare the following interest:

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant Interest:**

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

☐

**Non-Pecuniary - Less than Significant Interest:**

May participate in consideration and voting.

For the reason that: .....  
.....

Name: .....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*

**Further Explanation**

(Local Government Act and Code of Conduct)

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

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

**Pecuniary Interest**

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

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

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (section 451)

**Non-Pecuniary**

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

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

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

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

***Non Pecuniary – Significant Interest***

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

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

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

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

***Non Pecuniary – Less than Significant Interest***

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Name: .....

Councillor's Signature: ..... Date: .....

**Important Information**

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

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

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

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Item: 06.01

Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND  
ALLOCATIONS

Mayor, Peta Pinson

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### RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 8 to 28 November 2018 inclusive be noted.

### Discussion

#### Mayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 8 to 28 November 2018 inclusive:

Donation to Camden Haven Community at 3	\$200.00
Gold Sponsorship for 2019 Hastings Education Fund	\$1,000.00
Sponsorship of 2019 One Act Play Festival	\$550.00
Floral Bouquet for Centenarian Rosa Belcher	\$15.00
Donation to PMQ Salvation Army on behalf of Centenarian Rosa Belcher	\$100.00
Remembrance Day Wreath for PMQ-Hastings Pipe Band Memorial Service	\$85.00
Donation to PMQ TAFE Movember Fundraiser	\$200.00
Donation to Wauchope-Bonny Hills SLSC for Carols on the Grass	\$500.00
	<b>\$2,650.00</b>

### Attachments

Nil

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Item: 07

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

Presented by: General Manager, Craig Swift-McNair

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council determine that the attachment to Item Numbers 09.03, 09.07, 09.10, 12.04 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.**

### Discussion

The following confidential attachments have been submitted to the Ordinary Council Meeting:

**Item No:** 09.03  
**Subject:** Why Local Government Matters  
**Attachment Description:** UTS Proposal – Why Local Government Matters – November 2018  
**Confidential Reason:** *Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).*

**Item No:** 09.07  
**Subject:** 2020 Ordinary Local Government Election  
**Attachment Description:** 2020 Ordinary Local Government Election Pricing  
**Confidential Reason:** *Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).*

**Item No:** 09.10  
**Subject:** Draft Investment Policy  
**Attachment Description:** Imperium Markets Presentation  
**Confidential Reason:** *Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).*

## AGENDA

## ORDINARY COUNCIL 12/12/2018

**Item No:** 12.04  
**Subject:** Land Acquisition – 921 Hastings River Drive, Pembroke  
**Attachment Description:** Previous Confidential Report to Council 15 November 2017 regarding proposed acquisition  
**Confidential Reason:** *Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).*



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

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

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

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

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

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 09.01**

**Subject: COUNCILLOR PORTFOLIO PROTOCOL - REVISED**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council adopt the revised Councillor Portfolio Protocol.**

### **Executive Summary**

The purpose of this report is to table a revised Councillor Portfolio Protocol for consideration by Council, as per a previous resolution of Council from the 21 November 2018 Council meeting.

### **Discussion**

In December 2012, Councillors established the Councillor Portfolio system, as a way to achieve better engagement processes between Councillors and Council staff on a range of topics and issues. In the years since 2012, there have been several Council resolutions relating to the Councillor Portfolios, namely the establishment of the Portfolios, changes to the names and allocation of Councillors to particular Portfolios and the establishment of a Councillor Portfolio protocol. A copy of all the Council resolutions relating to Councillor Portfolios can be found in the attachment to this report titled '*Councillor Portfolio Resolutions 2012-2018*.'

At the 21 November 2018 Council meeting, Deputy Mayor Intemann moved the following Notice of Motion (NOM):

#### ***Item 09.03 NOTICE OF MOTION - COUNCILLOR PORTFOLIO PROTOCOL***

*RESOLVED: Intemann/Alley*

*That Council:*

- 1. Request the General Manager amend the Councillor Portfolio Protocol to remove participation by the Mayor, as per the Mayor's recent request.*
- 2. Request the General Manager table the amended Councillor Portfolio Protocol at the December 2018 Ordinary Council Meeting for consideration.*

**CARRIED: 7/1**

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

**AGAINST: Griffiths**

In light of the above NOM, the Councillor Portfolio protocol has now been updated to remove participation by the Mayor and whilst reviewing the protocol, the opportunity has been taken to make several other changes to the protocol with the input of Councillors. A copy of the revised draft Councillor Portfolio protocol is attached to this report, as well as a copy of the most recently adopted Councillor Portfolio protocol (October 2017), for comparative purposes.

The key changes to the revised protocol are as follows:

Protocol Statement & Scope:

- An updated purpose for the Councillor Portfolios has been included as follows and is shown following underlined:

'In adopting this Councillor Portfolio protocol, Council accepts that the main role of Portfolio Councillors is to achieve better engagement processes between Councillors and staff, better information flow and transparency, and ultimately better decision-making, and not to be involved in the day to day operation of the Portfolio or the organisation, in line with the Local Government Act 1993.

- The order of the list of points included under this section of the protocol has been changed, with the addition of the following words shown underlined below:

b) Be informed on the progress of issues within the Portfolio area, update other Portfolio Councillors and generally champion the advancement of Councils key priorities and decisions relevant to the Portfolio area.

c) Provide enhanced guidance and direction to Council and the organisation through participation, discussion and debate at meetings and especially at formal meetings of Council.

e) Participate in and where appropriate in consultation with the Mayor and / or General Manager, lead any Council working groups or informal meetings in relation to the relevant Portfolio issues.

- The points listed under 'The benefits of the Portfolio Structure are that:' have been reordered and in one case reworded as shown below and underlined:

- Portfolio Councillors will be able to provide their views and the views of Council regarding certain issues so that it will assist Directors in understanding the Council's preferences and direction.
- Portfolio Councillors can create more efficient teamwork and collaboration as a group, sharing up-to-date information and the technical detail of important issues, leveraging personal expertise, building mutual trust and confidence, resulting in sounder decisions and governance.

- Portfolio Councillors can utilise their time better whilst ensuring Council has at its disposal all relevant information for making decisions.
- Portfolio Councillors will be able to speak with informed knowledge of their Portfolio at Council Meetings and publicly if requested to by the Mayor or General Manager.

#### Responsibilities & Authorities:

There have been some amended and additional words listed under this section, with the changes shown below and underlined:

- Taking a particular interest and leadership position in the subject for which they hold the Portfolio and are to familiarise themselves with Council business within the area of the Portfolio, relevant community concerns, media articles and publications about the subject matter;
- Speaking to any relevant reports tabled at Council meetings and providing verbal updates to Councillor briefings or workshops as required in conjunction with the relevant Director; working constructively with the relevant Director during and outside Portfolio meetings without directing staff;
- Providing updates on their Portfolio to other Portfolio Councillors at Portfolio Reporting Meetings, held monthly or as agreed. Those meetings will generally be chaired by the Mayor or Deputy Mayor, or in their absence as agreed by those present.

The list of Councillors allocated to each Portfolio has also been updated to reflect the fact that the Deputy Mayor is now the Chair of the Communication, Governance & Community Relations Portfolio, noting that the membership of all other Portfolios has remained the same.

As noted earlier in this report, attached to this report is a copy of all the Council resolutions relating to Councillor Portfolios, since their establishment. This list will be maintained as an attachment to the Councillor Portfolio protocol, meaning that into the future whenever there are resolutions of Council relating to the Councillor Portfolios, these will be added to this attachment.

#### Options

Council can resolve to adopt the recommendation included in this report, or resolve in some other manner.

#### Community Engagement & Internal Consultation

There has been no community engagement in relation to this report. Internal consultation has taken place with the Councillors.

**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](#). Councillor Portfolio Resolutions 2012-2018
- 2 [View](#). Councillor Portfolio Protocol - Revised Draft - December 2018
- 3 [View](#). Councillor Portfolio Protocol - adopted 2017 10 18



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**Item: 09.02**

**Subject: 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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

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### **Alignment with Delivery Program**

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

### **RECOMMENDATION**

**That Council note the information contained in the 2018 Local Government NSW Annual Conference report.**

### **Executive Summary**

The 2018 Local Government NSW (LGNSW) Annual Conference was held in Albury from 21 to 23 October 2018. As per a previous resolution of Council, Mayor Peta Pinson, Councillors Peter Alley and Sharon Griffiths attended the conference, as well as the General Manager.

The purpose of this report is to provide an overview of the annual conference.

### **Discussion**

At the Ordinary Council Meeting held on 20 June 2018, Council resolved the following:

#### *09.01 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE*

*RESOLVED: Intemann/Pinson*

*That Council:*

*1. Grant approval for Mayor Peta Pinson, Councillor Peter Alley and Councillor Sharon Griffiths to attend the 2018 Local Government NSW Annual Conference to be held in Albury from 21 to 23 October 2018.*

*2. Determine that Mayor Peta Pinson, Councillor Peter Alley and Councillor Sharon Griffiths be Council's voting delegates at the Conference.*

**CARRIED: 8/0**

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

**AGAINST: Nil**

As per Council's "Payment of Expenses and Provision of Facilities to Councillors" Policy, a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions. Mayor Pinson and Councillors Peter Alley and Sharon Griffiths indicated their interest in attending the 2018 Local Government NSW Conference.

In line with the above Council resolutions, Mayor Peta Pinson, Councillors Peter Alley, Sharon Griffiths and the General Manager attended the annual LGNSW conference, held at the Albury Entertainment Centre.

The Local Government NSW Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State Government leaders, business representatives, community groups and academics. This year there were approximately 850 delegates in attendance at the conference. A copy of the conference program is attached for your information.

Apart from being a conference with a range of speakers on various issues, the conference is also the policy making conference for LGNSW and as such involves voting on a series of motions. The Mayor and Councillors in attendance at the conference were Council's voting delegates for the motions put forward at the conference. More information on this can be found further in this report.

On Sunday 21 October, the General Manager was a speaker at a conference session titled *AR Bluett Award Winning Councils in 2016 & 2017*. This presentation was from the past two years winners of the Bluett Award in both the Rural category and City and Regional category, noting that Port Macquarie-Hastings Council was the winner of the City and Regional category in 2017.

On Sunday 21 October, the Mayor and Councillor Peter Alley attended two consecutive sessions for elected members, being *'Elected Members: Update on Legal Responsibilities'* and *'Elected Members: Developing Capabilities.'* It should be noted that Councillor Griffiths arrived in Albury on the evening of 21 October, so was unable to attend the two above-mentioned sessions.

The formal conference commenced on Monday 22 October. The opening address was by the President of LGNSW, Councillor Linda Scott, who discussed the challenges facing local government in NSW and the work that LGNSW has been doing on behalf of their members, being the majority of NSW Councils.

Following the above address, the official State Conference was opened, where voting delegates commenced giving consideration to and voting on approximately 100 motions put forward to the conference by a range of Councils. Voting on these motions ran for the majority of the day. A copy of the voting decisions to come from this part of the conference is attached for information. Whilst the full list of decisions is available in the above-mentioned attachment, some of the issues covered by the conference motions were as follows:

- Drought related issues
- Fuel excise levy
- Requests for the release of the IPART Review of Local Government Rating System that is currently sitting with the NSW government
- Crown Land Management Act issues
- Planning related recommendations



- Snowy Hydro funding
- Waste related issues
- Web casting of Council meetings

Decisions made at the conference will now be developed into LGNSW policy for future work and advocacy.

During the afternoon of Monday 21 October, the Minister for Local Government, The Hon Gabrielle Upton MP attended the conference and gave a wide-ranging speech on local government and then took questions from the floor.

The formal conference dinner was held on the evening of Monday 22 October, with a range of speeches given and the winners of the AR Bluett Award for 2018 were announced. This year's winners of the Bluett Award were Fairfield City Council in the City and Regional category and Narrabri Shire Council in the Rural category.

On Tuesday 23 October, the Mayor and Councillor Griffiths attended the Australian Local Government Women's Association (ALGWA) breakfast, with guest speaker being Ms Sarah Garnett, Founder of The Footpath Library. On this same morning the General Manager represented Council at a breakfast meeting of the newly formed Regional Cities NSW (RCNSW) group. The purpose of this meeting was to discuss next steps with regards to the development of a draft Memorandum of Understanding (MOU) between RCNSW and the NSW government.

For the conference sessions on Tuesday 23 October, Ellen Fanning was Master of Ceremonies and the first speech of the day was from Mr David O'Loughlin, President of the Australian Local Government Association (ALGA), who spoke about the importance of the role of local government and the work the ALGA are involved with. This was followed by a brief presentation from the Small Business Commissioner Robyn Hobbs OAM. Mr Stephen Jones MP, Federal Shadow Minister for Local Government then spoke to the conference via video link about a range of issues.

The afternoon of Tuesday 23 October saw a range of presentations around Smart Places, including information around smart cities and towns, how to use data in a smart way and how to implement smart strategies to give residents better options. This part of the conference included three speakers on the above topics with a range of presentations provided to the conference.

The above presentations were followed by a speech by the Hon. Peter Primrose MLC, Shadow Minister for Local Government. This speech covered issues such as Council amalgamations, developing a Memorandum of Understanding between local government and a Labor government (if indeed they are elected to office at the next NSW State election), Joint Organisations and financial pressures on Councils.

Craig Reucassel from the television show 'War on Waste' then presented to the conference on the topic of 'Waste: Crisis or Opportunity'. This focussed on the challenges of waste management and on some of the issues he has found across Australia during the making of the show. This was followed by the launch of a new campaign by LGNSW titled 'Save our Recycling'. The aim of this campaign is to solve the worsening recycling and waste crisis, at no extra cost to taxpayers. The campaign calls on the State government to re-invest the entire \$727 million it collects from the waste levy each year in waste management and recycling, noting that according to LGNSW, it is critical that NSW develops its on-shore processing

capacity for recycled materials, rather than shipping waste to countries such as China.

The final session of the conference was called 'Last Man Standing', presented by four-time Olympian Steven Bradbury OAM, which was a look across his career, the highs and lows and the winning of the gold medal for the 1000 metre speed skating event at the 2002 Winter Olympics.

A trade exhibition also took place for the duration of the conference, with a large range of service providers on show from legal service providers, to heavy equipment suppliers, as well as the Office of Local Government and other government agencies. The conference also allowed time for networking with other Councils across NSW.

As noted above, the 2018 LGNSW Annual Conference was held in Albury and was hosted by Albury City Council. Congratulations must go to Albury City Council and LGNSW for a well-run and professional event, which highlighted Albury as a vibrant regional city.

For information, the 2019 LGNSW Annual Conference will be held in Liverpool, Sydney from 13-16 October 2019.

### **Options**

This report is for noting only.

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

There has been no community engagement in relation to this report. Consultation has taken place with the Mayor, Councillor Sharon Griffiths and Councillor Peter Alley in relation to this report.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

The 2018-2019 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by Councillors at the Conference has been funded from within the existing budget allocation. The total cost of attendance at the conference for the Mayor, Councillors Alley and Griffiths and the General Manager was \$9886.35. This includes conference registrations, accommodation, travel and out-of-pocket expenses as allowed for under the Policy.

### **Attachments**

1 [View](#). Local Government NSW 2018 Annual Conference Program

2 [View](#). Record of Decisions - 2018 LGNSW Annual Conference

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**Item: 09.03**

**Subject: WHY LOCAL GOVERNMENT MATTERS**

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

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### **Alignment with Delivery Program**

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information included in this Why Local Government Matters report.**
- 2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.**
- 3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.**

### **Executive Summary**

At the Mid North Coast Joint Organisation (MNCJO) Board meeting held on 5 December 2018, the Board considered a report on the MNCJO establishing a project to 'localise' an earlier piece of work done by the University of Technology Sydney (UTS) titled Why Local Government Matters (WLGM). This earlier work was originally completed by the UTS in 2015 and is a major piece of social research on community attitudes to local government. The research aims to better understand how and why the activities of local governments and their roles in society are valued by communities.

The purpose of this report is to detail information in relation to the above-mentioned proposed MNCJO project around localising the WLGM report for the MNCJO member Councils.

### **Discussion**

At the 5 October 2018 MNCJO Board meeting, the following was resolved:

**Item: 7.7**  
**Subject: WHY LOCAL GOVERNMENT MATTERS**

*RESOLVED: King / Pinson*

*That the MNCJO Board:*

1. *Note the 'Why Government Matters' report by the Australian Centre of Excellence for Local Government;*
2. *Request the General Managers Advisory Committee give consideration to how the content of the 'Why Government Local Matters' report might provide assistance to the MNCJO into the future, or a tailored version of this report for the MNCJO;*
3. *Request the Executive Officer provide an update report to the December 2018 MNCJO Board meeting on the 'Why Local Government Matters' report.*

CARRIED: 3/0  
FOR: King, Pinson, Campbell  
AGAINST: Nil

As per the MNCJO Board resolution No.2 above, the General Managers Advisory Committee (GMAC) considered this issue further at its meeting held on 16 November 2018. As an outcome of that meeting, the General Manager, Bellingen Shire Council made contact with the UTS to gain an understanding of how the UTS might best be able to 'localise' the WLGM report for the benefit of the MNCJO member Councils.

As noted above, the MNCJO Board considered a further report on this at the 5 December 2018 Board meeting, however at the time of writing this report, any resolution from the MNCJO Board meeting was not known simply due to the timing of the Board meeting and finalisation of this report to Council. For completeness, the General Manager will table any relevant MNCJO Board resolution on this subject at this Council meeting. This report has been written with the assumption that the MNCJO Board will resolve to refer this project to member Councils for consideration.

Following is information relating to the proposal from the UTS in relation to WLGM, as included in the agenda for the 5 December 2018 MNCJO Board meeting.

As noted above, WLGM is a major piece of social research on community attitudes to local government by the UTS. The research aims to better understand how and why the activities of local governments and their roles in society are valued by communities. The research investigates:

- What does place mean to people?
- The role of government.
- How do people want their services delivered?
- How do people want to be involved in government?
- What do people think about local government?
- How do people's personal characteristics and values impact on their responses?

The report is important for Australian local government and other tiers of government, organisations and agencies that work closely with Councils. The results are also invaluable for broader debates about reform of the sector and immediate local-level issues such as service delivery, community participation in Council decision-making, financial sustainability and the wellbeing of local government areas.

A summary report on this major research piece is included as an attachment to this report, titled *Why Local Government Matters Summary Report*.

A proposal has been received by the MNCJO from the UTS, which can be found as a confidential attachment to this report, titled *UTS Proposal – Why Local Government Matters – November 2018*. This attachment contains information that relates to



commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

In summary, the proposal is as follows:

- WLGM will establish baseline data to track how communities across the region view the outcomes achieved through collaboration. The effectiveness of regional collaboration in achieving the MNCJO's strategic objectives can then be assessed by comparing how community views about policy outcomes change. This vital performance information can be used to identify areas for continuous improvement in policy and practice or new strategic priorities and communicate the success of Council to communities, stakeholders and the NSW Government.
- WLGM is also valuable for each member Council of the MNCJO in that it will track how local communities view the outcomes achieved by their Council and the individual strengths of each Council by looking at the outcomes where each performs strongly. It will highlight what is working well, where Councils could learn good practice from across the region, and areas for continuous improvement in policy and practice or new strategic priorities.
- Undertaking a local version of the WLGM will also assist in the development of revised Community Strategic Plans (CSP), a review of which will be required in 2020, in line with the next local government elections. This insight can provide the foundation for this next round of community engagement that Council will be required to undertake.
- The survey instrument to be used in this research will build on the national WLGM survey to ensure the data generated enables Council and the MNCJO to understand how the region compares to other communities and the Australian population as a whole. UTS will also ensure a sample size that allows comparison between the individual communities that make up the MNCJO region.
- Research instruments to be used include a 10-minute phone survey of 600 residents, (and an additional five questions to test regional/local issues), three focus groups (one for each LGA) and detailed reporting.

Given that the outputs and benefits from undertaking this work would accrue to both the MNCJO and to the three member Councils, the proposal put to the MNCJO Board at its meeting of 5 December 2018, was that the MNCJO fund 50% of the cost of this project, with the remaining 50% contributed by the three member Councils, on the basis that the benefits will also accrue to the individual member Councils. It is due to this potential split of costs that Recommendation 2 of this report requests Council allocate funding to cover this Council's contribution to this work.

### **Options**

Council can resolve to adopt the recommendations as included in this report or resolve in some other manner.

**Community Engagement & Internal Consultation**

There has been no community engagement in relation to this report. Internal consultation has been undertaken with the MNCJO and Councils Directors and General Manager.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report. However undertaking a project such as WLGM will contribute towards the community engagement for the revised Community Strategic Plan that is required (under legislation) to be reviewed in 2020-2021.

**Financial & Economic Implications**

The financial implications of this report relate to Recommendation 2 included in this report, where it is recommended that Council allocate \$14,000 from the remaining funds left from Councils previous membership of the Mid North Coast Regional Organisation of Councils (MIDROC), to contribute to this project.

Following Councils resignation from MIDROC in July 2018, a reconciliation was undertaken of the MIDROC financials and this Council has received its allocation from the remaining MIDROC funds of \$41,792.44. It is these funds that have been placed in a Council financial reserve for use as Council sees fit.

For further information around these remaining MIDROC funds, at the 19 September 2018 Council meeting, Council resolved in part to allocate \$5,000 for membership of Regional Cities NSW (RCNSW) from 1 January 2019 to 30 June 2019 from the reserve containing the remaining funding from MIDROC. Therefore if Council resolves to fund the \$14,000 for the WLGM project as detailed in this report and post the payment of the RCNSW funding as detailed above, the remaining MIDROC funds will be \$22,792.44.

**Attachments**

1 [View](#). Why Local Government Matters Summary Report

2 [View](#). Confidential: UTS Proposal - Why Local Government Matters - November 2018 (Confidential)

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**Item: 09.04****Subject: QUESTION FROM PREVIOUS MEETING - COUNCILLOR PORTFOLIO  
SYSTEM****Presented by: General Manager, Craig Swift-McNair**

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**RECOMMENDATION**

**That Council note the response from the General Manager in relation to providing a response to the February 2019 Council meeting on the Councillor Portfolio system.**

**Question from Mayor Pinson:**

Can the General Manager please provide advice to the February 2019 Council Meeting on the resources required (and resultant cost to Council) to operate the Councillor Portfolio system and provide advice on outcomes achieved to-date from the Councillor Portfolio structure.

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

Nil.

**Response**

As responded to verbally by the General Manager at the 21 November 2018 Council meeting in response to the above Question for Next Meeting (QFNM), the General Manager will table a full response to this QFNM at the February 2019 Council Meeting, detailing the resources required and the resultant cost to Council to operate the Councillor Portfolio system. Also included in the response will be information around outcomes achieved to-date from the Councillor Portfolios.

**Attachments**

Nil

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**Item: 09.05**

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

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information 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
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	Data gathering still in progress.	DSG		Dec-18
Wrights Creek Flood Study Update 2018 Report - post exhibition	19/09/18 Item 12.09	Deferred at the request of Councillors to be presented with the Hastings River Flood Study.	DDE	Nov-18	Dec-18
Policy Review - Public Interest Disclosure - Internal Reporting - Post Exhibition	17/10/18 Item 09.04		DCP		Dec-18
Policy Review - Banners Over Public Roads and Reserves Policy - Rescind - Post Exhibition	17/10/18 Item 09.10		DI		Dec-18
Tastings on Hastings - future strategy	18/04/18 Item 10.02	Engagement ongoing.	DSG	Nov-18	Dec-18



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Alternative Investment Options for higher returns  Investments - draft policy	15/11/17 Item 09.10  19/09/18 Item 09.18	This item was referred back to the Audit, Risk & Improvement Committee following a briefing to Councillors. This Committee considered this on 8 November 2018 and a draft Investment Policy will be presented to Council in December 2018.	DCP	Jul-18 Sep-18 Oct-18	Dec-18
Councillor Portfolio Protocol - amend	21/11/18 Item 09.03		GM		Dec-18
QFPM - Legal Advice on Water Fluoridation	21/11/18 Item 13.01		GM		Dec-18
QFPM - Councillor Portfolio System	21/11/18 Item 13.02		GM		Dec-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	Sep-18 Oct-18	Feb-19
PMHC v Mansfield - post 'without prejudice' discussions	15/08/18 Item 14.05	Pending further advice regarding legal proceedings.	DDE	Nov-18 Dec-18	Feb-19
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted	DDE	Dec-18	Feb-19
Supply of Electricity	17/10/18 Item 14.05	Finalising contracts	DCP	Dec-18	Feb-19
Cost Shifting	19/09/18 Item 09.03		DCP		Feb-19
Strategic Land Use Planning - Fernbank Creek and Sancrox - Update Report	19/09/18 Item 12.03		DSG		Feb-19
Grant Application Status Report	17/10/18 Item 09.07		DCP		Feb-19
Long Flat Village Sewer Scheme – Acquisition of Land and Easement – Classify as Operational Land	18/10/17 Item 12.03	Acquisitions still in progress	DI	Nov-18	Feb-19
Airport Precinct Investigation Area - Site Selection for proposed business	21/11/18 Item 12.09		DSG		Feb-19

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
park - planning proposal for Council land					
Policy Review - Risk Management - post exhibition	21/11/18 Item 09.04		DCP		Feb-19
QFPM - Legal Advice on Water Fluoridation	21/11/18 Item 13.01		GM		Feb-19
QFPM - Councillor Portfolio System	21/11/18 Item 13.02		GM		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
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18	Mar-19
Draft PMH DCP 2013 - Highways Gateway Sites - update on public authority consultation	21/11/18 Item 12.05		DSG		Mar-19
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	Apr-19
Innes Gardens Memorial Park Crematorium and Lawn Cemetery	17/10/18 Item 14.01		DCP		Apr-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05		DSG		Apr-19
Vince Inmon Sporting Complex - Master Plan Development	21/11/18 Item 10.04		DDE		Jun-19
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal - Homedale Road Kew - post exhibition	14/12/16 Item 13.07	Awaiting further response from proponent prior to public exhibition based on state agency consultation.	DSG	Oct-17 Dec-17 May-18	TBA
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		TBA
Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King And Campbell Pty Ltd For Rd & MI Tate And Tate Developments Pty Ltd - Post Exhibition	17/05/17 Item 13.05		DSG		TBA
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, Sancro – post exhibition	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
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)		DSG		TBA
T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills - outcome of negotiations and confirming value for money	21/11/18 Item 14.03		DI		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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		2021 (estimate)

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, Sep
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, Apr, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DCP	Quarterly	Feb, May, Aug, Nov
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, 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

Report	Reporting Officer	Reporting Cycle	Month
Council Policy - Status	DCP	Annually	Jul
Recreation Action Plan – Status	DDE	Annually	Jul
Local Preference Policy Outcomes	DCP	Annually	Aug
Annual Report of the Activities of the Mayor's Sporting Fund	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
Compliments and Complaints Annual Report	DSG	Annually	Dec
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

### Attachments

Nil



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**Item: 09.06**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

- 1. Ross Frazier – Building Surveyor.**
- 2. Ray Abbott – Building Surveyor.**

### **Executive Summary**

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

### **Discussion**

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

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

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

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

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

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

**Options**

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

**Community Engagement & Internal Consultation**Community Engagement

No community engagement has been completed.

Internal Consultation

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

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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Item: 09.07

Subject: 2020 ORDINARY LOCAL GOVERNMENT ELECTION

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

That Council resolve that:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993 (NSW)* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. Request the General Manager to submit a report to the February 2019 meeting of Council if the cost estimates provided by the Electoral Commissioner are greater than what is provided in the confidential attachment to the 2020 Ordinary Government Election report.

### Executive Summary

A number of amendments have been made to the *Local Government Act 1993* regarding the conduct of elections, polls and referenda over recent years. One significant amendment has been the removal of the requirement that the NSW Electoral Commission administer Local Government Elections. Councils now have the freedom of choice with regards to the method of administration of council elections, polls and referenda.

The next Ordinary Local Government Election is scheduled for September 2020; Council has a number of options available:

1. Council conducts the 2020 Ordinary Election.
2. Council can partner with an external service provider (partial outsource). This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer.
3. Council can partner with an external service provider (100% outsourced). This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer.
4. Council can engage the NSW Electoral Commission (100% outsourced).



If Council decides to engage the services of the NSW Electoral Commission to administer this election, Council is required to resolve to that effect by 11 March 2019.

If Council does not resolve to engage the NSW Electoral Commission prior to 11 March 2019, Council's General Manager will be responsible for administering the 2020 Ordinary Local Government Election.

## **Discussion**

### Background

Until the late 1980s Town and Shire Clerks were responsible for council elections. In 1987 the *Local Government (Elections) Amendment Act* was introduced which transferred this responsibility to the New South Wales Electoral Commission (NSWEC). Town and Shire Clerks acted as the Returning Officer at the 1987 and 1991 elections but from 1995 onwards independent Returning Officers were appointed by the State Electoral Office (now the NSWEC).

Legislative changes that occurred in 2011 removed the requirement that the NSWEC administer Local Government Elections. Councils now have the freedom of choice with regards to the method of administration of council elections, polls and referenda.

Further amendments, since 2011, have been made to the *Local Government Act 1993* ("LG Act") regarding the conduct of elections, polls and referenda. The most recent changes occurred as a result of recommendations of the NSW Government's Joint Standing Committee on Electoral Matters in its inquiry into the 2012 Local Government Elections.

Section 296 of the LG Act now provides that council elections, polls and referenda are to be administered by the General Manager of the council concerned. However, Councils can engage the NSWEC to administer elections, polls and referenda on their behalf.

If a council decides to engage the services of the NSWEC, the council must pass a resolution, to that effect, 18 months prior to the next Ordinary Local Government Election.

Should Council decide to engage the NSWEC to administer the next Ordinary Local Government Election, occurring in September 2020, it must pass a resolution to do so by 11 March 2019.

As Council now has the freedom of choice with regards to the conduct of elections, polls and referenda, a number of options are available:

### Option 1: Council conducts the 2020 Ordinary Election

Council could conduct the election. The Office of Local Government has released guidelines under section 23A of the LG Act to assist councils and general managers to understand their level of responsibility and accountability if they chose to administer their own election.

If Council administers the election, the General Manager would be responsible for the following:

- Conducting the election.
- Appointing the Returning Officer and substitute Returning Officer.
- Appointing the polling places.
- Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
- Confirming the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees.
- Preparing a list of names of those on the residential roll, who appeared to have not voted at the election, and forwarding this list to the Electoral Commissioner within 14 days (or within a longer period if provided for in the Regulation) of the election.
- Managing the relevant election costs.
- Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.

This option would place significant strain on Council resources, impacting heavily on Council operations.

Option 2: Partner with an external service provider (partial outsource)

Council could partner with an external provider - selectively outsourcing components of the election. This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer. Information is provided in the attachment.

Under this model, the General Manager would hold the responsibilities as are listed under Option 1.

Partial outsourcing is not available utilising the expertise of the NSWEC.

Option 3: Partner with an external service provider (100% outsource)

Council could partner with an external provider - outsourcing the administration of the entire election. This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer. Information is provided in the attachment.

Under this model, the General Manager would hold the responsibilities as are listed above, under Option 1.

Option 4: Engage the NSW Electoral Commission (100% outsource)

Council could engage the NSWEC - outsourcing the administration of the entire election.

Under this model, the Electoral Commissioner, not the General Manager, would hold the following responsibilities:

- Conducting the election.
- Appointing the Returning Officer and substitute Returning Officer.
- Appointing the polling places.
- Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
- Managing the relevant election costs.
- Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.

Regardless of the option chosen, there are certain legislative requirements that the General Manager is required to fulfil, these are the confirmation of the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees (Section 299 and 300 of the LG Act).

#### Pricing

Costs estimates from potential external providers have been identified.

*Please refer to the confidential attachment titled "2020 Ordinary Local Government Election Pricing" which contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 section 10A(2)(d)(i)).*

#### Factors for Consideration

##### *Factors for Consideration: Engaging the NSWEC*

- Election 'at arm's length'.
- Electoral Commissioner holds responsibility of the election.
- NSW Electoral Commission very experienced.
- Minimal burden on current Council operations.

##### *Factors for Consideration: Engaging an external election service provider*

- General Manager's responsibilities include:
  - Conducting the election.
  - Appointing the Returning Officer and substitute Returning Officer.
  - Appointing the polling places.
  - Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
  - Confirming the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees.
  - Preparing a list of names of those on the residential roll, who appeared to have not voted at the election, and forwarding this list to the Electoral Commissioner within 14 days (or within a longer period if provided for in the Regulation) of the election.
  - Managing the relevant election costs.
  - Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.

- Returning Officer:
  - Cannot be an employee of Council.
  - Cannot be a friend/relative of the Mayor, Councillors or General Manager.
  - Cannot vote in the election.
- Access and availability to suitably qualified election officials.
- Increased Council staff responsibilities and burden of risk.
- Perception of 'independent' conduct of election.
- Storage of election material (post-election).
- Council is not emerging from Administration at this election.

Further detail on both the General Manager's and Returning Officer's duties can be obtained from the Office of Local Government [s23A Guideline: Council Administered Elections](#)

### **Options**

1. Council conducts the 2020 Ordinary Election.
2. Council can partner with an external service provider (partial outsource).
3. Council can partner with an external service provider (100% outsourced).
4. Council can engage the NSW Electoral Commission (100% outsourced).

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

#### Community Engagement

No community engagement undertaken.

#### Consultation

- General Manager.
- Director Corporate Performance.
- Group Manager Governance and Procurement.
- Regional Procurement.
- NSW Electoral Commission.

### **Planning & Policy Implications**

Section 296 of the LG Act now provides that Council elections, polls and referenda are to be administered by the General Manager.

However, under section 296(2) of the LG Act, Council has the option to engage the services of the NSWEC, should it decide to do so.

#### Engaging the NSWEC

Should Council wish to engage the NSWEC to conduct the 2020 Ordinary Local Government Election, Council must:

1. Resolve to engage the NSWEC no later than 18 months prior to the next Ordinary Local Government Election, being 11 March 2019.
2. Enter into an arrangement, by contract, no later than 15 months prior to the next Ordinary Local Government Election, being June 2019.



Any time after the 2020 Ordinary Local Government Election, either Council or the NSWEC can terminate the contract by giving four (4) weeks written notice to the other party.

If the contract isn't terminated beforehand, it automatically expires 18 months prior to the 2024 Ordinary Local Government Election, being March 2023.

Section 55(3)(p) of the LG Act permits Council to enter into a contract with the NSWEC to administer the Council's elections, Council polls and constitutional referendums without having to invite formal tenders, even though the cost of any Ordinary Local Government Election will exceed the \$150,000 tendering threshold.

#### Not engaging the NSWEC

If Council does not resolve to engage the NSWEC prior to 11 March 2019, the General Manager will be responsible for administering the 2020 Ordinary Local Government Election.

Should Council resolve to administer the 2020 Ordinary Local Government Election itself, such a resolution should specify (on advice from the Office of Local Government):

1. Whether the General Manager intends to administer elections personally or to engage an electoral services provider; and
2. If the General Manager intends to administer elections personally, whether the General Manager has identified any persons to be appointed as the Returning Officer and substitute Returning Officer and, if so, their names; and
3. If the General Manager intends to engage an electoral services provider, whether the General Manager has identified an electoral services provider and, if so, the name of that provider.

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

Council is financially prudent regarding the cost of the four (4) yearly Ordinary Local Government Election.

Council is currently allocating \$50,000 into a reserve each year to cover the General Fund component of the election. The remaining amount will be funded through the overhead charge by water, sewerage and waste.

The balance of the reserve at 30 June 2019 should be \$235,747. This is sufficient to cover the general fund component of the election in 2020.

#### **Attachments**

- 1 [View](#). Confidential: 2020 Ordinary Local Government Election Pricing  
(Confidential)

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**Item: 09.08**

**Subject: CODE OF CONDUCT COMPLAINT STATISTICS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Code of Conduct Complaint Statistics for the period 1 September 2017 to 31 August 2018.**

### **Executive Summary**

The "*Procedures for the administration of the Model Code of Conduct*" state that Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council each year.

Council's Complaints Coordinator, Group Manager Governance and Procurement, has prepared the required statistics for Council.

The statistics pertain to the period 1 September 2017 to 31 August 2018.

### **Discussion**

Clause 12.1 of the "*Procedures for the administration of the Model Code of Conduct*" state that the Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Additionally, clause 12.2 of the "*Procedures for the administration of the Model Code of Conduct*" states that Council is to provide the Office of Local Government a report containing the statistics detailed in clause 12.1 within three (3) months of the end of September each year.

Council's Complaints Coordinator, Group Manager Governance and Procurement, has prepared the required statistics for Council.

Code of Conduct Statistics

1	a) The total number of complaints received in the period about Councillors and the General Manager under the Code of Conduct	2
	b) The total number of complaints finalised in the period about councillors and the General Manager under the code of conduct	2
2	a) The number of complaints finalised at the outset by alternative means by the General Manager or Mayor	0
	b) The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c) The number of code of conduct complaints referred to a conduct reviewer	2
	d) The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e) The number of code of conduct complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by conduct reviewer	1
	f) The number of finalised code of conduct complaints investigated by a conduct reviewer	1
	g) The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h) Number of finalised complaints investigated where there was found to be no breach	0
	i) Number of finalised complaints investigated where there was found to be a breach	1
	j) Number of complaints referred by the General Manager or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k) Number of complaints being investigated that are not yet finalised	0
	l) The total cost of dealing with Code of Conduct complaints within the period made about Councillors and the General Manager including staff costs	\$29,130
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
	a) To take no action	0
	b) To resolve the complaint by alternative and appropriate strategies	0
	c) To refer the matter back to the General Manager or the Mayor, for resolution by alternative and appropriate strategies	1

	d) To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	e) To investigate the matter	0
	f) To recommend that the Complaints Coordinator convene a conduct review committee to investigate the matter	0
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:	
	a) That the Council revise its Policies or procedures	0
	b) That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
	a) That the Council revise any of its Policies or procedures	0
	b) That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	1
	c) That the subject person be counselled for their conduct	1
	d) That the subject person apologise to any person or organisation affected by the breach	0
	e) That findings of inappropriate conduct be made public	0
	f) In the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach	0
	g) In the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
	h) In the case of a breach by a Councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
	a) General conduct (Part 3)	0
	b) Conflict of interest (Part 4)	1
	c) Personal benefit (Part 5)	0
	d) Relationship between council officials (Part 6)	0
	e) Access to information and resources (Part 7)	0
8	The number of investigated complaints resulting in a determination that there was a breach in which the Council failed to adopt the conduct reviewers recommendation	0



9	The number of investigated complaints resulting in a determination that there was a breach in which the Council's decision was overturned following a review by the Office	0
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The statistics pertain to the period 1 September 2017 to 31 August 2018.

### Options

No other options.

### Community Engagement & Internal Consultation

#### Community Engagement

The Office of Local Government has been consulted with relating to reporting requirements.

#### Internal Consultation

- General Manager;
- Director, Corporate Performance; and
- Complaints Coordinator (Group Manager Governance and Procurement).

### Planning & Policy Implications

This report satisfies the requirement of Clause 12.1 of the *"Procedures for the administration of the Model Code of Conduct"*. This section states that the Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

### Financial & Economic Implications

No financial or economic implications.

### Attachments

Nil

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**Item: 09.09**

**Subject: POLICY REVIEW - PUBLIC INTEREST DISCLOSURE - INTERNAL REPORTING - POST EXHIBITION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council adopt the amended Public Interest Disclosure – Internal Reporting Policy.**

### **Executive Summary**

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

During the period from 24 October 2018 to 20 November 2018 the Public Interest Disclosure – Internal Reporting Policy was placed on public exhibition for review and feedback from the public.

There were no submissions received on the policy during the public exhibition process.

### **Discussion**

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

At the Ordinary Council Meeting on 17 October 2018, following a review of the Public Interest Disclosure – Internal Reporting Policy, Council resolved to place the policy on public exhibition from 24 October 2018 for a minimum of 28 days for review and feedback from the public.

The October 2018 Ordinary Council report highlighted the approach to publically exhibit the Public Interest Disclosure – Internal Reporting Policy with amendments.

### **Public Exhibition**

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

There were a total of sixteen (16) visits to Council's engagement website page during the exhibition period. Two (2) documents were downloaded or viewed. No submissions were received from Council's engagement website.

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

The policy is attached (at attachment 1) for Council to consider adopting.

**Options**

Council has the option not to amend the Policy.

**Community Engagement & Internal Consultation**

The subject policy of this report was available for public comment from 24 October 2018 to 20 November 2018 (28 days). No submissions were received.

**Planning & Policy Implications**

This report recommends the amendment of Public Interest Disclosure – Internal Reporting Policy.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

1 [View](#). Policy - Public Interest Disclosure - Internal Reporting Policy

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Item: 09.10

Subject: DRAFT INVESTMENT POLICY

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Place the Revised Investment Policy on public exhibition from 19 December 2018 to 29 January 2019 (42 days, extended due to the Christmas period).
2. Note that a further report will be tabled at the February 2019 Ordinary Council meeting detailing the submissions received from the public in relation to the Revised Investment Policy, during the exhibition period.

### Executive Summary

At the Ordinary Council meeting held on 15 November 2017, Council resolved:

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#### 09.10 INVESTMENTS - OCTOBER 2017

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*RESOLVED: Hawkins/Griffiths*

#### *That Council:*

1. *Note the Investment Report for the month of October 2017.*
2. *Request the General Manager submit a report to a future Council Meeting (before June 2018) after review by the Audit, Risk & Improvement Committee that examines alternative investment options that are likely to give Council a higher return on its investments whilst remaining within approved risk parameters.*
3. *Request the General Manager to submit a report to the February 2018 meeting of Council that reviews the investment income budget for the 2017/2018 Financial Year.*

*CARRIED: 9/0*

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

*AGAINST: Nil*

This report addresses Resolution 2, as well as the requirement to review the Investment Policy annually. This matter was considered by the Audit, Risk &

Improvement Committee on 10 May 2018, however further revisions to the Policy was made following consultation with Council's Investment Advisors.

A briefing to Councillors by Imperium Markets occurred on 12 September 2018.

At the Ordinary Council meeting held on 19 September 2018, Council resolved:

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**09.18 INVESTMENTS - AUGUST 2018**

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*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*

This report addresses Resolution 2 above following consideration by the Audit, Risk and Improvement Committee on 8 November 2018. Given the timing of that meeting, this report has been prepared for the December 2018 agenda.

### **Discussion**

In accordance with the NSW Office of Local Government *Investment Policy Guidelines*, a review of Council's Investment Policy should be conducted on an annual basis.

As part of the annual review and also fulfilling the requirements of the above resolution from November 2017, the management of Council conducted the following:

1. Performed a significant review of internal procedures;
2. Engaged independent investment advisors 'Imperium Markets' (it is noted that the advisors do not receive broker fees for investments placed);
3. Acquired an Investment Portfolio management tool;
4. Reviewed the Investment Policy (Refer Attachment 1 for the current approved Investment Policy and Attachment 2 for the Revised Investment Policy).



The review of the investment policy has resulted in a number of changes, the more significant ones summarised as follows, (Attachment 2 details all changes made):

- The following sections have been added: 'Funds for Investment', 'Legislative Authority for Investments', 'Investment Governance', 'Breaches of Criteria';
- The following components have been included in the mandatory investment criteria: 'scope', 'currency', 'ownership', 'term / maturity';
- The performance management section has been expanded to provide more information and guidance;
- Investment authorisation requirements and detail of responsibilities attached to individual staff have been removed as they relate to strategy rather than policy matters;
- The short-term credit rating approval category has been added with S&P rating descriptions removed;
- The minimum portfolio exposure requirement has been removed;
- Portfolio exposure: changed A rating to 60% (from 55%) and BBB rating to 30% (from 15%);
- Institutional exposure: changed AAA rating to 40% (from 45%), AA rating to 30% (from 40%) and A rating to 20% (from 15%);
- Maturity requirement: changed 3 to 5 years from 30% to 40% (and to 5.5 years);
- Maturity requirement: changed 5 years and greater from 15% to 20% (and to 5.5. years);
- Inclusion of Floating rate Notes as an investment option.

In relation to risk management framework criteria, Council management performed a benchmarking exercise of these criteria against a number of other councils to ensure that the proposed framework is consistent with industry standards. No significant outliers were noted.

The Audit, Risk & Improvement Committee have considered the revised Policy and proposed changes at their most recent meeting held on 8 November 2018. The Committee resolved as follows:

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### 13 DRAFT INVESTMENT POLICY

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*Rebecca Olsen, Director Corporate Performance, addressed the Committee and answered questions.*

*Nicole Spencer, Acting Group Manager Financial Services, addressed the Committee and answered questions.*

**RESOLVED:** *Parkinson/Marchant*

*That the Audit, Risk and Improvement Committee:*

1. *Note the Draft Investment Policy.*
2. *Recommend to Council that the Draft Investment Policy be adopted.*

**CARRIED:** 4/0

**FOR:** *Hawkins, Intemann, Marchant and Parkinson*

**AGAINST:** *Nil*

Floating Rates Notes

As noted above, the Investment Policy has been modified to include Floating Rates Notes (FRNs) as an investment option.

In the Investment Report to the April 2018 Ordinary Council meeting, Council's investment advisors, Imperium Markets, stated that deposit margins were currently tightening and a way of mitigating the potential reduction in investment returns was to introduce FRNs into Council's portfolio. FRNs offer the following benefits whilst still being classified as senior ranking financial assets:

- Provide a greater degree of liquidity, with term deposits requiring a minimum of 31 days notice to break term;
- Potential to attract higher rates than term deposits;
- Potential to realise capital gains.

FRNs are allowable investments under the Ministerial Investment Order. Their introduction into Council's investment portfolio would allow greater diversification and flexibility in managing the portfolio and provide greater ability to maximise returns whilst remaining within approved and acceptable risk parameters.

**Options**

Council could make amendments to the recommended policy changes, including the provision to allow investment in FRNs.

**Community Engagement & Internal Consultation**

Consultation has occurred with:

- Relevant Finance staff;
- Imperium Markets;
- The Executive;
- Council via Councillor briefing (12 September 2018) and;
- The Audit, Risk and Improvement Committee (8 November 2018)

In relation to the Councillor briefing, it is noted that Imperium Markets briefed Councillors on Council's investment policy and investment portfolio, in particular focusing on the merits of introducing FRNs into the investment portfolio (refer Attachment 3 for a copy of the presentation). *Confidential Attachment 3 titled "Imperium Markets Presentation" provides commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Local Government Act 1993 - Section 10A(2)(d)(i).*

Following this briefing, a concern in relation to FRNs were raised – citing an article (noting the source of the article was unclear). The concerns were forwarded to Imperium Markets for comment. Refer Attachment 4 for the article and Imperium Markets' response.

In relation to the Audit, Risk and Improvement Committee, the Committee resolved:



*RESOLVED: Parkinson/Marchant*

That the Audit, Risk and Improvement Committee:

1. Note the Draft Investment Policy.
2. Recommend to Council that the Draft Investment Policy be adopted.

### **Planning & Policy Implications**

There are no planning implications in relation to this report. This report recommends amending the existing Investment Policy.

### **Financial & Economic Implications**

The Investment Policy frameworks and requirements can positively impact returns through its regulation of investments. This review of the Investment Policy was undertaken with a view to increase returns on Council's investment portfolio.

### **Attachments**

- 1[View](#). Current Approved Investment Policy
- 2[View](#). Revised Investment Policy
- 3[View](#). Confidential: Imperium Markets Presentation (Confidential)
- 4[View](#). FRN Article and Clarification

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**Item: 09.11****Subject: MONTHLY BUDGET REVIEW - NOVEMBER 2018****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

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

1. **Adopt the adjustments in the "Budget Variations – November 2018" section of the Monthly Budget Review - November 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 November 2018.

The Council adopted a budget position as at 1 July 2018 being a shortfall of \$511,873, and as at 30 November 2018 that shortfall had been reduced to \$364,608. The budget adjustments contained in this report will maintain that reduced 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

<b>Original Budget as at 1 July 2018</b>	<b>Shortfall</b>	<b>(\$511,873)</b>
<u>Plus adjustments:</u>		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Surplus	\$147,265
November Review	Balanced	\$0
<b>Forecast budget position for 30 June 2019</b>	<b>Shortfall</b>	<b>(\$364,608)</b>

November 2018 Adjustments

There are no adjustments in this report that impact Council's current budget position.

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	\$560,000
Reserve Transfers	2	Reserve	\$91,951
Contributions	3	Contribution	\$0
Section 7.11 Contributions	4	S 7.11 Contributions	\$3,500
Over-expenditure Reviews	5	Reserve	\$0
Transfer between projects	6	Reserve/Revenue	\$375,608
Council Resolutions	7	Grant/Loan/Reserve	\$0
<b>Total</b>			<b>\$1,031,059</b>

1. *Grant funding*

The total increase in grant funding value for 2018-2019 is \$560,000.

Council project	Grant provider	Grant Amount	Other Funding*	Section
Illaroo Road Stormwater Redirection Construction	NSW Office of Environment and Heritage	\$360,000	\$360,000	Natural Resource Management
Ocean Drive Upgrade	NSW Roads and Maritime Services(RMS)	\$200,000	\$0	Infrastructure Delivery
<b>TOTAL</b>		<b>\$560,000</b>	<b>\$560,000</b>	

\* 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
Lake Cathie Asbestos Investigation and Remediation	Environment Levy	Transfer from	\$0	\$20,730	Funds to assess the extent of the contamination and provide remediation options based on the assessment.
Sports Development Fund Grants	Environment Levy	Transfer from	\$0	\$71,221	Funding for the Hastings Valley Motorcycle Club through the Sport Development Fund Grants.
<b>Net Transfer from reserves</b>				<b>\$91,951</b>	

3. *Contributions*

Nil

4. *Utilisation of Section 7.11 Contributions*

Project	Amount	Comments
Red Ochre Vegetation Management Plan (VMP)	\$3,500	Bushfire fuel management activity.
<b>Total</b>	<b>\$3,500</b>	

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

Nil

6. *Transfer between projects*

Transfer from	Transfer To	Amount	Comments
Coastal/Estuary Management Plan	Illaroo Road Stormwater Redirection Construction	\$360,000	Funds reallocated to match grant funds relating to the Illaroo stormwater redirection.
Hastings River Drive Design - Hughes Place to Boundary Street	Hastings River Drive & Boundary Street Upgrade	\$15,608	Additional funding required due to complex environmental issues arising from proposed flood mitigation works.
<b>Total</b>		<b>\$375,608</b>	

**7. Council resolutions**

Nil

**Options**

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

**Community Engagement & Internal Consultation**

Not Applicable.

**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 budget position at a reduced shortfall of \$364,608.

**Statement by Responsible Accounting Officer**

*“The adopted original budget result for 2018-2019 was a shortfall of \$511,873. Previous budget adjustments have improved that position to \$364,608 with the variations contained within this report maintaining that position. The remaining shortfall position is still 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](#). November 2018 Budget Variations

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**Item: 09.12**

**Subject: INVESTMENTS - NOVEMBER 2018**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Investment Report for the month of November 2018.**

### **Executive Summary**

- Total funds invested as at 30 November 2018 equals \$299,548,147.
- Interest for the month of November was \$664,489.67.
- The year-to-date investment income of \$3,512,663 represents 48% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 1.12% above the benchmark (3.03% against 1.91%). Benchmark being the Bank Bill reference rate as at 30 November 2018 as identified on [www.bloombergindices.com](http://www.bloombergindices.com).

### **Discussion**

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

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

### **Overview**

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie Airport;
- Cemeteries;
- Roads and Bridges;



- Various Recreation and Cultural facilities.

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. 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 November 2018, the investments held by Council totalled \$299,548,147 and were attributed to the following funds:

General Fund	132,133,683
Waste Fund	15,909,002
Water Fund	93,632,760
Sewer Fund	56,488,790
Sanctuary Springs Fund	38,941
Broadwater	1,344,971
	<hr/>
	<b>299,548,147</b>
	<hr/>



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 1.12% above the benchmark (3.03% against 1.91%) and year to-date income is 48% 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 - November 2018
- 2 [View](#). Port Macquarie-Hastings Council Portfolio as at 30 November 2018

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**Item:** 09.13

**Subject:** POLICY RESCISSION - BANNERS OVER PUBLIC ROADS AND  
RESERVES POLICY - POST PUBLIC EXHIBITION

**Presented by:** Infrastructure, Jeffery Sharp

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council rescind the Banners over Public Roads and Reserves Policy.**

### **Executive Summary**

At the Ordinary Council Meeting held on 17 October 2018, Council resolved to place the rescindment of the Banners over Public Roads and Reserves Policy on public exhibition.

The policy was subsequently placed on public exhibition from Monday 22 October until 18 November 2018 (28 days). During the exhibition period, zero submissions were received in support or opposition of the proposed rescindment of this policy.

### **Discussion**

At the Ordinary Council meeting held on 17 October 2018, Council resolved as follows:

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*

### **Public Exhibition**

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

There were a total of 15 visits to Council's engagement website page during the exhibition period. 1 document was downloaded or viewed. Zero submissions were received, in support or opposition of the proposed rescindment of this policy.

Accordingly, it is recommended to rescind the subject Policy.

**Options**

Council has the option to rescind or not to rescind the Banners over Public Roads and Reserves Policy identified within this report.

**Community Engagement & Internal Consultation**

The policy that is the subject of this report were available for public comment from *Monday 22 October to 18 November 2018* (28 days). During this period, zero submissions were received.

**Planning & Policy Implications**

This report recommends the rescindment of the Banners over Public Roads and Reserves Policy.

**Financial & Economic Implications**

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

**Attachments**

1 [View](#). Banners over Public Roads and Reserves Policy

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**Item: 09.14****Subject: COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2017-2018****Presented by: Strategy and Growth, Jeffery Sharp**

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**Alignment with Delivery Program**

1.4.3 Deliver a customer focused service that provides the community a consistent experience of Council.

**RECOMMENDATION**

**That Council note the Compliments and Complaints Annual Report for 2017-2018.**

**Executive Summary**

In 1998, Port Macquarie-Hastings Council adopted a compliments and complaints management system. As a result, compliments and complaints are an action in the 18/19 Operational Plan and are reported on an annual basis.

Council is currently undertaking a Customer Experience Project which to assist us in understanding our customer interactions and what our customer's value when it comes to dealing with Council. The reason for the project is to help us focus Council on creating an organisation where customers are at the heart of what we do and we needed to work with staff and the community to find out the best way to do that. Complaints and compliments and how we report them will be reviewed as part of this project.

This report summarises all compliments and complaints received across the financial year from 1 July 2018 to 30 June 2018.

A total of 248 written compliments for Council staff were received during the 2017-2018 which is 12% increase from the 220 compliments received during 2016-2017.

A total of 187 complaints were received and 185 resolved during this period which is 302% increase compared to the 55 complaints during 2016-2017. The significant increase in complaints can be attributed to the whale burial accounting for 74% or 131 complaints.

Customers are increasing their use of social media, predominately Facebook, to interact with Council and provide feedback.

**Discussion**Compliments for Staff

Compliments noted in this report are those received from customers in written format through a variety of channels including letters, emails and customer feedback forms. Compliments noted in social media are not included in this report.

The attached Port Macquarie-Hastings Council summary of staff compliments report 2013 - 2014 to 2017 - 2018 (Attachment 2) categorises compliments by the basis for the compliment and the business unit.

A breakdown of the current year's basis of customer compliments is as follows:

Exceptional service delivery	80%
New Council initiative	3%
Successful partnership	6%
Community relations enhancement	11%

"Community relation enhancements" recognised by members of the community during this reporting year included:

- The difficult task of removing the whale and the great job done by all involved
- Council implementing the ferry SMS messaging service

Council's Development and Environment Services recorded the greatest number of compliments - 114 of the 248 received this year. Importantly, 65 of these related to Recreation & Building.

The top business units to be recognised through compliments were:

Recreation and Building	26%
Roads	21%
Community Place including Customer Service	10%
Building and Development	9%

Staff compliments are one way to measure the community's satisfaction with services delivered by Council.

Complaints against Council services

Complaints are defined by Council's Customer Service Policy as "an expression of dissatisfaction with Council's policies, procedures, charges, agents or quality of service. This definition aligns to the guideline on "Complaint Management in Councils" published by the NSW Ombudsman and the Division of Local Government.

Complaints are differentiated from action requests (referrals) which are defined as "the request for provision of a Council service".

The attached Port Macquarie-Hastings Council Summary of Complaints Report 2013 - 2014 - 2017 - 2018 (Attachment 1), categorises complaints by the reason the customer lodged the complaint and by the business unit responsible to resolve the complaint.



Council staff members monitor complaints and respond in a timely manner to improve service delivery and build a more positive customer experience.

A total of 187 complaints were received and resolved during this period which is 302% increase compared to the 55 complaints during 2016-2017. The major reason for the increase was the 131 complaints related specifically to the whale burial.

Of the 187 complaints resolved in 2017-2018, 166 or 89% were resolved within 7 days and 21 or 11% were resolved within 28 days.

Council also tracks customer requests which are defined as “the request for provision of a Council service” by an individual or group. There were 24,836 customer requests received during 2017-2018 which is a 2.5% increase compared to 24,225 received during the 2016-2017 reporting year. The three areas with the most customer requests were:

- Road maintenance - 3,061
- Infringements - 2,237
- Bins - 1,685

#### Customer Experience Project

In April 2018 Council engaged Future Reference to assist us in understanding our customer interactions and what our customers value when it comes to dealing with Council. This project will determine what areas of customer interactions Council should focus on, creating an organisation where customers are at the heart of what we do. The project included engaging with Staff and the Community to find out the best way to do that.

Over the past six months Future Reference working with Council to help us understand more about our customers, our business (what data we have on interactions and how this meets the need of our customers) as well as investigating tools we can use in the future and what future trends will impact our customer experiences. The aim is to look at Council processes and understand what our customer's value, to develop a change in the ways we can work now and into the future with a focus on how we can be truly *Customer Centred*

The Customer Experience Project to date has included:

- Data gathering on over 600 types of interactions across the business – phone call, letters, emails, payments etc;
- A series of interviews with staff - about 50 staff from across all areas of our business, this produced the Customer Experience (CX) maturity report;
- A journey mapping workshop with another 50 staff;
- A mega trend workshop to understand future trends impacting Customer Experiences;
- Undertook observations - call centre, front counter, email processes and, offsite locations;



- Visitor Survey – during Ironman to understand visitors impressions of Port Macquarie Hastings Council;
- A Community survey;
- Development of a Human centred Design toolkit to assist in building the capacity of the organisation to find solutions to interactions into the future;
- Developing an interaction assessment toolkit;
- Ideation Workshops (ideas + Creation = ideation). This included both staff and community members working together to solve the issues of today while ensuring that we dream of better ways to work and create a better future tomorrow. Through this combined session (with staff and Community members from business, community groups and community champions) over 200 ideas were generated.
- Additional ideation sessions with Future Reference and the project team to refine and review the final Customer Experience Plan and recommendations
- Workshops with the Executive, Councillors and the Senior Leadership Team
- Additional Executive workshops to prioritise the recommendation and develop an action plan for 2019

The Customer Experience Plan will influence the way we undertake and measure community interactions into the future making a change to being more customer centred. This will impact on how we gather, record and report on customer complaints, compliments and interactions and how we can learn from them.

A future report to Council will detail further the plan and associated action plan.

### **Options**

Council may seek additional information in relation to this report.

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

Internal engagement to raise awareness of the current Customer Experience Charter and Customer Service Policy is ongoing and forms part of the employee handbook and induction program.

The Customer Experience Project has also raised awareness regarding Council approach to being more customer centred focus. There has been key engagement with staff and the community regarding Customer interactions between April and August 2018.

### **Planning & Policy Implications**

Through the Customer Experience Project a review of the current Customer Experience Charter and Customer Service Policy is underway and the approach to reporting on customer compliments and complaints may change.

**Financial & Economic Implications**

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

**Attachments**

1[View](#). 2017 - 2018 Complaints Summary

2[View](#). 2017 - 2018 Compliments Summary

# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

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

**How we will get there**

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

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**Item: 10.01**

**Subject: DRAFT MRS YORK'S GARDEN MASTER PLAN**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information contained in the Draft Mrs York's Garden Master Plan report.**
- 2. Place the Draft Mrs York's Garden Master Plan on public exhibition for 42 days from 14 December 2018 to 25 January 2019.**
- 3. Request the General Manager provide a report to the March 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.**

### **Executive Summary**

For a number of years the Friends of Mrs York's Garden (FMYG) have been actively restoring the Mrs York's Garden area. This volunteer group has proven to be highly effective in restoring and improving the area and in short time has completed the full scope of works identified in the Council *adopted Friends of Mrs York's Garden Future Projects Plan*.

Not wanting to deter FMYG from undertaking further improvements in this area, Council has adopted a budget within the 2018/19 Operational Plan for the development of a Master Plan for the area so that the volunteer group has a well thought out long term plan that they can implement in partnership with Council and other interested stakeholders.

The purpose of this report is to present the draft Master Plan for Council's consideration and seek its endorsement for the purpose of public exhibition with the aim of getting broader community feedback on the long term vision for this space.

### **Discussion**

Mrs York's Garden is located adjacent to the northern side of Stewart Street and Clarence Street between Allman Hill and Goal Point Port Macquarie. It is an important and highly valued asset for both visitors and the Port Macquarie Hastings community.

Maintenance of certain areas declined during the early 1970s and eventually abandoned, until the local community group FMYG sought to re-establish the garden in 2015.

The development of the Mrs York's' Garden Master Plan is considered an organisational priority and is included in the 2018/19 Operational Plan as Action 2.3.4.15.

The key objective of the Master Plan is to produce an overall plan of the Mrs York's Garden precinct which will provide a clear direction for all future works within the garden. This will enable all stakeholders to work towards a well-coordinated and common goal while ensuring that the overall vision and character of the garden is met.

The Master Plan will:

- Ensure integration of all past and future works
- Ensure integration with adjoining public spaces including the Town Beach Master Plan
- Guide the Friends of Mrs York's Garden and allied community groups into future works, programming and resourcing
- Provide the basis for future grant applications and budget allocations
- Provide a basis for engagement with surrounding residents and other stakeholders
- Highlight to local residents and visitors the ongoing works proposed

Key features of the draft Master Plan include:

- Improvements to the Allman Hill area including connecting pathways, interpretation of the historical significance of the site and seating.
- Interpretation of the windmill and waterfall features formerly located in the gardens.
- Upgrading of walkways throughout the reserve.
- Potential for terracing in the southern section of the reserve to increase passive recreational opportunities.
- Installation of a new picnic shelter adjacent to Stewart Street.

### **Options**

Council has the option to:

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

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

Consultation with FMYG commenced on 22 August 2018 with input sought from the group to assist with the development of the draft Mrs York's' Garden Master Plan. A total of nineteen (19) topics were raised from the engagement with one common theme to retain the sites tranquillity was discussed during the workshop.

There has been internal consultation with staff from the following sections of Council in development of the draft Master Plan:

- Community Engagement
- Environmental Services
- Recreation and Buildings
- Transport and Stormwater Network
- Water and Sewer.

The above mentioned engagement has informed the development of the draft Mrs York's Garden Master Plan.

Subject to endorsement by Council, it is proposed to exhibit the plans for an extended period between 14 December 2018 and 25 January 2019. This is to compensate for the exhibition period including the Christmas and New Year holidays.

Community engagement strategies to broaden awareness of the draft Master Plan will include:

- A dedicated 'Have Your Say' project page
- On-site signage
- Social media posts
- A community drop-in session at Mrs York's Garden.

A report outlining community feedback provided during the public exhibition period will be the subject of a report for consideration at the March 2019 Ordinary Council Meeting.

### **Planning & Policy Implications**

A majority of works identified in the draft master plan are considered as Exempt Development or Development permitted without consent as identified in sections 65 and 66 of State Environmental Planning Policy (infrastructure) 2007.

Allman Hill Burying Ground at Port Macquarie is of State Heritage Significance as a place of historical, social, architectural, cultural, archaeological and aesthetic significance for the Hastings region and the State of New South Wales. On this basis, no excavation is permitted and identified works will be limited to above ground.

### **Financial & Economic Implications**

\$50,000 has been allocated for the purpose of developing the Mrs York's Garden Master Plan and approvals required to allow for the scope of works to be delivered.

A priority schedule and indicative costs for the scope of works will be developed to support implementation of the Master Plan. This information will be developed in consultation with FMYG.



**Attachments**

- 1 [View](#). Master Plan - Mrs York's Garden - Preliminary Site Analysis Plan - Final DRAFT
- 2 [View](#). Master Plan - Mrs York's Garden Overall Masterplan - Final DRAFT
- 3 [View](#). Master Plan - Mrs York's Garden - Detail Plan North - Final DRAFT
- 4 [View](#). Master Plan - Mrs York's Garden - Detail Plan Central - Final DRAFT
- 5 [View](#). Master Plan - Mrs York's Garden - Detail Plan East - Final DRAFT
- 6 [View](#). Master Plan - Mrs York's Garden - Sections A & B - Final DRAFT
- 7 [View](#). Master Plan - Mrs York's Garden - Sections C, D & E - Final DRAFT



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**Item: 10.02**

**Subject: FUTURE STRATEGY FOR TASTINGS ON HASTINGS**

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

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**Alignment with Delivery Program**

2.5.1 Support cultural activities within the community.

**RECOMMENDATION**

**That Council:**

- 1. Note the information presented in the report.**
- 2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.**
- 3. Cease organising Tastings on Hastings from 2020, and invest in other, local events through the establishment of a 'Local Grown' event category as detailed in Option C within the report.**

**Executive Summary**

Following the 18 April 2018 Council resolution to not deliver a Tastings on Hastings event in 2018, Council staff focused efforts on the successful delivery of the 200 Together Bicentenary event on Sunday 28 October on Town Square and Green. Whilst attendance was affected by weather conditions, this event was a great success and demonstrated the value in bringing together some 13 community groups to showcase their work, as well as entertainment, food and market stalls with local heritage and cultural activities.

With regards to the future of Tastings on Hastings, community engagement has been undertaken to seek community views on the Tastings on Hastings event, to understand the elements of Tastings which are most valued by our community and the consider the potential for future Council 'marquee' events focus. Broadly, this engagement process attracted strong participation from Tastings on Hastings attendees who felt it is important for Council to continue to deliver Tasting on Hastings with a strong focus on delivering an event with food and alcohol.

There is no right answer to delivering events and Council will need to consider the options for the future of Tastings on Hastings that include;

- continuing with the event in a similar format to 2017;
- developing a new format for the Tastings on Hastings Event
- not deliver Tastings on Hastings and as an offset;  
direct Council support to a range existing events across our region including a increased focus on developing Artwalk as a unique cultural event to become our primary community and destination event;  
or continue with a Bicentenary style or community celebration event.

**Discussion**

Council will recall considering the future of the Tastings on Hastings event during early 2018, and ultimately at the 18 April 2018 Ordinary Council meeting it was resolved;

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**10.02 TASTINGS ON HASTINGS**

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*RESOLVED: Cusato/Hawkins*

*That Council:*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

This report seeks to address the resolution of 18 April 2018 and provides an update on various matters stemming from that resolution.

**2018 Bicentenary Event**

The 200 Together Bicentenary event was successfully delivered on Sunday 28 October on Town Square and Town Green. Whilst attendance was affected by the overcast and showery weather conditions, this event was considered a great success and demonstrated the value in bringing together some 13 community groups to showcase their work, as well as entertainment, food and market stalls with local heritage and cultural activities.

Over 3000 people enjoyed local entertainment on the Town Green stage, Birpai Barray Aboriginal Experiences, offerings from local food vendors, a range of market stalls offering local art and craft, and engagement with local community groups.

Feedback around the event indicated great support for the event as a way to share with the community what and who our local community champions are and highlight our history. There was some constructive feedback on the layout that would need to be considered for future events, but those that attended enjoyed the mix of stalls, entertainment and food offerings.

With Bicentenary celebrations identified to occur over the coming three years through to 2021, an option to continue with such a community cultural and heritage event of this nature exists.

Council received positive feedback from many members of the community as well as stall holders and food vendors about the event. Of most note was the positive feedback

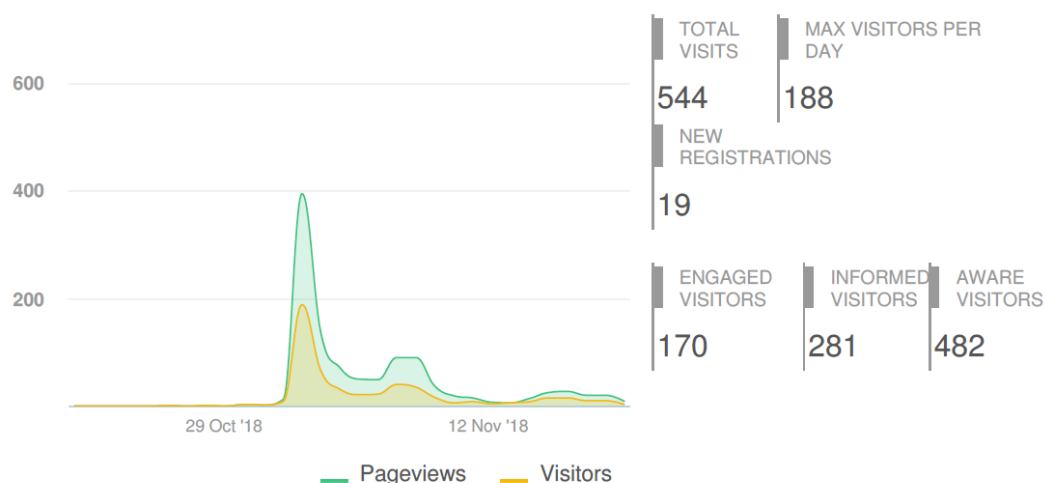
we received from the various community groups that attended on the day as often these groups have limited exposure to large number of our community and support and interest that they gauged on the day was outstanding. This feedback points to some of the unique value that can be offered by such a community focused event.

#### Tastings on Hastings Engagement Summary

To address the potential need and form of future events, community engagement on Tasting on Hastings was undertaken in October and November 2018. This included an online survey on Have Your Say as well as static displays in Council's Libraries and a pop up survey in the Port Macquarie CBD.

Some 172 community members took the opportunity to have their say on the Tastings event during the engagement period. This was a combination of online engagement, face to face engagement and submissions to Council.

#### Visitors Summary



#### Have your Say – Summary report

The results indicate 149 who provided feedback have attended Tasting on Hastings and most also regularly attend events such as Slice of Haven, the Foreshore Markets and to a lesser extent Blues and BBQ Festival and a range of other regular local markets which offer local food, beverages and produce. The vast majority of respondents feel it is important for Council to continue to deliver the event.

When questioned around the element of the event which are most important to them, the competitions, such as the Bio-cup and eating competitions and satellite events rated highest, with strong importance also on food workshops, a licenced event, cultural elements, a family friendly event, market stalls and low-cost entry. Interestingly, 'support to local producers' rated lowest on the importance – perhaps an indicator that locals feel they have good access to local producers via a range of regular outlets/market opportunities.

The local produce, food and wine/beer event environment

In 2002, Tastings on Hastings was born of the desire to promote the region's producers, from relatively humble beginnings as a large farmer's-style market at the Port Macquarie Racecourse. At this time, the region had few, if any, alternative options for producers to display, promote and sell their products. Fifteen years on, Council has successfully delivered Tastings on Hastings each year (up until 2017), and the event has grown considerably. In recent years and with a new CBD location, it has attracted up to 14,000 attendees and requires significant investment of funds and staff resources to deliver.

In recent years, the food and beverage scene in the region has flourished, with many markets and festivals now having a strong foodie focus and providing an opportunity for producers, food and beverage manufacturers and artisans to exhibit and sell their products. These include both recurring/regular events and those which may only be annual or adhoc such as:

- Slice of Haven
- Oysters in the Vines
- Twilight Food Market
- Twilight Tastings Wauchope
- Artwalk
- Beef in the Vines
- Landcare Farmgate Tours
- Blues and BBQ Festival
- Golden Bean
- Foreshore Market
- Artists Market
- Wauchope Farmers Market
- Real Food Market
- Laurieton River Walk Markets
- Kendall Showground Markets
- Port Macquarie Art Society Market Bazaar
- Pappinbarra Grown & Gathered Community Market
- Comboyne Agricultural Show

As noted above and by Councillors earlier this year in considering the April 2018 Council report, the landscape has changed significantly since Tastings on Hastings originated. The region's producers now have a range of local opportunities to promote, exhibit and sell. The proliferation of regional food and wine festivals means that it has become increasingly difficult to differentiate Tastings on Hastings in a crowded market. Attracting sponsors, volunteers, stallholders and media has become increasingly challenging, and the introduction of an entry fee and increased stallholder fees has been needed to offset rising event costs. The addition of 'Tastings Ignites', 'Fire Water Harvest' and a series of satellite events over the past few years has been a welcome refresh to the format, however events tend to have life-cycles, and it is possible that without a significant investment of resources, Tastings on Hastings has peaked. Whilst Council can likely continue to deliver the event at recent community/visitor participation levels, there is a question over whether this is the best use of our limited resources, especially when it can be argued that the event is competing directly against like volunteer led events such as Slice of Haven.

Some of the key challenges facing Council in determining whether to deliver Tastings on Hastings is the community sentiment around the event which includes:

- Tasting on Hastings is a much loved community event and acts as an important opportunity for our community to come together;
- Tasting on Hastings is highly resource intensive, and Council is not in the business of large scale event delivery, although there could be an argument for Council involvement in the development of a unique signature event for the region (which Tasting on Hastings is not);
- Expectations around event delivery are now high-spec and sophisticated (and expensive);
- The introduction of a \$5 cover charge to assist with rising costs has been controversial and engagement suggests our community wants a fee free event;
- There are now a large number of 'foodie' related events in the region;
- Council should be providing additional support to community-led events in this category, rather than competing with like events;
- Events have lifecycles, and Tastings is at 'Maturity' (and should cease before it moves into 'Decline').

#### Future Options

##### *Option A – Invest in Tasting on Hastings and continue with successful 2017 format*

The Tastings on Hastings 2017 format is a good reflection of what the community has said is important to them in recent engagement. Should this options be deemed most appropriate, it is proposed the event be delivered by a contracted specialist event manager, noting the significant impact organising such an event has on Council resources and the Community Place team's current priority focus on Community Planning.

As noted comprehensive engagement with event visitors and stakeholders in recent years and more recently in the last month paints a picture of Tastings on Hastings as a much loved event in our annual calendar and the largest annual local community gathering.

In addition, Tastings has provided valuable leverage for our destination public relations through our efforts co-hosting visiting travel, leisure and food writers with Destination NSW.

The costs to deliver events is rising. With Tastings on Hastings in 2017 the event was delivered within the budget, however the hidden cost of staff time hides the true cost of the overall event. With community angst at the entry fees, sponsorship dollars harder to procure and the rising cost of infrastructure to manage the event, Council needs to consider the budget requirements of continuing with the event.

Event expenditure for Tastings on Hastings 2017 was lower than 2016 levels. The expenditure was managed and delivered within and under budget. Noting that there was significantly reduced sponsorship, and due to the smaller site restrictions, limited



opportunities for stallholders compared to previous years, income levels were not met to projected levels, in particular with cash sponsorship, which resulted in an anticipated net cost to Council of \$47,480, compared to a budgeted cost of \$51,700.

Staff time for the event itself was captured in the net cost to Council, however and additional cost of Council staff time (\$27,500) was provided in-kind in the months leading up to the event.

It is anticipated that the net cost to Council for Tastings on Hastings would rise significantly from recent year figures (\$40,000-\$60,000), using a contracted event manager, however, this would ensure Council staff resources can maintain their current focus on Community Planning and implementing the Cultural Plan and the Community Inclusion Plan.

*Option B - Invest in Tasting on Hastings with development of a new event strategy*

Tastings on Hastings 2019 provides us with a great opportunity to build on the success of the much loved community event and to add new exciting and unique elements that will create a point of difference for the event to differentiate it from all the other food and wine festivals across the North Coast. With a key goal to attract more locals to our CBD as well as appeal to visitors to draw more people to our wonderful place.

If Council were to consider this option the event format would need to be developed by February 2019 and reported back to Council. This would be a tight timeframe to deliver the event in October 2019.

*Option C - Cease Tastings on Hastings and invest in other, local events*

Given the constraints previously outlined, it is proposed that Tastings on Hastings, in its current format, be retired (rather than risk a slow decline or cost increases). However, it is a much loved community event, and Council should continue to prioritise events which celebrate our place, our people, and our producers. Rather than deliver an event which competes with other local events, or reinvent the wheel, it makes sense to further support, capitalise on and leverage some of the fantastic events in the food/wine/arts category which are already thriving in our region.

It is proposed that a portion of the existing Tastings on Hastings budget be redirected to a new 'Local Grown' sponsorship category set up to support and sponsor local events including those in the food/wine/arts category. Council would conduct an expression of interest process, inviting event owners to apply for sponsorship and demonstrate how they would promote the destination as well as undertake robust data collection around visitation and satisfaction. Council would look to provide some marketing support for these events, along with leveraging opportunities for Council community engagement at the events.

A list of potential events which could potentially fit into a new 'Local Grown' sponsorship category is contained earlier in this report.

*Option D - Cease Tastings on Hastings and run an annual Bicentenary/ Community celebration to 2021*



After receiving positive feedback about the community aspect of the Bicentenary event the proposal would be to run a community focused family friendly event that brings together our community groups with food and entertainment to activate town green/ Town Square once a year. This would be an opportunity for community groups, Heritage Groups, Cultural Groups to showcase what they do in the community, share stories and garner support of find new volunteers. Over the next 3 years the focus could be on the Bicentenary and beyond that themed depending on community interest, key dates within the region. The budget for this event would be similar to this year's event of around \$30,000 and would be developed, planned and managed by Council with Community input.

As detailed within the report, there are a number of issues to be considered in Council continuing to run Tastings on Hastings.

Given the existing point 4 of the resolution of Council from 18 April 2018: "Request the General Manager table a future strategy for Tastings on Hastings at the November 2018 Ordinary Council meeting with the intention that Council continue to deliver the Tastings on Hastings event from 2019 onwards.", staff are recommending that Tastings on Hastings be run during 2019 as a final event.

It is then further recommended cease organising Tastings on Hastings and look to sponsor other 'Local Grown' events using the funding currently set aside for Tastings on Hastings.

### Options

As detailed within the report, Council could consider a number of options in relation to the future of Tastings on Hastings. The most relevant appear as follows, however Council also has the option of developing another option not identified below:

- a) Resume Tastings on Hastings in current format from 2019 onwards
- b) Resume Tastings on Hastings in a different format from 2019 onwards
- c) Retire Tastings on Hastings and provide increased support to other, local events
- d) Retire Tastings on Hastings and run an annual Bicentenary/Community celebration to 2021

The recommendations presented as part of this report contain parts of both option A & C.

The current resources, physical and financial required to meet the existing Tastings on Hastings format is significant. Given the number of high quality foodie events listed within this report, it is considered that a more equitable approach to future events would be achieved through the reallocation of the existing budget for Tastings on Hastings to support other existing and future events.

Should this be adopted, a new event sponsorship category 'Local Grown' would be required to be established to allocate the funding available over future years.

### Community Engagement & Internal Consultation

Council has undertaken extensive engagement on the Tastings on Hastings events over the years.

A recent engagement on the event was undertaken through October/November to gauge public opinion on the future of the event. Engagement activities included online survey on Have your Say from 20 October to 18 November, 2018, with the static displays and surveys, at our Libraries. The pop up survey was undertaken in the CBD on 25 October and at the Bicentenary Event on 28 October, 2018 for which we got 38 responses.

We received 198 responses to the survey the results were as follows:

- 88% of responders had attended Tastings on Hastings;
- 91% of them would return to a Tastings event;
- 80% would like a future event with a food and alcohol focus, followed by 42% for Music and Entertainment and then 36% with a community/social focus;
- 79% believe that it is very important that Council continue to deliver Tastings on Hastings;
- 89% of survey responders identified as community members, 25% as market customers, 17% as Local businesses 10% as other; and
- The majority of responders in the 26-55 year age bracket.

#### Internal Engagement

- Economic Development
- Community Place
- Recreation and Buildings

#### External Engagement

- Local Producers
- Tourism Association
- Community

### **Planning & Policy Implications**

Depending on the resolution adopted, planning and policy implications could exist. The level of staff resources required to assist in organising the event could impact on other existing operational plan priorities and programs.

### **Financial & Economic Implications**

Note financial implications of future Tastings on Hastings or other determined options would need to be considered in 2019/20 budget process.

Based on experience, budget uplift will be required for a Tastings on Hastings event coordinator, should one be able to be engaged.

Depending on the resolution, further financial and economic impacts will be experienced, however the quantum of those impacts are unknown at this time.

### **Attachments**

Nil

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**Item: 10.03**

**Subject: PORT MACQUARIE-HASTINGS COUNCIL DISABILITY INCLUSION  
ACTION PLAN 2017-2018 ANNUAL PROGRESS REPORT**

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

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### **Alignment with Delivery Program**

2.2.1 Support and advocate for all community sectors.

### **RECOMMENDATION**

**That Council note the information in the Port Macquarie-Hastings Council Disability Inclusion Action Plan 2017-2018 Annual Progress report.**

#### **Executive Summary**

Port Macquarie-Hastings Council recognises that it has a unique role in promoting active community participation, reducing disadvantage, strengthening community wellbeing and celebrating diversity in the Community. To help achieve these goals, Council has the adopted Disability Inclusion Action Plan which is mandated by the State government, but only deals with one aspect of inclusion.

In June 2017 Council adopted a Disability Inclusion Action Plan 2017-2021 which commenced on 1 July 2017. The Plan is mandated by State Government under the NSW Disability Inclusion Act 2014 and requires all NSW Local Councils to have a Disability Inclusion Action Plan (DIAP) that lasts for four years and has a focus on four areas:

- Developing positive attitudes and behaviours in our community;
- Creating communities that are liveable and accessible;
- To develop a more disability-friendly workplace; and
- Improve systems and processes that will help people with disability use our services.

The DIAP is required to be reported on annually to Council and then in the fourth (and final year) the Plan is also required to be reported to NSW Parliament.

To ensure we are a truly inclusive community Council is also developing a Community Inclusion Plan which outlines our vision and associated actions to achieve an inclusive community for all. The Plan focuses on the needs of young people, seniors, Aboriginal and Torres Strait Islander people, volunteers, those with a disability and people from diverse backgrounds and cultures and will develop ways we can change current practices to create an inclusive place. Currently it is a legislative requirement that the DIAP is a standalone document. In the near future Council's Disability Inclusion Action Plan (DIAP) will sit alongside the Community Inclusion Plan. It is envisaged over time that the DIAP will become integrated into Council's Community Inclusion Plan.

**Discussion**

Council has continued to deliver on the Disability Inclusion Action plan and a progress report is presented which highlight our progress against the 1<sup>st</sup> year of the Plan (Attachment 1).

Key Highlights include:

- the installation of new wheelchair friendly amenities at Shelly Beach and at Aqua Crescent Lake Cathie;
- installation of a liberty swing at Town Beach
- a new wheelchair ramp at Wauchope Library; and
- a strong and dedicated Access Committee.

Through the development and implementation of the DIAP we have seen a concerted efforts across the whole organisation to be more disability-friendly in everything we plan, build, write, say and do.

This plan is important for our growing community as within the Port Macquarie Hastings local government area, 5,797 of our residents or 7.4% of the population identify as having a disability. This compares to the NSW average of 5.4%. An emerging age group of increased disability is our local children aged 9 years and younger with a 3% increase in disability compared to the census in 2011. At the other end of the age scale, we have the second highest prevalence of dementia in NSW with 2,295 of our residents in 2018 living with memory loss.

The current legislative requirements are:

- NSW councils to prepare a DIAP by 1 July 2017
- Consulting people with disability must be undertaken and documented as part of the planning process
- Councils must give a copy of the DIAP actions to the Disability Council NSW
- Councils must report on implementation of their DIAP in their Annual Report, and forward a copy to the Minister
- Council must review their DIAP every four years.

The implementation of the actions within the Plan helps Council focus on and create a more inclusive and disability-friendly community and workplace.

**Options**

That Council seeks additional information regarding the progress of the Disability Inclusion Action Plan 2017-2021.

**Community Engagement & Internal Consultation**

The DIAP implementation continues by working across the organisation.

The Access Sub-Committee was engaged in reviewing the draft progress report and congratulated Council on the first year of delivering the Plan. The Access Sub-Committee Minutes of 7 August 2018 Item 05.05 recommends a simple English Fact Sheet be created to report to the Community on the first year of the delivery of the

DIAP and a media release be issued which promotes to the community the access achievements.

**Planning & Policy Implications**

This activity is consistent with the NSW Disability Inclusion Act 2014 and Council's 2017-2021 Delivery Plan Objective 2.3.1 Ensure access to community facilities and activities: including access to natural environment.

**Financial & Economic Implications**

The annual Disability Discrimination Act budget of \$101,500.00 for 2017/18 has been increased to \$106,100.00 for 2018/19. This funding is for accessible works in the Recreation and Buildings portfolio.

Council staff seek advice on priorities out of the DIAP from the Access Committee for projects. The Access Committee suggestions that are being supported by the Council works program include allocations of \$50k for the wheelchair carousel and playground fencing at the Lake Cathie Foreshore playground; \$13k for a wheelchair ramp at Wauchope Library, \$30k for an accessible toilet at Comboyne Community Hall and \$10k for a new wheelchair friendly picnic setting and footpath at Shelly Beach.

The Access Sub-Committee was funded for \$1900 which was for wheelchair-accessible taxis, catering, car park audits, bus stop audits and visiting businesses throughout the 12 months.

**Attachments**

1 [View](#). 2017-2018 Disability Inclusion Action Plan Report



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**Item: 10.04**

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

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

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

- 1. Grant Matthew Catania the amount of \$450.00 to assist with the expenses he will incur travelling to and competing at the Australian All Schools Athletics Championships to be held in Cairns from 7<sup>th</sup> – 9<sup>th</sup> December 2018.**
- 2. Grant Ian Matthews the amount of \$150.00 to assist with the expenses he incurred travelling to and competing at the FFA National Championships held in Coffs Harbour from 24<sup>th</sup> September – 28<sup>th</sup> September 2018 inclusive.**

**Executive Summary**

The Mayor's Sporting Fund Sub-Committee met on 22 November 2018, reached consensus on Item 8 (attached) and submits the above recommendation for Council's approval.

**Attachments**

1 [View](#). Extract from MSF November Meeting Minutes - Item 5 and Item 8



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**Item: 10.05**

**Subject: CULTURAL PLAN 2018 - 2021 - ALLOCATION OF FUNDS**

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

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### **Alignment with Delivery Program**

2.5.1 Support cultural activities within the community.

### **RECOMMENDATION**

**That Council give consideration during the 2019-2020 draft Operational Plan development for an additional budget allocation of \$220,000 to deliver the actions in the Cultural Plan.**

### **Executive Summary**

Port Macquarie-Hastings Council adopted the Cultural Plan, in September 2018, showing it is committed to ensuring arts, heritage and culture play a strong role in the development of the Port Macquarie-Hastings region's future.

Council currently plays a major role in delivering cultural services across the region, and is supported by the ever-growing number of community organisations, events and activities that contribute to ensuring that we have a vibrant and culturally connected community. Council also has a leadership role in assisting the growth and development of arts and cultural activity.

This Cultural Plan identifies the underpinning strategies, frameworks and actions that will drive and support cultural development within the Port Macquarie Hastings region for the period 2018 – 2021. The Plan focus's Council's actions to create the right environment for growth within the cultural sector contributing to the long term development of our place and this requires additional funds to achieve.

### **Discussion**

Council plays an important role in leading and facilitating the cultural fabric of the region, enabling the right environment to support creative and cultural industries to thrive.

A draft budget was developed for consideration by the Cultural Steering Group, to enable the delivery of Cultural Plan Actions and strategies identified. The initial budget proposal, was then refined with feedback from the Cultural Steering Group, to identify the key priorities within the plan that were achievable within the current framework.

The Cultural steering Group meet on the 7 November, Agenda item 7 was to discuss budget allocation for 19/20 the committee made the following resolution:

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**07 CULTURAL PLAN 12 MONTH ACTION AND BUDGET PLAN**

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Discussion took place noting the Cultural Plan actions should gain support from the Economic Development Steering Group to ensure good cultural outcomes for our community.

**CONSENSUS:**

That the Cultural Steering Group:

1. Note the draft actions and associated budgets for the current financial year.
2. Recommends the consideration in the budget process of the inclusion of an additional \$220,000 as detailed in this report.
3. Note that a report on what a cultural economy plan is and what other organisations are doing to be brought back to the Cultural Steering Group.

From that resolution it is proposed that the additional Budget Bids for the following projects be endorsed to be considered in the 2019/2020 financial year.

**Cultural Economy Plan****Budget Bid: \$70,000**

Strategies: *Identify & harness the potential of our Cultural Economy*

*Raise the skills and capacity of our local creative to foster a vibrant Cultural Community*

Cultural Plan actions: 1.1, 1.6, 1.7, 4.5, 3.6

1. Engage a consultant to undertake a cultural mapping process including an audit of our venues, people and places with the local government area.
2. Undertake research into the current economic contribution that the cultural/creative sector makes to our area. (Building our profile and research)
3. Develop a cultural and Creative Economy Plan, looking at the following key drivers:

Through the development of this key data and information, it should inform future planning for the Cultural Tourism sector and cultural strategies moving forward. The additional research should also provide key avenues for further support for funding opportunities from State and Federal sector.

**Public Art – Maintenance & Implementation****Budget Bid: \$75,000**

Strategy: *Improve social amenity through Public Art*

**Cultural Plan Actions: 2.5, 2.6, 2.7**

\$20,000 – Conservation and maintenance of existing works.

\$55,000 – Implementation of new works at a key gateway sites – Airport redevelopment site, and other opportunities.

A number of public art pieces are currently in place across the local government area. This funding would provide a maintenance vote to ensure that pieces are conserved as the original works were presented. The addition of new works will add vibrancy to the cultural offering of the area

**Cultural Development Grants****Budget Bid: \$20,000**

Strategy: *Identify funding opportunities to support cultural outcomes*

**Cultural Plan Actions: 4.2**

This is a new funding stream that specifically relates to Cultural Development. The development of Arts and Cultural Development grants will be developed in line with Council's current Smarty Grants process. The purpose of the grants will be to ensure that artist and the Cultural Sector are making, creating new work and supporting creative projects that showcase our arts and cultural sector. The funds will assist in the payment of artist's fees, production costs and materials and the support for the presentation of the work created to the public. Guidelines and priorities may change and grants may be adjusted to ensure that they meet the cultural outcomes desired.

**Aboriginal Cultural Development Programs****Budget Bid: \$5000**

Strategy: *Work collaboratively with the cultural community sector to deliver identified Heritage Outcomes*

**Cultural Plan Action: 3.6 – Our Aboriginal Culture**

Project: Welcome to Country acknowledgements at airport & entrance to Council Chambers.

**Creative Precincts and Hubs Development – Engagement and design development****Budget Bid: \$50,000**

Strategy: *Create, develop and maintain vibrant cultural paces and places to maximise opportunities for our community to participate in cultural activities across the region.*

**Cultural Plan Actions: 1.2 - Creative Precincts and Hubs**

In 2009 - 2012 Council undertook extensive consultation with cultural and creative organisations to develop a new Environment and Creativity hub for the community on a site next to the Reclaim Water Facility on Ocean Drive. Concept plans, environmental studies and catchment management plans were developed and approved.

Recently, Council undertook further works to maintain the current DA, which plans to bring the site up to the required flood free levels required to build the facility. This has maintained the current Development application.

At present, the NSW State government has considerable funding to support the development and construction of new cultural infrastructure.

Key feedback from the creative community continues to identify the lack of community workshops space and gallery space for artists, creative and the cultural sector to grow and thrive. This budget would allow for the redesign of the facility and additional consultation to meet the changing needs of our creative community.

Source: Developers Contribution S94, funds being currently collected for the Regional Community Arts Centre.

Other areas delivering Culture

Cultural services will continue to be delivered through existing channels via both the Library and Glasshouse respectively. Additional support from through grant programs from both the State and Federal governments continue to be explored to develop and deliver aspects of the adopted Cultural Plan.

**Options**

Council has the option to consider these bids as part of the budget development for 2019/2020 or reject all or some of the bids as it deems appropriate.

**Community Engagement & Internal Consultation**

Internal engagement has taken place with the following:

- Cultural Steering Group;
- Economic and Cultural Development Portfolio Councillors;
- Relevant Council Group Managers;

External Engagement:

The Plan has undergone considerably community engagement in the planning, review and final version of the 2018 – 2021 Cultural Plan.

At the October and November meeting of the Cultural Steering Group has reviewed budget considerations for the 2019 – 2021 period and established key priorities for the following two years that are achievable within the timeframe. The recommended budget allocation has been discussed with the Cultural Steering Group and who are requesting that Council consider the request as par to fhte Budget deliberations.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There is potential for significant cultural, social and economic benefits to the Local Government Area if the outcomes identified in the adopted plan are achieved.

Whilst the delivery of cultural services through the Library and Glasshouse operational budgets will remain the same, and be supported through State and Federal funding opportunities, the implementation of key research and strategic documents and actions outlined within the plan require the additional finance to support the vision of the plan.

Where possible and appropriate we will seek to apply for grants to support the Cultural activities as outlined in the Cultural Plan.

Summary of request for Funds:

Cultural Economy Plan	\$70,000
Public Art – Maintenance & Implementation	\$75,000
Cultural Development Grants	\$20,000
Aboriginal Cultural Development	\$5,000

## AGENDA

ORDINARY COUNCIL  
12/12/2018

Creative Precincts & Hubs – Community Art Centre	<u>\$50,000</u>
Total Request for Funds	\$220,000

If this funding is not approved, the identified actions within the Cultural Plan are at risk of not being delivered.

### Attachments

Nil

YOUR COMMUNITY  
LIFE



# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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Item: 11.01

Subject: DRAFT EPBC ACT PRELIMINARY DOCUMENTATION  
ASSESSMENT REPORT - PORT MACQUARIE AIRPORT MASTER  
PLAN IMPLEMENTATION AND VEGETATION CLEARING ON  
COUNCIL OWNED LAND IN THE THRUMSTER URBAN RELEASE  
AREA

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy.

### RECOMMENDATION

#### That Council:

1. Note the information contained in the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area.
2. Publicly notify and exhibit the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, in accordance with Section 95A(3) of the *Environment Protection and Biodiversity Conservation Act 1999*, from 13 December 2018 to 14 February 2019.
3. Request the General Manager to consider a response to submissions following the public exhibition period prior to final assessment by the Australian Government Department of the Environment and Energy.

### Executive Summary

In addition to the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement which was approved by the NSW Office of Environment & Heritage in August 2018 (and reported to Council in September 2018), Council is also required to seek environmental approval from the Australian Government Department of the Environment and Energy due to potential impacts on matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In December 2016, Council referred the proposed "action" (Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area – EPBC Ref: 2016/7842) to the Australian Government Department of the Environment and Energy (DotEE) for consideration under the EPBC Act.

In January 2017, the DotEE determined that the proposed action is a “controlled action” to be assessed by way of Preliminary Documentation. The Draft Preliminary Documentation Assessment Report (as attached to this report) has now been prepared to enable further assessment and approval under the EPBC Act.

It is noted that the Draft Preliminary Documentation Assessment Report is generally consistent with the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement, with the information presented in a different format and with a different assessment methodology as prescribed by the DotEE under the Commonwealth EPBC Act.

On 15 November 2018, Council received a “direction” (as attached to this report) from the DotEE to publish the Draft Preliminary Documentation Assessment Report for public consultation, with public exhibition required to commence within 20 business days of the date of the notification (that is, by 13 December 2018).

Noting the upcoming Christmas – New Year holiday period, an extended public exhibition period is proposed with submissions to be accepted up until 14 February 2019.

This report seeks Council’s approval to place the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, on public exhibition in accordance with Section 95A(3) of the EPBC Act and the “direction to publish” issued by the DotEE.

### **Discussion**

The Draft EPBC Act Preliminary Documentation Assessment Report refers to the same assessment area and scope as the NSW Government approved Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement. The proposed action includes the:

- clearing of native vegetation associated with the implementation of the Port Macquarie Airport Master Plan (2010 and 2013) to meet revised CASA Code 4C aerodrome standards;
- clearing of native vegetation to allow future residential and light industrial development of Council owned land in the Partridge Creek Residential, Partridge Creek Industrial, and West Lindfield neighbourhoods of the Thrumster Urban Release Area, located immediately south of the airport; and
- establishment of a permanent on-site conservation area of 444.17ha including 301.88ha of primary and secondary Koala habitat and an additional 40-50 ha off-site conservation area comprising Blackbutt Tallowood forest and additional Koala habitat.

More specifically the proposed action includes the:

- clearing of vegetation for the widening (and ongoing maintenance) of the existing Code 3C 150m wide runway strip to a code 4C 300m wide runway strip;
- ongoing establishment and maintenance of existing Code 3C 2% obstacle limitation surface (OLS) at each end of runway 03/21 (150m approach and

- 180m take-off surfaces), which includes clearing and lopping of vegetation on land within and surrounding the airport property;
- widening and ongoing maintenance of existing Code 3C 2% OLS at each end of runway 03/21 to comply with CASA Code 4C aerodrome standards which includes clearing and lopping of vegetation on land within and surrounding the airport property;
  - potential future development/extension and/or relocation of critical aviation related infrastructure and facilities within the aviation uses precinct of the Airport to comply with CASA Code 4C aerodrome standards and cater for forecast growth in air services and passenger numbers, including (though not limited to) potential future Regular Public Transport (RPT) facilities, and a future parallel taxiway to the east of the runway;
  - clearing of native vegetation for the establishment of an Airport Business Park (new employment lands);
  - clearing of native vegetation for the establishment of flood free road access to the existing Airport between the Oxley Highway and Hastings River Drive via Port Macquarie Airport and the Airport Business Park and an upgrade to Boundary Street (the current access road to the Airport);
  - clearing of native vegetation to allow future residential and light industrial development on Council owned land within the Partridge Creek Residential, Partridge Creek Industrial, and West Lindfield neighbourhoods of the Thrumster Urban Release Area and establishment of associated roads and Asset Protection Zones (APZs); and
  - clearing of vegetation to allow the establishment of water and sewer easements to meet expected future needs of the Thrumster Urban Release Area and fire trails within the conservation areas to aid in strategic fire and conservation management.

Based on the information provided in the original referral, DotEE has considered that the following threatened species listed under the EPBC Act (MNES) are likely to be impacted by the proposed action and may require offsets:

- Dwarf Heath Casuarina (*Allocasuarina defungens*) – Endangered;
- Swift Parrot (*Lathamus discolor*) (SP) – Critically Endangered;
- Koala (*Phascolarctos cinereus*) – Vulnerable;
- Grey-headed Flying-fox (*Pteropus poliocephalus*) (GHFF) – Vulnerable; and
- Green and Golden Bell Frog (*Litoria aurea*) (GGBF) – Vulnerable.

The Draft Preliminary Documentation Assessment Report provides a detailed assessment of the potential impacts on these and other species, and the mitigation, enhancement and conservation measures proposed to offset the impacts.

Specifically the Draft Preliminary Documentation Assessment Report highlights the conservation measures proposed under the approved Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement. This includes the permanent protection and conservation of a 444.17ha Biobank site within the assessment area, and an additional 40-50ha off-site conservation area comprising Blackbutt Tallowood forest, Koala habitat and potential Grey-headed Flying-fox and Swift Parrot habitat. The combined on-site and off-site offset areas include approximately 350ha of primary and secondary Koala habitat, 360-370 ha of GHFF foraging habitat, 190-200 ha of potential Swift Parrot foraging habitat and 284.03 ha of potential GGBF foraging/breeding habitat. The conservation areas include 221.99 ha of three

NSW Endangered Ecological Communities, 111.24 ha of State Environmental Planning Policy No 14 (NSW) wetlands, 70.55 ha of state and regional identified biodiversity links.

The Biobank sites provide for in perpetuity protection on title and fully funded in perpetuity conservation management with funds held in a NSW State Government administered trust account.

The Draft Preliminary Documentation Assessment Report also proposes some additional mitigation measures over and above the Biodiversity Certification Agreement to offset potential impacts to *Allocasuarina defungens* / *thalassoscopia*.

The Draft Preliminary Documentation Assessment Report and proposed offset strategy has been prepared in accordance with the principles in the Commonwealth Offsets Policy. For each MNES species identified above, the required offset target is significantly exceeded by the proposed Biobank sites, other than for the Swift Parrot (91.75%) which will be subject to further assessment by DotEE following the proposed public exhibition period.

The Draft Preliminary Documentation Assessment Report (217 pages) is attached to this report. To reduce the volume of this Council report the following Appendices (which refer to separate reference reports) have not been included, however these will be made available as part of the public exhibition documents:

- Appendix A1 and A2: Airport and Thrumster Koala Plans of Management;
- Appendix B: Airport Vegetation Management Plan;
- Appendix C1 and C2: Indigenous Stakeholder Consultation;
- Appendix D: Biocertification Credit Assessment Report and Strategy; and
- Appendix H: *Allocasuarina defungens* / *thalassoscopia* taxonomic review paper.

### **Options**

The requirement for the Draft Preliminary Documentation Assessment Report to be placed on public exhibition is prescribed under Section 95A(3) of the EPBC Act and the attached “direction to publish” issued by the DotEE on 15 November 2018.

Further assessment and approval of the proposed action will not be undertaken by the DotEE without public exhibition and consideration by Council of any submissions received.

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

It is proposed to publicly notify and exhibit the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, in accordance with Section 95A(3) of the *Environment Protection and Biodiversity Conservation Act 1999*, from 13 December 2018 to 14 February 2019.

The extended public exhibition period takes into account the upcoming Christmas – New Year holiday period.



Copies of the Draft Preliminary Documentation Assessment Report will be made available to view at Council's offices and Libraries in Laurieton, Port Macquarie and Wauchope. Copies will also be available to view at the State Library of NSW – Macquarie St, Sydney, as well as online via Council's [haveyoursay.pmhc.nsw.gov.au](http://haveyoursay.pmhc.nsw.gov.au) website.

Following the public exhibition period, a further report will be presented to Council for consideration of the response to submissions prior to final assessment by the DotEE.

The draft Biodiversity Certification Assessment and Strategy was placed on public exhibition from 17 May to 16 June 2016, with a summary of the submissions received reported to Council on 10 August 2016.

### **Planning & Policy Implications**

As with the Biodiversity Certification Agreement, the approval under the EPBC Act is critical to the long-term implementation of the Port Macquarie Airport Master Plan.

### **Financial & Economic Implications**

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

The financial and economic implications associated with the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement were reported to Council on 19 October 2016.

The Draft EPBC Act Preliminary Documentation Assessment Report proposes some additional mitigation measures over and above the Biodiversity Certification Agreement to offset potential impacts to *Allocasuarina defungens* / *thalassoscopia*, an endangered species under the EPBC Act, at a cost over 5 years of up to \$75,000. These additional measures would be funded from the Airport Reserve.

### **Attachments**

1[View](#). Draft Preliminary Documentation Assessment Report (for exhibition)

2[View](#). Department of the Environment and Energy - Direction to Publish

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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





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**Item: 12.01**

**Subject: NOTICE OF MOTION - TRAFFIC CONGESTION CRISIS - OXLEY  
HIGHWAY, PORT MACQUARIE**

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

**RECOMMENDATION**

**That Council:**

- 1. Request the General Manager write to the Minister for Roads and the Member for Port Macquarie seeking an urgent response to the impending traffic congestion crisis on the Oxley Highway in Port Macquarie, notably at the intersection with the Pacific Highway, the intersection with Wrights Road, and the intersection with Lake Road, as described in the November 2018 Bitzios report.**
- 2. Request the General Manager immediately devise and implement a communications strategy to explain to our community what Council is doing to mitigate the Oxley Highway traffic congestion crisis at Lake Road, the Wrights Road roundabout, and at the Pacific Highway interchange.**
- 3. Request the General Manager report back to the February 2019 Council meeting with:**
  - (a) Responses from the Minister for Roads and the Member for Port Macquarie.**
  - (b) Results of communications strategy.**
- 4. Send a copy of all correspondence all local State and Federal election candidates for the 2019 elections.**

**Comments by Councillor (if provided)**

Nil.

**Attachments**

Nil

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**Item: 12.02****Subject: QUESTION FROM PREVIOUS MEETING - LEGAL ADVICE ON  
WATER FLUORIDATION****Presented by: General Manager, Craig Swift-McNair**

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**RECOMMENDATION**

**That Council note that the General Manager will be seeking legal advice on the matter of fluoridation of the public water supply in early 2019.**

**Question from Councillor Intemann:**

There continues to be community objection to the fluoridation of our public water supply and in April 2018, Council adopted a watching brief on the legal issues.

Specifically 'Lusk v Tong and Commonwealth Ombudsman' concerns the need for registration and licensing the manufacture of fluoridated water under the federal Therapeutic Goods Act 1989.

As fluoridated water is intended for consumption in preventing a disease or ailment in persons, namely tooth decay, it seems obvious that it should be defined as a therapeutic good under the Act, requiring registration. However the court finding has been delayed long past the time normally expected.

As Council adds fluoride under instruction from NSW Health, storing it in dams, and as fluoridated water seems obviously a therapeutic good, it would seem prudent to seek assurance from NSW Health that the NSW Government will indemnify or otherwise shield PMHC from prosecution under the Therapeutic Goods Act 1989 with respect to fluoridated water.

Could the General Manager please consider getting legal advice on these matters, with a response provided either now or back to the December Council meeting?

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

Nil.

**Response**

As indicated verbally by the General Manager at the Council meeting on 21 November 2018 when the above question was asked, the General Manager has now given consideration to obtaining legal advice on the matter of fluoridation of the public water supply and has decided to seek this advice in early 2019, following the development of a suitable brief of information to be provided by the General Manager to the selected legal advisors.

Please note that following the 21 November 2018 Council meeting and the above question, the General Manager wrote to the Therapeutic Goods Administration (TGA) at the end of November 2018, seeking clarification on the TGA's position that fluoridated drinking water is not therapeutic goods within the definition of that term in the Therapeutic Goods Act 1989 and specifically whether this refers to fluoridated reticulated water supply, which is what this Council supplies.

Further, the letter seeks to clarify that if the position statement of the TGA does refer to fluoridated reticulated water, then a request has been made that the TGA respond by identifying the reason or reasons for the TGA declaring fluoridated reticulated drinking water not to be 'therapeutic goods' according to Section 3(1) paragraphs (c) - (h) in the definition of that term found in the Therapeutic Goods Act 1989.

A copy of the above-mentioned letter is attached for your information.

**Attachments**

- 1 [View](#). Correspondence - General Manager to Therapeutic Goods Administration - 2018 11 30

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Item: 12.03

Subject: LAND ACQUISITION - INTERSECTION OF DOYLES ROAD AND  
ROLLANDS PLAINS ROAD, BALLENGARRA

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$7,850 (GST Exclusive) to the owners of Lot 1 DP1245746, J W & J Thompson, for the acquisition of part Lot 1 DP1245746 more particularly described as Lot 1 in plan of acquisition DP1246538.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition including but not limited to any authorisation form as required by the *Electronic Transactions Act 2000*.
3. Pursuant to Section 10 of the *Roads Act 1993* dedicate Lot 1 DP1246538 as public road.

#### Executive Summary

Throughout the Port Macquarie-Hastings Local Government Area, road base materials are stockpiled in rural areas to facilitate the maintenance of the rural road network.

A recent audit of stockpile sites has revealed that the existing stockpile site at the intersection of Doyles Road and Rollands Plains Road at Ballengarra, whilst sitting outside of the fenced property boundary, is none-the less located on private land.

The owners of the land at this location have agreed to a land acquisition to remedy this situation.

This report deals with the land acquisition and recommends the payment of compensation to the landowners.

#### Discussion

To facilitate the maintenance of Council's rural road network a number of sites spread across the local government area are used for the stockpiling of materials. An audit of sites has indicated that the site used as the intersection of Doyles Road and Rollands Plains Road at Ballengarra is not within the existing surveyed Council owned road network.

The owners of the land occupied by the Ballengarra stockpile, J W & J Thompson, have agreed to Council acquiring that part of their property, part Lot 1 DP1245746 required for the stockpile. The land to be acquired has been surveyed with Lot 1 in plan of acquisition DP1246538 depicting the extent of land to be acquired. A marked up copy of DP1246538 showing the land to be acquired is attached to this report.

**Options**

If the use of the Ballengarra stockpile site is to continue, there are no options other than to acquire the land.

**Community Engagement & Internal Consultation**

There has been ongoing consultation with the landowners.

There has been ongoing consultation between Council's Infrastructure and Corporate Performance Divisions.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The land acquisition entitles the landowners to the payment of compensation. Council's Consulting valuer has assessed the fair market value of the land to be acquired in the amount of \$7,850 (GST Exclusive). An offer in this amount has been made to the landowners who have accepted the offer. The acceptance of the offer is now reported to Council in order that the acquisition can be finalised.

**Attachments**

1 [View](#). Plan of Land to be Acquired



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Item: 12.04

Subject: LAND ACQUISITION - 921 HASTINGS RIVER DRIVE, PEMBROOKE

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Pursuant to Section 186 of the *Local Government Act 1993* make application to His Excellency, The Governor, for the compulsory acquisition of Lot 50 Deposited Plan 1248785 for general operational purposes associated with the storage of bulk materials utilised in Council providing to the community, services and facilities and the carrying out of activities prescribed at Chapter 6 of the *Local Government Act 1993*.
2. Exclude all mines and minerals from the compulsory acquisition of Lot 50 Deposited Plan 1248785.
3. On acquisition of Lot 50 Deposited Plan 1248785 and pursuant to Section 34 of the *Local Government Act 1993*, commence the process to classify Lot 50 Deposited Plan 1248785 as “operational land” by placing on public exhibition the proposed resolution, “It is intended to classify Lot 50 Deposited Plan 1248785 (land at 921 Hastings River Drive, Pembroke) as operational land”, for a minimum period of 28 days.
4. Note that a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.
5. Pursuant to Section 377 of the *Local Government Act 1993* delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition included but not limited to any authorisation form as required by the *Electronic Transactions Act 2000*.

#### Executive Summary

Following the completion of construction of the Pacific Highway from the Oxley Highway intersection to Kundabung, the land situated at 921 Hastings River Drive, Pembroke which was utilised by the Highway construction contractor as a site office, community information centre and concrete batching plant, has now been vacated. The land, owned by NSW Roads and Maritime Services (RMS), is now surplus to their operational requirements and is not required for road purposes.

The acquisition of the surplus RMS land by Council provides an opportunity to secure land in a strategic location for Council's ongoing operational requirements. Council



previously considered the proposed acquisition at the Ordinary Council Meeting held on 15 November 2017 and resolved as follows:

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

**RESOLVED: Intemann/Griffiths**

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

*Item 14.03 Proposed Acquisition of Part Lot 5 DP 211319 from Roads and Maritime Services*

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

**RECOMMENDATION**

*That Council delegate authority to the General Manager to commence negotiations with the Roads and Maritime Services for the Compulsory Acquisition by Agreement for Part Lot 5 DP 211319, 7909 Pacific Highway, Pembroke.*

*Please refer to the confidential attachment titled "Previous Confidential Report to Council 15 November 2017 regarding proposed acquisition" which contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 section 10A(2)(d)(i)).*

Following discussions with the RMS this report recommends compulsory acquisition by agreement of part of the RMS land situated at 921 Hastings River Drive at Pembroke.

**Discussion**

To enable the construction of the section of the Pacific Highway between the Oxley Highway and Kundabung, the RMS acquired various land parcels. Situated at what is now 921 Hastings River Drive Pembroke, previously 7909 Pacific Highway Pembroke, the RMS acquired Lot 5 DP211319 for the Highway construction contractor to use as its site office, a community information centre and concrete batching plant. Part of Lot 5 DP211319 was also utilised for the highway. That part of Lot 5 DP211319 used by the Highway contractor has been securely fenced and improved with the addition of a sizeable concrete hardstand/paved area.

Following completion of the Highway construction, the site used by the contractor has now been vacated and the temporary buildings removed. The terms of the development application for the site office and concrete batching plant required that the site be remediated at the conclusion of the highway construction. Remediation includes the removal of the hardstand/paved area.

The location of the land and the sizeable hardstand/paved area provides a geographically strategic location for the storage of bulky materials used by Council in the provision of its service functions including water, stormwater, sewer and road construction/maintenance.

As not all of the original land parcel acquired by the RMS, Lot 5 DP211319, can be utilised by Council, a plan of acquisition has been prepared depicting that part of the original land parcel suitable for acquisition. The plan of acquisition was registered on 23 November 2018 as Deposited Plan 1248785. The area suitable for acquisition, Lot 50 Deposited Plan 1248785 is situated between the former Pacific Highway (now renamed as Hastings River Drive) and the new Pacific Highway. A plan showing the location of Lot 50 DP1248785 is attached. Lot 50 DP1248785 comprises an area of 3.013 hectares.

**Options**

There is the option to:

1. Acquire Lot 50 DP1248785 as recommended.
2. Not acquire Lot 50 DP1248785.

**Community Engagement & Internal Consultation**

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

**Planning & Policy Implications**

Land purchases/disposals between Government Authorities are conducted by means of a process known as 'compulsory acquisition by agreement', as permitted by Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*. Agreement reached under Section 30 significantly reduces the time taken to acquire land.

**Financial & Economic Implications**

The landowner is entitled to the payment of monetary compensation for the acquisition of the land. As a compulsory acquisition, the NSW Valuer General has the statutory responsibility to assess fair compensation, having regard to the matters listed in the *Land Acquisition (Just Terms Compensation) Act 1991*. Compensation can only be assessed by the Valuer General once a Notice of Compulsory Acquisition has been published in the NSW Government Gazette. The Valuer General does not provide pre-acquisition valuations to either the land purchaser or seller.

The acquisition of the land by Council provides a cost saving to the RMS in not having to remove the hardstand/paving and a reduced cost to Council in the future provision of a suitable area for the storage of bulky materials including stormwater pipes, drainage culverts, bridge girders and road maintenance materials.

Funding for the acquisition is available within the existing 2018/2019 Operational Plan allocation for the construction of a new works depot (1.3.4.4).

**Attachments**

- 1 [View](#). Confidential: Previous Confidential Report to Council 15 November 2017 regarding proposed acquisition (Excluded from Agenda) (Confidential)
- 2 [View](#). Plan Showing Location of Land to be Acquired

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Item: 12.05

Subject: TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES -  
LEADERS WAY WAUCHOPE

Presented by: Corporate Performance, Rebecca Olsen

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#### 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. Accept the transfer of land being that part of Lot 31 Deposited Plan 1228142, formerly in Lot 2 Deposited Plan 1110947, in Leaders Way Wauchope.
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 31 Deposited Plan 1228142 as “operational land” by placing on public exhibition the proposed resolution, “It is intended to classify Lot 31 Deposited Plan 1228142 as “operational land”, from 31 January 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the March 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

#### Executive Summary

This report is presented to Council to consider the transfer of land arising from the development of residential land off Pead Street, Wauchope. The land to be transferred contains a sewer pumping station. As an item of public infrastructure, the land comprising the sewer pumping station should be held in public, that is, Council's ownership.

The land, once transferred into Council ownership, is required to be classified in accordance with the requirements of the *Local Government Act 1993*.

#### Discussion

The development of the residential estate West of Pead Street, Wauchope required the expansion of an existing Council owned sewer pumping station, situated in Leaders Way. At the time of the development, the original pumping station occupied Council owned land being Lot 1 in DP1110947. The developer provided additional land being part of Lot 2 DP1110947 in order to provide an expanded footprint and

capacity of the pumping station. These two lots were then consolidated upon the registration of the survey plan for DP1228142 that created the new subdivision. The expanded sewer pumping station became Lot 31 DP1228142. The location of Lot 31 DP1228142 is shown in the attached plan.

Ownership of Lot 31 DP1228142 has remained part in Council's name and part in the developer's name. Under current Land Registry Services procedures, the land containing the sewer pumping station, is not able to be dedicated to Council on registration of the plan of subdivision, DP1228142. It is therefore necessary for the land owned by the developer to be formally transferred to Council and then classified to satisfy the requirements of the *Local Government Act 1993*.

**Options**

Given the land to be transferred contains sewer infrastructure, the land should be completely in Council ownership and classified as "operational land".

**Community Engagement & Internal Consultation**

There has been consultation with the developer regarding the transfer of the land.

The proposed land classification will be notified in *Community Now* for a minimum period of 28 days. Following the conclusion of the notification period, a further report will be provided to Council at the March 2019 meeting, detailing any submissions received during the exhibition period.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

Nominal costs will be incurred in providing public exhibition of the proposed resolution in *Community Now*.

**Attachments**

1 [View](#). Land to be Transferred to Council Lot 31 DP1228142



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**Item: 12.06**

**Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -  
PEDESTRIAN CROSSING - BOLD STREET, LAURIETON**

**Presented by: Infrastructure, Jeffery Sharp**

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#### **Alignment with Delivery Program**

4.5.2 Plan for infrastructure that supports population growth.

#### **RECOMMENDATION**

**That Council endorse the Local Traffic Committee's recommendation for a 'pedestrian (zebra) crossing' to be installed in Bold Street, Laurieton, between Tunis Street and Seymour Street.**

#### **Executive Summary**

Bold Street, between Tunis and Laurie Streets, is the main road through the Laurieton town centre. There is significant demand for pedestrians to cross from one side of the road to the other. Formal crossing opportunities are facilitated by four pedestrian refuges – south of Tunis Street, south of Seymour Street, north of Laurie Street and south of Laurie Street – and one pedestrian (zebra) crossing midway between Seymour and Laurie Streets.

There is a clear need for a pedestrian crossing midway between Tunis and Seymour Streets. Council has received a number of requests from the community, including the Camden Haven Chamber of Commerce, to install a pedestrian crossing at this location. The frequency of these requests has increased since the opening of a new pharmacy in 2018 on the eastern side of Bold Street which generates significant pedestrian traffic across the road to the supermarket on the western side.

Council has received grant funding under the Stronger Country Communities Fund to construct a pedestrian crossing at the location shown on the following page. The works also involve kerb extensions, additional street lights and modification of parking layout, taxi stand, bus stop and loading zones in the vicinity of the crossing location. Detailed design of the works are currently in progress.



Pedestrian crossing location

The Local Traffic Committee met on 31 October 2018 and reached consensus on Item 07 with the following resolution:

**07 PEDESTRIAN CROSSING - BOLD STREET, LAURIETON  
CONSENSUS:**

*That it be a recommendation to Council:*

*That a 'pedestrian (zebra) crossing' be installed in Bold Street, Laurieton, between Tunis Street and Seymour Street.*

**Attachments**

Nil



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Item: 12.07

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40  
KM/H HIGH PEDESTRIAN ACTIVITY AREA - WAUCHOPE TOWN  
CENTRE

Presented by: Infrastructure, Jeffery Sharp

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### Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

### RECOMMENDATION

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Wauchope town centre.

### Executive Summary

Speed limits in NSW are set by the NSW Roads and Maritime Services (RMS), in accordance with the *NSW Speed Zoning Guidelines*. All roads within Wauchope town centre currently have a 50 km/h speed limit. The road network includes High Street, which is the Oxley Highway (State road) and the main route through the town.

A 40 km/h High Pedestrian Activity Area (HPAA) is an area of high pedestrian activity, in town centres and near railway stations, bus interchanges and services such as medical centres. The maximum speed limit is 40 km/h at all times and makes drivers more aware of the presence of pedestrians moving about or near the road. This creates a safer road environment for all road users, particularly for pedestrians, cyclists and children. Such areas are signposted in accordance with the RMS guidelines (refer to Figure 1).



Signs like this are used to clearly define the beginning of a 40km/h zone



Signs like this are installed on each exit road from the zone

Figure 1: Typical 40 km/h HPAA signs

The Wauchope Main Street Plan was adopted by Council in November 2015. The plan included a 40 km/h High Pedestrian Activity Area (HPAA) as described on the following page:

*The approach taken in this project to deal with the emerging pedestrian and vehicular issues is to create a high pedestrian area with a forty kilometre speed limit for vehicles. In this system, traffic calming gateways, narrowed carriageways and illuminated speed indicator signs at each entry to the town centre will establish a 40 km/hr precinct. Redesigned intersections will minimise congestion by relocating crossings and improving traffic movements.*

The Wauchope Main Street Plan included significant components of community consultation. The draft plan was publicly exhibited and the final plan adopted by Council. There is strong community support for the Wauchope 40 km/h High Pedestrian Activity Area.

The Local Traffic Committee met on 31 October 2018 and reached consensus on Item 09 with the following resolution:

*09 40 km/h High Pedestrian Activity Area - Wauchope Town Centre  
CONSENSUS:*

*That it be a recommendation to Council:*

*That a '40 km/h High Pedestrian Activity Area' be installed in Wauchope town centre, subject to RMS approval of the final design of the scheme.*

**Attachments**

Nil

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Item: 12.08

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40  
KM/H HIGH PEDESTRIAN ACTIVITY AREA - PORT MACQUARIE  
TOWN CENTRE

Presented by: Infrastructure, Jeffery Sharp

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### Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

### RECOMMENDATION

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Port Macquarie town centre.

### Executive Summary

Speed limits in NSW are set by the NSW Roads and Maritime Services (RMS), in accordance with the *NSW Speed Zoning Guidelines*. All roads within Port Macquarie town centre currently have a 50 km/h speed limit with the exception of Gordon Street that has a 60 km/h limit.

A 40 km/h High Pedestrian Activity Area (HPAA) is an area of high pedestrian activity, in town centres and near railway stations, bus interchanges and services such as medical centres. The maximum speed limit is 40 km/h at all times and makes drivers more aware of the presence of pedestrians moving about or near the road. This creates a safer road environment for all road users, particularly for pedestrians, cyclists and children. Such areas are signposted in accordance with the RMS guidelines (refer to Figure 1).



Signs like this are used to clearly define the beginning of a 40km/h zone



Signs like this are installed on each exit road from the zone

Figure 1: Typical 40 km/h HPAA signs

A 40 km/h HPAA for Port Macquarie was first proposed in 2016 as part of an investigation into measures to improve pedestrian facilities in the Port Macquarie town centre. The concept plan proposes a 40 km/h zone bound by (but not including) Gordon Street, Kooloonbung Creek, the Hastings River foreshore and Murray Street. Gordon Street is the main east-west through route and retention of a higher speed limit would encourage through traffic to pass around the periphery of the town centre rather than through the middle.

The proposed 40 km/h HPAA for Port Macquarie, in conjunction with other pedestrian facility improvements, was the subject of community consultation in June 2018. The engagement involved public exhibition at Council offices and libraries, Council's Have Your Say web page, a pop-up session in the town centre and workshops with key stakeholder groups (Port Macquarie-Hastings Access Sub-Committee, Town Centre Master Plan Sub-Committee and Port Macquarie Chamber of Commerce). The consultation showed strong community support for the proposal.

The proposed 40 km/h HPAA for Port Macquarie was included as Item 12.03 at the Ordinary Council meeting of 21 November 2018 in the context of a suite of broader pedestrian safety improvements with the following resolution:

**12.03 PORT MACQUARIE TOWN CENTRE - PEDESTRIAN FACILITY  
INVESTIGATIONS**

*That Council:*

*Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.*

The Local Traffic Committee met on 31 October 2018 and reached consensus on Item 10 with the following resolution:

**10 40 km/h High Pedestrian Activity Area – Port Macquarie Town Centre  
CONSENSUS:**

*That it be a recommendation to Council:*

*That a '40 km/h High Pedestrian Activity Area' be installed in Port Macquarie town centre, subject to RMS approval of the final design of the scheme.*

**Attachments**

Nil

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**Item: 12.09**

**Subject: OCEAN DRIVE UPGRADE LAKE CATHIE - COMMUNITY  
FEEDBACK**

**Presented by: Infrastructure, Jeffery Sharp**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt Section A - Miala Street to Fiona Crescent, as the highest priority construction stage.**
- 2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.**
- 3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.**
- 4. Change to the project scope to include the detailed design of the preferred first construction stage only.**
- 5. Actively seek grant funding to enable the construction of the upgrades as a high priority.**

### **Executive Summary**

As part of the 2017/18 Operational Plan (item 4.4.1.33 CW) Council commenced the detailed design of an upgrade to the Ocean Drive road corridor between Miala Street and Ernest Street in Lake Cathie.

A draft concept design and an associated construction cost estimate was developed by Council and subsequently community consultation was undertaken to receive feedback on:

- The proposed concept design prepared by Council
- Which section (A or B) they would prefer to see constructed first

The level of response during the community consultation period was relatively high with:

- Two (2) petitions received – One with 232 Signatures encouraging Council to progress the project and the second with over 400 signatures opposing the current proposal to plan for four lanes to be constructed in future.
- Thirty (30) submissions were received via postcards, email and CRM's.
- Forty six (46) submissions were received from the PMHC "Have Your Say" site.
- 1,100 people viewed the PMHC "Have Your Say" site.



- 238 people downloaded at least some of the documentation.

Feedback received was generally positive with the overwhelming majority of feedback stating that the upgrade to the road was needed as soon as possible however, some key issues were raised with the current proposal as follows:

- A lack of parking for residents between Miala Street and Fiona Crescent.
- Planning to construct four (4) lanes through Lake Cathie in future will create a negative outcome for the community over the short and long term.
- No Traffic lights at the Woolworths Intersection.
- Constructing a central median will limit residential property access.

### **Discussion**

The aim of this project is to address the current poor condition of the road surface, improve traffic flow through the town, construct additional pedestrian and cyclist facilities and improve the general poor visual amenity of the road corridor through Lake Cathie's central hub.

This project aligns with the DCP for the Lake Cathie – Bonny Hills Growth Area Road Design and Construction objectives (5.2.2.3) to provide for the safe and functional movement of all modes of transport along Ocean Drive. To provide equal access to all mobility groups along Ocean Drive, including public transport, pedestrian, mobility assistance vehicles and cycling.

A detailed design for the proposed upgrade was previously developed by Council in 2005 (refer Attachment 1) however, this design only covered the section of Ocean Drive from Miala Street to Fiona Crescent and was considered to be out dated due to the changes to the town and the road corridor since 2005. It was therefore decided to revise previous designs to meet the current standards and the needs of the community.

A draft concept design and an associated construction cost estimate was developed by Council with the aim of addressing the above mentioned issues. The updated design (refer Attachment 2) includes:

- A single travel lane and cycle lane in each travel direction
- Kerb and gutter and upgraded stormwater
- Underground power
- Shared pathways between the kerb and the property boundary on both sides of the road
- A wide central median to allow for additional travel lanes to be constructed easily if required at some point in the future i.e. the kerbs, stormwater and services have been located in their ultimate position to avoid having to reconstruct them if additional travel lanes were required to be constructed in future.

The cost estimate to construct the upgrade as a single construction stage was \$22,750,000. Due to the relatively high cost of the estimate, the construction works were then proposed to be split into two stages to ensure that it would be easier for Council to have the funds available to commence construction of at least one of the stages in the near future. The two construction stages identified are:



1. Section A – Miala Street to Fiona Crescent - \$12,650,000
2. Section B – Fiona Crescent to Ernest Street - \$13,600,000

#### Allowance for the future duplication of Ocean Drive

As stated above the proposed design includes a wide central median to allow the future duplication of the travel lanes from two (2) to four (4) if required. This proposal adds significant costs to the construction of the of the upgrades in the short term as widening the road pavement to allow for the additional travel lanes will require the relocation of a significant amount of services including power, water, Telstra and NBN. However, the proposal will save Council money in the long-term should the travel lanes be duplicated from in future.

Exact figures of the cost savings to Council by allowing for the efficient duplication of the travel lanes as part of this design have not been developed at this point however, it has been assessed that the costs would be less over the long -term as there would be minimal re-work required.

The current traffic volume on Ocean Drive through the study area is in the order of 7,300 vehicles per day on a typical weekday. According to the forecasts developed as part of the Area Wide Traffic Study based on future population, employment and land use data the weekday volume is expected grow to approximately 12,000 vehicles per day by the year 2036. This represents a traffic growth rate of about 3% p.a. for the next ten years as significant development occurs in the area slowing thereafter to about 2% p.a.

According to Austroads, the capacity of the subject section of Ocean Drive as a two lane road is in the order of 12,000 vehicles per day (it is noted that this figure is subject to various factors such as the performance of intersections, directional split between northbound/southbound, proportion of heavy vehicles, lane widths and on-street parking.). Once the capacity of the two lane road is exceeded it is expected that the duplication of the travel lanes from two (2) to four (4) lanes will provide a benefit in improving traffic flow and relieving congestion.

On this basis, duplication of the road is unlikely to be required for at least the next decade however, it is expected that it may be required at some point in the future. Council will continue to monitor the performance of the road corridor and update these traffic forecasts as new traffic count data is collected.

The need for the future duplication of Ocean Drive through Lake Cathie will also be considered in the future through future area wide studies and will only be considered if it is identified to be the most efficient upgrade option to relieve traffic congestion through Lake Cathie.

#### Removal of Parking Lane from the Design

The previous 2005 detailed design and the section of Ocean Drive previously upgraded between Miala Street and 1516 Ocean Drive immediately to the south contained a 3.5m wide parking lane to allow for the future duplication of the travel lanes (parking lane would become a travel lane).

The current design proposes that a cycle lane be constructed instead of on-street parking. This decision was made for the following reasons:

- The existing parking bays between Miala Street and 1516 Ocean Drive appear to be under utilised
- Provision of on-street parking is not typically provided on urban arterial roads and is typically only constructed in commercial areas
- Residents have existing off-street parking
- On-street carparking reduces the efficiency and safety of urban arterial roads
- The trigger for additional travel lanes would be reached earlier if on-street parking were provided.

During the community engagement period (refer **Community Engagement & Internal Consultation** item 4) this was identified as a key issue with the design by the community due to the lack of parking that would be provided to residents. Residents raised that their current off-street parking within their property was not sufficient to cater for their family cars or when people were visiting. As there is limited room in the verge between the kerb and the property boundary, parking outside of their property on the verge would not be an option under the current proposal.

In order to address this concern it is recommended that the cycle lane be removed and a wide parking lane (3.5m) be constructed instead, as per the previous 2005 design. This option would provide parking for residents, allow for the future duplication of the travel lanes (parking lane will become a travel lane), if required and match the existing works previously constructed between Miala Street and 1516 Ocean Drive. Although the marked cycle is proposed to be removed, the wide parking lane will provide additional space for on-road cyclists (the minimum width for parking is 2.3m) improving safety for cyclists.

This proposal will also mean that the travel lanes will likely be at a split-level and a retaining wall will be required within the central median between Miala Street and Fiona Crescent due to the increase in width of the pavement as per the 2005 design.

#### Community Engagement

Following development of the concept design Council undertook community consultation to gain feedback on the proposed design. During the consultation the community were asked to provide feedback on:

- The proposed concept design prepared by Council
- Which section (A or B) they would prefer to see constructed first

The details and outcomes of this community consultation period are presented in **Community Engagement & Internal Consultation**

#### Preferred Stage for Construction

Feedback on the preferred construction staging was sought from the community as no one Section could be clearly identified as the preferred first construction stage based on the information available to Council.

The benefits of constructing each stage are summarised in the table below:

	Pros	Cons
Section A	<ul style="list-style-type: none"> <li>Section A may be considered as the logical next stage as it would tie in to the previously constructed section from Miala Street to 1516 Ocean Drive.</li> <li>Section A is the cheaper option</li> <li>Approximately 90 residents front Ocean Drive through Section A</li> <li>Section A currently has no kerb and gutter or footpaths</li> <li>Section A will improve stormwater issues currently being experienced by residents on the western side of Ocean Drive and Fiona Crescent.</li> </ul>	<ul style="list-style-type: none"> <li>Section A provides less benefit to the wider community as fewer intersections are upgraded</li> </ul>
Section B	<ul style="list-style-type: none"> <li>Section B experiences higher pedestrian traffic volumes</li> <li>Section B has a larger impact on the wider community as the significant Woolworths intersection would be upgrade</li> <li>Section B comprises the central Hub of Lake Cathie</li> </ul>	<ul style="list-style-type: none"> <li>Section B already contains areas with kerb and gutter and footpaths</li> <li>Minimal residents front onto Ocean Drive through this section</li> </ul>

Community members were given the opportunity to vote on the Section that they would like to see constructed first. The results of this were as follows:

Section A: Fifty six (56) votes  
Section B: Eighteen (18) votes

The general feedback from the wider community received during the community drop in sessions also supported the results of the vote. It is therefore recommended that Council adopt Section A as the first construction stage in the upgrade.

#### Detailed Design Scope

Following a Council resolution to progress the project (the subject of this report) it is recommended to revise the scope of the design to continue with the detailed design of the preferred construction stage only (Section A - Miala St to Fiona Cr) and place

the development of the Section B design (Fiona Cr to Ernest St) on hold at the concept design stage for the following reasons:

- A “shovel ready” design for Section A (Miala St to Fiona Cr) is ideal to help support future applications for funding and will help to gain a relatively accurate estimate of costs to inform future budgeting requirements.
- As Section A will form the basis of submissions for funding in the near future there is little value in progressing with the detailed design of Section B as the detailed design may become redundant and require re-design if construction is not commenced on the project within the next 1-5 years (as was previously experienced with the 2005 detailed design).
- The current project budget of \$250,000 will likely be insufficient to complete the detailed design of both Section A and Section B meaning additional funds would likely need to be allocated to complete the project.

### Options

1. Council not consider constructing four (4) lanes through Lake Cathie in future and therefore change the design philosophy to not allow for the easy future duplication of the travel lanes, reducing the cost of the project in the short term. (refer **Community Engagement & Internal Consultation** item seven (7)).

This would likely involve reducing the width of the central median from 5m to 1m, or removing the median all together and constructing a single travel lane and cycle lane in each direction on the eastern side of the road corridor. Residents on the western side of Ocean Drive could then utilise the wide verge between the kerb and their boundary for parking as they do currently. This option would be significantly cheaper in the short-term however, would cost Council more in the long term should the travel lanes require duplication in future as outlined above. This option would also reduce the improvement to the stormwater for residence along the western side of Ocean Drive and Fiona Crescent as the road pavement catchment area would be reduce, resulting in more runoff through affected properties.

2. Should Council consider the efficiency of the transport network to be a higher priority than providing ease of parking for residents, it is recommended that current proposal to provide a cycle lane rather than an on-street parking lane be retained.
3. As outlined above it is recommended that Council alter the scope of the project to only include the detailed design of the preferred Section to avoid re-design work in future. Should Council wish to proceed with the detailed design of both Section A and Section B, additional funds should be allocated in the 19/20 Financial Year Operational Plan to complete the works.

### Community Engagement & Internal Consultation

During the consultation the community were asked to provide feedback on:

- The proposed concept design prepared by Council
- Which section (A or B) they would prefer to see constructed first



The methodology of the consultation process was developed by Councils Community Place team with the intention of gaining feedback from as many key stakeholders as possible. The process involved the following:

Date	Activity
13 August 2018	<ul style="list-style-type: none"> <li>• Concept Plans and FAQ's displayed for feedback on Council's website and Have Your Say pages</li> <li>• Posts on PMHC Facebook Page</li> <li>• Advertisement in the Camden Haven Courier</li> </ul>
14 August 2018	Letters sent to Lake Cathie residents living on Ocean Drive directly impacted by the proposed development
27 August 2018	Presentation of the design by Council at a Community Drop in Session, Lake Cathie Community Hall
01 September 2018	Community Drop in Session, Lake Cathie Shopping Centre (Woolworths)
28 September 2018	Consultation is closed for feedback

During the consultation period a total of seventy two (72) formal submissions were received and seventy four (74) votes were placed on the preferred construction stage (refer Attachment 3):

- Thirty (30) submissions were received via postcards, email and CRM's;
- Forty six (46) submissions were received from Have Your Say;
- 1,100 people viewed the PMHC "Have Your Say" site.
- 238 people downloaded at least some of the documentation

The feedback received in these submissions and from the general public during the consultation sessions was generally positive and the overwhelming majority of the community agreed that an upgrade of the road needed to occur. However, some concerns were raised with the proposed design including:

- Removal of parking in the road reserve between Miala Street and Fiona Crescent creates issues for visitors to the properties and for families with multiple cars
- Driveway access is limited due to the construction of a central median. This adds travel time for each resident as they would need to utilise the Miala Street or Fiona Crescent roundabouts to turn around.
- No traffic lights at the Woolworths car park entrance
- Council should not consider duplicating the travel lanes through Lake Cathie at any point in the future

- By constructing a wide central median to allow for the future duplication of the road, the road travel lane is pushed much closer to the houses on the Western side of Ocean Drive between Miala Street and Fiona Crescent increasing noise and making property access/parking more difficult.

Two petitions were also received by Council, The first was initiated by community member Mr Gary Roberts and was presented to Council on 23rd August 2018 with 232 signatures (refer to hard copy). The objectives of this petition were to request the following:

- That Council take immediate action to commence construction the upgrade of Ocean Drive from 1516 Ocean Drive to Fiona Crescent as per the previous 2005 design plans.
- That Council Include within the design safety measures to implement traffic control, safe road crossings, and manage speed limits
- That a smooth road surface be adopted to limit road noise and vibration.

The second petition was initiated by community member Ms Claire Briggs and was presented to Council on 26<sup>th</sup> September 2018 with over 400 signatures (refer to hard copy). The purpose of this submissions was to request that Council revise the design to remove any consideration of the travel lanes being duplicated to four lanes (two lanes each way) in future.

The petition states that duplicating the travel lanes through Lake Cathie would have the following impacts:

- Irreversibly change the character of the village
- Create traffic bottlenecks where the lane duplication ends
- Reduce amenity for residents
- Decrease access to driveways for residents
- Encourage speeding and reduce safety

General themes drawn from all submissions included:

- Positive feedback on the proposal and confirmation of the need to complete the works as soon as possible.
- Preference for Section A to be constructed first
- Stormwater issues experienced by properties on the Western Side of Ocean Drive between Miala Street and Fiona Crescent
- Driveway access is limited due to the construction of a central median
- By constructing a wide central median to allow for the future duplication of the road, the road travel lane is pushed much closer to the houses on the Western side of Ocean Drive between Miala Street and Fiona Crescent
- Council should not consider building four lanes through Lake Cathie
- No Traffic Lights be installed at Woolworths car park Entrance
- Four Lanes through Lake Cathie is required either now or some point in future
- The proposal is a waste of money or the money could be spent better elsewhere



Submission	Issue
1	<p><u>Positive feedback on the proposal and confirmation of the need to complete the works as soon as possible.</u></p> <ul style="list-style-type: none"> <li>• “Great to see the road upgraded to a decent standard as this is our Main Street! – We need action now!”</li> <li>• “Sooner the Better”</li> <li>• “the plan is great”</li> <li>• “I do not believe that there is need for a set of lights at the Woolworths Centre. Other than that I feel the design is great - cycle way paths and median strip are needed.”</li> <li>• “An excellent concept design, well over due that will work well for our local &amp; surrounding communities, would prefer both sections to be constructed together to ease traffic congestion and speed up the project”</li> <li>• “Just get on with the job and get it finalised”</li> </ul> <p><u>It is also noted that Council received a petition with 232 signatures during the community consultation process.</u> One of the items raised in this petition was that Council take immediate action to commence construction the upgrade of Ocean Drive from 1516 Ocean Drive to Fiona Crescent as per the previous 2005 design plans.</p>
	<p><b>Council Response/ Comment:</b></p> <p>Council appreciates all positive feedback received and is aware that this project has been talked about for some time.</p> <p>Council is committed to actively seeking funding to enable construction of Section A in the near future.</p>
2	<p><u>Preference for Section A to be constructed first</u></p> <ul style="list-style-type: none"> <li>• “Section A- affects 52 properties who have difficulties accessing Ocean Drive - NO K&amp;G, NO stormwater control, NO footpaths. - Section B has No residents on western side, the small number on east have access to Chepanna St. The topography is flat, has existing infrastructure not present in Section A.”</li> <li>• “Section A at this point in time has equal the amount of traffic as Section B, however, the area in Section A is prone to flooding and thus in all practicality Plan A is the most sensible option.”</li> <li>• “Roadworks need to be completed in Section A first due to these homes having ongoing flooding issues plus it impacts over 90 homes. (Unlike Section B) where no homes have flooding issues &amp; no houses front Ocean Drive in Section B.”</li> <li>• “Section A needs to be completed first as the drainage issues associated with this section of Ocean Drive impacts on the most residents on Ocean Dr and also those down in parts of Fiona Cres from storm water runoff through their properties.”</li> </ul>
	<p><b>Council Response/ Comment:</b></p> <p>Council acknowledges that the overwhelming response from the community has been to construct Section A (Miala Street to Fiona Crescent) as the highest priority.</p> <p>It is a recommendation of this report to adopt Section A as the stage to be constructed first.</p>
3	<p><u>Stormwater issues experienced by properties on the Western Side of Ocean Drive between Miala Street and Fiona Crescent</u></p>

Submission	Issue
	<ul style="list-style-type: none"> <li>• “Residents on western side of Ocean Drive have flooding through their homes.”</li> <li>• “Section A is prone to flooding”</li> <li>• “Drainage gutter footpath &amp; roadworks need to be completed in Section A”</li> <li>• “This area requires extensive drainage work on western side to prevent surface water of the road draining into land.”</li> </ul> <div> <div data-bbox="347 548 485 640"><b>Council Response/ Comment:</b></div> <div data-bbox="507 548 1343 931"> <p>Council is aware of the historical stormwater issues experienced by properties on the western side of Ocean Drive between Miala Street and Fiona Crescent and at properties along the eastern side of Fiona Crescent.</p> <p>The current proposal seeks to reduce these issues by providing a new stormwater system along Ocean Drive designed in accordance with the latest Council and Industry standards. The stormwater system will cut off the majority of water falling within the road reserve and prevent it from flowing into the adjacent properties. As part of this project it is also proposed to design an upgrade of the stormwater system within Fiona Crescent to reduce nuisance overland stormwater flows within the street.</p> </div> </div>
4	<p><u>Lack of parking availability in proposed design between Miala Street and Fiona Crescent</u></p> <ul style="list-style-type: none"> <li>• “The original road design which I viewed prior to purchasing this property 14 years ago included street parking adjacent to the nature reserve. The current design no longer appears to include parking at the front of the property.”</li> <li>• “I am unsure how the concept design will impact on access to my property and also enable adequate parking for visitors.”</li> <li>• “The needs of the community include footpaths on both sides of the road, kerb and guttering along both sides of the road with roadside parking”</li> <li>• “Sufficient space between the proposed foot / cycle path and property boundaries to allow for short term visitor parking for each property should be provided.”</li> </ul> <div> <div data-bbox="347 1402 485 1507"><b>Council Response/ Comment:</b></div> <div data-bbox="507 1388 1343 1921"> <p>A cycle lane was considered in the current proposed design instead of a parking lane for the following reasons:</p> <ul style="list-style-type: none"> <li>• The existing parking bays between Miala Street and 1516 Ocean Drive appear to be under utilised</li> <li>• Provision of on-street parking is not typically provided on urban arterial roads and is typically only constructed in commercial areas</li> <li>• Residents have existing off-street parking</li> <li>• On-street carparking reduces the efficiency and safety of urban arterial roads</li> <li>• The trigger for additional travel lanes would be reached earlier if on-street parking were provided.</li> </ul> <p>It is noted that this issue has been raised by a number of residents and it is a recommendation of this report that Council adopt to revise the design to replace the currently proposed cycle lane with an on-street parking lane.</p> </div> </div>
	<p><u>Driveway access is limited due to the construction of a central median</u></p>

Submission	Issue
5	<ul style="list-style-type: none"> <li>“The planted median strips are unnecessary &amp; create more work &amp; expense for the council, they create frustration for residents accessing their properties &amp; encourage pedestrians to cross the road anywhere they like.”</li> <li>“The design will force residents of over 90 properties into long diversions via roundabouts to access their driveways.”</li> </ul>
	<p><b>Council Response/ Comment:</b></p> <p>A central median island is required in the current proposal both for safety and due to the topography of the site. As the road corridor slopes down towards the west, the travel lanes are required to be at a split-level for approximately 200m between Miala Street and Fiona Crescent as per the 2005 design. Because of this there is no opportunity to construct u-turn bays or similar to allow residents to access properties. A new roundabout is proposed at Fiona Crescent to provide access to properties along Ocean Drive.</p>
6	<p><u>By constructing a wide central median to allow for the future duplication of the road, the road travel lane is pushed much closer to the houses on the Western side of Ocean Drive between Miala Street and Fiona Crescent</u></p> <ul style="list-style-type: none"> <li>“The two lane plan pushes all traffic to the outer boundaries closest to the properties many residents will lose the current buffer from the traffic noise and vibrations”</li> </ul>
	<p><b>Council Response/ Comment:</b></p> <p>Traffic noise is an unfortunate by-product of living near an arterial road corridor. However, to minimise the impact of noise on nearby residents the current design proposes the use of an asphalt wearing course on the road pavement to reduce noise and vibration (previous section was constructed using a concrete pavement).</p> <p>Any increase in noise will also be considered as part of the environmental approvals process during the detailed design of the upgrades.</p>
7	<p><u>Council should not consider building four lanes through Lake Cathie</u></p> <ul style="list-style-type: none"> <li>“NO TO FOUR LANES THRU LAKE CATHIE”</li> <li>“4 lanes will only increase speeding as there is no overtaking from south of Bonny Hills to north of Lake Cathie”</li> <li>“I am glad you are putting in paths either side however I do not want a 4 lane road”</li> <li>“Four lanes as a future aim by Council would have to be very seriously considered as it is potentially untenable because it will encourage speeding and reckless driving through the village”</li> <li>“Four lanes will create bottlenecks at Miala Street and Ernest Street, also on the bridge when the road reverts back to two lanes.”</li> <li>“I AM AGAINST ANY UPGRADE TO 4 LANES GOING THROUGH ANY PART OF LAKE CATHIE”</li> <li>“While spoil Lake Cathie in the name of progress. Keep the existing 2 lanes for local and tourist traffic”</li> </ul>

Submission	Issue
	<ul style="list-style-type: none"> <li>• “I do not believe that Ocean drive should become dual carriageway through the township. This will only create further safety issues for pedestrians and cyclist, particularly children and the elderly.”</li> <li>• “Unless you have approval and funding to upgrade the bridge over the lake to 4 lanes, this is a waste of time and money that will destroy the Village atmosphere. As a resident living on Ocean Drive, the traffic flow is fine through Lake Cathie.”</li> <li>• “The design presented will irreversibly change the character of the village.”</li> </ul> <p><u>It is also noted that Council received a petition (in addition to that raised in item 1) with over 400 signatures during the community consultation process.</u> This petition was strongly opposed to Council planning for four lanes to be constructed through Lake Cathie stating:</p> <p>“The concept design including future duplication presented will encourage speeding and reduce the safety of all users; pedestrians, cyclists, residents, local traffic and tourist traffic. The design will create traffic bottlenecks at both Miala Street and Ernest Street where lane duplication ends. The design presented will irreversibly change the character of the village.</p> <p>The design presented will reduce the amenity for all residents, families and friends as the four lane road will become a clearway, divided by a raised concrete median strip. The future duplication design will be unsafe for road cyclists as some sections will rely on shared pathways. The design will force residents of over 90 properties into long diversions via roundabouts to access their driveways. The design benefits only those wishing to pass through Lake Cathie rather than the community, residents and ratepayers living in Lake Cathie. The Pacific Highway is an existing, fast, alternative route.”</p>
<p><b>Council Response/ Comment:</b></p>	<p>It is acknowledged that a relatively substantial amount of signatures were presented on the petition to Council regarding this issue. The points raised within the petition were considered thoroughly however, the current proposal to allow additional travel lanes to be constructed at some point in the future (if required) remains the most reasonable approach for Council for the following reasons:</p> <ul style="list-style-type: none"> <li>• This design is <b>not</b> proposing that dual traffic lanes be constructed in the near future and should therefore not have a significant impact on the character of the village or create traffic bottle-necking issues as suggested in the petition.</li> <li>• As outlined in the above sections of this report, due to the forecast traffic growth within the area, Ocean Drive is expected to reach its capacity (as per Austroads design guide) by 2036, meaning that a duplication of travel lanes will likely be required at some stage after this date to relieve traffic congestion. It is therefore not considered appropriate for Council not to plan for the future by not allowing for additional travel lanes to be easily constructed in the proposed design.</li> <li>• If Council adopted to construct a narrowed or no median in the current proposal, should the duplication of the travel lanes be required in the future the costs to upgrade the road would be significant as the kerb, stormwater, footpaths and services would require relocation. The current proposal</li> </ul>



Submission	Issue
	<p>minimises the costs of re-work if the additional lanes are required in future as the kerbs, stormwater, footpaths and services are to be constructed in their ultimate location.</p> <ul style="list-style-type: none"> <li>Should traffic congestion along Ocean Drive through Lake Cathie become an issue in the future, the need to provide additional travel lanes would be considered as part of a wider corridor traffic study and would not be completed in isolation. There may be other sections of Ocean Drive that are upgraded as a higher priority than the section through Lake Cathie.</li> </ul> <p>3. This proposal simply provides the opportunity for Council to upgrade this section in future without significant re-work should an upgrade be required.</p>
8	<p><u>No Traffic Lights be installed at Woolworths car park Entrance</u></p> <ul style="list-style-type: none"> <li>Traffic lights at Woolworths is also not required in my opinion, and will only create more traffic buildup.</li> <li>"There is no need for traffic lights at the shopping village. Simply turn it into left lane turning into and out of the shopping centre."</li> <li>"I do not believe that there is need for a set of lights at the Woolworths Centre"</li> <li>"Why have lights coming out of Woolworth Shopping Complex carpark. Suggestion: Make all traffic leaving turn left and then can do a U-Turn at the roundabout on Kywong Street."</li> </ul> <p><b>Council Response/ Comment:</b></p> <p>The selection of traffic signals at the Ocean Drive/Woolworths car park entrance intersection has been made for the following reasons:</p> <ul style="list-style-type: none"> <li>To create a safe location for pedestrians to cross the road with priority</li> <li>To improve the efficiency of the intersection particularly for Southbound vehicles entering and exiting Woolworths</li> <li>To ensure that traffic does not back up from the Woolworths intersection into the proposed roundabout at Kywong Crescent. This may be an issue if the intersection were to be upgraded to a roundabout</li> <li>Traffic count data has suggested that this will be the most efficient intersection treatment</li> </ul> <p>It is noted that no detailed traffic modelling has been completed to date to confirm whether traffic signals is the most efficient treatment. This will be completed during the detailed design of the upgrade.</p>
9	<p><u>Four Lanes through Lake Cathie is required either now or some point in future</u></p> <ul style="list-style-type: none"> <li>"It is great to see council thinking into the future with utilities being place underground at the distant required "if" 4 lanes are required."</li> <li>"4 lanes for future population growth"</li> <li>"We understand some residents are concerned about the future widening of Ocean Drive to 4 lanes. We do not share their concern and consider that with the obvious increase in residential dwellings south of Lake Cathie along Rainbow Beach, provision for 4 lanes is prudent and will prove necessary in time. Ocean Drive has to become a major artery within the foreseeable future."</li> </ul>

Submission	Issue
	<ul style="list-style-type: none"> <li>“I like the idea of 4 lanes. I think it should be four lanes straight off. Why spend all the money on 2 lanes Look towards the future growth and make it 4 lanes now.”</li> </ul>
<b>Council Response/ Comment:</b>	<p>The latest traffic information available to Council shows that the current two (2) lane arrangement is sufficient to cater for expected traffic volumes in the short term (10+ years) constructing four lanes at the current time would therefore not provide any significant benefits and is therefore not considered necessary at this stage.</p> <p>The design does however identify that due to growth within the region at some point in the future four lanes through Lake Cathie will likely be required to relieve traffic congestion. This design therefore proposes to construct two lanes whilst allowing for additional lanes to be efficiently added if they become necessary in the future.</p>
10	<p><u>The proposal is a waste of money or the money could be spent better elsewhere</u></p> <ul style="list-style-type: none"> <li>“I get the idea for it, but you really need to focus on the section from green meadows to Mathew Flinders Drive first &amp; get that done”</li> <li>“This is a crazy decision which will only cause traffic mayhem - What will it achieve besides spending a lot of money?”</li> <li>“Upgrades to Ocean Drive in the 100km zone between Port &amp; Cathie to include safe overtaking lanes would be a huge improvement &amp; money better spent”</li> <li>“I reject the proposal completely. While spoil Lake Cathie in the name of progress.”</li> </ul>
<b>Council Response/ Comment:</b>	<p>This project has been identified as an important project for Council over the past 15 years and this has been reinforced by the overwhelming support for some form of upgrade to the road during this consultation period.</p> <p>Council also appreciates that there are other areas experiencing traffic congestion within the LGA and Council is currently also working on studies and designs to address these issues.</p>

A hard copy of all the Community Feedback Submissions, and each of the petitions has been provided to Councillors separately.

### Planning & Policy Implications

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

### Financial & Economic Implications

Should Council adopt the option to progress with the detailed design of the entire upgrade corridor rather than limiting the scope to the preferred section only (refer



**Options** item 3) additional funds will be required to complete the works. These additional funds are required for the following reasons:

- The design of significant service relocations are now required that were not initially foreseen in the original design estimate.
- The Coastal Management SEPP mapping now shows littoral rainforest within the upgrade extent in Section B and would therefore require a more significant environmental approvals pathway to be followed (DA and Environmental Impact Statement)

The exact figure required to complete the additional works is not yet known due to uncertainties around the exact environmental approvals requirements. Should Council wish to consider continuing with the design of the entire corridor upgrade (Section A and B) a request for additional funds will be made at a subsequent Council meeting once the environmental approvals scope can be confirmed.

**Attachments**

1[View](#). Previous 2005 Design

2[View](#). Draft Concept Designs - Ocean Drive Upgrade Lake Cathie

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**Item: 12.10**

**Subject: BUNDALEER AGED CARE - PROJECT UPDATE**

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

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### **Alignment with Delivery Program**

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information contained within this update report.**
- 2. Request the General Manager write to the Mid North Coast Local Health District seeking to be removed from the current Lease S228374 and the subsequent Deed dated 20 March 1984.**
- 3. Seek from the proponent, Love Project Management, the land owners consent for Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope prior to further consideration of the Planning Proposal.**

### **Executive Summary**

Council last considered this matter on 15 August 2018 following the presentation of a report on the Gateway Determination in relation to a Planning Proposal for Bundaleer Aged Care in Wauchope.

This report provides responses to the resolution of that meeting, seeking to propose a way forward on this matter.

### **Discussion**

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

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

When the matter was reported to Council on 15 August 2018 Council resolved the following:

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

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*Ms Michelle Love, Love Project Management, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.*

**RESOLVED:** *Levido/Intemann*

*That Council, mindful of the development specific nature of this spot rezoning proposal, the internal resources required to be allocated to properly complete the rezoning process and the potential for conflict of interest, defer this matter to enable the General Manager to make enquiries (as he deems appropriate) as to;*

- 1. the ownership status of Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope;*
  - 2. the impact of Lease S228374 and the Deed dated 20 March 1984 on any development proposal for the land;*
  - 3. the status and nature of negotiations (if any) between NSW Health, Crown Lands and Bundaleer as to the transfer of title to Lot 1 DP 603483 to Bundaleer to enable the development to practically proceed; and*
  - 4. the potential conflict of interest affecting Council due to its status as Lessee of Lease S228374 and a party to the Deed dated 20 March 1984 and actions Council should take as a consequence of any such conflict,*
- and bring back this Report (as expanded and modified) to Council's Meeting of 19 September 2018 for consideration.*

**CARRIED:** 8/0

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

**AGAINST:** Nil

Councillor's will recall that the resolution was adopted after considering the position of the owner of one of the subject properties highlighted their concerns with the proposal and also that Council was a party to a long standing lease established in March 1984 between the parties.

Subsequent to the report to August, Council was also requested by the NSW Department of Health to consider whether it, Council, wished to remain a party to the lease arrangement.

Following the resolution, staff commenced works on providing the following advice in response.

1. Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope is currently owned by the New South Wales Department of Health – Wauchope District Memorial Hospital.
2. Advice has been received in relation to the impact of Lease S228374 and the associated Deed, with respect to the proposal. Staff are confident that the existing lease does not preclude any future development of the site, however

Council staff believe that PMHC should advise the current parties that Council no longer wishes to be involved in the lease arrangement.

3. Advice provided by the Mid North Coast Local Health District Chief Executive, Mr Stewart Dowrick stating "We wish to advise that, at this point in time, there are no proposals to transfer the land to Bundaleer."

To advance the planning proposal, Council could therefore request that the consent of land owners to the lodgement of the Planning Proposal be provided to Council prior to proceeding any further with the proposal to amend the planning controls applying to the land. Given the advice received however, it appears unlikely that this consent would be provided.

4. A conflict currently exists given the nature of the lease in place.

As indicated, staff are recommending that steps be commenced to remove PMHC from the existing lease.

Should Council however remain a party to the lease, and subject to the owner's consent being provided, a recommendation in any future report considering the matter would include that the Council make a request to the DPE to alter the Gateway Determination to authorise the Minister as the local plan-making authority to make the LEP, due to Council being the Lessee of Lease S228374 and a party to the Deed of Agreement (20 March 1984) in relation to Lot 1 DP 603483. This would allay potential concerns over the conflict associated with the existing lease and determination of the Planning Proposal.

### **Options**

Council has the option to continue on this path or determine an alternate resolution to the matter.

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

There has been no further community engagement on this matter.

### **Planning & Policy Implications**

Subject to owners consent being provided for the 4-8 Johnstone Street property, a further report will be presented to Council in relation to the Gateway Determination for the Planning Proposal.

### **Financial & Economic Implications**

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

### **Attachments**

Nil

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Item: 12.11

Subject: DEVELOPMENT CONTRIBUTIONS DEFERRAL SCHEME

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

### RECOMMENDATION

That Council:

1. Note the Development Contributions Deferral Scheme report.
2. Defer expansion of the contributions deferral scheme until 2019/20 and that the review be included as an action in the draft 2019/20 Operational Plan.
3. Endorse the revised fees as below and include them in the draft 2019/20 Operational Plan for the purpose of public notice of the proposed fee changes in accordance with Section 610F of the Local Government Act, 1993.

Name	Pricing Policy	Fee (Ex GST)	GST	Total	Unit
Preparation of Standard Contributions Deferral Deed.	D	\$500	\$50	\$550	Each
Withdrawal of caveat associated with Contributions Deferral Deeds per each lot created in the subdivision (Excluding lots to be dedicated to Council). Paid at the time of preparation of the Contributions Deferral Deed.	D	\$90	\$9	\$99	Each
Variation of a Contributions Deferral Deed or associated dealings including a review of Caveator's Consent or a request to vary the deferral deed template.	D	Fee determined by quotation based on full Recovery. Minimum charge \$250	Minimum charge \$250	Minimum Charge \$275	Estimate



**Executive Summary**

This report is in response to Council's resolution in June 2018 to consider a report on the review of the Development Contributions Deferral Scheme.

It is proposed to undertake further internal assessment of the preferred methodology for administering the current deferral scheme. It is also recommended that Council introduce new fees and charges for contribution deferrals to cover the reasonable costs to Council for administering the scheme.

Due to current priorities and existing resources, it is recommended that Council not extend the current development contributions deferral scheme to major strata developments at this time, but rather focus on a review of contributions planning and voluntary planning agreement audit actions.

**Discussion**

At its meeting of 20 June 2018, Council resolved as follows:

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**RESOLVED:** *Levido/Pinson*

*That Council:*

1. *Note the issues and risks identified in the review of the Development Contributions Deferral Service, as described in this report.*
2. *Request the General Manager provide a report to the November 2018 Ordinary Council meeting following a detailed review of the existing Deferral Scheme, addressing but not limited to the funding shortfall in administration costs currently identified.*
3. *Defer consideration of an additional investigation to expand the scheme to include Major Strata Developments until a formal review of the existing scheme is completed.*

**CARRIED:** 8/0

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

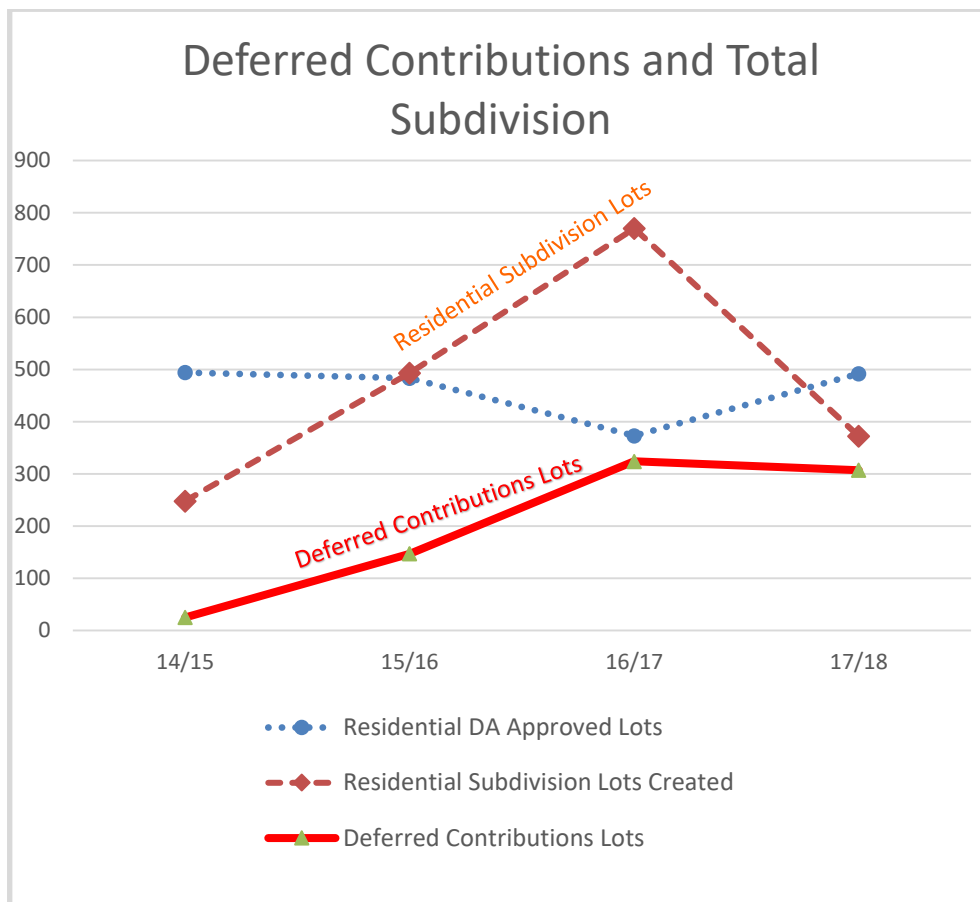
**AGAINST:** *Nil*

Since the previous report to Council, work has been ongoing in reviewing the operation of current contributions systems and procedures.

The following table shows the number of lots with deferred applications as well as the corresponding total amount of residential (including rural residential) subdivision lots released and the number of lots that were DA approved by financial year.

Development Type	14/15	15/16	16/17	17/18
Residential DA Approved Lots	494	483	373	492
Residential Subdivision Lots Created	248	493	770	372
Deferred Contributions Lots	25	147	324	307





As shown in the graph above the level of contributions deferral has grown significantly in recent years. Despite a drop in the number of lots created, the number of deferred contributions lots has remained high, suggesting that the deferral of contributions is now standard practice.

This has had a significant impact on work priorities within Council's development contributions team and it has meant that there has been an increased focus on the administration of contributions deferrals over the past three years at the expense of other proactive contributions work.

There is now, for example, reduced capacity for Council to focus on the preparation and review of contributions plans, which is critical for the delivery of growth related infrastructure and is the core function of the development contributions team.

In addition to contributions plans, Council has a large number of legal planning agreements which are designed to facilitate and coordinate development outcomes. For example, Council has planning agreements with landowners in the Thrumster area regarding the delivery of key infrastructure and environmental management outcomes.

The administration of these agreements is another essential function of Council's development contributions team and this function has recently been the subject of an audit by Forsyths.

Pleasingly, the audit found that *'Council has developed significant knowledge and skills regarding the use of VPA's and has achieved positive and effective outcomes within the community and with developers through the use of VPAs'*. The audit however, identified some shortcomings with current processes and concluded that:

*'...in order to mitigate ongoing risks, especially regarding probity and regulatory compliance, Council needs to:*

- *Enhance VPA guidelines and policies to ensure it meets Council's objectives and reduce probity and regulatory compliance risks;*
- *Develop a set of comprehensive standard operating procedures that align to Council policy and builds upon the knowledge and experience held with senior staff;*
- *Increase the level of documentation compliance to ensure all relevant records are held in accordance with Council's policy and procedures; and*
- *Increase the level of monitoring and VPA management activity either through adjusting Council resources or restructuring current roles and responsibilities.*

The Audit report further reinforces the need for Council to ensure current administrative and compliance provisions are appropriate before expansion of current deferral provisions.

#### Contributions Deferral - Cost recovery

In the June 2018 Council report on Deferral of Strata Development Contributions it was noted that *'A typical deed resulting in the average of 20 new lots will require on average about 38 hours from start to finish, preparing the deed at the beginning of the process and release all of the caveats as they sell during the following two years. This incurs average staff costs of about \$1,719 per deed. About 90% of this cost lies in the administration of the withdrawal of caveats'*.

Currently Council charges \$500 (plus GST) per deed. This fee primarily only covers preparation of a draft deed based on a standard deed template as well as Council's legal costs for preparation and updates to the template. A minimum of two hours (\$142 staff costs) is taken on average to prepare a draft deferral deed based on the standard template. Increasingly s94 staff are also receiving requests to vary deferral deeds and associated dealings including reviewing caveator's consent. Costs for these amendments can vary significantly and may involve seeking legal advice.

In addition to the actual preparation of the deferral deed it takes on average approximately 1.75 hours per lot to administer the deferral deed process including the progressive payment of contributions for each lot and caveat release. The following tasks are involved in the caveat release process:

- Checking lot details are consistent with the development approval and deed following notification from the solicitor or conveyancer of the pending settlement date and requesting a withdrawal of the caveat on the lot.
- Calculating an updated contributions amount at the rate applicable at the time of payment.
- Arranging for Council's delegate to authorise the withdrawal of each caveat and necessary correspondence to Land Registry Services NSW.
- Return of the signed withdrawal of caveat certificate to the solicitor or conveyancer.

- The solicitor or conveyancer then acts as an unpaid agent of Council at settlement, collecting cheques for payment of development contributions in exchange for the withdrawal of caveat documentation.
- The solicitor or conveyancer deposits the cheques into Council's bank account.
- Each payment is manually receipted by Council's finance section.
- The receipt of payment is provided to the new landowner.
- Paid contributions are recorded on a register.

No fee is currently charged by Council for the above steps in the deferral process. Based on an average of 1.75 hours for each lot, Council is subsidising the deferral process in the order \$81 for each lot based on current salary costs including on costs and award increases since the June report to Council. It should be noted that some deeds of deferral may be complicated due to multiple parent properties, a variety of development consents or mortgage arrangements and take extra steps and time to deal with.

To ensure that Council better covers the cost of staff time in administering deeds of deferral it is proposed that Council charge an additional fee of \$90 (plus GST) per lot created in the subdivision (excluding lots proposed to be dedicated to Council). For a typical subdivision of 20 lots this would amount to \$1,800 plus the current preparation fee of \$500 making a total of \$2,300 plus GST. To cover cases where variations are required to the contributions deferral deed it is proposed that an additional fee be charged on an at cost basis with a minimum fee of \$250 (plus GST).

In summary the proposed fees are as follows:

Name	Pricing Policy	Fee (Ex GST)	GST	Total	Unit	GST
Preparation of Standard Contributions Deferral Deed.	D	\$500	\$50	\$550	Each	Y
Withdrawal of caveat associated with Contributions Deferral Deeds per each lot created in the subdivision (Excluding lots to be dedicated to Council). Paid at the time of preparation of the Contributions Deferral Deed.	D	\$90	\$9	\$99	Each	Y
Variation of a Contributions Deferral Deed or associated dealings including a review of Caveator's Consent or a request to vary the deferral deed template.	D	Fee determined by quotation based on full Recovery. Minimum charge \$250	Minimum charge \$250	Minimum Charge \$275	Estimate	Y

It is recommended that Council endorse the revised fees as above and include them in the draft 2019/2020 Operational Plan for the purpose of public notice of the proposed fee changes in accordance with Section 610F of the Local Government Act, 1993.

*Review of Deferral Scheme Administrative Arrangements*

An internal working group has recently been established to review the current resourcing and administrative arrangements for the deferral system.

The work of this working group has been limited due to the recent resignation of the Contributions Planning Manager and changes to staff resourcing. However, a review has commenced to examine whether the current caveat on title (that needs to be removed for each lot at sale time) could be better served by alternative arrangements that may be able to streamline current processes.

It is also proposed to investigate options for management of electronic deposits to Council's bank account, as deferred contribution payments are increasingly being paid by direct deposit to Council's bank account and the information supplied is often insufficient or unrecognisable, consuming more staff time to resolve. A shift to eConveyancing will also increase the number of direct deposits.

*Expanding the current deferral scheme to include major strata developments*

The internal working group has also considered the potential for expansion of the current deferral system to include major strata developments.

As reported to Council in June 2018, there are a number of potential complications in the deferral of strata lots, in addition to those already being experienced in the administration of the current deferrals system, which will need to be considered by Council.

Extending the service to include strata development will require additional resources, firstly to develop and deliver the policy, and then for ongoing administration to implement an expanded deferral scheme.

The amount of additional resource required cannot be determined until the full complexities of managing caveats on strata title are known.

At this time, having regard to the resource, cost recovery and administration issues outlined in this report, an extension of the current deferral scheme to include major strata developments is not recommended.

It is important that Council first establish a more sustainable basis for the existing contributions deferrals scheme, which does not significantly diminish Council's ability to deliver contributions planning.

It is therefore recommended that Council defer any expansion of the contributions deferral scheme and focus on a review of contributions planning and voluntary planning agreement audit actions.



**Options**

Under the existing legislation, Council could:

- Adopt the recommended amount for deferral fees and not change the scope of the scheme which allows for the deferral of development contributions payments, or
- Determine some other value of any proposed fee increase, and/or
- Opt to commence expansion of the deferral scheme to include strata subdivision.

Having regard to current staffing levels, funding limitations and other priority contributions planning tasks, it is recommended that Council increase the fees to cover the current costs of the deferral scheme and that the amended fees be included in the draft 2019/20 Operational Plan.

It is further proposed that subject to Council deferring the expansion of the current deferral scheme to include major strata developments to allow more detailed consideration of the scheme until 2019/20 that this review be included as an action in the draft 2019/20 Operational Plan.

For the remainder of 2018/19, the key contributions projects will include a review of Council's major contributions plans for water, sewer and major roads, as well as a review of relevant policies, procedures, fees and charges and other actions arising from the voluntary planning agreements audit.

**Community Engagement & Internal Consultation**

External engagement has not been part of the work to prepare this report.

Internal engagement has been undertaken with the Group Manager Financial Services and the Corporate Accounting Manager.

**Planning & Policy Implications**

The results of any proposed alterations to Councils current deferral arrangements will be reported to Council at a later time.

**Financial & Economic Implications**

The existing scheme is providing benefit to the development industry, providing some cash flow certainty, however the administrative costs borne by Council are in excess of the fees collected. The recommend fee increase for deferrals generally are proposed for implementation in 2019/20.

There is currently no capacity to incorporate the resourcing cost of extension of current deferrals system without re-prioritisation of projects and potential serious implications for contributions primary focus.

**Attachments**

Nil

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**Item:** 12.12

**Subject:** HASTINGS RIVER FLOOD STUDY - PUBLIC EXHIBITION  
SUBMISSIONS REPORT

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

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#### **Alignment with Delivery Program**

4.2.2 Promote strategies to mitigate climate change.

#### **RECOMMENDATION**

##### **That Council:**

1. **Endorse the *Hastings River Flood Study Update (2017)* report;**
2. **Adopt Scenario 1' as the basis for the Flood Planning Area (FPA);**
3. **Advise people who made submissions of the outcome of Council's determination in this matter; and**
4. **Adopt the revised *Port Macquarie-Hastings Council Flood Policy (2018)*.**

#### **Executive Summary**

At its meeting on 19 September 2018, Council resolved to defer consideration of the Hastings River Flood Study pending the Wrights Creek Flood Study exhibition period and provide a briefing to Councillors on both studies as soon as practicable.

The exhibition period for the Wrights Creek Flood Study concluded on 2 November 2018 and a Councillor Briefing was provided to Council regarding the submissions received on 7 November 2018. The Wrights Creek Flood Study is to be considered separately and a separate Council report has been prepared.

This report details the public exhibition of the *Hastings River Flood Study Update (2017)* report and draft *Port Macquarie-Hastings Council Flood Policy (2018)*. Council staff have reviewed the submissions received for both studies and there is no change to this report, nor the recommendation.

This report also deals with planning for the lower Hastings River catchment (including the Wilson/Maria Rivers) mapped as 'at risk of flooding' under Clause 7.3 of the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*. Updated flood mapping has been developed to define the Flood Planning Area (FPA) within the PMH LEP 2011 for the lower Hastings River catchment.

Changes to development controls within the *Port Macquarie-Hastings Council Flood Policy (2018)* have also been proposed to ensure that the intent of the new flood mapping (i.e. the FPA) is effectively incorporated into flood planning provisions for the Hastings River catchment.



On 16 May 2018, Council resolved to publicly exhibit the draft *Hastings River Flood Study Update* report and draft revised *Port Macquarie-Hastings Flood Policy (Attachment 1)* for 60 days. Five submissions were received during the exhibition period.

Issues raised include:

- Connection Creek's impact on flows (i.e. Water flowing from the Macleay River into the Hastings River)
- Wrights Creek flooding
- Oakes Crescent/Fernbank Creek flooding
- anomalies/limitations with LiDAR survey data
- updates to Australian Rainfall & Runoff guidelines (AR&R 2016),
- support for the updated flood study
- proposed changes to minor development (Table 5 of Flood Policy) related to climate change and scenario 1.

One submission received supported the Hibbard Floodway investigation.

All submissions and responses are detailed further in this report. However, no changes are proposed to the exhibited draft *Hastings River Flood Study Update* (2017) report or the exhibited *Port Macquarie-Hastings Council Flood Policy* (2018). However, changes are proposed to the draft FPA mapping in response to submissions.

Should Council endorse Scenario 1, Council staff propose to undertake a review of the proposed flood extents which are used to define the Flood Planning Area (FPA) prior to publishing the final maps and having them adopted under the PMH LEP 2011. This final review has not yet been undertaken as it requires the adoption of a preferred Scenario by Council.

The draft FPA extents were largely produced via automated GIS processes, however it is recognised that there is a need to undertake a final ground truthing/check of the data. Council staff propose within the GIS mapping to 'clip back' FPA lines to exclude properties that are not significantly impacted by the draft FPA, thus adopting a common-sense approach. For example, where a FPA line can be moved without having any material impact on flooding this will be done to remove any planning constraints on the land. An example is shown below.

It is recommended that Council proceed to endorse the findings of the *Hastings River Flood Study Update* (2017) and adopt the results of 'Scenario 1' as the basis for the definition of the FPA and adopt the revised *Port Macquarie-Hastings Council Flood Policy*.



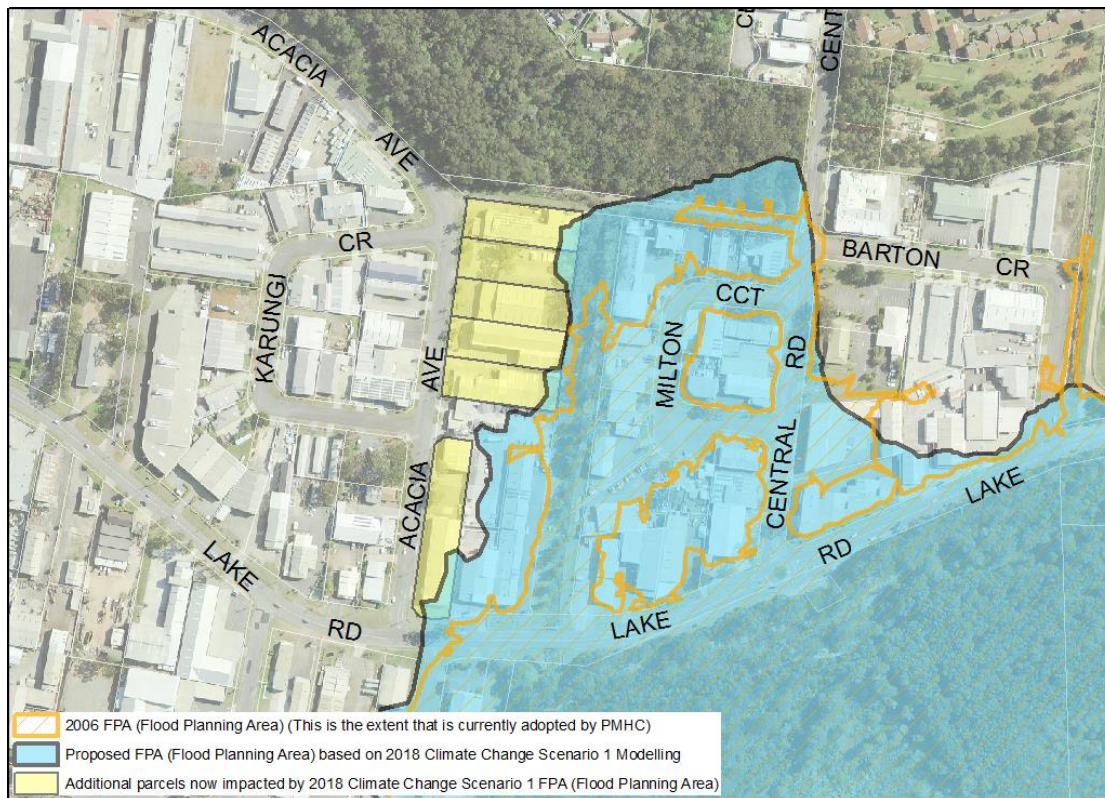


Image 1 Example of FPA extents produced using 'automated' GIS processes.

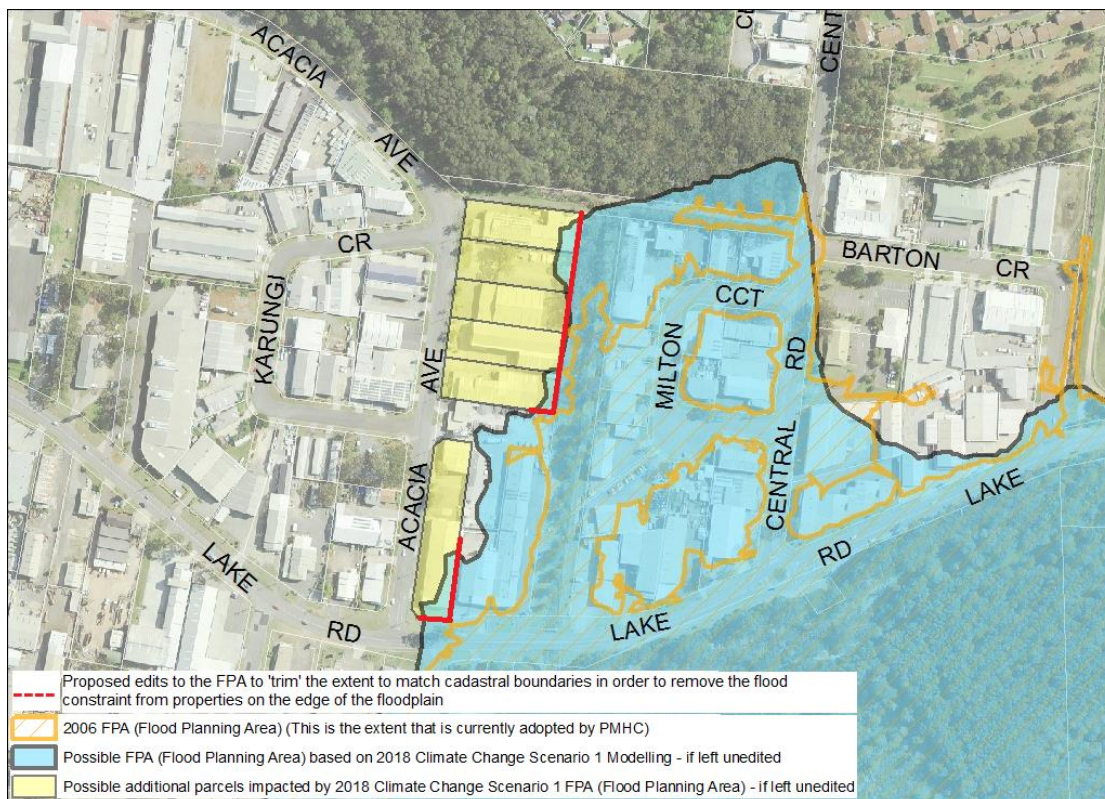


Image 2 Example of FPA extents produced using 'automated' GIS processes but manually 'clipped-back' to ensure that the flood extent does not unnecessarily burden land.



**Discussion**

The NSW state government's *Flood Prone Land Policy* is directed toward providing solutions to existing flooding problems in developed areas and ensuring that new development is compatible with the flood hazard and does not create additional flooding problems in other areas. Policy and practice are defined in the *Floodplain Development Manual* (2005).

Under the *Flood Prone Land Policy*, local government is responsible for the management of flood liable land.

The NSW state government provides assistance to local government in meeting their floodplain management responsibilities and subsidises flood mitigation works that can be implemented to alleviate existing problems. Funding assistance from the NSW state government is only available after completing the floodplain management process (ie. Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan).

The NSW state government provides funding to manage flood risk provided the action has been adopted in a Floodplain Risk Management Plan. Assistance through the *NSW Floodplain Management Program* is typically \$2 from the state government for every \$1 provided by council.

A key objective of the floodplain management process is to assist councils understand and limit potential liability arising from their legislative requirements as local authorities.

Inadequate planning instruments, including maps and policies etc, means that councils could find their planning decisions subject to legal challenge. Legal challenges may take the form of proceedings for administrative review of council decisions or liability claims for recovery of damages associated with those decisions.

Section 733 of the *Local Government Act 1993* provides protection to local government when managing development and risk in the floodplain provided development is undertaken in accordance with *Flood Prone Land Policy* and *Floodplain Development Manual* (2005).

One of the key actions of the adopted *Hastings River Floodplain Risk Management Plan (FRMP) 2014* was to update the *Hastings River Flood Study 2006* to refine the existing 100 year (1% Average Exceedance Probability (AEP)) flood event and model various scenarios. In accordance with current industry practice several 'climate change' scenarios have been selected to ensure that development proposed in the Flood Planning Area has considered the potential impacts of "climate change".

Planning controls seek to minimise future damage to private development by managing the risks and limiting the impacts on the environment and the economy from flood events including "climate change" factors.

In May 2018, Council resolved to consult with the public on the proposed changes to the *Hastings River Flood Study Update* (2017) and *Port Macquarie-Hastings Council Flood Policy*. As part of the public exhibition Council staff;

- Sent over 380 letters to properties that would be directly affected by the proposed FPA changes
- Presented at a meeting attended by key local development and construction industry representatives
- Held a public 'drop-in-session' which was also attended by the flood consultant
- Hosted a 'Have Your Say' webpage on the PMHC website
- Published multiple 'Community Now' notices in local newspapers
- Published a media release advising impacted residents to contact Council

The *Hastings River Flood Study Update (2017)* includes a number of new land developments (subdivisions), and reflects significant changes to topography such as the Pacific Highway and Oxley Highway embankments and associated bridge and culvert structures that have been constructed since the original flood study was completed in 2006.

The project included an update to the hydraulic model (RMA-2) software to improve computational performance, accuracy and reliability.

The *Hastings River Flood Study Update (2017)* recommends that the updated 100 year flood modelling results be adopted to define present day flood characteristics for the Hastings River catchment.

The *Hastings River Flood Study Update (2017)* also recommends that Scenario 1 be adopted as the basis for the FPA.

The updated modelling is predicting peak 100 year flood levels that are largely consistent with the *Hastings River Flood Study (2006)* results with any differences typically within +/- 0.1 metre (100mm). This variance is within acceptable industry standards for modelling and provide confidence in the reliability of the new modelling.

As a result, changes to flood hazard and flood hydraulic mapping are not considered significant given that the flood level variations are generally minor. Where changes to flood levels, hazards and hydraulic categories have occurred, this is considered a more reliable representation of the floodplain due to updated terrain and other data.

### Options

The management of flood prone land is primarily the responsibility of local Councils and the draft *Hastings River Flood Study Update (2017)* and draft *Port Macquarie-Hastings Council Flood Policy* have been developed in accordance with the NSW Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)*.

It is recommended that Council:

- endorse the *Hastings River Flood Study Update (2017)*,
- adopt the results of Scenario 1' as the basis for the definition of the FPA, and
- adopt the revised *Port Macquarie-Hastings Council Flood Policy (2018)*.

Five "climate change" scenarios were modelled which were based on combinations of increased rainfall intensities in the catchment and increased ocean elevations due

to predicted sea level rise. These scenarios were formulated in accordance with the best available NSW State Government information and guidelines. These five scenarios have been used in Council's adopted flood studies since 2012 and development related flood studies (accompanying rezoning's, Development Applications and the like) since 2010 (i.e. Area 15).

The five scenarios that were modelled are listed below:

- Scenario 1** 1% AEP catchment event with 10% increase in rainfall intensity plus 900mm Sea Level Rise (SLR).
- Scenario 2** 1% AEP catchment event with 900mm SLR.
- Scenario 3** 1% AEP catchment event with 10% increase in rainfall intensity plus 400mm SLR.
- Scenario 4** 1% AEP catchment event with 400mm SLR.
- Scenario 5** Probable Maximum Flood (PMF) with 900mm SLR.

The modelling results show that Scenario 1 provides a conservative estimate for flood level increases, both across tidally influenced areas and areas further upstream. However, Scenario 3 also provides for a conservative estimate of the lower floodplain as it includes an allowance for increased rainfall increases and a possible sea level rise scenario. Essentially the difference between the two scenarios is the estimated ocean condition over the next 80 years, where Scenario 1 includes a 900mm SLR (which is the estimated 2100 ocean condition) and Scenario 3 includes a 400mm SLR (which is the estimated 2050 ocean condition).

While Scenario 1 is recommended, Scenario 3 has also been considered as a possible alternative flood planning option. However, due to the timescales involved in development where land subdivisions, road networks, critical infrastructure (bridges, sewer pump stations, stormwater detention basins and the like) will exist well into the future, Scenario 3 does not provide Council with the necessary confidence for flood planning purposes. Scenario 1 will ensure that developments which will exist on a multi-decadal timescale will continue to be serviceable into the future and will not be adversely affected by "climate change" conditions which may impede on their serviceability well short of their intended lifespan.

For example, it is widely recognised that a dwelling generally only has a serviceable lifespan of 30-50 years, however the associated land, services and infrastructure have a typical design life which well exceeds this timeframe. As such, whilst a dwelling may be replaced within 50 years, the land upon which it is located are intended to remain for much longer. Commonly land developments (comprising subdivisions, road networks, infrastructure and assets) are intended to exist for many centuries. Thus by adopting Scenario 1 there can be a level of certainty that the land will remain serviceable regardless of the shorter timescale for the development located upon it.

The remaining Scenarios are not recommended.

Scenario 1 is consistent with the previous NSW Sea Level Rise Policy Statement benchmarks, existing planning directions of Port-Macquarie-Hastings Council, and reflects the uncertainties of sea level rise while acknowledging the limitations of the predicted rainfall increases. Scenario 1 is consistent with the *Camden Haven River and Lakes Flood Study (2013)* and other flood studies completed since 2010.



However, Council may consider other options, including:

1. Approve the draft Flood Study, FPA mapping and Flood Policy in the form in which it was publicly exhibited, or
2. Approve the draft Flood Study, FPA mapping and Flood Policy with such alterations as Council thinks fit, or
3. Not proceed with the draft Flood Study, FPA mapping and Flood Policy.

It is recommended that Council proceed to adopt the *Hastings River Flood Study Update (2017)*, FPA mapping and *Port Macquarie-Hastings Council Flood Policy* in accordance with option 2 above, as amended in response to the points raised in the submissions. Details on the suggested alterations are provided in the Executive Summary section of this report.

### Community Engagement & Internal Consultation

During the public exhibition period 441 people viewed the PMHC Listening site. 294 people downloaded the documentation, with two people making a submission via the website. At the close of the public exhibition period 331 people were *aware*, 200 participants were *informed* and 4 were *engaged* through using the PMHC Listening site and consequently made a submission.

One additional submission was received outside the PMHC listening site.

Submission	Issue
1	<p>I cannot tell if the rainfall includes a contribution down the Maria River, Belmore and Connection Creek when there is a simultaneous flood event on in the Macleay.</p> <p><b>Council Response/ Comment:</b> Rainfall inflows from the Maria River are included in the flood modelling. However inflows stemming from flooding of the Macleay River which may enter the Maria River catchment via Belmore River/Connection Creek has not been included. Statistically it is extremely unlikely that simultaneous flood events will peak at the same time within both the Hastings and the Macleay catchment. It would be overly conservative to include flood flows stemming from a significant flood event in the Macleay and incorporate it into the flood planning controls that apply within the Hastings catchment.</p>
2	<p>This study does not look at tributaries such as Wrights Creek which flows through residential areas, many of which were built prior to any floodplain studies. How will it affect these creeks? Does PMHC have any plans to build levies along Wrights Creek to mitigate the effects of higher floods?</p> <p><b>Council Response/ Comment:</b> This study focusses on riverine catchment stemming from the Hastings River and Maria/Wilson River catchments. The Wrights Creek catchment is the subject of a separate Flood Study which is currently underway. As part of the upcoming stages of the Wrights Creek Flood Study Update various management options will be tested to manage the flood risk that is experienced within the Wrights Creek catchment. There are opportunities for the public and affected landowners to have a say on the Wrights Creek Flood Study as the project continues.</p>
3	Acknowledge the findings of the Draft Study with respect to the updated modelling based on a significantly upgraded version of the RMA-2 model. The

Submission	Issue		
	<p>updated model has been modified through the inclusion of significantly more additional nodes and elements providing the potential for better resolution within the model mesh. The updated model has also been modified to include significant changes in the floodplain landscape including the upgrade of the Pacific and Oxley Highways and other developments since 2006.</p> <p>This previous submission confirmed support for the provision of a Potential Development Scenario and noted the consistency of this scenario with the Mid North Coast Regional Strategy and the Port Macquarie-Hastings Urban Growth Management Strategy (UGMS).</p> <p>The subject site was identified as an urban investigation area within the Mid-North Coast Regional Strategy and the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031 (UGMS).</p>		
	<table border="1"> <tr> <td data-bbox="360 741 568 846"><b>Council Response/ Comment:</b></td><td data-bbox="568 741 1353 846">Support for the findings of the updated Hastings River Flood Study is noted.</td></tr> </table>	<b>Council Response/ Comment:</b>	Support for the findings of the updated Hastings River Flood Study is noted.
<b>Council Response/ Comment:</b>	Support for the findings of the updated Hastings River Flood Study is noted.		
3 (cont)	<p>Confirm support for the completion of the Hibbard Precinct Floodway Refinement Study (Precinct Study) currently underway to investigate potential options for the management of the designated floodway within that precinct.</p> <p>This submission acknowledges that the outcomes of the Precinct Study will inform future investigations for potential infill residential uses on that part of the subject property outside the footprint of the Floodway determined.</p> <p>This submission confirms support to the Council's commitment to the current commission of the Hibbard Precinct Floodway Refinement Study.</p> <p>The commission of this Refinement Study is consistent with Council's Hastings River Floodplain Risk Management Study, which included the identification of a Potential Developable Precinct and Final Floodway Corridor and flood proofing of Boundary Street.</p> <p>Submission confirmed commitment to working with Council in the completion of the Hibbard Precinct Floodway Refinement Study with the intent of determining the potential footprint of Flood Storage land that may be available for further investigation as infill residential land.</p>		
	<table border="1"> <tr> <td data-bbox="360 1462 568 1585"><b>Council Response/ Comment:</b></td><td data-bbox="568 1462 1353 1585">Council will continue to work with landowners in the Hibbard area on completing the Hibbard Precinct Floodway Investigation project which is currently underway.</td></tr> </table>	<b>Council Response/ Comment:</b>	Council will continue to work with landowners in the Hibbard area on completing the Hibbard Precinct Floodway Investigation project which is currently underway.
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4	<p>A historic flood mark supplied by the Public works Dept. for the 1963 event is sited in the middle of the paddock on the North Eastern side of the Dennis Bridge. No locals have any recollections of anything there that could be reference to a mark in the empty paddock. Even a lady in her 90s said there was nothing ever there. This approx location is 3124'20"S 152 49'18"E. A mark was surveyed for this same event on the site and revealed a 300mm difference. Several other marks from other events were surveyed and provided to Council.</p>		
	<table border="1"> <tr> <td data-bbox="360 1809 568 1944"><b>Council Response/ Comment:</b></td><td data-bbox="568 1809 1353 1944">The flooding issues for this submission are site specific and have been considered extensively during the Hastings River Flood Study (2006) and Flood Risk Management Study (2012) phase.</td></tr> </table>	<b>Council Response/ Comment:</b>	The flooding issues for this submission are site specific and have been considered extensively during the Hastings River Flood Study (2006) and Flood Risk Management Study (2012) phase.
<b>Council Response/ Comment:</b>	The flooding issues for this submission are site specific and have been considered extensively during the Hastings River Flood Study (2006) and Flood Risk Management Study (2012) phase.		
4 (cont)	<p>The ALS was not able to see the raised riverbank from the Dennis Bridge down some 1.5ks on the south side because of heavy vegetation. A GPS survey was</p>		

Submission	Issue		
	<p>undertaken to identify the height and supplied to council. Also in this same area the wrong vegetation was used in the model (Hydraulic roughness).</p> <p>Concern expressed over river bed topography used being nearly 40 years old. The river has changed dramatically in this area in this time. There is massive erosion problems on the North side that has forced Council to spend a fortune on saving the road. However on the south side the mud bank has grown some 500 metres in that time, to the point at low tide one can walk from the Oakes Cres boat ramp halfway across the river making this ramp quite useless now.</p>		
	<table border="1"> <tr> <td data-bbox="363 573 568 972"><b>Council Response/ Comment:</b></td><td data-bbox="568 573 1348 972"> <p>A comparison has been undertaken between the datasets that were used to define the terrain in the 2006 &amp; 2012 flood studies and the latest available data that has been made available in the intervening years.</p> <p>Analysis between the data has shown that the information that has been utilised within the flood model is accurate and adequately represents the present day characteristics of the lower floodplain, thereby giving modelled flood results that are within acceptable tolerances. This is regardless of the newer data that is now available, and is in addition to the surveyed flood marks that were captured as part of the 2006 and 2012 flood studies.</p> </td></tr> </table>	<b>Council Response/ Comment:</b>	<p>A comparison has been undertaken between the datasets that were used to define the terrain in the 2006 &amp; 2012 flood studies and the latest available data that has been made available in the intervening years.</p> <p>Analysis between the data has shown that the information that has been utilised within the flood model is accurate and adequately represents the present day characteristics of the lower floodplain, thereby giving modelled flood results that are within acceptable tolerances. This is regardless of the newer data that is now available, and is in addition to the surveyed flood marks that were captured as part of the 2006 and 2012 flood studies.</p>
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4 (cont)	<p>Because the Flood Study is the basis for the Management and Risk Studies, they become flawed as a result.</p> <p>Example is SES has been told that the Fernbank Creek Area becomes isolated in a 1 in 5 Event. The fact is in 2013 and back to 1978 are the last two times the roads became impassable. This is a span of 35 years. It was interesting to note that in the 2013 event the property loss figures for North Shore and Hibbard were large yet there were no loss figures for Fernbank Creek at the same time.</p>		
	<table border="1"> <tr> <td data-bbox="363 1218 568 1771"><b>Council Response/ Comment:</b></td><td data-bbox="568 1218 1348 1771"> <p>Floods are defined by statistical analysis. However there is no guarantee that flood events will occur in line with statistical estimates and numerical definitions. Indeed a '1 in 5' year event may occur multiple times in a year or not at all for many years.</p> <p>Information on the cost of damages to private assets due to the 2013 flood event is not readily available. However given the difference in magnitude of development between Fernbank Creek (relatively sparsely populated) and North Shore/Hibbard (more densely populated) there is naturally expected to be a large difference between property loss figures. It is also noted that the 2013 flood was a relatively low magnitude flood event with estimates of this event being a 1:15 year flood in the lower catchment. Detailed damage assessments are not normally undertaken for private assets for smaller magnitude events. Hence if property loss damages were incurred privately, Council does not capture this data and is therefore not aware of the damages incurred.</p> </td></tr> </table>	<b>Council Response/ Comment:</b>	<p>Floods are defined by statistical analysis. However there is no guarantee that flood events will occur in line with statistical estimates and numerical definitions. Indeed a '1 in 5' year event may occur multiple times in a year or not at all for many years.</p> <p>Information on the cost of damages to private assets due to the 2013 flood event is not readily available. However given the difference in magnitude of development between Fernbank Creek (relatively sparsely populated) and North Shore/Hibbard (more densely populated) there is naturally expected to be a large difference between property loss figures. It is also noted that the 2013 flood was a relatively low magnitude flood event with estimates of this event being a 1:15 year flood in the lower catchment. Detailed damage assessments are not normally undertaken for private assets for smaller magnitude events. Hence if property loss damages were incurred privately, Council does not capture this data and is therefore not aware of the damages incurred.</p>
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4 (cont)	<p>On the hydraulic categories map for Fernbank Creek 100 year ARI, the model has the floodway turning at right angles to the river and running across the middle of the flood plain, to the left of the line is predicted floodway, to the right of the line flood storage. Yet the ground is level with no difference in depth or velocity have never seen another hydraulic category map like it.</p>		

Submission	Issue
	<p>Many many letters have been written to council from residents all the way up to hydraulic engineers disputing the outcomes. I have obtained most of these letters and can provide them if required.</p>
	<p><b>Council Response/ Comment:</b></p> <p>Areas within the Fernbank Creek locality have been identified as 'Floodway' under the <i>Hastings River Flood Study (2006)</i> and the <i>Hastings River Floodplain Risk Management Study (2012)</i>. These studies were undertaken using industry accepted methodologies that were endorsed by the Floodplain Management Subcommittee including State Government Agency representatives who specialise in flood studies. These studies have also been adopted by Council and have been in use for many years.</p>
5	<p><b>Topographic and Model Mapping Accuracy:</b></p> <p>Further refinement of the underlying topographic model is required adjacent to residential areas such as the properties adjoining [address deleted]. We understand that whilst the topographic model has been substantially augmented using more recent LIDAR data from that used in previous flood studies, that in areas such as those adjoining [address deleted], the limitations of LIDAR data capture in accurately determining extents of embankments and changes of grade to define the flood planning area.</p> <p>Our property at [address deleted] is located upon fill placed during the subdivision development. An embankment is located approximately 2-3m beyond the rear boundary fencing within the drainage reserve. The result of this is that the property is impacted by a thin sliver of the FPA, which appears to be outside of the building envelope, which is more likely attributable to the limitations of the model than the true impact on the land.</p> <p>We request that Council review the extent of the FPA to remove these mapping anomalies, and align the FPL to property boundaries to remove the impact from these properties.</p> <p><b>Council Response/ Comment:</b></p> <p>Council staff will undertake a wholesale review of the proposed flood extents which are used to define the flood planning area (FPA) prior to publishing the final maps and having them adopted under the PMH LEP 2011. This final review has not yet been undertaken as it was not known which climate change scenario would be formally adopted by Council.</p> <p>The draft FPA extents that were produced for exhibition were largely produced via automated GIS processes. However it is recognised that there is a need to undertake a final 'ground truthing' of the data before it is adopted.</p> <p>The final flood extent review is anticipated to reduce the number of properties that are identified as being within the proposed FPA by a substantial amount.</p> <p>Refer to image in the report (above) for an example of how the FPA extent will be 'clipped back' to remove the flood constraint from properties located on the periphery of the floodplain.</p>
5 (cont)	<p><b>Modelling Parameters.</b></p> <p>The modelling undertaken by Advisian considered a range of climate change scenarios, including the recommended "Scenario 1" of a 100 year ARI catchment event with 900mm Sea Level Rise (SLR) + 10% increase in rainfall Intensity and</p>



Submission	Issue
	<p>volume. The report states that the XP-RAFTS hydrologic model developed as part of the Flood Study (2006) was not modified or updated to retain consistency between the reports.</p> <p>The introduction of Australian Rainfall and Runoff 2016 has resulted in revised rainfall intensities being developed for the area, We suggest that the new data is more representative of the rainfall intensities expected into the future, than simply adopting a 10% increase in rainfall intensity of the Australian Rainfall and Runoff 1987 values.</p>
<p><b>Council Response/ Comment:</b></p>	<p>The study has not been updated to be consistent with the updated national design flood guidelines, ARR 2016 (Ball et al, 2016). Use of the ARR 2016 guidelines and inputs such as design rainfalls (IFDs), temporal patterns and losses are still not formally adopted for use and remain in draft form. Thus, whilst the use of ARR 2016 is recommended on all new Flood Program studies, the use of ARR 1987 is still acceptable for use on pre-existing flood studies. Council staff, the PMH Coast, Estuary &amp; Floodplain Sub-Committee and specialist OEH technical representatives have endorsed the continued use of ARR 1987 for this flood study and considers it acceptable for use when assessing climate change scenarios (including rainfall intensity changes).</p>



Submission	Issue
5 (cont)	<p><b>Temporal Inequity between Climate Change Risks and Costs.</b></p> <p>The design flood considered within Scenario 1 of the Flood Study cannot occur for at least 80 years. Council's draft flood policy states "The NSW Government's Sea Level Rise Policy Statement (2009) benchmarks indicate an increase in mean sea level of 0.4 m by 2050 and 0.9 m by 2100", and "Climate modelling suggests that rainfall intensity on the Mid North Coast of NSW may increase by up to 10% on present day levels over the next 60 years". The result of these modelling parameters, is that the risks will not occur for at least 80 years, however costs associated with those risks will be incurred in the present.</p> <p>Many insurance companies (including NRMA insurance) utilise the Flood Planning Area (as published within the LEP) as a de-facto indicator of areas at risk of flooding within the policy period. This means that properties which under current climate conditions would not fall within the FPA are considered "flood prone" and therefore subject to higher premiums well before the risk eventuates. Clearly the cost impact is out-of-sync with the risk, and care should be taken to ensure landowners/occupiers (including renters) are not unfairly burdened with additional costs. We request that the FPA be clearly defined as being separate from "flood prone" land, where the environmental conditions necessary do not yet exist. We request that Council consider on how to ensure landowners and occupiers are not unfairly penalised due to new mapping under this policy.</p> <p>Planning Costs for minor alterations and additions will increase for parcels newly impacted by the FPA due to requirement for a development application as opposed to being able to access the complying development certificate process.</p> <p>Land parcels that will not be impacted by the FPA for 80 years will nevertheless be expected to lodge a development application, including the preparation of supporting consultants reports such as a flood report, in addition to addressing the other requirements of the Environmental Planning and Assessment Act which could require additional consultants reports addressing bushfire, koala plans of management or soils/geotechnical reports for minor additions or alterations to buildings which will reach their end of life well before 80 years. Additionally, a separate construction certificate application is required for developments subject to development consent, further adding to development costs for affected parcels.</p> <p>We request that Table 5 - Minor Development be revised to consider a less restrictive range of development for existing dwellings and buildings. We also request that Council consider on what concessions can be provided to development application requirements and costs and construction certificate fees to applicants where the FPA is the only trigger to more closely align with the Complying Development Certificate process.</p>
<p><b>Council Response/ Comment:</b></p>	<p>Local Government provides for the health, safety and welfare of the LGA it represents. Under the Local Government Act 1993, Council's must undertake preventative action against any threat to the health, safety and welfare of its community otherwise it may face the possibility of liability costs. These costs can be reduced if a Council identifies the threats and implements appropriate strategies to prevent these threats from eventuating.</p> <p>Reduced risk of costs associated with possible liability could be considered an additional economic benefit to the LGA via the implementation of adaptation measures. The nature of the</p>

Submission	Issue
	<p>relationship between each Local Government and their community means that it can play a role of educator and encourage awareness whilst also promoting sustainable development.</p> <p>It is widely acknowledged that Port Macquarie Council's Flood Policy has included an allowance for climate change (via generous 'freeboard' allowances) for numerous decades (back to the early 1990's) which has benefitted current Council operations due to the progressive foresight of previous Council resolutions. The canal estate developments are an indication of this, as are the elevated dwelling floor levels on the North Shore and Settlement Point.</p> <p>Of the local government regulatory powers which govern additional statutory responsibilities, the planning system provides particularly comprehensive regulatory powers as it typically comprises legislation, regulation, policies, guidelines and initiatives related to planning, natural resource management and environmental protection. Hence the incorporation of climate change adaption actions into planning documents can be one of the most powerful tools that Council has at its disposal to minimise risk and reduce cost and liability.</p> <p>Whilst it is acknowledged that the full impacts of a given climate change scenario may not manifest for many years, there is still a real risk that much rarer floods of a more significant magnitude can happen at any time. For example, whilst a flood event that is defined by Climate Change Scenario 1 may not be expected to occur for 80 years, a 1:500 year flood may occur at any time.</p> <p>It is considered that additional criteria and an expansion to 'table 5 - minor development' is not required. The development that is permitted under this category is considered to be quite generous and commonly permits development which is required to meet lesser standards that is permissible under State Government legislation. In this regard Council's Flood Policy permits minor (i.e. up to 40m<sup>2</sup>) habitable floor level extensions below the required flood levels where there is an existing dwelling that currently does not meet the required flood levels. The Flood Policy also permits 'carports and other open structures' below the 1:20 year flood level. Under applicable state government legislation (SEPP Exempt &amp; Complying Development Code – 2008), this is not possible and the restrictions are much more onerous. In this regard, the State Government legislation requires higher floor levels (regardless of size) for a range of development types than Council's Flood Policy.</p> <p>As such, it is considered that Council's Flood Policy provides for more flexibility than relevant State Government legislation as it provides concessions by enabling development with less restrictions than would otherwise be imposed under State Government legislation.</p>

Internal consultation

Internal consultation was undertaken during the development of this study and included an initial technical review of the draft FPA mapping extents. Additional formatting and technical changes to the final FPA mapping extents are proposed following the feedback received as part of the exhibition period.

Consultation with planning staff was also undertaken to notify them that changes were proposed to the flood planning provisions that apply to the Hastings River catchment. Planning staff were supportive of adopting a scenario that would ensure consistency between the two major riverine catchments within the LGA, being the Hastings and Camden Haven catchments.

**Planning & Policy Implications**

The relevant Community Strategic Plan actions are:

- 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*

The draft *Hastings River Flood Study Update* (2017), FPA mapping and draft *Port Macquarie-Hastings Council Flood Policy* (2018) contributes to these outcomes by guiding new development located within the lower Hastings River catchment that may be affected by the impacts of climate change.

The updated flood information is intended to improve the current situation by including a more refined estimate of flood impacts into planning controls for the area subject to Flooding under the LEP. The draft *Port Macquarie-Hastings Council Flood Policy* (2018) has been developed to provide clarity on flood related development requirements and a higher level of consistency when assessing development generally.

The proposed controls remain consistent with Council's strategic land use planning framework, notably the Local Environmental Plan and state based floodplain management planning provisions, specifically the *NSW Flood Policy & NSW Floodplain Development Manual* (2005).

**Financial & Economic Implications**

There are no significant financial implications that result from this report.

The updated flood mapping including climate change provisions are not expected to have a significant adverse economic impact. The controls will allow for appropriate development that is consistent with the nature of the flooding risk within the lower Hastings River catchment to occur. Incorporating refined flood allowances into present day flood planning provisions has the potential to positively impact future development, while mitigating present day and future costs to the broader community in relation to damages from flooding events.

**Attachments**

- 1 [View](#). Port Macquarie-Hastings Flood Policy 2018
- 2 [View](#). Hastings River Flood Study Update - FINAL

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Item: 12.13

Subject: **WRIGHTS CREEK FLOOD STUDY UPDATE - PUBLIC EXHIBITION  
SUBMISSIONS REPORT**

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

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#### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

#### **RECOMMENDATION**

That Council:

1. **Endorse the *Wrights Creek Flood Study Update (2018)* report;**
2. **Adopt 'Scenario 1' as the basis for the Flood Planning Area (FPA);**
3. **Advise people who made submissions of the outcome of Council's determination in this matter; and**
4. **Proceed with the Floodplain Risk Management Study phase.**

#### **Executive Summary**

The purpose of this report is to provide details and feedback relating to the submissions received as a result of the public exhibition of the draft *Wrights Creek Flood Study Update (2018)*.

At its meeting on 19 September 2018, Council resolved to publicly exhibit the draft *Wrights Creek Flood Study Update* report for a minimum of 28 days. The report was placed on public exhibition from 1 October to 2 November 2018 (32 days) and a total of twelve submissions were received.

Six "climate change" scenarios based on combinations of increased rainfall intensities and increased sea level rise were also modelled. The six scenarios that were modelled are listed below:

- |                   |   |
|-------------------|---|
| <b>Scenario 1</b> | 1% AEP catchment event with 10% increase in rainfall intensity plus 900mm Sea Level Rise (SLR). |
| <b>Scenario 2</b> | 1% AEP catchment event with 900mm SLR.  |
| <b>Scenario 3</b> | 1% AEP catchment event with 10% increase in rainfall intensity plus 400mm SLR.                  |
| <b>Scenario 4</b> | 1% AEP catchment event with 400mm SLR.  |
| <b>Scenario 5</b> | Probable Maximum Flood (PMF) with 900mm SLR.  |
| <b>Scenario 6</b> | 1% AEP catchment event with 10% increase in rainfall intensity                                  |



Scenario 1 is consistent with the previous NSW Sea Level Rise Policy Statement benchmarks, existing planning directions of PMHC, and reflects the uncertainties of sea level rise while acknowledging the limitations of the predicted rainfall increases.

No public submissions were received on climate change scenarios.

Scenario 1 is recommended for adoption for the flood planning level (FPL) for the Wrights and Yarranabee Creek catchments.

This report recommends that Council proceed to endorse the findings of the *Wright's Creek Flood Study Update (2018)* and adopt the results of 'Scenario 1' as the basis for the definition of the FPA.

### Discussion

#### Floodplain Management in NSW

The NSW state government's *Flood Prone Land Policy* is directed toward providing solutions to existing flooding problems in developed areas and ensuring that new development is compatible with the flood hazard and does not create additional flooding problems in other areas. Policy and practice are defined in the *Floodplain Development Manual (2005)*.

Under the *Flood Prone Land Policy*, local government is responsible for the management of flood liable land.

The NSW state government provides assistance to local government in meeting their floodplain management responsibilities and subsidises flood mitigation works that can be implemented to alleviate existing problems. Funding assistance from the NSW state government is only available after completing the floodplain management process (ie. Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan).

The NSW state government provides funding to manage flood risk provided the action has been adopted in a Floodplain Risk Management Plan. Assistance through the *NSW Floodplain Management Program* is typically \$2 from the state government for every \$1 provided by council.

A key objective of the floodplain management process is to assist councils understand and limit potential liability arising from their legislative requirements as local authorities.

Inadequate planning instruments, including maps and policies etc, means that councils could find their planning decisions subject to legal challenge. Legal challenges may take the form of proceedings for administrative review of council decisions or liability claims for recovery of damages associated with those decisions.

Section 733 of the *Local Government Act 1993* provides protection to local government when managing development and risk in the floodplain provided development is undertaken in accordance with *Flood Prone Land Policy* and *Floodplain Development Manual (2005)*.

To address the current flooding issues and development pressures in the Wrights Creek catchment, council must complete the floodplain management process to secure funding and manage potential liability from inappropriate development.

#### Flood Study Update

In late 2016 Council engaged WMAwater to undertake the Floodplain Management Process for Wrights Creek. As part of this process an update to the existing *Wright's Creek Flood Study (2007)* was required. The current stage of the management plan process is highlighted below.



WMAwater have updated the previous flood modelling that was completed as part of the *Wright's Creek Flood Study (2007)*, which defines flood behaviour and quantifies the flood characteristics along Wrights and Yarranabee Creeks.

The new 2018 Flood Study (attached) includes updates to known flood behaviour (flood levels, depths and velocities) within the Wrights Creek catchment for the 5, 20 and 100 year average recurrence interval (ARI), and probable maximum flood (PMF).

#### Climate change scenarios

Six "climate change" scenarios based on combinations of increased rainfall intensities and increased sea level rise were also modelled. The six scenarios that were modelled are listed below:

- Scenario 1** 1% AEP catchment event with 10% increase in rainfall intensity plus 900mm Sea Level Rise (SLR).
- Scenario 2** 1% AEP catchment event with 900mm SLR.
- Scenario 3** 1% AEP catchment event with 10% increase in rainfall intensity plus 400mm SLR.
- Scenario 4** 1% AEP catchment event with 400mm SLR.
- Scenario 5** Probable Maximum Flood (PMF) with 900mm SLR.
- Scenario 6** 1% AEP catchment event with 10% increase in rainfall intensity

The modelling results show that for the Wrights Creek catchment the influence of sea level rise only extends upstream to the Lake Road bridge crossing (ie. the very bottom end of the catchment), therefore increased sea levels do not have an impact on the vast majority of the catchment. Rainfall increases of 10%, due to the shape of the catchment (steep rather than flat), have substantial influence on the Wrights Creek catchment. Nevertheless, due to the steepness of the catchment the ultimate impact is minimal.

Scenario 1 is consistent with the previous *NSW Sea Level Rise Policy Statement* benchmarks, existing planning directions of PMHC, and reflects the uncertainties of sea level rise while acknowledging the limitations of the predicted rainfall increases.

Scenario 1 is recommended to be adopted for the flood planning area (FPA) for the Wrights and Yarranabee Creek catchments.

LEP Mapping - Planning Area (FPA)

Following the adoption of the *Wrights Creek Flood Study (2018)* report, the Floodplain Risk Management Study (FRMS) phase will commence. The FRMS will investigate various options to manage flood risk within the catchment. Options will include structural (works) and non-structural (planning etc) measures.

The FRMS will undertake a review of the proposed flood extents which are used to define the Flood Planning Area (FPA) prior to publishing the final maps and having them adopted under the PMH LEP 2011. This review will consider where properties are only slightly impacted by the new flood extents, it may be possible to take the more pragmatic approach, in the flood mapping stage, to 'clip back' flood lines to ensure that the land is not unnecessarily impacted.

This final review has not yet been undertaken as it requires the adoption of a preferred Scenario by Council and a detailed consideration of all flood mitigation options.

The new 2018 Flood Study will provide Council with current and reliable flood information to assist planning and development, and importantly provide a sound modelling platform for assessing floodplain mitigation options as part of the next stage of the floodplain management process.

Further technical details on the flood study development and climate change scenarios can be found in the Council report dated 19 September 2018 (Item 12.09) and the attached flood study report (**Attachment 1**)

Exhibition

On 19 September 2018, Council resolved to publicly exhibit the draft *Wrights Creek Flood Study Update* report for a minimum of 28 days. The report was placed on public exhibition from 1 October to 2 November 2018 (32 days).

As part of the public exhibition process council staff:

- Wrote to property owners within the Wrights creek catchment to advise them of the Draft Flood Study (approx. 480 properties);
- Notified key local development and construction industry representatives via the *Construction Industry Connect* newsletter;
- Held a public 'drop-in-session' on Wednesday 24 October 2018 from 4pm to 6pm. This session was attended by the flood consultant (WMAwater);
- Hosted a 'Have Your Say' webpage on the PMHC website,
- Published 'Community Now' notices in local newspapers, and;
- Posted the Draft Flood Study on Council's social media account.

The Port News also posted a story on their social media platforms.

## Options

The NSW State Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)* provides a framework to ensure the sustainable use of floodplain environments. The Policy (among other things) provides a means of ensuring that any new development is compatible with the flood hazard and does not create additional flooding problems in other areas.

Under the Policy, the management of *flood liable land* remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems to assist Councils in their floodplain management responsibilities, but only where the State Government floodplain management process has been followed.

The draft *Wrights Creek Flood Study Update (2018)* has been developed in accordance with the NSW Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)*.

It is recommended that Council:

- endorse the *Wrights Creek Flood Study Update (2018)*,
- adopt the results of 'Scenario 1' as the basis for the definition of the FPA, and
- proceed to the Floodplain Risk Management Study phase.

Council may consider other options, including:

1. Approve the draft Flood Study and FPA mapping with alterations in the form in which it was publicly exhibited, or
2. Not proceed with the draft Flood Study, FPA mapping and Flood Policy.

## Community Engagement & Internal Consultation

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- Hosted a 'Have Your Say' webpage on the PMHC website,
- Published 'Community Now' notices in local newspapers, and;
- Posted the flood study on Council's social media account.

During the public exhibition period 210 people viewed the PMHC Listening site. 50 people downloaded the documentation, with seven people making a submission via



the website. At the close of the public exhibition period 147 people were *aware*, 86 participants were *informed* and seven were *engaged* through using the PMHC Listening site and consequently made a submission. Five additional submissions were received outside the PMHC listening site.

As a result of the public exhibition period a total of twelve submissions were received. Details and responses to each of the submissions are included in **Attachment 3**. Table 1 below summarises the main issues raised in the submissions and provides comments in respect of the issues.

Table 1 - Summary of issues		
Issue	Vegetation and debris build up within creek	
	Council Response/ Comment:	The next stage of the Wrights Creek Floodplain Risk Management Plan (FRMP) process is the Floodplain Risk Management Study (FRMS). The FRMS will investigate various options to manage flood risk within the catchment and vegetation maintenance will be considered.
Issue	Bridge/road culverts undersized	
	Council Response/ Comment:	The next stage of the Wrights Creek Floodplain Risk Management Plan (FRMP) process for is the Floodplain Risk Management Study (FRMS) phase. The FRMS will investigate various options to manage flood risk within the catchment and infrastructure upgrades will be considered.
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	Council Response/ Comment:	The next stage of the Wrights Creek Floodplain Risk Management Plan (FRMP) process for is the Floodplain Risk Management Study (FRMS) phase. The FRMS will investigate various options to manage flood risk within the catchment and infrastructure upgrades will be considered.
Issue	Insurance and financial (mortgage) impacts	
	Council Response/ Comment:	<p>The majority of the Wrights Creek catchment is already mapped as flood prone as a result of the 2007 flood study. Where extensions to the flood mapping are proposed (i.e. near Waniora Parkway) the flood mapping extents either only very marginally affect residential properties, or does not impact on them at all.</p> <p>Where properties are only slightly impacted by the new flood extents the extents, it may be possible, in the mapping process, to</p>



Table 1 - Summary of issues

		<p>'clip back' the flood line to ensure that the land is not unnecessarily impacted. This is a common-sense and practical approach and will alleviate unnecessary devaluation, insurance, mortgage and future Development Application issues.</p> <p>Insurance companies and financial institutions commonly use many data sources and employ multiple techniques to calculate risk. Whilst Local Council's commonly undertake flood studies and produce flood maps, the use of this data and the calculation of risk by these companies is beyond Council's control. Multiple data sources are used with insurance companies and financial institutions often undertaking their own modelling, even where Council commissioned studies exist.</p>
<b>Issue</b>	Flood study accuracy	
	<b>Council Response/ Comment:</b>	The flood study has been developed using the latest data and up to date information and technology and provides a reliable estimate of flood characteristics in the catchment.
<b>Issue</b>	Devaluation of properties	
	<b>Council Response/ Comment:</b>	Refer to comment above regarding insurance.
<b>Issue</b>	Development (DA) restrictions	
	<b>Council Response/ Comment:</b>	Refer to comment above regarding insurance.
<b>Issue</b>	Future purchasers will not buy flood prone properties	
	<b>Council Response/ Comment:</b>	Council has an obligation to inform current and future land owners (pursuant to S10.7 of the Environmental Planning and Assessment Act, 1979) of planning and flooding constraints when it becomes aware of a genuine constraint.
<b>Issue</b>	Stormwater problems	
	<b>Council Response/ Comment:</b>	The next stage of the Wrights Creek Floodplain Risk Management Plan (FRMP) process is the Floodplain Risk Management Study (FRMS) phase. The FRMS will investigate various options to manage flood risk within the catchment and infrastructure upgrades will be considered.
<b>Issue</b>	Poor historical planning	
	<b>Council Response/ Comment:</b>	Council is aware of the legacy issues that have developed through past planning and the lack of knowledge of the flood risk within this catchment. The development of a FRMP will assist Council manage these existing issues and ensure that future problems are not created.

Table 1 - Summary of issues

<b>Issue</b>	Lack of senior staff and councillors (decision makers) at the 'drop in' session	
	<b>Council Response/ Comment:</b>	Council staff and expert flood consultants were in attendance at the 'drop in' session to answer questions on the flood study. Decisions on future management options will form part of the next stage (ie. FRMS).
<b>Issue</b>	The flood study does not contain any recommendations on how the flood and stormwater problems can be better managed.	
	<b>Council Response/ Comment:</b>	The next stage of the Wrights Creek Floodplain Risk Management Plan (FRMP) process for is the Floodplain Risk Management Study (FRMS) phase. The FRMS will investigate various options to manage flood risk within the catchment and infrastructure upgrades will be considered.

### Planning & Policy Implications

The relevant Community Strategic Plan actions are:

- 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*

The draft *Wright's Creek Flood Study Update* (2018) and FPA mapping contributes to these outcomes by guiding new development located within the Wrights Creek catchment that may be affected by flooding.

The updated flood information is intended to improve the current situation by including a more refined estimate of flood impacts resulting in more accurate planning controls in areas subject to flooding under the LEP.

The proposed controls remain consistent with Council's strategic land use planning framework, notably the Local Environmental Plan and state based floodplain management planning provisions, specifically the *NSW Flood Policy & NSW Floodplain Development Manual* (2005).

### Financial & Economic Implications

There are significant financial implications for Council if the Flood Study is not adopted. NSW state government grant funding (2:1 funding from State: Council respectively) is not available for future flood related works without a Floodplain Management Plan (FPMP) and this is not possible without the adoption of this Flood Study. If Council chooses not to adopt the Flood Study any works to alleviate flooding will likely need to be fully (100%) funded by Council.

The new Flood Study more accurately reflects the present day flood characteristics of the catchment. Accordingly, incorporating the refined flood mapping into planning

provisions has the potential to positively impact future development, while mitigating present day and future flood damage costs to the community.

**Attachments**

1[View](#). Wrights Creek Flood Study Update - Draft Report with Appendices

2[View](#). Wrights Creek Flood Study Update - Draft Figures

3[View](#). Submission Table - Wrights Creek Flood Study 2018

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**Item: 12.14**

**Subject: UPDATE ON KOOLONBUNG CREEK FLYING-FOX CAMP  
MANAGEMENT PLAN**

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

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### **Alignment with Delivery Program**

4.8.3 Promote biodiversity programs.

### **RECOMMENDATION**

**That the information in the Kooloonbung Creek Flying-fox camp management update report be noted.**

### **Executive Summary**

The development of a new Camp Management Plan (CMP) for the flying fox colony at Kooloonbung Creek has commenced. This process has included engaging an external consultant to research and write the CMP with the community. Extensive community consultation in the form of community meetings and conducting an online survey which is currently also underway.

A final draft CMP is to be completed by March 2019. The CMP will follow Office of Environment and Heritage (OEH) and state legislative guidelines and will contain recommendations, specific to Kooloonbung Creek, for actions based on feedback from the community. With the final Plan to be presented to Council for adoption in May 2019. Ongoing monitoring of the colony will continue during this time.

This report provides an update on the process to date and future actions.

### **Discussion**

On the 15 August 2018 Council resolved as follows:

*RESOLVED: Intemann/Pinson*

*That Council:*

1. *Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report;*
2. *Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
3. *Invite nominations for membership on the Committee from the following:*
  - *Affected residents;*
  - *Representatives from the Office of Environment and Heritage (OEH);*
  - *Representatives of the Friends of Kooloonbung;*
  - *Expert ecologists; and*

- Other interested community representatives.
- 4. Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;
- 5. Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;
- 6. Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).
- 7. Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:
  - a) Noise barriers (e.g. Perspex sheeting);
  - b) Buffer landscaping using non-roost trees;
  - c) Specific rebates to residents to assist with air-conditioning etc.;
  - d) (Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;
  - e) Other novel options.
- 8. Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.
- 9. Request the General Manager provide quarterly reports to Council on progress in these matters.

CARRIED: 8/0

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

AGAINST: Nil

A community meeting was held at Council on 4 September 2018. The meeting was a mix of community members, OEH state representatives, as well as Council staff. The outcome of the meeting was to form a community consultative committee that would assist in drafting a Camp Management Plan for flying-fox in the Kooloonbung Creek area.

Quotations were sought for assistance from a specialist external consultant in October 2018. Four companies were approached resulting in two proposals submitted to Council. *Ecosure* were chosen as the consultant of choice based on their experience, price and understanding of the project brief.

Ecosure commenced working with Council in early November 2018. The timeline for the project and the overall tasks completed to date are as follows:

Project Action	Description	Due Date
1	Councils General Manager, Mayor & Director Development & Environment & Natural Resource Management staff met impacted residents on site	COMPLETED – July 2018
2	Minister of Environment Gabrielle Upton and the Local Member Leslie Williams met with at Kooloonbung Creek with Council's	COMPLETED – July 2018



Project Action	Description	Due Date
	General Manager, Mayor and Director Development & Environment and a number of the nearby residents	
3	Initial community meeting at Council and formation of Community Consultative Committee	COMPLETED – September 2018
4	Procurement of external consultant to undertake Kooloonbung Creek Flying-fox Camp Management Plan	COMPLETED - October 2018
5	Project inception meeting with Ecosure	COMPLETED – October 2018
6	Second Community Consultative Committee meeting	COMPLETED - November 2018
7	Media release regarding Camp Management Plan	COMPLETED - November 2018
8	Online public survey – “Have your Say” to assess wider community opinions on flying-foxes	COMPLETED - November 2018
9	First Draft of the Kooloonbung Creek Flying-fox Camp Management Plan – provided to Council staff and Community Consultative Committee for comment	FORECASTED - December 2018
10	Draft Kooloonbung Creek Flying-fox Camp Management Plan – provided to OEH for comment	FORECASTED - December 2018
11	2 <sup>nd</sup> Draft Kooloonbung Creek Flying-fox Camp Management Plan submitted to Council staff and Community Consultative Committee for comment	FORECASTED - January 2019
12	3 <sup>rd</sup> Community Consultative Committee meeting	FORECASTED - February 2019
13	Final Plan produced & agreed by Council staff and OEH	FORECASTED - March 2019
14	Final Draft Kooloonbung Creek Flying-fox Camp Management Plan submitted to Council for consideration to enable broader public consultation	FORECASTED – March 2019
15	Public exhibition of the Draft Kooloonbung Creek Flying-fox Camp Management Plan	FORECASTED – March-April 2019
16	Results of public consultation presented to the Community Consultative Committee	FORECASTED – May 2019
17	Results of public consultation and final Kooloonbung Creek Flying-fox Camp Management Plan submitted to Council for endorsement/adoption	FORECASTED – May 2019

The final CMP will take into account the information derived from the online surveys and comments and advice and consensus gathered at the community meetings.

Actions recommended in the Kooloonbung Creek Flying-fox Camp Management Plan will be prioritised for implementation in Councils 2019/20 Operational Plan as both state government recommendations and budgetary constraints permit.

### Community Engagement & Internal Consultation

Submission		Issue
1.	Community Consultative meeting 4 September 2018	<ul style="list-style-type: none"> <li>• Reduce red tape to allow residents and Council to take action</li> <li>• Scoping of alternative roosting sites</li> <li>• Disperse the bat colony</li> <li>• Continue to achieve the ecological outcomes of Kooloonbung creek</li> </ul>
	<b>Response/Comment:</b>	<p>Council has encouraged community residents to be part of the discussion and development of the Kooloonbung Camp Management Plan. PMHC staff have explained the process of developing a CMP at the meeting and have subsequently published a new website dedicated to Flying Foxes on the Council website to explain the environmental and legislative constraints that need to be adhered to.</p> <p>Within the report Council will address community concerns such as alternative roosting sites, options to disperse the colony and how to effectively maintain the ecological outcomes of the colony.</p>
2.	Community Consultative meeting 14 November 2018	<p>The purpose of this committee meeting was to identify what is to be included in a Camp Management Plan, including the hierarchy of actions that can be proposed and the order in which they can be carried out. It was also to seek feedback from affected and interested residents regarding priorities which may be included as actions in the Camp Management Plan, to be written and produced by external consultants Ecosure.</p>
	<b>Response/Comment:</b>	<p>Residents had the opportunity to identify and prioritise actions that may be included in the Camp Management Plan. These submissions have been given to Ecosure for consideration and will be reflected in the draft Camp Management Plan.</p> <p>The results from the community online survey will be integrated into the second draft Camp Management Plan.</p>

As outlined above there is further community engagement and consultation to be undertaken in the finalisation of the plan.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

**Attachments**

Nil

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**Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:
  - Item 14.01 Request from Resident in Respect of Water Charges  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
  - Item 14.02 T-18-54 Provision of Property Sales and Buyer's Agent Services  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
  - Item 14.03 T-18-33 Concrete, Bricks and Masonry Processing  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

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**RECOMMENDATION**

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

**Item 14.01 Request from Resident in Respect of Water Charges**

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

**RECOMMENDATION**

**Item 14.02 T-18-54 Provision of Property Sales and Buyer's Agent Services**

**This item is considered confidential under Section 10A(2)(d(i)) of  
the Local Government Act 1993, as it contains commercial  
information of a confidential nature that would, if disclosed,  
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**RECOMMENDATION**

**Item 14.03 T-18-33 Concrete, Bricks and Masonry Processing**

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

**RECOMMENDATION**