



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 21 August 2019

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

**time:** 5.30pm

**Note:** Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 21 August 2019

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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 17 July 2019 be confirmed.

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## **PRESENT**

### **Members:**

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

### **Other Attendees:**

General Manager (Craig Swift-McNair)  
Acting Director Corporate Performance (Ashley Grummitt)  
Director Development and Environment (Melissa Watkins)  
Acting Director Infrastructure (Jeffery Sharp)  
Acting Director Strategy and Growth (Liesa Davies)  
Governance Projects Officer (Darryl Hancock)  
Governance Support Officer (Bronwyn Lyon)  
EA 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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Reverend Malcolm Hausler, from the Combined Christian Churches of Port Macquarie delivered the Local Government Prayer.

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### **03 APOLOGIES**

Nil.

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### **04 CONFIRMATION OF MINUTES**

*RESOLVED: Levido/Alley*

That the Minutes of the Ordinary Council Meeting held on 19 June 2019 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

Councillor Cusato declared a Pecuniary Interest in Item 13.05 - Planning Proposal - Airport Business Park, the reason being that Councillor Cusato owns a hanger at the Port Macquarie Airport.

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in Item 13.03 - Bold Street, Laurieton Pedestrian Crossing, the reason being that Councillor Alley serves as the Treasurer on the Parish Council of the Anglican Church of the Camden Haven. The Church operates a business in Laurieton - the Anglican Op Shop. However that business is not located in Bold Street and would not receive any benefit or loss as a consequence of any Pedestrian Crossing in any of the proposed locations and has no competing Op Shop that operate in this area that may be serviced by any of the proposed crossing locations.

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### **06 MAYORAL MINUTES**

Nil.

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

Nil.

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## **08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Ms Patricia Cooper regarding Kenwood Drive Bridge.
2. Ms Kate Aston regarding Lake Innes / Lake Cathie - Future Proofing Ecosystem.
3. Mr Denis Lane regarding Koala Management in Hastings Region.
4. Mr Daniel Bessell regarding Protection of Lake Innes Nature Reserve.

*RESOLVED: Dixon/Alley*

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **08.01 KENWOOD DRIVE BRIDGE**

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Ms Patricia Cooper, member of Revive Lake Cathie, addressed Council in regard to the Kenwood Drive Bridge and answered questions from Councillors.

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### **08.02 LAKE INNES / LAKE CATHIE - FUTURE PROOFING ECOSYSTEM**

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Ms Kate Aston, board member of Revive Lake Cathie, addressed Council in regard to Lake Innes / Lake Cathie - future proofing ecosystem and answered questions from Councillors.

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### **08.03 KOALA MANAGEMENT IN HASTINGS REGION**

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Mr Denis Lane, representing Better Orbital Options Alliance, addressed Council in regard to koala management in the Hastings Region.



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#### **08.04 PROTECTION OF LAKE INNES NATURE RESERVE**

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Mr Daniel Bessell addressed Council regarding protection of Lake Innes Nature Reserve and answered questions from Councillors.

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#### **09 PUBLIC FORUM – MATTERS ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

- Item 11.04 - Mr Greg Freeman, Port Macquarie Aquatic Centre Committee in support of the recommendation.
- Item 11.04 - Mr Bruce Potter, Football Mid North Coast, in support of the recommendation.
- Item 13.01 - Mr Philip Lloyd in support of the recommendation.
- Item 13.01 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.
- Item 13.02 - Mr David Irving in support of the recommendation.
- Item 13.03 - Mr Noel Hiffernan in opposition of the recommendation.
- Item 13.04 - Mr Simon Hancox, PRD Nationwide Laurieton, in opposition of the recommendation.
- Item 13.05 - Ms Donna Clarke, Land Dynamics, in opposition of the recommendation.
- Item 13.05 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.
- Item 13.05 - Dr John Wilkins in opposition of the recommendation.

*RESOLVED: Dixon/Cusato*

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Cusato/Hawkins*

That Standing Orders be suspended to allow Items 11.04, 13.01, 13.02, 13.03, 13.04 and 13.05 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **11.04 PORT MACQUARIE AQUATIC FACILITY - SITE SELECTION**

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The Director Development and Environment tabled replacement page 1 for Attachment 5A to this item. The amendment being made to the list of stakeholders to include Birpai Local Aboriginal Land Council CEO David Carroll.

Mr Greg Freeman, Port Macquarie Aquatic Centre Committee addressed Council in support of the recommendation and answered questions from Councillors.

Mr Bruce Potter, General Manager of Football Mid North Coast, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Cusato/Griffiths*

That Council:

1. Note the details of community engagement that have been undertaken to date as outlined in this report regarding a new aquatic facility in Port Macquarie;
2. Note the facility design components contained within the Otium Planning Group's Port Macquarie-Hastings Aquatic Strategy (Attachment 2) in conjunction with the community's 2017 feedback on priorities for inclusion in a new facility;
3. Note the schematic layouts containing the facility design components for six (6) identified sites for the new Port Macquarie Aquatic Facility (Attachment 3) and the alternate option to upgrade the existing site (Attachment 3A);
4. Endorse the Port Macquarie Aquatic Facility Community Engagement Plan (Attachment 5) and proceed to the next stage of community engagement on the seven (7) options contained within this report; and
5. Request the General Manager to table a report at the September 2019 Council meeting detailing the outcomes of community engagement.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **13.01 RESCISSION MOTION - PROPOSED ORBITAL ROAD PROJECT**

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Mr Philip Lloyd addressed Council in support of the recommendation.

Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Construction, J and G Newton and St Agnes Care and Lifestyle as owners of Emmaus Residential Aged Care Facility, addressed Council in support of the recommendation and answered questions from Councillors.

The Mayor tabled letters from State Member for Port Macquarie, Leslie Williams and the Federal Member for Cowper, Pat Conaghan.

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*MOTION: Pinson/Griffiths*

That the undermentioned motion adopted at the Ordinary Council Meeting held on 19 June 2019:

That Council:

1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;
2. Note the information provided in:
  - a) this Proposed Orbital Road Community Engagement Council report; and
  - b) the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.
3. Request the General Manager to proceed to the next stage of the proposed Orbital Road process, being the development of a Strategic Business Case, known as "Gate 1" (incorporating a Needs Confirmation Summary, known as "Gate 0") as identified in the NSW Infrastructure Investment Assurance Framework.
4. Note that the Strategic Business Case will take up to 24 months and will include both a review and assessment of (but will not be limited to):
  - a) Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);
  - b) Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;
  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;
  - d) Cost-benefit analysis of options to improve the traffic network;
  - e) Project specific traffic studies;
  - f) Environmental impact investigations (including heritage); and
  - g) Social and economic impact investigations;
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.
5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
  - b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)
  - d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.

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7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.
  8. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed and engaged, including via the Community Consultative Committee, in a transparent and timely manner in relation to progress of the project.
  9. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.
  10. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also to contribute \$400,000.
  11. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels, including Council's web site.
  12. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above such as TfNSW, OEH, NPWS, DPE and any others deemed applicable, as well as to the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
  13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
  14. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and traffic network improvements generally.

be rescinded.

LOST: 3/6

FOR: Dixon, Griffiths and Pinson

AGAINST: Alley, Cusato, Hawkins, Intemann, Levido and Turner

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## **ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 7:15pm.

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## **RESUME MEETING**

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The Ordinary Council Meeting resumed at 7:19pm.

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### **13.02 NOTICE OF MOTION - PETITION FOR SECOND ENTRY/EXIT TO CRESTWOOD ESTATE**

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Mr David Irving, petition founder, addressed the Council in support of the recommendation.

*RESOLVED: Pinson/Cusato*

That Council:

1. Note the petition from residents and regular visitors to Crestwood Estate requesting that prior to the finalisation of the planned duplication of Ocean Drive, that Council make the proposed emergency exit a permanent entry/exit to the Estate by regular vehicular traffic.
2. Request the General Manager table a report to the September 2019 Council meeting detailing the following:
  - a) The feasibility of including a permanent secondary access into the Crestwood Estate through the design work already undertaken for the upgrade / duplication of Ocean Drive and what would be involved in doing this; and
  - b) Any other additional access options for the Crestwood Estate.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **13.03 BOLD STREET LAURIETON PEDESTRIAN CROSSING**

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

Mr Noel Hiffernan addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Intemann/Alley*

That Council:

1. Note that Council staff recommend a mid-block (Option 1) alignment for the position of the Bold Street, Laurieton pedestrian crossing for the reasons as detailed in this report.
  2. Request the General Manager undertake additional community engagement for a period of 28 days from 22 July 2019, regarding the preferred location of
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the Bold Street, Laurieton pedestrian crossing, ensuring that the mid-block (Option 1) and the two alternate crossing locations are included in this engagement process.

3. Request the General Manager provide a report to the September 2019 Council meeting summarising the outcomes of the community engagement.
4. Request the General Manager write to the Local Member for Port Macquarie, Leslie Williams MP requesting an extension to the current grant funding agreement for the Bold Street, Laurieton pedestrian crossing, to cater for the additional community engagement process and related timelines.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **13.04 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - PUBLIC EXHIBITION SUBMISSIONS REPORT**

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Mr Simon Hancox, PRD Nationwide Laurieton, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Cusato/Turner*

That Council:

1. Adopt the North Brother Local Catchments Flood Study (2019) report (Attachment 1).
2. Acknowledge the submissions made during the exhibition period and advise those who made submissions of the outcome of Council's consideration of this matter.
3. Proceed with the Floodplain Risk Management Study (FRMS) phase.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **13.05 PLANNING PROPOSAL - AIRPORT BUSINESS PARK**

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Councillor Cusato declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:15pm.

Ms Donna Clarke, Land Dynamics, representing neighbouring Missen land in Boundary Street, Port Macquarie, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Tony Thorne, King and Campbell Pty Ltd, representing Port Macquarie-Hastings Council, addressed Council in support of the recommendation and answered questions from Councillors.

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Dr John Wilkins addressed Council in opposition of the recommendation and answered questions from Councillors.

## **MOTION**

*MOVED: Intemann/Alley*

That Council:

1. Endorse the Planning Proposal attached at Attachment 1 pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to the Port Macquarie Airport and surrounding lands in accordance with the Planning Proposal.
2. Forward the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination, and request that the Determination not authorise Council to be the local plan-making authority.
3. Prepare draft Development Control provisions in respect of the Airport Business Park as outlined in this report in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.
4. Prepare a draft Section 9.11 Airport Business Park Roads Contribution Plan as described in this report.
5. Commit to bind any purchaser of the Council owned Business Park Zone to contribute proportionally to the cost of upgrading Boundary Street and the Hastings River Drive/Boundary Street intersection.
6. Receive a further report providing details of the draft Development Control provisions in 3 above for approval prior to the Planning Proposal and draft Development Control provisions being exhibited concurrently.
7. Receive a report following the public exhibition to assess any submissions received.
8. Delegate authority to the Director Development and Environment to make minor amendments to the Planning Proposal prior to submission for Gateway Determination.

## **FORESHADOWED MOTION**

*MOVED: Pinson/*

That Council:

1. Defer consideration of the planning proposal for the purpose of seeking further information and a Councillor Briefing to clarify concerns over the Missen land.
2. Request the General Manager bring a report back to the September 2019 Council Meeting for further consideration.

## **THE MOTION WAS PUT**

*RESOLVED: Intemann/Alley*

That Council:



- 
1. Endorse the Planning Proposal attached at Attachment 1 pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to the Port Macquarie Airport and surrounding lands in accordance with the Planning Proposal.
  2. Forward the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination, and request that the Determination not authorise Council to be the local plan-making authority.
  3. Prepare draft Development Control provisions in respect of the Airport Business Park as outlined in this report in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.
  4. Prepare a draft Section 9.11 Airport Business Park Roads Contribution Plan as described in this report.
  5. Commit to bind any purchaser of the Council owned Business Park Zone to contribute proportionally to the cost of upgrading Boundary Street and the Hastings River Drive/Boundary Street intersection.
  6. Receive a further report providing details of the draft Development Control provisions in 3 above for approval prior to the Planning Proposal and draft Development Control provisions being exhibited concurrently.
  7. Receive a report following the public exhibition to assess any submissions received.
  8. Delegate authority to the Director Development and Environment to make minor amendments to the Planning Proposal prior to submission for Gateway Determination.

*CARRIED: 6/2*

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

*AGAINST: Griffiths and Pinson*

Councillor Cusato returned to the meeting, the time being 9:12pm.

Councillor Dixon left the meeting, the time being 9:13pm.

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#### **10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 JUNE TO 3 JULY 2019**

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*RESOLVED: Pinson/Griffiths*

That Council note the allocations from the Mayoral Discretionary Fund for the period 6 June to 3 July 2019 inclusive.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Alley left the meeting, the time being 9:14pm.

Councillor Dixon returned to the meeting, the time being 9:15pm.

Councillor Alley returned to the meeting, the time being 9:15pm.



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## **10.02 2019 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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*RESOLVED: Griffiths/Cusato*

That Council:

1. Grant approval for Mayor Peta Pinson, Councillor Alley and the General Manager to attend the 2019 Local Government NSW Annual Conference to be held in Warwick Farm from 14 to 16 October 2019.
2. Determine that Mayor Peta Pinson and Councillor Alley be Council's voting delegates on motions at the Conference.
3. Determine that Mayor Peta Pinson and Councillor Alley be Council's voting delegates on the election of Office Bearers and the Board (Board election) at the Conference.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Councillor Turner left the meeting, the time being 9:17pm.

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## **10.03 PUBLIC SECTOR WOMEN IN LEADERSHIP MASTERCLASS REPORT**

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*RESOLVED: Pinson/Griffiths*

That Council note the report on the Public Sector Women in Leadership Masterclass.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Turner returned to the meeting, the time being 9:18pm.

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## **10.04 WHY LOCAL GOVERNMENT MATTERS - RESEARCH FINDINGS**

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*RESOLVED: Intemann/Griffiths*

That Council note the information contained in this Why Local Government Matters - Findings report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **10.05 2019 SMART CITIES CONFERENCE REPORT**

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*RESOLVED: Hawkins/Turner*

That Council note the information contained in this 2019 Smart Cities Conference Report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **10.06 RELEASE OF IPART REPORTS INTO RATING & COMPLIANCE MATTERS**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Note that the following IPART reports have been released by the NSW Government for consultation:
  - a) Review of the Local Government Rating System.
  - b) Review of Reporting & Compliance Burdens on Local Government.
  - c) Review of Local Government Compliance & Enforcement.
2. Request the General Manager hold a Councillor briefing on the above-mentioned reports with a view to considering making a submission to the Office of Local Government.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Intemann/Dixon*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.08 STATUS OF COUNCIL POLICIES**

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*RESOLVED: Griffiths/Hawkins*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.09 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR GEOFF HAWKINS**

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*RESOLVED: Turner/Dixon*

That Council grant leave of absence for Councillor Hawkins for the period 30 August to 17 October 2019, which includes the Ordinary Meeting of Council scheduled 18 September and 16 October 2019.

*CARRIED: 8/1*

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

*AGAINST: Cusato*

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## **10.10 DISCLOSURE OF INTEREST RETURN**

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*RESOLVED: Intemann/Griffiths*

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

1. Contracts Administrator.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.11 INVESTMENTS - JUNE 2019**

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*RESOLVED: Turner/Hawkins*

That Council note the Investment Report for the month of June 2019.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **11.01 NOTICE OF MOTION - PARK & RIDE BUS SERVICE FOR PORT MACQUARIE**

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*RESOLVED: Pinson/Intemann*

That Council:

1. Request the General Manager to write to Transport for NSW, (with a copy to Busways Port Macquarie) for the purpose of commencing discussions on a Park & Ride bus service through certain parts of Port Macquarie, yet to be determined.
2. Raise a Park & Ride bus service through areas of Port Macquarie with Minister for Regional Transport and Roads at the 31 July 2019 meeting.
3. Request the General Manager to brief Councillors following a response from Transport for NSW.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **11.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JUNE 2019**

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*RESOLVED: Pinson/Griffiths*

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

1. That Lleyton Wall be granted the amount of \$1,500.00 to assist with the expenses he will incur travelling to, and competing as part of the Australian Triathlon Team (Age Group 16 - 19 yrs) at the ITU World Triathlon Championships to be held in Lausanne, Switzerland from 20<sup>th</sup> August - 1<sup>st</sup> September 2019 inclusive.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Councillor Hawkins left the meeting, the time being 9:31pm.

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**11.03 PORT MACQUARIE ALCOHOL FREE ZONE REVIEW AND EXTENSION  
2019**

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*RESOLVED: Cusato/Griffiths*

That Council:

1. Re-establish the Alcohol Free Zone in the CBD for a further four years from October 2019 to October 2023.
2. Place the proposal on public exhibition to inform the community of the intention to re-establish an Alcohol Free Zone in the Port Macquarie Central Business District, in accordance with the requirements under the Local Government Act for an exhibition period of 6 weeks, commencing 22 July to 2 September 2019.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item - 11.04 Port Macquarie Aquatic Facility - Site Selection - has been moved to another part of the document.

Councillor Hawkins returned to the meeting, the time being 9:34pm.

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**11.05 DRAFT FLYNNS BEACH MASTER PLAN - COMMUNITY ENGAGEMENT**

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*RESOLVED: Griffiths/Cusato*

That Council:

1. Note the information contained in the Draft Flynns Beach Master Plan - Community Engagement Report 2018 (Attachment 2).
2. Endorse the Flynns Beach Master Plan Community Engagement Plan (Attachment 3).
3. Place the Draft Flynns Beach Master Plan (Attachment 4) on public exhibition for 28 days from 22 July to 18 August 2019.
4. Request the General Manager provide a report to the September 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **12.01 POLICY REVIEW - COMMERCIAL ACTIVITIES ON COUNCIL MANAGED LAND**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the feedback received during the recent exhibition and review of the Commercial Activities on Council Managed Land.
2. Agree the Policy remain in place unchanged, noting that implementation will have a greater focus on compliance activities.
3. Note that concerns raised relating to paragliding activities since Council's 2017 review and implementation of risk management improvements relate to Bartlett's Beach and not the broader Local Government Area.
4. Request the General Manager undertake a review of the adequacy of existing risk management controls associated with paragliding activities at Bartlett's Beach, and that a report outlining the findings of this review be presented to the October 2019 Ordinary Council Meeting.
5. Acknowledge the submissions received and advise submitters of the outcome of Council's consideration of this matter.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item - 13.01 Rescission Motion - Proposed Orbital Road Project - has been moved to another part of the document.

Item - 13.02 Notice of Motion - Petition for Second Entry/Exit to Crestwood Estate - has been moved to another part of the document.

Item - 13.03 Bold Street Laurieton Pedestrian Crossing - has been moved to another part of the document.

Item - 13.04 North Brother Local Catchments Flood Study - Public Exhibition Submissions Report - has been moved to another part of the document.

Item - 13.05 Planning Proposal - Airport Business Park - has been moved to another part of the document.

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### **13.06 HIBBARD PRECINCT FLOOD STUDY - PUBLIC EXHIBITION SUBMISSIONS REPORT**

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*RESOLVED: Alley/Turner*

That Council:

1. Adopt the Hibbard Precinct Flood Study (2019) report (Attachment 1).
2. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council consideration of this matter.
3. Proceed with the Floodplain Risk Management Study (FRMS) phase.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **14 ITEMS TO BE DEALT WITH BY EXCEPTION**

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Nil.

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### **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Alley/Dixon*

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

2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items

Item 15.01      Review of Organisation Structure  
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

Item 15.02      T-19-15 Sports Field Lighting Installation  
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 15.03 | EOI-19-01 Independent Members of the Economic Development Steering Group<br>This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. |
| Item 15.04 | T-19-23 Design - John Oxley Drive - Kingfisher Road to The Ruins Way<br>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 15.05 | T-19-46 Kendall Emergency Water Trunk Main<br>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 15.06 | T-19-33 - LGP EL0519 Supply of Electricity<br>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.  |
3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 9/0

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

AGAINST: Nil

**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 9:40pm.

## RESUME MEETING

The Ordinary Council Meeting resumed at 9:47pm.



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

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*RESOLVED: Dixon/Alley*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

### **Item 15.01 Review of Organisation Structure**

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

#### **RECOMMENDATION**

That Council, in accordance with Section 333 of the NSW Local Government Act, determine the Organisation Structure for Port Macquarie-Hastings Council as detailed in this Review of Council Organisation Structure report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

### **Item 15.02 T-19-15 Sports Field Lighting Installation**

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 \$602,470 (exclusive of GST) for Sports Field Lighting Installation.
2. Accept schedule of rates from REES Electrical Pty Ltd for Sports Field Lighting Installation.
3. Note the additional price option A from REES Electrical Pty Ltd for the Upgrade of poles from a rigid/static poles to a hinged/see-saw pole.
4. Note the additional price option B from REES Electrical Pty Ltd to install additional light fixtures to achieve a minimum average of 100 Lux.
5. Affix the seal of Council to the necessary documents.
6. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-15.

*CARRIED: 9/0*

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

Item 15.03 EOI-19-01 Independent Members of the Economic Development Steering Group

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

RECOMMENDATION

That Council:

1. Appoint the following people as independent members of the Economic Development Steering Group for a two (2) year term:
  - (a) Mr Stuart Bate;
  - (b) Mr Kellon Beard;
  - (c) Mr Ross Cargill;
  - (d) Mr Paul Dawson;
  - (e) Ms Jane Evans;
  - (f) Mr Peter Halliwell;
  - (g) Ms Kelly King;
  - (h) Ms Michelle Love;
  - (i) Mr Hayden Oriti;
  - (j) Mr Tony Thorne; and
  - (k) Ms Kate Wood-Foye.
2. Commence the appointments by inviting the new members to the next Economic Development Steering Group meeting to be held on 14 August 2019.
3. Formally thank members of the Economic Development Steering Group for their commitment and contribution during the recent two year tenure.
4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-19-01.

*CARRIED: 9/0*

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

Item 15.04 T-19-23 Design - John Oxley Drive - Kingfisher Road to The Ruins Way

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

RECOMMENDATION

That Council:

- 
1. Accept the Tender from Hopkins Consultants Pty Limited for \$359,605.00 (exclusive of GST) for John Oxley Drive Upgrade Design - Kingfisher Road to The Ruins Way.
  2. Accept schedule of rates from Hopkins Consultants Pty Limited.
  3. Affix the seal of Council to the necessary documents.
  4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-23.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 15.05 T-19-46 Kendall Emergency Water Trunk Main

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

**RECOMMENDATION**

That Council:

1. Pursuant to Section 55(3)(c) of the Local Government Act 1993, resolve to not invite tenders for the Kendall Emergency Water Trunk Main Project.
2. Endorse the direct engagement of Coffs Harbour City Council trading as Coastal Works to undertake the emergency works for the Kendall Emergency Water Trunk Main.
3. Maintain the confidentiality of the documents and consideration in respect to T-19-46 Kendall Emergency Water Trunk Main Project.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 15.06 T-19-33 - LGP EL0519 Supply of Electricity

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. Commit to participating in Local Government Procurement's tender process EL0519 for Electricity Supply by delegating to the General Manager the authority to sign the required

- 
- Maximum Price Acceptance Declaration and any required documents to participate in LGP EL0519 Supply of Electricity.
  2. Acknowledges the Maximum Price that can be accepted by Local Government Procurement.
  3. In accordance with section 377(1)(i) of the Local Government Act 1993 (NSW), delegate to the General Manager the authority to accept of tenders as a result of LGP tender process, EL0519.
  4. Note that a further report will be tabled providing the rates accepted under LGP EL0519 Supply of Electricity.
  5. Maintain the confidentiality of the documents and considerations in respect of T-19-33 LGP EL0519 Supply of Electricity.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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The meeting closed at 9:47pm.

.....  
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**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*

**Pecuniary Interest**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

**Non-Pecuniary**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

**Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration 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 the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<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 the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The 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"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <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 or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

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

*This form is to be retained by the council's general manager and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will 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.

"Relative" is defined by clause 4.4 of the Model Code of Conduct 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.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct 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 clause 4.6 of the Model Code of Conduct.

<sup>2</sup> 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 clause 4.3 of the Model Code of Conduct has a proprietary interest



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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 10.18 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:

<b>Item No:</b>	10.18
<b>Subject:</b>	Legal Fees
<b>Attachment Description:</b>	Legal matters >\$10,000 2018-19 Financial Year
<b>Confidential Reason:</b>	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. ( <i>Local Government Act 1993 - Section 10A(2)(d)(i)</i> ).

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**Item: 08****Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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Residents can speak in the Public Forum - Matters Not On The Agenda of the Ordinary Council Meeting on any Council-related matter not listed on the agenda (except those items listed at clause 4.26 of the Council adopted Code of Meeting Practice).

A maximum of five speakers in the Public Forum - Matters Not On The Agenda is allowed at any one Council Meeting.

Each speaker has five minutes to address the meeting. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters Not On The Agenda, 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' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

#### Information for Speakers

- 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 in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- 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.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- If you have any documentation to support your presentation, provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.26):
  - a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
  - a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
  - a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the general manager,
  - a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the council,
  - a submission on any matter which the general manager or their delegate considers is inappropriate to be made at an open 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.

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**Item: 09****Subject: PUBLIC FORUM – MATTERS ON THE AGENDA**

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Residents can request to speak in the Public Forum of the Ordinary Council Meeting on any agenda item listed on the agenda as either:

- In support of the recommendation
- In opposition of the recommendation

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition of the recommendation” are allowed on any one agenda item per Council Meeting.

Each speaker has five minutes to address the Council. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters On The Agenda, 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 On Agenda Item' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

**Information for Speakers**

- 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 on an agenda item, 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 Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- 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.
- The item will then be debated by Council.
- Council will permit no more than two (2) speakers ‘in support of’ and two (2) speakers ‘in opposition of’ the recommendation on any one (1) agenda item.
- Each speaker will be allocated a maximum of five (5) minutes to address Council and this time is to be strictly enforced.
- If you have any documentation to support your presentation, please provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- 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.

# 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: 10.01**

**Subject: GENERAL MANAGER'S ATTENDANCE & PARTICIPATION IN THE  
LOCAL GOVERNMENT CHIEF OFFICERS GROUP**

**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 approve the General Manager's attendance and participation in the Local Government Chief Officers Group Meetings.**

### **Executive Summary**

As part of the General Manager's Council adopted performance agreement for 2018-19 there was a requirement for the General Manager to become a member of the Local Government Chief Officers Group (LGCOG).

The purpose of this report is to request Councils approval for the General Manager's membership, ongoing participation and attendance at a minimum of two meetings of the LGCOG meetings each financial year, noting that meetings are generally held every four months.

### **Discussion**

As part of the General Manager's performance agreement for 2018-19 there was a requirement for the General Manager to become a member of the LGCOG, with the 2018-2019 General Managers performance agreement being adopted by Council at the 20 March 2019 Council meeting.

The LGCOG was formed in Victoria in 1981 and initially comprised some 12 - 15 members from Victoria, New South Wales, South Australia and Tasmania. There are now some 119 members from every State in Australia as well as the Northern Territory and New Zealand. The objectives of the LGCOG are as follows:

- To act as a forum for the exchange of experience and information between Chief Officers to benefit their councils in particular and local government in general.
- To utilise the experience and knowledge of Chief Officers at various government and organisational levels.
- To facilitate the professional development and training of Chief Officers.

The LGCOG meets 3 times a year in different locations, normally in different states of Australia or in New Zealand. Members of the LGCOG offer their Councils as hosts, involving the provision of meeting facilities and a Mayoral welcome. There are no subscription costs, with the only costs being those associated with attendance at the meetings e.g. travel / accommodation / meals.

Meetings are generally held in the last week of the month, most often commencing with an evening Welcome Reception on a Wednesday followed by business sessions commencing on Thursday and into the Friday morning.

The General Manager's application to join the LGCOG was approved by the members of the LGCOG on 19 July 2019. As membership of the LGCOG has now been obtained in line with the General Manager's 2018-2019 performance agreement, it is likely that the requirement to remain a member of the LGCOG will be included in the General Manager's 2019-2020 performance agreement, which is currently under development.

### **Options**

Council can resolve in line with the recommendation included in this report, or not resolve in favour of the General Manager participating in the LGCOG. If Council chooses to resolve to not support the General Managers participation in the LGCOG, then the General Managers 2018-19 performance agreement and subsequent end-of-year review will need to detail this.

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

There has been no community engagement in relation to this report. Through the development of the 2018-19 General Managers performance agreement, there was consultation with the General Managers Performance Panel through the General Manager and the third party facilitator who undertook the development of the performance agreement.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

As noted earlier in this report, there are no subscription costs in being a member of the LGCOG, with the only costs being those associated with attendance at the meetings e.g. travel / accommodation / meals. There is provision within Councils 2019-2020 budget for professional development activities for Council staff and the General Manager, which will cover the cost of attendance at the LGCOG meetings.

### **Attachments**

Nil



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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 JULY TO 7 AUGUST 2019**

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

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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 allocations from the Mayoral Discretionary Fund for the period 4 July to 7 August 2019 inclusive.**

### **Executive Summary**

To advise of the allocations made by the Mayor from the Mayoral Discretionary Fund for the period 4 July to 7 August 2019 inclusive.

### **Discussion**

The Mayor made the following allocations from the Mayoral Discretionary Fund in the past month:

Sponsorship to Angus Gill	\$300.00
Donation of Glasshouse Vouchers for Rotary Project - Brittani Michelle	\$200.00
Floral Bouquet to Cllr Rob Turner & Family on passing of his Mother	\$85.00
Donation of Glasshouse Vouchers for MNC Local Health District Fundraiser	\$200.00
Donation to PMQ CWA in recognition of their 90 <sup>th</sup> Birthday on 01/08/19	\$250.00
Donation of Glasshouse Voucher to Lake Cathie Public School P&C	\$50.00
Donation of Glasshouse Vouchers to PMQ Combined Netball Club Fundraiser	\$200.00
Donation of Glasshouse Vouchers to Hope Shop Masquerade Ball Fundraiser on 17/08/19	\$200.00
Floral Wreath for Victory in the Pacific Commemorative Service on 15/08/19	\$65.00
Floral Wreath for Vietnam Veterans' Day Commemorative Service on 18/08/19	\$65.00
Donation to Kidney Health Australia for 2019 Kidney Kar Rally	\$250.00
	<b>\$1,865.00</b>

### **Options**

This report is for noting only.

**Community Engagement & Internal Consultation**

There has been no community engagement or internal consultation in relation to this report.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report. This report is provided to Council as per the requirements of the Mayoral Discretionary Fund Policy.

**Financial & Economic Implications**

There are no economic implications in relation to this report.

The allocations made during this reporting period are funded from the Mayoral Discretionary Fund as included in the 2019-2020 Operational Plan.

**Attachments**

Nil



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**Item: 10.03**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Grant leave of absence for Mayor Peta Pinson for the period 17 October to 3 November 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.**

### **Executive Summary**

Council has received a request for leave of absence from Mayor Pinson for the period Thursday, 17 October to Sunday, 3 November 2019 inclusive.

### **Discussion**

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

Mayor Pinson has requested leave of absence for the period 17 October to 3 November 2019 inclusive.

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

### **Options**

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

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

There has been internal consultation on this matter with the General Manager.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

**Attachments**

Nil

**Item: 10.04**

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

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

### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
2019-2020 Councillor and Mayoral Fees	15/05/19 Item 09.13		DCP		Aug-19
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery - post negotiations and community consultation	19/06/19 Item 15.09		DCP		Aug-19
Crestwood Estate - Secondary Access	17/07/19 Item 13.02		DI		Aug-19
Port Macquarie Events Plan and Tastings on Hastings future budget	17/04/19 Item 10.02		DSG		Aug-19
T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators	15/05/19 Item 14.01	Onsite demonstration	DI	Aug-19	Sep-19
T-19-09 Supply and Delivery of Ready Mix Concrete - post negotiations	19/06/19 Item 15.04	Still negotiating	DI	Aug-19	Sep-19
T-19-10 Supply and Delivery of Road Construction Materials - post negotiations	19/06/19 Item 15.05	Still negotiating	DI	Aug-19	Sep-19
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South	19/06/19 Item 13.06	Awaiting advice from proponent	DSG	Aug-19	Sep-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Blackwood, Port Macquarie					
Biodiversity Strategy: Post exhibition	19/06/19 item 13.10	Submissions to the strategy closed 25/07/19. We are still considering the submissions received.	DDE	Aug-19	Sep-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05	Information still being obtained.	DSG	May-19 Jun-19 Jul-19 Aug-19	Sep-19
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice and owner's consent	DSG	Sep-18 Oct-18 Feb-19 Apr-19 May-19 Jul-19	Sep-19
LGP EL0519 Supply of Electricity - Accepted Rates	17/07/19 Item 15.06	still negotiating	DCP		Sep-19
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		Sep-19
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		Sep-19
John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council - results of cost assessment	17/04/19 Item 14.01		DCP		Sep-19
Revive Lake Cathie Inc. Submission to PMHC 2019-2020 Operational Plan	15/05/2019 Item 09.01		DDE		Sep-19
Proposed Orbital Road Project	19/06/19 Item 13.01		GM		Sep-19
Port Macquarie Aquatic Facility - post community engagement	17/07/19 Item 11.04		DDE		Sep-19
Bold Street, Laurieton Pedestrian Crossing - post community engagement	17/07/19 Item 13.03		DI		Sep-19
Flynns Beach Master Plan - post community engagement	17/07/19 item 11.05		DDE		Sep-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted. Awaiting further advice and discussions with Councillors.	DDE	Dec-19 Feb-19 Mar-19 Apr-19 Jun-19 Jul-19 Aug-19	Oct-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04	Valuation pending.	DCP	Jun-19 Aug-19	Oct-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09	Still being discussed	DSG	Apr-19 May-19 Jun-19 Aug-19	Oct-19
Paragliding Activities at Bartlett's Beach - Review of Risk Management Controls	17/07/19 Item 12.01		DDE		Oct-19
Coastal Koala Plan of Management	19/09/18 Item 12.04	Draft CKPoM under review and subject to peer review following legal advice from landowner	DSG		Oct-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 May-19	Nov-19
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19 Apr-19 Jul-19	Dec-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Hay Street Forecourt Tuesday Real Food Market Compliance Report	20/02/19 Item 11.01		DSG		Dec-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	DSG		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
2020 Ordinary Local Government Election	20/02/19 Item 09.07		DCP		Feb-20
Planning Proposal - Airport Business Park - post exhibition	17/07/19 Item 13.05	Awaiting additional information from the proponent to allow for the gateway determination to be issued.	DDE		Feb-20
Planning Proposal - Airport Business Park - draft DCP approval	17/07/19 Item 13.05	Awaiting additional information from the proponent to allow for the gateway determination to be issued.	DDE		Feb-20
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DSG		Mar-20
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals	DSG		Aug-20
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala	10/08/16 Item 12.01		DDE		2021 (estimate)



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
habitat credits, prior to the clearing that creates the demand for those credits.					

### Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every (except July)
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, May, 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, May, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DSG	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
Update on Site Specific Planning Proposal Requests	DSG	Biannual	Apr, Oct
Mayoral and Councillor Fees (Setting of)	GM	Annually	May
Long Term Energy Strategy – Progress	DDE	Biannual	May, 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
Council Policy - Status	DCP	Annually	Jul
Recreation Action Plan – Status	DDE	Annually	Jul
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul (previously report in April 2019)
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

Report	Reporting Officer	Reporting Cycle	Month
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: 10.05**

**Subject: COUNCILLOR AND MAYORAL FEES - CATEGORISATION OF  
COUNCIL BY THE LOCAL GOVERNMENT REMUNERATION  
TRIBUNAL**

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

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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 in the Councillor and Mayoral Fees -  
Categorisation of Council by the Local Government Remuneration Tribunal.**

### **Executive Summary**

A report was presented to Council in May 2019 regarding the setting of the annual fees payable to the Mayor and Councillors for the 2019-2020 financial year. As a result of this report, Council resolved to write to the Local Government Remuneration Tribunal (the Tribunal) to confirm what additional information and criteria needs to be provided and to what level of detail in order for the Tribunal to seriously consider an application from Council with regard to potentially moving Council categories.

This report provides the response received by the Tribunal.

### **Discussion**

At the 15 May 2019 Ordinary meeting of Council, a report was presented to set the annual fees payable to the Mayor and Councillors for the 2019-2020 financial year.

The report to Council noted that Port Macquarie-Hastings Council provided a submission requesting the Local Government Remuneration Tribunal to move from the Regional Rural to Regional Strategic Area category. Alternatively, it was requested that consideration be given to the creation of a new category for similar councils in the Regional Rural group. These requests were declined.

As a result, Council resolved the following:

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**09.13 2019-2020 COUNCILLOR AND MAYORAL FEES**

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*RESOLVED: Hawkins/Turner*

*That in relation to Councillor remuneration for the 2019-2020 financial year, Council:*

- 1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2019 to be \$20,280.*
- 2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2019 to be \$64,530 (this amount includes the fee payable to a Councillor).*
- 3. Request the General Manager:*
  - a. Write to the Local Government Remuneration Tribunal (Tribunal) to confirm what additional information and criteria needs to be provided and to what level of detail in order for the Tribunal to seriously consider an application from Council with regard to potentially moving Council categories.*
  - b. Table a report at a future meeting of Council detailing the response from the Tribunal to the above question.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

This report is provided in response to Resolution 3 above.

The General Manager wrote to the Tribunal on 2 July 2019 in response to Resolution 3(a). A response was provided on 9 July 2019. The response is attached as per Resolution 3(b).

As advised in this correspondence, the Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.

Furthermore, the Tribunal has advised that they will write to mayors advising of the commencement of the 2020 Annual Review in due course. In doing so, the Tribunal will outline the matters that may be addressed in submissions.

### **Options**

This report is an information report for noting.

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

Specific community engagement and internal consultation has not been undertaken in regard to this report.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

**Attachments**

1 [View](#). Response from the Tribunal July 2019

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**Item: 10.06**

**Subject: DISCLOSURE OF INTEREST RETURN**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

- 1. Director Infrastructure.**

### **Executive Summary**

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

### **Discussion**

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The following positions are designated person under the *Local Government Act*.

1. Director Infrastructure

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

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

The returns for the abovementioned positions will be tabled at this meeting.

### **Options**

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

**Community Engagement & Internal Consultation**

Internal Consultation

- General Manager
- Director Infrastructure
- Governance Support Officer.

**Planning & Policy Implications**

There are no planning or policy implications.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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Item: 10.07

Subject: NOTICE OF MOTION - PROPOSED MOTION FOR 2019 LOCAL  
GOVERNMENT NSW CONFERENCE

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

### RECOMMENDATION

**That Council requests the General Manager to write to Local Government NSW asking that the following proposed motion be listed on the Business Paper for the 2019 LGNSW Conference:**

- **“That section 5. Building Regulation and Certification Position Statement, of the LGNSW Policy Platform, be amended by adding:**
  - 5.7 More affordable access to the full suite of Australian Standards for the Local Government sector and requests the NSW Government support that access.”**

### Comments by Councillor (if provided)

LGNSW has recently adopted a Policy Platform approach in guiding their advocacy on behalf of their members. Section 5 of that policy is as follows:

#### 5. Building Regulation and Certification Position Statement

##### Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW:  
(E) Planning

##### Background

Successive NSW Governments have continued to extend the types of development that qualify as exempt and complying development. A new pathway for development approval, called ‘complying development’, was introduced under the State Environmental Planning Policy (Exempt and Complying Codes) 2008. This is referred to as the ‘Codes SEPP’. Complying development is a combined planning and construction approval for development that can be determined through a fast track assessment (tick the box) by a council or private accredited certifier. This avoids the need for a Development Application. A series of state wide codes have been established progressively under the umbrella of the Codes SEPP. These enable a council or private certifier to approve development without the need for development consent from council.

An expectation has emerged that the state wide codes can be expanded to higher risk, higher impact and higher density forms of development, such as medium density development.



Our Position

LGNSW advocates for:

- 5.1 Tighter and more effective regulation of private certifiers by the State Government's building regulators – new regulatory arrangements must be strong, proactively enforced and subject to regular and rigorous audit.
- 5.2 The State Government to take priority action to address the many issues identified in the NSW independent review of the *Building Professionals Act 2005* and the Shergold Weir Report.
- 5.3 A single regulatory body responsible for building regulation and certification that is independent, well-resourced, effective and accountable.
- 5.4 Extensive consultation with local government on any proposed changes to strengthen building regulation.
- 5.5 Complying development to be limited to low risk or low impact development, with clearly defined parameters.
- 5.6 Provisions to protect consumers of building developments against the unsatisfactory professional conduct or professional misconduct of any private accredited certifier who practices as a public official but not in the public interest.

Standards Australia is a peak non-Government body that develops and collates building, construction and industry standards. The standards are available to the interested parties for a significant price. This acts as a disincentive for small construction businesses to be properly versed in the requirements for lesser used standards such as access and mobility, as one example.

**Attachments**

Nil

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**Item: 10.08**

**Subject: NOTICE OF MOTION - BORROWING FOR PROJECTS**

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

#### **RECOMMENDATION**

That the General Manager bring back a Report to Council's October 2019 meeting detailing an actual proposal for Council to forthwith borrow, on commercial terms, the sum of \$25,000,000.00 on the basis that the loan funds so borrowed be utilised and allocated for the following project purposes on the basis that all will see commencement (being commencement of design and/or other preconstruction requirements) during the first quarter of 2020, namely:

1. Carry out the upgrade of Boundary Street, Port Macquarie from its intersection with Hastings River Drive to the Port Macquarie Airport entry based on current investigations and planning in an amount of \$15,000,000.00;
2. Carry out upgrade works to Bril Bril Road, Rollands Plains based on prior discussions and investigations with the local community in an amount of \$6,000,000.00;
3. Carry out upgrade works to The Hatch, Blackmans Point based on prior discussions and investigations with the local community in an amount of \$1,200,000.00;
4. Carry out further works with respect to the "School to School" project from Kendall Public School, Kendall to Laurieton Public School, Laurieton, with reference to the existing Strategic Alignment Study and in consultation with the School to School local committee, in an amount of \$900,000.00;
5. Carry out further works with respect to the "Beach 2 Beach" project from North Haven to Dunbogan, with reference to the proposed Strategic Alignment Study and in consultation with the Beach 2 Beach local committee, in an amount of \$900,000.00; and
6. Utilise \$1,000,000.00 with respect to undertaking investigative works as to tidal improvements to that part of the Lake Cathie and Lake Innes Estuarine System from the Ocean Drive bridge in a westerly direction.

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

Council continues to face important decisions as to the prioritisation of infrastructure spending based on its limited income & resources, on the one hand and the less than perfect funding model to which it is subject, on the other.



With the conclusion of the recent NSW State Election and Federal Election, it is fair to say, that Council is now moving into the stage of its funding cycle where the cupboards in Sydney and Canberra will be a little barer for the foreseeable future.

At the Crawford Leadership Forum in Canberra on Monday 24 June 2019, Reserve Bank Governor, Philip Lowe, urged the Federal Government to borrow while interest rates were at record lows to fund the construction of projects. He said, amongst other things:

“If the government can build productive capacity by borrowing at low interest rates, it seems like that is a good thing to do”

and

“Governments here and around the world should have their top drawers full of really good ideas that are shovel-ready in case growth slows”

Whilst we are not a Federal Government, the relevance and applicability to Council as “Local Government” should not be lost.

We live in an era of record low interest rates which are predicted to continue for some time. Council through prudent financial management since administration ended in 2012 is well poised to borrow to fund required and important infrastructure without unreasonable strain on its finances.

Whilst Council will remain critically dependent on State and Federal Government funding to provide the bulk of significant infrastructure moving forward, there are projects that are currently unfunded that can be advanced for the betterment of the Local Government Area through Council initiative.

This Notice of Motion proposes borrowing \$25,000,000.00 to fund, in the manner set out, the 6 projects listed.

The upgrade of Boundary Street, Port Macquarie is long overdue and made more necessary with the imminent completion of the upgrade of the Port Macquarie Airport Terminal in late 2019/early 2020 at a cost of approximately \$10,000,000.00. It will deliver an appropriate “gateway” to visitors and provide a 1:20 year flood free access arrangement to this critical regional infrastructure.

The upgrade of Bril Bril Road at Rollands Plains is a significant start as to reducing the backlog on works required to the existing rural road network and improving the quality of life for the residents of that area.

The Hatch at Blackmans Point has received some funding from the Federal Government announced just prior to the recent Federal Election but more funds are required to provide a more complete solution.

Both the School to School and Beach to Beach projects in the Camden Haven are worthy community based projects that significantly enhance the quality of life of those communities and their residents generally.

The Lake Cathie and Lake Innes Estuarine System is currently undergoing further investigation as to how that system can be protected, improved and enhanced.

Whilst Council is one of many Government stakeholders (and the smallest of such stakeholders) it is important that Council take a lead in applying resources to undertake investigative works as to tidal improvements to that part of the system from the Ocean Drive bridge in a westerly direction.

Common sense dictates that there is a prudent amount to which Council should borrow and owe.

In a perfect world, Council should be able to fully solve and fix all infrastructure problems in its Local Government Area with minimal delay and regardless of cost.

Common sense does prevail, and Council accepts that it does not live in a perfect world.

**Attachments**

Nil

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Item: 10.09

Subject: DIGITAL TECHNOLOGY PROJECT STATUS

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information in the Digital Technology Project Status report and the progress made to date.**

### Executive Summary

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

#### 09.18 NOTICE OF MOTION – ICT STRATEGY

*RESOLVED: Hawkins/Alley That Council:*

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

*Carried: 9/0*

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

*Against: Nil*

In line with resolution 2 above, this report presents a progress report with an overview of the recent completion of Councils ICT Renewal program.

### Discussion

#### Background

Commencing in 2016 and finalised in 2018, Council has completed a comprehensive ICT renewal across Councils ICT infrastructure.

- Aged legacy ICT infrastructure was upgraded

- Cyber security risk posture has been improved through updated policy, process and security systems
- Operating systems have been upgraded to Windows 10
- Network infrastructure has been improved to increase effective access for council's staff
- Disaster recovery & data backup processes have been introduced to improve business continuity and resiliency to unexpected impacts to operations.

With completion of the ICT renewal program, a Digital Technology roadmap was developed which supports the ongoing commitment to meet delivery program objectives of providing efficient technology and inclusive digital systems that are easy to use and easy to access.

#### Projects Update – Steps taken to date

##### *Public Online Mapping:*

In December 2018, a public a version of this mapping application was released. The application is available here <https://www.pmhc.nsw.gov.au/Building-Planning/Industry-Resources/Online-mapping-of-underground-services>

Since the release of this public mapping tool, requests for maps of these services received by Council staff have all but disappeared. These requests were averaging around 100 per month for 2018.

Work is now progressing to add further content to this mapping tool. A new interactive web map has also been added to Council's website to support Community Planning work. A Community Planning Communities map now shows the tranche 2 areas currently involved in the engagement program. Each site provides a brief description of the local area with a link to the Have Your Say webpage for that specific site.

##### *Staff Mobile Mapping:*

Historically, Council office staff have used an internal geospatial mapping service. This software application provides access to more than 350 key layers of mapped information across the LGA.

In April 2019, a mobile version of Council's mapping application was released allowing staff to access the same data in the field, which will lead to increased efficiency and streamlining of work processes. There is the added benefit of using the inbuilt GPS "Geolocation" function to understand how the data relates to their position whilst in the field and leading to better decision-making.

##### *Mobile Mapping Data Collection:*

Council currently provides a number of mobile mapping solutions for streamlining and automating data collection in the field. Examples of those used on a daily basis are the Biosecurity and Koala Incidents field solutions.

Another solution, called Accessible Carparks, is in use by the Port Macquarie-Hastings Access Sub-Committee to document locations and details of disabled car parks. This forms part of an audit process and assists in the planning and delivery of current and future needs of this service to the community.

Launched in June 2019, a recent addition to this suite of solutions is reviewing the Koala Food Trees planted as part of the environmental requirements for the development process. This work also forms part of an audit process and will inform how well this process is working and will continue to work into the future.

*Online Certificates:*

Configured to run out of Council's property management system, online certificates are a new web based self-service module, which provides customers with a convenient and quick online request, payment and lodgement service for certificates related to the sale of a property. This new service eliminates the need to fill in paper forms and visit Council offices to lodge a request, though this is still available for our customers.

After a soft launch with 20-30 of our bulk lodgement customers in April 2019, the new Online Certificates portal was released to the public. Since the rollout, feedback has been positive from customers with 95% of requests made through the portal since its inception.

In addition to the time saving for customers, there have been significant efficiencies for staff in data entry, receipting and invoicing activities. Further streamlining has been possible for record management.

*Meeting Room AV Upgrades:*

In May 2019 the Function and Committee rooms in Council Headquarters at Burrawan Street were upgraded with new audio visual conferencing facilities, allowing those unable to attend meetings in person the option to video conference in utilising Skype for Business. The improved audio and visual capability has enabled better collaboration with offsite staff, customers, vendors and councillors.

Work is now underway to provide the same technology across meeting rooms located at other Council facilities.

*Council Chambers Upgrade:*

Work has commenced in planning the upgrade of the AV equipment in the Council Chambers. The recently adopted Code of Meeting Practice requires that Council must webcast its Council meetings from 14 December 2019. Given the current equipment is over 7 years old with reducing reliability, it is timely to upgrade the system to ensure the Code of Meeting Practice requirements will be met and to improve the audio experience for community members in attendance at Council meetings.

**Options**

This is an information report.



**Community Engagement & Internal Consultation**

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

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

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The Digital Technology roadmap is currently funded through an approved allocation in the 19/20 Operational Plan (of \$1,200,000) noting the allocation in the Carryover report from the 18/19 financial year.

Whilst the 19/20 financial statements are still being finalised, approximately \$820,000 has been expended during the year on various capital projects and renewals.

The efficiencies delivered by the implementation of projects and initiatives is often difficult to quantify in terms of savings and ongoing work will occur to determine what may be able to be quantified in terms of specific projects as they are delivered.

**Attachments**

1 [View](#). Digital Technology Roadmap

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**Item: 10.10****Subject: NATIONAL GENERAL ASSEMBLY 2019 - AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION****Presented by: Corporate Performance, Rebecca Olsen**

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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 National General Assembly 2019 - Australian Local Government Association Report.**

**Executive Summary**

As per the Council adopted Payment of Expenses & Provision of Facilities to Councillors policy, Councillors must report in writing, in an open session of a Council Meeting on the outcome of any conference or similar function attended.

In light of the above, the purpose of this report is for the tabling of a report to Council by Councillor Alley on his attendance at the National General Assembly 2019 - Australian Local Government Association conference held in Canberra from 19 to 21 June 2019.

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

**Discussion**

Report from Councillor Peter Alley:

On the 19 to 21 June 2019, I attended the National Local Government Conference in Canberra. It was attended by about 700 Mayors, Local Government Councillors and General Managers of Councils throughout Australia. I have attached the conference program.

There were presentations from the Deputy Prime Minister Hon Michael McCormack and the Shadow Minister for Regional Services, Territories and Local Government Hon Jason Clare.

There was a notable presentation from Peter Brisbane, Australian Packaging Covenant Organisation and Ryan Collins from Planet Ark on the new recycling symbols standards. With arguments between family members about what items can

be recycled, the new standard will inform in more details how each part of the packaging of products can be properly recycled or disposed of. This will hopefully increase our recycling rates and reduce the incidence of family breakdown. A copy of the presentation is attached.

There were presentations on disaster management and recovery and the need to plan for disaster resilient communications and infrastructure.

In the business section of the meeting, resolutions were considered, debated and resolved or lost. I have attached the list of resolutions dealt with. A few resolutions that are of particular relevance to Councils such as ours are:

### **18 Darebin City, VIC Carried**

*That the National General Assembly call on the Australian Government to:*

- *Fund a \$800 million Grey-spot program that provides pedestrian infrastructure in locations where there are older Australian (+65) to address high proportion of pedestrian deaths experience by older Australians.*
- *Better manage pedestrian injury and risk, through a deeper understanding of the causes of death, injury and the operation of high risk locations.*
- *Use the Principle Pedestrian Network Tool to map future and potential pedestrian demand across our cities.*
- *Introduce policies to support the rapid up-take of electric vehicles;*
- *Re-align the proportion of transport federal funding so that the three levels of Government in Australia have a more efficient and equitable match between their public responsibilities and their finances;*
- *Support funding for other infrastructure to ensure safe walking routes for older pedestrians such as:*
  - *Rest areas and seats*
  - *Mobile battery charge stations*
  - *Crossing refuges*
  - *Water fountain*

### **20 Lake Macquarie City Council, NSW Carried**

*That this National General Assembly call on the Federal Government to move from high-level vision to delivery for connecting major metropolitan centres through high speed rail. This infrastructure would transform Australia, enabling better connectivity between cities, regional centres and international gateways and improving the lives of most Australians.*

### **27 Moyne Shire, VIC Carried**

*That the National General Assembly calls on Federal Members of Parliament in support of actions listed in the MAV "Rescue Our Recycling" action plan being:*

*Action 1 - Mandate Product Stewardship:*

*Introduce mandatory product stewardship for all products that generate waste.*

*Put clear and binding targets within the Product Stewardship Act to drive action by industry. This approach would align with the polluter-pays principle, incentivising designers and producers to take responsibility for the environmental impacts of their products.*

*Action 2 - Tackle Consumer Packaging 5*



*In partnership with state and territory ministers, review the National Environment Protection (Used Packaging Materials) Measure 2011 to impose mandatory participation and binding obligations across the consumer packaging chain. As an interim measure, clarify obligations on industry so that it is easier to hold them to account.*

*Action 3 - Strengthen the National Waste Policy*

*In partnership with state and territory ministers, adopt an action plan for the national Waste Policy that includes firm and ambitious targets and timelines to fast-track our transition to a circular economy.*

*Action 4 – Regulate/ Ban Production and Importation of Hard to Recycle Materials.*

*Action 5 – Standardise Package Labelling and Certify Use of Recycled Content*

*Mandate adoption of the Australasian Recycling Label for all consumer packaging sold in Australia and adopt a certification system for recycled content in line with the US or European models.*

#### **84 Blue Mountains City Council, NSW Carried**

*That the National General Assembly calls on the Commonwealth Government to address the financial impact of visitation on local councils by exploring additional revenue raising options, including differential rates for tourism businesses, bed taxes and Federal/State funding programs specifically for tourism infrastructure renewal and maintenance.*

#### **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 General Manager in relation to this report.

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

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

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

The 2019-2020 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by Councillor Alley at the Conference has been funded from within the existing budget allocation. The total cost of attendance at the conference was \$2,643.27. This includes conference registrations, accommodation, travel and out-of-pocket expenses as allowed for under the Policy.

#### **Attachments**

1[View](#). ALGA's National General Assembly Program - 2019

2[View](#). ALGA Resolutions 2019

3[View](#). Recycling Packaging Comments

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**Item: 10.11**

**Subject: 2018-2019 OPERATIONAL PLAN - END OF YEAR REPORT AS AT  
30 JUNE 2019**

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

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### **Alignment with Delivery Program**

1.1.4 Provide easy to understand and accessible community reporting.

### **RECOMMENDATION**

**That Council note the 2018-2019 Operational Plan - End of Year Report as at  
30 June 2019.**

### **Executive Summary**

The 2018-2019 Operational Plan is a sub-plan of the adopted 2017-2021 Delivery Program. The Delivery Program is designed as the single point of reference for all key activities to be undertaken during a term of Council. The Operational Plan spells out the detail of the individual actions, projects and activities Council will undertake in the financial year to meet the commitments made in the Delivery Program.

Progress reports to Council and the community provide a central point of information on the progress on delivering the actions set out in the 2018-2019 Operational Plan. The attachment to this report outlines what Council has delivered against each Operational Plan action, activity or project and seeks to provide concise and accurate reporting in relation to the progress made.

The overview section in this report provides an overall statistical snapshot of 2018-2019 Operational Plan performance by Community Theme. Further detail is provided below in each theme highlighting achievements and identifying actions that are currently reported as behind.

The attachment provides the full 2018-2019 Operational Plan progress report, which includes a comprehensive listing of each individual action and commentary on progress.

Meeting the targets and performance measures in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the four year Delivery Program 2017-2021. The legislated requirement to report against the Delivery Program occurs on a six-monthly basis. That report is next scheduled to be tabled at the Ordinary Meeting of Council in September 2019.

All capital works projects are incorporated into the body of the Operational Plan and as such are reported on as individual actions. A number of projects may have design and construction elements and therefore can span across multiple years.

**Discussion**(a) Overview - 2018-2019 Operational Plan – End of Year report as at 30 June 2019

The 2018-19 Operational Plan contains 350 performance measures. As at 30 June 2019, 84% were delivered or are on target to continue delivery into 2019-20, 16% are reported as behind. The table below provides a summary of the total number of performance measures and the status by Community Theme.

2018-2019 Operational Plan summary of performance measures by theme				
Community Theme	Total No.	On Target/ Achieved	Behind	Overall Delivery (%)
Leadership and Governance	90	84	6	93%
Your Community	85	72	13	85%
Your Business and Industry	25	21	4	84%
Natural and Built Environment	150	119	31	79%
<b>Total</b>	<b>350</b>	<b>296</b>	<b>54</b>	<b>85%</b>

The table below is comparative data of historical Operational Plan performance and provides information outlining year on year progress against the adopted 2018-19 Operational Plan.

Historical Comparative Review of Operational Plan Performance Measures																
	TOTAL				ON TARGET/ ACHIEVED				BEHIND				OVERALL DELIVERY Percentage (%)			
	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19
1Q - July - Sept	468	320	318	337	410	281	301	321	58	39	17	16	87%	88%	95%	95%
2Q - Oct - Dec	468	320	320	345	391	297	293	321	77	23	27	24	84%	93%	92%	93%
3Q - Jan - Mar	468	320	320	350	381	280	282	279	87	40	38	42	81%	88%	88%	88%
4Q - Apr - Jun	468	320	320	350	384	294	279	296	84	26	41	54	82%	92%	87%	85%
<b>Total</b>	<b>468</b>	<b>320</b>	<b>320</b>	<b>350</b>	<b>384</b>	<b>294</b>	<b>279</b>	<b>296</b>	<b>84</b>	<b>26</b>	<b>41</b>	<b>54</b>	<b>82%</b>	<b>92%</b>	<b>87%</b>	<b>85%</b>

(b) Detailed Analysis by Community Theme

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

COMMUNITY THEME: LEADERSHIP AND GOVERNANCE

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	90	85	4	1	99%
2Q - Oct – Dec 2018	90	74	10	6	93%
3Q - Jan – Mar 2019	90	67	15	8	91%
4Q - Apr – Jun 2019	90	44	40	6	93%

Leadership and Governance - Summary of highlights

- Over 75,000 calls were received through the customer call centre from 1 July 18 to 30 June 2019, with 75% of calls answered within 20 seconds meeting the level of service standard.
- 94% of initial customer interactions were dealt with at the first point of contact.
- Over 92,800 counter enquires were processed, and over 32,000 e-mails were received through Customer Service offices in Laurieton, Port Macquarie and Wauchope from 1 July 2018 to 30 June 2019.
- Over 780 Media releases, statements, alerts and announcements were issued from 1 July 2018 to 30 June 2019.
- Total number of visits to Council's website was over 740,000. Website sessions was over 970,000 and page views was over 1,540,000. This represents an increase of over 6.5%, 6.2% and 3.6% respectively on the same period last year.
- Likes for the corporate Facebook page increased from 7,966 as at 1 July 18 to 9,129 as at 30 June 19. Representing an increase of 14.6%.
- Community Plan development ongoing with Bonny Hills, North Shore, Kew/Kendall, Camden Haven, Comboyne, Lake Cathie and Rollands Plains/Telegraph Point communities. Community-Council Action Teams established to support development of the plans. To date, over 900 community members have been engaged with the process.
- Council Business Units, that includes, the Crematorium, Environmental Laboratory, the Airport and the Glasshouse reported increases in operating revenue compared to the same time last year.

Leadership and Governance - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
1.3.4.3 Implement workplace strategies and processes to continue to improve Learning and Development	Organisational Performance	Implementation of Learning and Development Strategy actions	100%	50%
Behind schedule. Yet to commence. Implementation of strategy actions will take place once the strategy is adopted. Strategy currently in drafting phase.				
1.3.4.5 CW Works Depot relocation - preconstruction/design (multi-year project in 2017-18 linked to 1.3.4.4 CW)	Assets and Property Investment	Deliver project according to approved project plan (Works Depot relocation)	100%	75%
Behind schedule. Land negotiations commencing.				
1.3.5.3 Implement the Human Resource Information System (HRIS)	Organisational Performance	Commenced training of HRIS system	100%	0%
Behind schedule. This action is dependent on implementation of HRIS system. Training will commence once system selected and will continue into 2019-20 FY.				



Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
1.5.1.7 Greenmeadows Drive residential development planning	Assets and Property Investment	Develop concept plan for Greenmeadows Drive development	100%	50%
Behind schedule. Project on hold while Council finalise our approach to the existing community facility next door and our approach to community facilities in this area more broadly.				
1.5.1.7 Greenmeadows Drive residential development planning	Assets and Property Investment	Lodge Development Approval application for Greenmeadows Drive development	100%	50%
Behind schedule. Project on hold while Council finalise our approach to the existing community facility next door and our approach to community facilities in this area more broadly.				
1.5.1.8 Conduct asset revaluation of land under roads, stormwater, flood and foreshore assets	Assets and Property Investment	Complete asset revaluation by 30 June 19	100%	75%
Behind schedule. Asset Revaluation for Stormwater, Flood and Foreshore Assets is yet to be completed, pending CCTV condition analysis of Stormwater network. Request for Tender is currently in Draft, with the planned dates 29 February 2020 (Roads) and 30 April 2020 (Stormwater, Flood and Foreshore).				

COMMUNITY THEME – YOUR COMMUNITY

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	80	79	0	1	99%
2Q - Oct – Dec 2018	82*	77	0	5	94%
3Q – Jan – Mar 2019	85*	70	5	10	88%
4Q – Apr – Jun 2019	85	13	59	13	85%

\*Increase in Operational Plan actions is a result of monthly budget adjustment reports to Council

Your Community - Summary of highlights

- The Lifeguard education program has been delivered to over 4,600 students.
- Implementation of the Recreation Action Plan is ongoing, actions include:
  - Hastings Regional Sporting Facility - Stage 1 development has detailed design for the facility ongoing;
  - Sancrox/Thrumster Sports Fields has the development application associated with earthworks approved. Development of the documentation to engage a consultant to undertake the detailed design of the facility has commenced;
  - Westport Park Riverwall and pathway upgrades complete; and

- Hastings River Recreational Boating Facility has detailed concept plans developed. Land acquisition discussions ongoing with land owners for the project to move to finalisation stage.
- Implementation of the Sporting Facility Renewal program is ongoing, actions include:
  - Blackbutt Park Facility upgrade and replacement of park furniture has site work commenced;
  - Port Macquarie Hastings Hockey Facility - installation of lighting to Field 2 is complete. Field construction has commenced and is scheduled to be completed by September 2019;
  - Port Macquarie Regional Sports Stadium construction of new training field including lighting is complete; and
  - Oxley Oval - Sporting Infrastructure upgrade has the upgrade to the incoming power supply complete. Commencement of sports clubhouse construction has been delayed while project partners seek finalisation of funding deed.
- Regional Master Planning for recreational facilities is ongoing:
  - Master Planning for the Vince Inmon Sporting complex had the draft master plan adopted at the June 2019 Council meeting;
  - Master Planning for Bain Park Wauchope is yet to commence and will align with the development of the Community Plan for Wauchope; and
  - The draft master plan for Flynns Beach was presented to the Ordinary Council Meeting in July 2019 with further community engagement to be undertaken in 2019-20.
- Port Macquarie Coastal Walk upgrade had the Westport Park segment of the Coastal Walk upgrade completed in November 2018. Construction works on the Charlie Uptin segment scheduled to commence in August 2019. Design of the Doctors Walk segment is currently in the design phase.
- 306 pool inspections have been undertaken from 1 July 2018 to 30 June 2019.
- 287 public health inspections were undertaken from 1 July 2018 to 30 June 2019.
- Library membership as at 30 June 2019 is 34,231 an increase from 33,087 compared to the same period last year.
- Your Community - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
2.1.3.1 Monitor and take action as appropriate to ensure compliance with development approvals and building, environmental, public health and on-site sewage standards	Regulatory Services	Undertake 1,000 on-site sewage inspections	1,000#	836#
Behind target. Operational issues have impacted on meeting the annual target.				
2.2.1.6 Finalise a new Port Macquarie Hastings Events Plan	Community Place	Commence implementation of actions relating to community events	100%	95%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Behind Schedule - The Event Plan was presented to the Executive Group for review in June. Feedback has then been incorporated into an updated draft to be resubmitted to the Executive Group in mid July. Council continued to deliver events for our community, including Bicentenary Event, Reclaim the night, Countdown to Christmas, New Years Eve Fireworks, Australia Day activities, Reconciliation Week, Four Season in one Dementia Day project, Youth Week, Seniors Week as well as planning for Artwalk 2019. The team also delivered three Mayors Sporting Fund events.				
2.2.1.6 Finalise a new Port Macquarie Hastings Events Plan	Community Place	Finalise Events Plan	100%	95%
Behind Schedule - The Event Plan was presented to the Executive Group for review in June. Feedback has then been incorporated into an updated draft to be resubmitted to the Executive Group in mid July.				
2.2.1.7 Finalise the Community Inclusion Plan, that determines focused actions for Seniors, Youth, Aboriginal Communities, Diversity, Multiculturalism and LGBTIQ groups	Community Place	Implement the Community Inclusion Plan actions	100%	90%
Behind schedule. The Community Inclusion Plan has been drafted and was presented to the Executive in June 2019 for comment. Key revisions have been made and the Plan will be resubmitted to the Executive before going to a Councillor Briefing and then to Council.				
2.3.2.4 Undertake regional master planning for recreational facilities	Recreation and Buildings	Continue master planning for Flynn's Beach	100%	60%
Behind schedule. Draft Master Plan developed following community engagement process. The Draft master plan was presented to the July 2019 Council Meeting prior to further community engagement being undertaken. Project to continue into 2019-20 FY.				
2.3.2.6 CW Hastings River recreational boating improvements - Undertake design/pre-construction for provision of new facility as per Boating Needs Investigation Allocated Amount 2018-19 - \$310,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
Behind schedule. This project remains in the initiation phase. Design phase commencement is pending negotiations re land acquisition and traffic/intersection planning. No construction is proposed on this project during the 2018-19 FY. This project will continue into the 2019-20 FY.				

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
2.3.3.12 CW Sancro/Thrumster Sports Fields - Detailed design and approvals - multi-year project - Adopted 2017-18 - \$300,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. This project continues from 2017-18 FY. This design phase only project is progressing towards design finalisation in late 2019. The design phase of this project is pending the Development Approval (private developer) for the filling of the sports field site, timing to be confirmed. No construction budget allocation has been made to this project at this stage.				
2.3.3.15 CW Kendall Skatepark – renewal of facility at end of useful life – Design and construct Allocated Amount 2018-19 - \$150,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	50%
Behind schedule. The initiation phase of this project dependent on confirmation of land availability for the proposed skatepark. This project to continue into 2019-20 FY.				
2.3.3.18 Administration of public roads, public spaces, events and customer engagement: Section 138 Road Applications, Road Encroachments, Customer Enquiries, Statutory Road Functions, Road Policies	Transport and Stormwater Network	Deliver works in accordance with Council's Policies and Procedures	100%	90%
Behind schedule. Level of service for responding to applications and enquiries has dropped to a reduction in personnel within the Group.				
2.3.4.03 Wayne Richards Park — Stage 3B detailed design and approvals - Adopted 2016-17 - \$300,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. Design underway for this multi year project and is expected to continue into the 2019-20 FY with estimated design completion in May 2020. The construction phase would then be subject to depot relocation and budget allocation.				



Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
2.3.4.07 CW Googik Track - construct shared walkway/cycleway, Stage 2 - multi-year project - Adopted 2017-18 - \$75,696	Recreation and Buildings	Deliver project according to approved project plan	100%	10%
Behind schedule. The next stage of works associated with the Googik Track was confirmed by National Parks at the August 2018 Googik Track Working Group Meeting. Design timelines are yet to be confirmed by National Parks.				
2.3.4.12 CW Port Macquarie Town Centre Master Plan (TCMP) Improvements Banner Poles, Clarence St - Tree and Understorey Replanting, Foreshore Landscaping - General Embellishment, Gordon St Bridge	Recreation and Buildings	Deliver project according to approved project plan	100%	30%
Behind schedule. Gordon Street underpass works continuing and will be ongoing into 2019-20. There has been a change in the environmental pathway which has impacted the delivery. The following TCMP projects have been deferred to allow for focus on the finalisation of designs and approvals for the Port Macquarie Foreshore Walk: Foreshore Landscaping, Clarence Street Tree and Understorey Replanting and William Street - Tree and Understorey.				
2.3.4.14 CW Port Macquarie Pool - Detailed design and approvals - Allocated Amount 2018-19 - \$500,000	Recreation and Buildings	Deliver project according to approved project plan	100%	0%
Behind schedule. Commencement of detailed design to follow site selection process which is currently underway.				

COMMUNITY THEME: YOUR BUSINESS AND INDUSTRY

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	25	23	0	2	92%
2Q - Oct – Dec 2018	25	23	0	2	92%
3Q - Jan – Mar 2019	25	23	0	2	92%
4Q - Apr – Jun 2019	25	2	19	4	84%

Your Business and Industry - Summary of highlights by Council Service

- Implementation of the Small Business Friendly Council Program is ongoing and includes major initiatives, Local Preference Policy and Outdoor Dining Policy. Work has also commenced to draft an outdoor trading policy.
- Implementation of actions relating to 'Major Events' is ongoing, 23 major events were supported from 1 July 2018 to 30 June 2019. The events resulted in a combined economic impact of over \$36 million for the community.
- Visits to the destination website for the 2018-19 financial year show an increase of 46.20% year on year. This represents an increase in users from 251,703 for 2017-18 FY to 367,991 for 2018-19 FY.
- Port Macquarie Airport Terminal upgrade Stage 1 construction completed.
- Port Macquarie Airport Terminal upgrade Stage 2 construction commenced.
- Port Macquarie Airport Parallel Taxiway - Stage 1 and General Aviation pavement renewal has concept design finalised. The environmental assessment is ongoing and Biodiversity Certification Agreement is progressing with implementation post approval.
- Town and village signage installation is ongoing. Site selection and the community engagement on the proposed symbolism is being facilitated through the Community Planning process.

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

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
3.1.2.1 Finalise Local Environmental Plan (LEP) and Development Control Plan (DCP) amendments in relation to a business park near Port Macquarie Airport	Strategic Land Use Planning	Report to Council regarding adoption of LEP and DCP amendments by 31 Dec	100%	50%
Behind schedule. Draft Planning Proposal received early June 2019 for the proposed airport precinct business park and biodiversity certification outcomes. Further report presented to the July 2019 Council Meeting for a decision to request a Gateway determination. Report also recommends a DCP be prepared for concurrent exhibition with the Planning Proposal.				
3.1.2.2 Investigate the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive Lake Cathie, for potential service industrial development	Strategic Land Use Planning	Review of information submitted by landowners and progress report to Council by 31 December 2018	100%	95%
Behind schedule. Assessment report on the Planning Proposal presented to the April 2019 Council meeting for a decision to request a Gateway determination.				

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Council has forwarded the Planning Proposal to the Department of Planning, Industry and Environment and is awaiting the issue of a Gateway determination.				
3.1.3.2 Finalise and implement a new Port Macquarie-Hastings Events Plan	Economic Development and Communications	Finalise Events Plan	100%	95%
Behind schedule. The Events Plan was presented to Executive Group for review in June. Feedback has been incorporated into an updated draft to be resubmitted to the Executive Group in mid July 2019.				
3.3.1.2 Support, facilitate and advocate for regular public transport (RPT) airline services at Port Macquarie Airport	Commercial Business Units	Increase in passenger numbers compared to previous year	100%	97%
Behind schedule. Passenger numbers for 2018-19 (214,794) are -2.8% behind 2017-18 (at 220,887 passengers). The decrease is attributed primarily to temporary regional network changes implemented by QantasLink during the year.				

COMMUNITY THEME: NATURAL AND BUILT ENVIRONMENT

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	142	125	5	12	92%
2Q - Oct – Dec 2018	148*	130	7	11	93%
3Q - Jan – Mar 2019	150*	119	9	22	85%
4Q - Apr – Jun 2019	150	48	71	31	79%

\*Increase in Operational Plan actions is a result of monthly budget adjustment reports to Council

Natural and Built Environment - Summary of highlights

- Provision of centralised sewerage systems for Comboyne, Long Flat and Telegraph Point as part of the small town sewerage program has construction commenced in October 2018 and is ongoing and will continue into 2020.
- Stormwater flooding mitigation measures at Rodley Street Bonny Hills has Construction commenced in May 2019 and targeting completion in late 2019.
- Construction of stormwater remediation measures for Stage 2 at Batar Creek Road Kendall is complete.
- Construction of new footpath completed with locations including:
  - Central Road, Port Macquarie;
  - Hill Street, Port Macquarie;
  - Ocean Drive, North Haven;

- The Parade, North Haven; and
- Kendall Road, Kew.
- Construction of improved pedestrian amenity for Wauchope Main Street – Stage 1 has construction continuing with works underway on the northern side of High Street Wauchope. Works will continue into 2019-20.
- Construction to replace bridge over Harty's Creek on Comboyne Rd completed.
- Construction of the Newport Island Road roundabout on Hastings River Drive completed.
- Substructure rehabilitation works on the Dunbogan Bridge - Reid Street - Construction contract awarded May 2019. Contractor planning progressing on schedule and is ongoing.
- Kindee Bridge structural repairs and bridge replacement optioneering has initial repairs and detailed investigations complete. Stage 2 works planned to commence in August/September 2019.
- The Road Rehabilitation Programme included completion of the following projects:
  - Bago Road (Milligans to Herons Creek), Herons Creek with final bitumen seal planned for September 2019;
  - Beechwood Road (Riverbreeze to Waugh), Wauchope. Final bitumen seal planned for September 2019;
  - Colonial Circuit, Wauchope;
  - Burrawan Drive, Wauchope;
  - Fairmont Drive, Wauchope;
  - Range Street, Wauchope;
  - Bransdon Street, Wauchope;
  - Bay Street, Port Macquarie; and
  - Bellbowrie Street, Port Macquarie.
- The Road Reseal Programme included completion of the following projects:
  - Lighthouse Beach - Local Roads, Port Macquarie;
  - Watonga Street, Port Macquarie; and
  - Matthew Flinders Drive Port Macquarie has been postponed until September 2019 to avoid impacting on the Ironman event.
- New bus shelters have been installed across the region as per the Community Passenger Transport Infrastructure Grant Scheme in the following locations:
  - Beechwood Road, Beechwood (Two);
  - High Street, Wauchope;
  - Cameron Street, Wauchope;
  - Ocean Drive, Lake Cathie (Two);
  - Pacific Drive, Port Macquarie;
  - Ocean Drive, Port Macquarie;
  - Granite Street, Port Macquarie;
  - Greenmeadows Drive, Port Macquarie (Three);
  - Hastings River Drive, Port Macquarie;
  - Pacific Drive Port Macquarie;
  - Ocean Drive, West Haven; and
  - The bus shelter at Port Macquarie Airport is in the planning phase.
- Beach to Beach shared path at Camden Haven has construction of Stage D9 pathway practically complete. Consultants engaged to undertake an alignment feasibility study and environmental pathway assessments for the remaining sections of path.
- Lighthouse Road Tourism Connectivity Project - Lighthouse Road east upgrades
  - Matthew Flinders Drive to The Lighthouse has commenced and is ongoing.



- The Gordon/Horton Street intersection upgrade has design work commenced.
- The planning proposal for provisions for “gateway sites” at the intersection of the Pacific and Oxley Hwy was on public exhibition during April and May 2019. A report on the outcomes was presented to the June 2019 Ordinary Council Meeting.
- Implementation of the Weed Management Program has included:
  - Over 620ha of land treated for invasive weeds;
  - Over 850kms of weed dispersal routes treated; and
  - Over 195 properties inspected for invasive weeds.
- Over 1,280 customer requests relating to tree matters were handled from 1 July 2018 to 30 June 2019.
- Over 1,800 Development Applications, s96 Development Modifications, Construction Certificates and Complying Development Certificates were determined within agreed processing times from 1 July 2018 to 30 June 2019.

Natural and Built Environment - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
4.1.1.18 CW Commence construction of the Wauchope to Sancrox Trunk Main - Allocated Amount 2018-19 - \$1,285,574	Water and Sewer (Infrastructure Delivery)	Deliver project according to approved project plan	100%	90%
Behind schedule. This project is in the finalisation of the design phase. During the previous reporting period the environmental assessment pathway for the proposed watermain was reviewed and the need for an Environmental Impact Statement (EIS) and Development Application (DA) was confirmed to be required for a portion of the propose route. These additional environmental assessment processes delayed the completion of the project design phase until mid 2019, hence delaying the potential construction commencement until the start of the 2019-20 FY at earliest. This project budget will consequently require some carry over into the 2019-20 FY.				
4.1.2.2 CW Upgrade disinfection dosing system at various locations - Allocated Amount 2018-19 - \$204,400	Water and Sewer	Deliver project according to approved project plan	100%	50%
Behind target. Sourcing alternative quotes for a sodium hypochlorite dosing package for the Telegraph Point Water Treatment Plant as the chlorine gas system proved not to be feasible.				
4.1.3.01 CW Commence construction of the Port Macquarie Sewer rising main (PMSP71), Port Macquarie -	Water and Sewer (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Adopted 2017-18 - \$1,388,749				
Behind schedule. This project continues from 2017-18 FY and is a multi-year project. Detailed design phase has reached completion during the reporting period, and construction phase progressing towards commencement in 2019-20 FY.				
4.1.3.18 CW Preconstruction of Thrumster Sewerage Treatment Plant (STP -Area 13) - Phase 1 - 20000EP - Allocated Amount 2018 -19 - \$511,000	Water and Sewer	Deliver project according to approved project plan	100%	50%
Behind target. This project has been included as a high priority with Intergrated Water Cycle Management project engagement with Public Works Advisory. It includes Environmental Impact Statement and feasibility assessment of different options for Thrumster and the Port Macquarie Sewer Treatment Plants that can cater for growth in the Port Macquarie area.				
4.1.5.06 CW Black Swan Terrace - Stormwater detention facility - Adopted 2017-18 - \$300,000	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%
Behind schedule. Project awaiting outcome from Dam Safety Committee and final design report delayed by service clashes.				
4.1.5.07 CW Continue stormwater remediation - Calwalla Crescent - Allocated Amount 2018-19 - \$275,000	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. Design phase complete. Construction commenced in July 2019 with expected completion prior to end of 2019 (subject to weather).				
4.2.1.03 Undertake development of Coastal Management Plans (Coastal Management Program)	Environmental Services	Development of <i>Coastal</i> Management Plans complete	100%	50%
Behind schedule. Development of the overarching Coastal Management Program is dependent on funding. Grant funding being sought. Scoping study commenced in-house. Operational Plan action to continue into 2019-20.				
4.2.1.03 Undertake development of	Environmental Services	Development of <i>Estuary</i>	100%	50%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Coastal Management Plans (Coastal Management Program)		Management Plans complete		
Behind schedule. Development of the overarching Coastal Management Program is dependent on funding. Grant funding being sought. Scoping study commenced in-house. Operational Plan action to continue into 2019-20.				
4.2.1.04 Wrights and Yarranabee Creeks Flood Study - Update to include Urban Drainage Systems	Environmental Services	Wrights and Yarranabee Creeks Flood Study complete	100%	70%
Behind target. Flood study presented to the December 2018 Ordinary Council Meeting, however due to policy change (climate change) further modelling mapping is required. Operational Plan action will continue into 2019-20.				
4.2.1.08 CW Lake Cathie Illaroo Road Revetment Wall Funding Model	Environmental Services	Lake Cathie Illaroo Road Revetment Wall Funding Model complete	100%	60%
Behind schedule. The cost benefit analysis is currently under review by the Office of Environment and Heritage. Funding model due to start and the Operational Plan action to continue into 2019-20 with finalisation expected by end of 2019.				
4.4.1.02 Develop a Regional Integrated Transport Strategy - multi-year project	Transport and Stormwater Network	Deliver project according to approved project plan (Develop a Regional Integrated Transport Strategy)	100%	80%
Behind schedule. Project has been delayed due to the Orbital Community Engagement Project.				
4.4.1.10 CW Lake Road - continuation of detailed design of dual lanes - Jindalee to Fernhill intersections and Chestnut Road to Ocean Drive - multi-year project	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	75%
Behind schedule. This design only project continues from 2017-18 FY. Design is now progressing towards anticipated completion in Aug 2019 due to additional traffic study investigations required to inform the detailed designs.				



Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
4.4.1.12 CW Beechwood Road - continue the design for Stages 5 and 6 of Beechwood Road reconstruction - Riverbreeze to Waugh Street - multi-year project	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. This design only project is progressing with additional flood modelling now completed. The finalisation of the designs is underway. Design completion is now expected in Sept 2019.				
4.4.1.31 CW Deliver Bold Street Pedestrian Crossing Laurieton - Allocated Amount 2018-19 - \$347,000	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. Design completion has been delayed as a result of the May 2019 Ordinary Council Meeting. Determination on delivery for project is expected at July 2019 Ordinary Council Meeting. Construction commencement now not expected prior to Sept 2019 at earliest.				
4.4.1.33 CW Continue detailed designs - north of Miala Street to Orana Drive Lake Cathie - Adopted 2017-18 - \$250,000	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	85%
Behind schedule. This design only project continues from 2017-18 FY. The design engagement process is progressing and community engagement session complete. A council report was presented to the Dec 2018 Ordinary Council meeting summarising the community feedback. Council resolved to update the concept design to include parking lanes and a supplementary community engagement activity is proposed to inform the community of the updated designs once completed. The detailed design for the project will then follow for section A (Southern portion of works, Miala to Fiona Cres) and continue in 2019-20FY. Target design completion has extended from Sept to Dec 2019.				
4.4.1.48 Development Contribution Plan (Roads) Review and Update	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%
Behind schedule. Project scoping has been delayed due to other higher priority program activities. Planning commenced on producing interim contributions plan.				
4.4.1.52 AUS-SPEC Review - Undertake a comprehensive review of Councils full suite of	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
design and construction specifications - multi-year project				
Behind schedule. Implementation of revised specifications have been delayed by other higher priority projects.				
4.5.1.07 Investigate LEP and DCP amendments for the proposed Yippin Creek urban release area to the west of Wauchope	Strategic Land Use Planning	Report recommended draft planning outcomes to Council by 30 June	100%	50%
Behind schedule. Project status considered as part of April 2019 Council report on UGMS priorities and funding received from interested landowners. Consultants engaged for bushfire, flooding and stormwater. Fee proposals being assessed for biodiversity.				
4.5.1.08 Commence preparation of Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP) provisions for the Port Macquarie Health and Education Precinct	Strategic Land Use Planning	Completion of a Project Plan for the LEP, DCP and CP process by 31 December 2018	100%	90%
Behind schedule. Master Plan exhibited but not yet reported to Council. Commencement of LEP, DCP and Contributions Plan amendments delayed				
4.5.1.08 Commence preparation of Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP) provisions for the Port Macquarie Health and Education Precinct	Strategic Land Use Planning	Implementation of key Stage 1 actions in accordance with the Project Plan by 30 June 2019	100%	50%
Behind schedule. Master Plan exhibited but not yet reported to Council. Commencement of LEP, DCP and Contributions Plan amendments delayed.				
4.5.1.10 Commence a review of housing related Local Environmental Plan (LEP) and Development Control	Strategic Land Use Planning	Preliminary support studies complete to inform the review by 30 June 2019	100%	75%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Plan (DCP) provisions to promote housing choice options				
Behind schedule. Delay to the appointment of consultants due to the need to obtain revised fee proposals. Consultants expected to be appointed in July 2019 to undertake the preparation of the Local Housing Strategy. Project expected to be completed in 2019-20 FY.				
4.5.2.2 Commence a review of the Major Roads Contributions Plan and Water and Sewerage Development Servicing Plans for completion in 2020	Strategic Land Use Planning	Preliminary support studies complete to inform the review and an update provided to Council by 30 June 2019	100%	90%
Behind schedule. Roads, water and sewerage works program under preparation as pre-cursor to Contributions Plan and Development Servicing Plans review.				
4.6.1.01 Undertake weed management program according to the Mid North Coast Invasive Plant Species Strategy 2012, working in partnership with community groups such as Landcare	Environmental Services	20% of all plant nurseries in the local government area (LGA) inspected for invasive weeds	100%	0%
Behind schedule. Due to resourcing constraints, this target has not been met.				
4.6.1.01 Undertake weed management program according to the Mid North Coast Invasive Plant Species Strategy 2012, working in partnership with community groups such as Landcare	Environmental Services	300 properties inspected for invasive weeds	300#	196#
Behind schedule. Due to resources constraints and recruiting processes, this program has not achieved its targets.				
4.6.1.02 Control feral animals on Council-controlled land	Environmental Services	Undertake feral animal control	100%	0%
Behind schedule. Delayed due to the requirement to review the action plan.				

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
4.6.1.04 In collaboration with community groups, such as Landcare, implement the Bushland Regeneration Program	Environmental Services	1,200ha of bushland under active management	1,200ha	724ha
Behind schedule. Resourcing limitations resulting from vacancies in this area have prevented this program from meeting target. The new Team Leader commenced in April 2019, However, there are now vacancies within the Bushland Regeneration Team that have meant the prescribed targets have not been met.				
4.6.1.06 Inform and educate residents, industry and community groups about Council's tree management requirements within the Port Macquarie-Hastings 2013 Development Control Plan (DCP)	Recreation and Buildings	Provide advice in accordance with service standards and industry best practice	100%	53%
Behind target. Total number of Customer Requests received for the period from 1 July 2018 to 30 June 2019 was 1,284. Of these, 974 (Public), 195 (Private) and 12 (Illegal tree removal/pruning). In addition there were 50 (Storm) and 6 (Rural Roads) related enquires. 48 customer requests currently exceed service standard. This was impacted by a number of storm events resulting in tree damage during the reporting period. Additional information: 416 enquires (331 public phone and 85 private phone and email enquires). This does not include calls transferred from call centre to mobile or landline. In addition, there were 169 internal enquiries.				
4.6.1.08 Undertake implementation of the Koala Management Strategy incl the Koala Management Project - Fire & Biodiversity Consort, the Koala Road Strike Project, Flood Mitigation Maintenance Program	Environmental Services	Commence implementation of the identified actions in the Koala Management Strategy	100%	50%
Behind schedule. Resourcing constraints have led to only partial delivery of this project.				
4.6.1.11 Hastings River Streamflow and Rainfall Gauges	Environmental Services	Hastings River Streamflow and Rainfall Gauges	100%	0%
Behind target. Awaiting Crown Lands licence.				



Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
4.7.1.2 CW Install solar energy systems at the Kew Waste Transfer Station and the <i>Port Macquarie Reclaimed Water Treatment Plant</i>	Water and Sewer	Solar system installation at the <i>Port Macquarie Reclaimed Water Treatment Plant</i> complete	100%	25%
Behind target. Public works were engaged to develop tender specifications. Delays with the submission of these documents to Council have caused delays. Specifications have now been completed and requests for quotation will go out in Q1 of 2019-20 FY.				
4.7.1.6 CW Install solar energy systems at selected existing Council facilities - Allocated Amount 2018-19 - \$100,000	Recreation and Buildings	Install solar energy systems at identified Council facilities	100%	80%
Behind schedule. Two nominated projects at the Wauchope and Kendall Pool have had all preliminary works completed. Procurement deferred. An internal review carried out by Governance and Procurement completed. Budget line has been carried over to the 2019-20 FY so the projects can be delivered once approval has been given.				

### Options

Seek further information on the content in this report.

### Community Engagement & Internal Consultation

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

### Planning & Policy Implications

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

### Financial & Economic Implications

The Quarterly Budget Review Statements are tabled separately and reflects the financial implications against the 2018-2019 Operational Plan.

#### Attachments

1 [View](#). 2018-2019 Operational Plan End of Year Progress as at 30 June 2019

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**Item: 10.12**

**Subject: 2018-2019 FINANCIAL STATEMENTS AUDIT**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

- 1. That Council refer to audit the draft Financial Statements as at 30 June 2019.**
- 2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and one Councillor as required by the Local Government Act 1993.**

### **Executive Summary**

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

### **Discussion**

The draft financial statements for the year ended 30 June 2019 are nearing completion. The external audit is due to commence on the 23 September 2019. The auditors aim is to complete their audit by mid October 2019 which means the statutory deadline of 31 October 2019 will be met. A copy of the audited financial statements is due at the Office of Local Government by 31 October 2019.

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

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

### **Options**

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

**Community Engagement & Internal Consultation**

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

**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 as a result of this report, as this report is simply committing Council to refer the draft financial statements to audit as per Section 413(1) of the Local Government Act 1993.

**Attachments**

[1View](#). 2018-19 General Purpose Reports - Statement

[2View](#). 2018-19 Special Purpose Reports - Statement



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**Item: 10.13****Subject: INVESTMENTS - JULY 2019****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the Investment Report for the month of July 2019.**

**Executive Summary**

- Total funds invested as at 31 July equals \$289,829,856.
- Interest for the month of July was \$714,792.
- The year-to-date investment income of \$714,792 represents 9% of the total annual investment income budget of \$8,395,000.
- Council's total investment portfolio performance for the financial year to date was 1.52% above the benchmark (2.94% against 1.42%). Benchmark being the Bank Bill reference rate as at 31 July 2019.

**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 31 July 2019, comply with this Act.

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

As at 31 July 2019, the investments held by Council totalled \$289,829,856 and were attributed to the following funds:

General Fund	116,549,280
Waste Fund	17,644,842
Water Fund	94,945,362
Sewer Fund	59,238,324
Sanctuary Springs Fund	37,678
Broadwater	1,414,370
	<b>289,829,856</b>

Whilst the current level of investments remains 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 in relation to this report.

**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 1.52% above the benchmark (2.94% against 1.42%) and year to-date income is 9% of the total annual budget.

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

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds.

**Certification**

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

*Nicole Spencer*  
*Responsible Accounting Officer*

**Attachments**

1 [View](#). Port Macquarie-Hastings Council Monthly Report - July 2019

2 [View](#). Port Macquarie-Hastings Council Portfolio as at 31 July 2019

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**Item: 10.14**

**Subject: MONTHLY BUDGET REVIEW - JULY 2019**

**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 "July 2019 Adjustments" section of the Monthly Budget Review – July 2019.**
2. **Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.**

### **Executive Summary**

This report details monthly budget adjustments recommended to be made for the month of July 2019.

The Council adopted budget position as at 1 July 2019 was a shortfall of \$975,198 and as at 31 July 2019 this remains unchanged.

### **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 2019-2020 budget position along with the proposed movement of funds to accommodate any changes.

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

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2019</b>	<b>Shortfall</b>	<b>(\$975,198)</b>
Plus adjustments:		
July Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2020</b>	<b>Shortfall</b>	<b>(\$975,198)</b>



July 2019 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 budget variation reviews, transfers between accounts, grant funding, transfer between 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 Funding	1	Grant	\$391,946
Reserve Movements	2	Reserves	\$168,640
Contributions and Other Revenues	3	Contributions	\$78,382
Section 7.11 Contributions	4	Section 7.11	\$0
Budget Variation Requests	5	Grant/Reserve/ Section 7.11 Contributions/Revenue	\$1,434,135
Transfer Between Projects	6	Revenue	\$405,000
Council Resolutions	7	Section 7.11 Contributions	\$59,000
Budget Reductions on May Project Deferrals	8	Grant/Reserve/Section 7.11 Contributions/ Revenue	\$514,409
<b>Total</b>			<b>\$3,051,512</b>

*1. Grant Funding*

The total net increase in grant funding for 2019-2020 is \$391,946.

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
North of The Hastings River - Level 3 Timber Bridge Assessments	Restart NSW	\$180,000	\$50,000	Funding for level 3 timber bridge assessments
Kooloonbung Creek Flying Fox Camp Management Plan	Local Govt NSW	\$30,750	\$35,000	Funding for the development of a flying fox management plan at Kooloonbung Creek
Beach to Beach Shared Pathways	RMS	\$75,000	\$0	Additional funding to construct an elevated boardwalk at Camden Haven
CDAT Drug Action Week	Australian Drug Foundation	\$3,500	\$0	Funding for 2019/20 CDAT Drug Action Week
Lake Cathie Master Plan Implementation	NSW Department of Premier & Cabinet	\$102,696	\$0	Additional funding for the upgrade of amenities, park and pathways as part of the Stronger Country Communities Fund



Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
<b>Total Grant Funding</b>		<b>\$391,946</b>	<b>\$85,000</b>	

\* Other funding already contained within existing budgets

## 2. Reserve Movements

Council Project	To/From Reserve	Amount	Other Funding	Comment
Building Rectification Works (40415)	Transfer to Working Capital Reserve	(\$21,360)	\$0	Project 41739 (Vroom Augmented Library Spaces) was over-spent in 2018/19, this adjustment repays the Working Capital Reserve which funded this over-spend in 2018/19.
Tourism Marketing	Transfer from Economic Development Reserve	\$190,000	\$0	The Winter Campaign was delayed due to technical issues with the Virgin booking platform. The budget in 2018/19 for this campaign was transferred to reserve to allow the completion of this project. This transfer moves the reserve back to the Tourism Marketing budget for 2019/20.
<b>Reserve Movements</b>		<b>\$168,640</b>	<b>\$0</b>	

## 3. Contributions and Other Revenues

Council Project	Received From	Amount	Other Funding	Comment
Council Offices & Building - LED Lighting Upgrade	NSW Government's Energy Savings Scheme	\$18,562	\$0	Council has received Energy Saving Certificates which will be used to undertake further LED lighting installations.

Council Project	Received From	Amount	Other Funding	Comment
Yippin Creek Planning Investigations	Planning proposal fees from landowners	\$59,820	\$0	Council received planning proposal fees from landowners to undertake the Yippin Creek Study Area Project.
<b>Total Contributions and other Revenues</b>		<b>\$78,382</b>	<b>\$0</b>	

4. *Section 7.11 Contributions*

Nil

5. *Budget Variation Requests (approved by Executive)*

Project Name	Funding Source	Amount	Comments
Illaroo Rd Stormwater Remediation	Reserve	\$45,000	The removal of illegally dumped asbestos at Lake Cathie will be undertaken with the Illaroo Rd Stormwater Project. The expected cost of removal will be funded by the waste fund.
Footpath, Cycleway and Pedestrian Management Project	Reserve	\$12,000	Budget increase approved by Executive in 2018/19. It was agreed that this would be repaid to the working capital reserve in the 2019/20 allocation.
Kingfisher WTF	Reserve	\$793,030	Executive approved a budget variance to increase the scope of the Kingfisher WTF Weighbridges and Gate Office Upgrade to include additional stormwater drainage. This increase in scope has an associated increase in cost.
Airport Terminal Building Upgrade	Reserve	\$500,000	This increase in contingency and the associated budget adjustment is required for completion of the Airport Terminal Upgrade, noting a relatively low initial construction contingency allocation and additional costs associated with electrical services design, investigations and liaison with relevant authorities.

Strategic Land Use Planning & Contributions	Revenue /Reserve	\$84,105	Employment of new Admin Assistant in Strategic Land Use Planning & Contributions
<b>Total Approved Budget Variations</b>		<b>\$1,434,135</b>	

6. *Transfer Between Projects*

Transfer from	Transfer To	Amount	Comments
Bridge Operational Budget	Scrubby Creek Bridge	\$405,000	Council secured a bridge renewal grant for Scrubby Creek Bridge of \$455,000 which is required to be matched by Council. \$50,000 was allocated in the original budget, the remaining \$405,000 will be transferred from the Bridge Operational Budget.
<b>Total Transfers Between Projects</b>		<b>\$405,000</b>	

7. *Council Resolutions*

Description	Comment	Amount	Source
Sporting Fields Improvement program costs associated with lighting tower locations.	Council resolved at the Ordinary Council Meeting (Item 14.10), 21 <sup>st</sup> November 2018 to allocate additional funding to this project to cover costs associated with the construction and placement of lighting towers.	\$39,000	Reserve
Land Acquisition - Lake & Blackbutt Roads, Port Macquarie	Council at the Ordinary Council Meeting (Item 13.02), 19 <sup>th</sup> June 2019 to allocate \$20,000 inclusive of legal costs for the land acquisition at the Lake & Blackbutt Road roundabout.	\$20,000	Reserve
<b>Total Council Resolutions</b>		<b>\$59,000</b>	

8. *Budget Reductions on Project deferrals*

The following projects have budgets which were deferred to 2019/2020 as the projects were not expected to be completed the 2018/19 financial year. The below budget reductions take into account any spending on these projects in 2018/19 that were greater than the remaining 2018/19 budget.

Project Name	Source of Funds	Amount
John Oxley Drive	Section 7.11/ Reserve/Revenue	\$3,144
Lighthouse Rd - Project Management	Section 7.11/ Reserve/Revenue	\$1,091
Lighthouse Rd - Tourism Connectivity Project	Reserve	\$62,294
Westport Stormwater Plan	Reserve	\$2,224
Flynns Beach Seawall	Grant/Reserve	\$228,405
Reclaimed Water - Area 14 Trunkmain	Section 7.11 Contributions/Reserve	\$175,722
Sancrox Reservoir to Area 13 Trunkmain	Section 7.11 Contributions	\$41,529
<b>Total Budget Reduction on Deferrals</b>		<b>\$514,409</b>

**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 of a shortfall of \$975,198.

Statement by Responsible Accounting Officer

*"The adopted original budget result for 2019-2020 was a shortfall of \$975,198. As of 31 July 2019, this position remains unchanged. This position is considered an unsatisfactory result for the year. As such, all budgets will need to be closely monitored with the view to reduce this shortfall position".*

**Attachments**

1 [View](#). July 2019 Monthly Budget Review

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**Item: 10.15**

**Subject: 2018-2019 CARRY-OVER PROJECTS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt the 2018-2019 carry-over projects outlined in this report for inclusion in the 2019-2020 budget.**
- 2. Amend the 2019-2020 one year Operational Plan to include all projects approved to be carried over as individual action items.**

### **Executive Summary**

This report lists projects from the 2018-2019 budget which were not completed in the financial year and need to be carried over into the 2019-2020 budget to enable finalisation. Adopting these projects for inclusion in the 2019-2020 Operational Plan (and budget) ensures that they will continue or be completed.

Preliminary expenditure figures show that Council has expended almost \$60 million in 2018-2019 on works program projects including land purchases. This level of expenditure is slightly more than last year, although slightly lower than the average over the last 5 years as shown in the following table. The expenditure amount, however, is impacted by the phase of significant projects, for example, when the project is in planning phase the level of expenditure may be less than during the construction phase and not always indicative of the amount of work completed.

Some of these projects are capital whilst others are operational in nature.

This expenditure is in addition to recurrent operational expenditure incurred in delivering services to the community.

<b>Year</b>	<b>Total Works Program Spend</b>
2018/2019 - Preliminary	\$59,965,400
2017/2018	\$56,255,526 *
2016/2017	\$69,058,059
2015/2016	\$79,662,838
2014/2015	\$45,560,938
<b>Average</b>	<b>\$62,100,552</b>

\* This figure was reported to the 16 August 2018 Ordinary Council meeting as \$56,059,379 as a preliminary result.



The following table illustrates the level of carry-over in relation to the total budget for the last 5 years. Note that the Revised Budget at 30 June is the final budget for the year which takes into account any carry-overs from the previous year and budget adjustments throughout the year.

Year	Original Budget	Revised Budget at 30 June	Carry-over
2018/2019	\$67,289,844	\$89,803,038	\$24,809,194
2017/2018	\$122,733,342	\$100,989,586	\$29,827,793
2016/2017	\$70,430,758	\$92,471,167	\$19,053,479
2015/2016	\$90,516,673	\$121,897,961	\$32,350,287
2014/2015	\$90,885,749	\$80,274,041	\$20,994,898

### Discussion

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

Attached to this report is a full listing of projects that were partially completed in 2018-2019 and need to be carried over to allow completion in the 2019-2020 financial year. The carry-over value from 2018-2019 is \$24,809,194 and is broken down into the following deferral categories:

Deferral Category	Amount
Awaiting Design	\$13,974
Awaiting Tender	\$179,206
Grant Not Received	\$88,432
Multi-year project	\$17,962,658
Other	\$2,547,333
Operational Considerations	\$3,725,726
Weather	\$291,865
<b>Total</b>	<b>\$24,809,194</b>

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

Fund	Section	Amount to be carried over
General Fund	Airport	212,906
	Asset Design	274,731
	Assets & Property Investment	366,693
	Broadwater Special Rate	159,146
	Community Engagement	8,774
	Community Place	422,352
	Digital Technology	1,529,769
	Drainage	676,961
	Facilities	207,505
	Ferry Management	291,865
	Fleet Management	1,988,969
	Infrastructure Delivery Projects	209,120
	Library	114,526



Fund	Section	Amount to be carried over
	Natural Resources	1,246,232
	Network & Project Planning	814,426
	Noxious Plants	108,502
	Parks & Recreation	3,675,576
	Property & Leasing	440,000
	Strategic Land Use Planning	239,750
	Transport and Traffic	3,984,452
<b>General Fund Total</b>		<b>16,972,255</b>
Sewer Fund	Sewerage Services	5,652,072
<b>Sewer Fund Total</b>		<b>5,652,072</b>
The Glasshouse	Glasshouse Back of House Operations	138,257
	Glasshouse Cultural	41,426
	Glasshouse Front of House	26,848
<b>The Glasshouse Total</b>		<b>206,531</b>
Waste Mgt	Waste Disposal	1,259,748
<b>Waste Mgt Total</b>		<b>1,259,748</b>
Water Fund	Water Supply	718,588
<b>Water Fund Total</b>		<b>718,588</b>
<b>Grand Total</b>		<b>24,809,194</b>

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

#### Grant Funded Projects

If a project is subject to grant conditions Council is obliged to carry-over any unspent funds for the purposes of completing the project. If all of the grant funding is not required, then Council is generally required to repay the unspent grant funds. Delays in grant projects can be caused by delays in grant confirmations from the relevant granting authority. The table below represents the funding composition of the carry-over projects, with grant funding representing 18.76% of the total.

Funding Source	Amount	%
Revenue	3,141,312	12.66%
Reserves	13,242,873	53.39%
Grants	4,655,134	18.76%
Environmental Levy	775,124	3.12%
Contributions	689,785	2.78%
Section 7.4 and 7.11 Contributions	1,014,387	4.09%
Section 64 Contributions	1,290,579	5.20%
<b>Total</b>	<b>\$24,809,194</b>	<b>100.00%</b>

#### Operational Considerations

Many operational considerations impact on Councils' ability to deliver projects as scheduled. Such considerations can include weather impacts, disaster events,

competing projects which may divert resources away from scheduled delivery, resourcing implications (e.g. staff absences and vacancies), third party impacts beyond the control of Council (e.g. project partners) and market forces (e.g. availability and cost of materials/contractors).

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

#### Budget Development Timeframes

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

#### Multi-year Projects

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

Of the total carry-over of \$24,809,194, projects that are considered to be multi-year projects amount to \$17,962,658 or 72%. The projects that are considered multi-year projects are outlined in the attachment to this report.

#### Future considerations

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

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

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

#### **Options**

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

**Consultation/Submissions**

Consultation has taken place with all Divisions of Council.

**Planning & Policy Implications**

There are no direct policy implications as a result of this report, however the Operational Plan for 2019-2020 will need to be adjusted to include the carry-over projects to be completed in 2019-2020.

**Financial & Economic Implications**

The attached report outlines the carry-over projects and the amount of the carry-over for each project. By carrying over the remaining budgets for these projects, funding will be available in 2019-2020 to undertake the works remaining on these projects.

**Attachments**

1 [View](#). 2018-2019 Carry-Over Report

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**Item: 10.16**

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

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

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### **Alignment with Delivery Program**

1.5.2 Use procurement, tendering, purchasing and contract management approaches that are transparent and equitable.

### **RECOMMENDATION**

**That Council note the information provided relating to the Tendering Local Preference Policy.**

### **Executive Summary**

This report details the results of the Tendering Local Preference Policy adopted by Council in October 2018 and provides information relating to the application of the policy on Council's tender processes.

The Policy has been introduced to support local businesses and encourage local economic business activity for the benefit of the Port Macquarie - Hastings community. The Policy complements Council's integrated strategy to support local business.

### **Discussion**

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

*11.01 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL  
RESOLVED: Pinson/Hawkins*

*That Council:*

- 1. Note the information provided relating to the Local Preference Policy 12 month trial period.*
- 2. Adopt the attached Local Preference Policy incorporating a 5% Notional Price Offset.*
- 3. Request the General Manager provide an annual report each August on the outcomes of the Local Preference Policy.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

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

- "Notional Offset", as a five percentage (5%) discount, capped to an upper limit of \$25,000, to the pricing submitted by local suppliers to be used in the tender

evaluation process. It offers a price advantage to local/regional suppliers during the tender evaluation.

- “Local Supplier”, as a *“tenderer will be a Local Supplier for the purposes of this Policy if it is a business which:*
  - *in the case of a business which has been operating for more than 3 months prior to lodging the relevant tender:*
    - *has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA and has had for the 3 months prior to the lodging of the relevant tender; and*
    - *operates within a market within the LGA and has been doing so for the 3 months prior to the lodging of the relevant tender, or*
  - *in the case of a new business which has not been operating for 3 months, has its principal place of business within the LGA or within 5 kilometres of the boundaries of the LGA, and has been operating or is proposing to operate within a market in the LGA”.*

There have been 48 tender processes initiated between 20 September 2018 (the date of the previous report to Council) and 31 July 2019. Of this number, 39 RFT processes have been resolved by Council as at the Ordinary Council Meeting held on 17 July 2019. The Local Preference Policy (LPP) has been applied to 28 of these Request for Tender (RFT) processes.

There have been 14 instances where the Local Preference Policy has not been applied to a RFT process (11 resolved, 3 to be resolved by Council). The reasons for not applying the LPP resulted from the selection of external suppliers under Section 55 (3) of *Local Government Act 1993* and from the utilisation of external contracts from both Local Government Procurement and Regional Procurement.

To date, the LPP notional offset that has been applied to the evaluation of Local Supplier's tender submission has not influenced the determination of the tender process outcome. There have been seven (7) Local Suppliers identified as preferred tenderers and awarded contracts, with all seven (7) Local Suppliers being ranked as providing Council the most advantageous offer prior to the application of the notional offset. The following Local Preference Policy statistics provide a detailed comparison of the tender outcomes and the composition of the local/non-local market responding to Council's RFT processes.

LOCAL PREFERENCE POLICY STATISTICS		
	No. of Tenders	% of Tenders
<b>Request for Tender processes initiated after 20 September 2018</b>	<b>48</b>	
<b>Resolved by Council as at 17 July 2019</b>	<b>39 / 48</b>	<b>81%</b>
Local Preference Policy applied to Request for Tender	28 / 39	72%
Local Preference Policy NOT applied to Request for Tender	11 / 39	28%
Local Supplier Awarded Contract with LPP applied	7 / 28	25%



## LOCAL PREFERENCE POLICY STATISTICS

Local Supplier is Ranked 1 before LPP and Notional Offset applied	7	
Influence on Determination of Tender	0	
<b>Tenders response composition (where LPP applied)</b>		
Local Suppliers & External Suppliers	15 / 28	53%
Only Local Suppliers	2 / 28	7%
Only External Suppliers	10 / 28	36%
Request for Tender with no responses	1 / 28	4%
Total Number of Tenderers	113	
Total Number of Local Suppliers	35	
% of Local Suppliers	35 / 113	31%
<b>To be Resolved by Council</b>		
To be Resolved by Council - Local Preference Policy applied	4 / 9	44%
To be Resolved by Council - Local Preference Policy NOT Applied	3 / 9	33%
Request for Tender processes under Negotiation	2 / 9	22%
<b>Reasons Local Preference Policy has NOT been Applied</b>		
External Suppliers Sought - Section 55 (3)	5	
Local Government Procurement (LGP) Process*	4	
Regional Procurement (REGPRO) Process*	3	
Other (where LPP not applicable due to type of tender)	2	

\* Local Government Procurement and Regional Procurement provide tendering services on behalf of NSW councils

It is noted that while the LPP to date has not influenced the determination of a tender process outcome, there has been an increase during the last reporting period (since September 2018) in the number of local suppliers tendering for Council business (35 compared to 19). This is attributed to a number of factors including:

- the adoption of the Tendering Local Preference Policy;
- the nature of the works / services being sought; and
- Council's broader Procurement Strategy actions, including:
  - 2.2 Engage and collaborate with local business and industry groups to promote awareness of Council procurement opportunities and procurement;
  - 3.1 Continue to review and improve procurement processes to improve efficiency and reduce red tape.

### Options

This is an information report.

### Community Engagement & Internal Consultation

Internal consultation has been undertaken with:



- Director, Corporate Performance;
- Acting Group Manager, Financial Services; and
- Strategic Procurement Manager.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

There are no financial implications in relation to this report.

### **Attachments**

Nil

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**Item: 10.17**

**Subject: INNES GARDENS MEMORIAL PARK CREMATORIUM AND LAWN CEMETERY - COMMUNITY CONSULTATION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note the information provided in this Innes Gardens Memorial Park Crematorium and Lawn Cemetery Community Consultation report;**
- 2. Thank the community for the feedback received during the recent consultation period regarding Innes Gardens Memorial Park.**

### **Executive Summary**

Innes Gardens Memorial Park provides a range of crematorium, lawn cemetery and memorialisation services to the community in conjunction with funeral services provided by local Funeral Directors. Innes Gardens is located at Philip Charley Drive Port Macquarie and includes a 150-seat chapel, administration offices, extensive grounds and memorial gardens.

This report provides details of the feedback received during the recent community consultation undertaken regarding Council's consideration of the potential sale or lease of Innes Gardens Memorial Park Crematorium and Lawn Cemetery.

The report also provides an overview of the operating and financial performance of Innes Gardens Memorial Park Crematorium and Lawn Cemetery over the past 10 years for community information purposes.

### **Discussion**

At the Ordinary Council Meeting held on 19 June 2019, Council considered a confidential report on Innes Gardens Memorial Park and resolved as follows:

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

*RESOLVED: Griffiths/Dixon*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

*Item 15.09 T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery*

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

**RESOLVED**

*That Council:*

- 1. Decline to accept any of the proposals submitted in respect of RFP No: T-19-19 Innes Gardens Memorial Park Crematorium and Lawn Cemetery.*
- 2. Maintain the confidentiality of the documents and considerations in respect of RFP No: T-19-19.*
- 3. Enter into negotiations with all organisations that registered an interest or submitted a proposal and attended the RFP T-19-19 site inspections, with a view to entering into a contract or other arrangement in relation to the Innes Gardens Memorial Park Crematorium and Lawn Cemetery.*
- 4. Request the General Manager ensure that the negotiations referred to in Resolution 3 above, include (though not limited to):*
  - a) a binding commitment to ensure that Innes Gardens Memorial Park continues to provide crematorium, lawn cemetery and memorialisation services to the community, consistent with the existing land use zoning and property covenant restrictions.*
  - b) a binding commitment to ensure the perpetual care, protection and management of existing interments and inurnments at the facility, in accordance with the Cemeteries and Crematoria Act 2013.*
  - c) a commitment to capital improvement works proposed to the facility to improve the delivery of crematorium, lawn cemetery and memorialisation services to the community.*
  - d) further investigation regarding the ongoing protection and retention of the existing koala habitat on the site.*
- 5. In parallel with the negotiations referred to in Resolutions 3 and 4 above, request the General Manager prepare and publish further information to the community regarding Council's current consideration of the crematorium, lawn cemetery and memorialisation services provided at Innes Gardens Memorial Park Crematorium and Lawn Cemetery, such information to include a range of frequently asked questions, and be made available via Council's "Have Your Say" online community engagement hub for a minimum period of 28 days commencing 1 July 2019.*
- 6. Request the General Manager present a further report to the August 2019 Council Meeting, providing details of the negotiations undertaken and community feedback received for Council's further consideration of Innes Gardens Memorial Park Crematorium and Lawn Cemetery.*
- 7. Acknowledge the recent interest from Tender Funerals Working Party (after the closing date for RFP No: T-19-19) and the advice received by Council in relation to the integrity of the process and further note that whilst the Tender Funerals Working Party are not one of the organisations referred to in 3 above, this does not preclude the Tender Funerals Working Party from establishing a low cost funeral service in the local government area.*

**CARRIED: 4/3**

**FOR: Dixon, Hawkins, Intemann and Turner**

**AGAINST: Alley, Griffiths and Pinson**

This report addresses Resolution 5 and 6 (in part) above and provides details of the community consultation recently undertaken and feedback received.

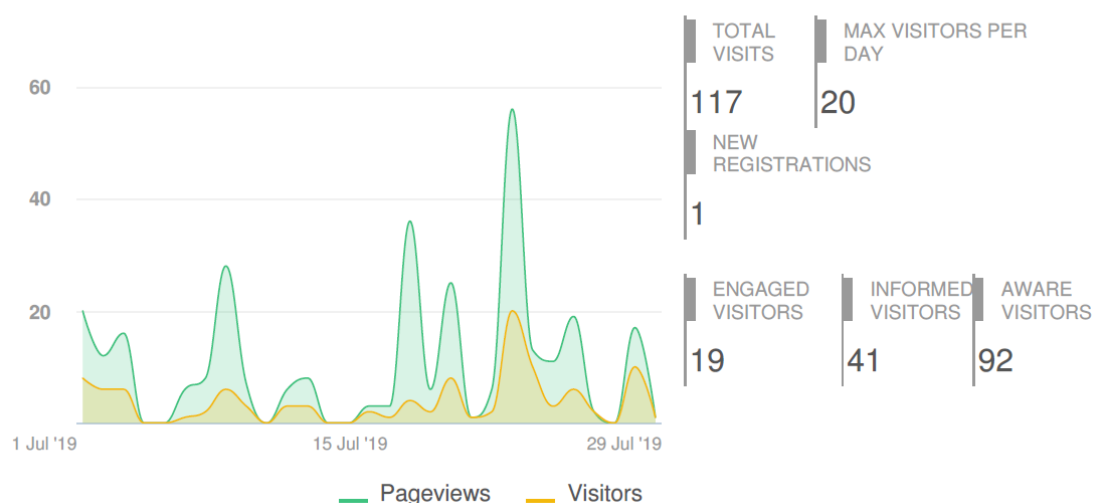
It is noted that a separate confidential report is also being tabled to this August 2019 Council meeting within the Confidential Committee of the Whole addressing Resolutions 3, 4 and 6 (in part) above. The confidential report provides details of the negotiations undertaken with organisations that registered an interest or submitted a proposal and attended the RFP T-19-19 site inspections, for Council's further consideration of the Innes Gardens Memorial Park Crematorium and Lawn Cemetery. The 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.

### Community Consultation

In accordance with Resolution 5 above, further information was published regarding Council's current consideration of the crematorium, lawn cemetery and memorialisation services provided at Innes Gardens Memorial Park. This information included a range of frequently asked questions (as per the attached Fact Sheet) which was made available via Council's "Have Your Say" online community engagement hub during the period 1 - 28 July 2019.

A summary of the "Have Your Say" activity during this period is provided below. Reports detailing the survey responses and other feedback received via the "Have Your Say" engagement hub are attached to this report.

### Visitors Summary



At the close of the consultation period, 21 online submissions (surveys / comments) were received. In addition to the online submissions, one (1) further written submission was received.

Of the 21 online surveys completed via the "Have Your Say" website:

- 13 (or 62%) expressed concern regarding a proposed sale / lease of Innes Gardens Memorial Park; and
- 8 (or 38%) expressed no objection to the proposal.



Concerns identified through the online survey (listed in priority order) included:

1. Ensuring the protection of existing burial and cremation remains

*Response: There would be no impact on existing remains if Innes Gardens Memorial Park was sold to another operator. The perpetual care, protection and management of existing interments and inurnments at Innes Gardens is secured under the Cemeteries and Crematoria Act 2013.*

*Council acknowledges the importance and sensitivity of this issue for the community, and would seek a binding commitment from any new operator as part of a contract of sale to ensure the perpetual care, protection and management of existing interments and inurnments at Innes Gardens Memorial Park.*

2. The potential for an increase in funeral costs (noting costs are determined by Funeral Directors not Council)

*Response: Funeral costs are determined by Funeral Directors independent of the cost of burial and cremation services at Innes Gardens. A sale of Innes Gardens is considered likely to increase competition in the local market ensuring downward pressure is kept on prices.*

*As discussed below, Council has had to increase fees associated with burial and cremation services over the past 10 years to respond to changing market dynamics and operating costs.*

3. Ensuring continued operation as a crematorium and lawn cemetery

*Response: The land at Innes Gardens Memorial Park is zoned "SP2 Crematorium" under the Port Macquarie - Hastings Local Environmental Plan (LEP) 2011. As such, the land can only be used for this purpose and any development that is "ordinarily incidental or ancillary to development for that purpose".*

*In addition to this planning control, Council would seek a binding commitment from any new operator as part of a contract of sale to ensure that Innes Gardens Memorial Park continues to provide crematorium, lawn cemetery and memorialisation services to the community, consistent with the existing land use zoning and property covenant restrictions.*

4. Honouring of existing reservations and pre-paid burials

*Response: Council would ensure that reservations (and pre-paid burials) are honoured by a new operator. This would be a condition of sale, should Council decide to proceed with a sale of the facility.*

5. Potential for redevelopment of land for another purpose

*Response: As with the response to point 3. above, the land at Innes Gardens Memorial Park is zoned "SP2 Crematorium" under the Port Macquarie - Hastings Local Environmental Plan (LEP) 2011 and as such can only be developed for that purpose.*

6. Renewable tenure



*Response: Changes to the Cemeteries and Crematoria Act 2013 introduced in 2013 allow for new interment rights to be granted either in perpetuity or as a renewable right (with an initial term of 99 years for cremated remains and 25 years for a lawn burial). It is important to note that a renewable right only applies in the case of a new interment and cannot be applied retrospectively to existing remains which will continue to be maintained in perpetuity.*

*While the Act reflected this new option in 2013, Council is not aware of any operator in NSW that has implemented the option of renewable interment rights to date.*

#### 7. Standard of maintenance provided to grounds and facilities

*Response: Council is currently considering proposals from existing providers of funeral, cemetery, crematoria and related services. These organisations currently operate facilities similar to Innes Gardens Memorial Park, ensuring similar high standards of service and maintenance for the communities where they operate.*

#### 8. Protection of koala habitat on the site

*Response: Should Council decide to proceed with a sale of the facility, further investigation will be undertaken and commitments sought from any new operator as part of a contract of sale to ensure the ongoing protection and retention of existing koala habitat on the site while also allowing for the future expansion of Innes Gardens Memorial Park to meet the needs of our growing community*

General comments were also received regarding:

- the view that it should be Council's responsibility to continue to operate Innes Gardens Memorial Park as a community service whether the business remains profitable (self-funding) or not; and
- concerns regarding the format of the community consultation process undertaken.

A further written submission received during the consultation period as summarised below also commented on the:

- availability (or lack thereof) of commercial-in-confidence information to the community.

Submission		Issue
1.	Mr Ron Bray	<p>The submission referred to a previous meeting between Mr Bray and Council's Group Manager Commercial Business Units in March 2019, and a subsequent letter from Mr Bray to the General Manager in April 2019 in relation to this matter.</p> <p>The submission expressed concerns regarding Council's handling of this matter particularly in regard to the classification of reports and financial information as "commercial in confidence".</p>



Submission	Issue
	The submission also contends that Innes Gardens Memorial Park was established as a service for the community, not to operate as a business, and as such should remain as a public asset.
<b>Response/ Comment:</b>	<p>In accordance with the <i>Local Government Act 1993</i>, it is standard practice for Council to classify commercial information of a confidential nature as “commercial-in-confidence” and to deal with such matters at a Council meeting within the Confidential Committee of the Whole which is closed to the public.</p> <p>Council has received and relied on independent legal advice in this regard, with the disclosure of the financial information requested likely to prejudice the commercial interests of Council, including in the context of the T-19-19 Request for Proposal process.</p> <p>When Innes Gardens Memorial Park was established in 1984, it was the only crematorium in the region. There are now three private crematoria in the region (including Kempsey) providing services to our community and operating in direct competition with Innes Gardens Memorial Park. It is prudent for Council to consider the ongoing viability of the facility given the changing market dynamics and services now provided by private operators.</p>

Further to the feedback received that Innes Gardens Memorial Park should be retained and operated as a community service / public asset, it is noted that local government is not legally required to manage crematoria facilities. The attached Annual Activity Report (2017-2018) produced by Cemeteries & Crematoria NSW identifies that there are very few Council operated crematoria in NSW with most facilities operated by private operators.

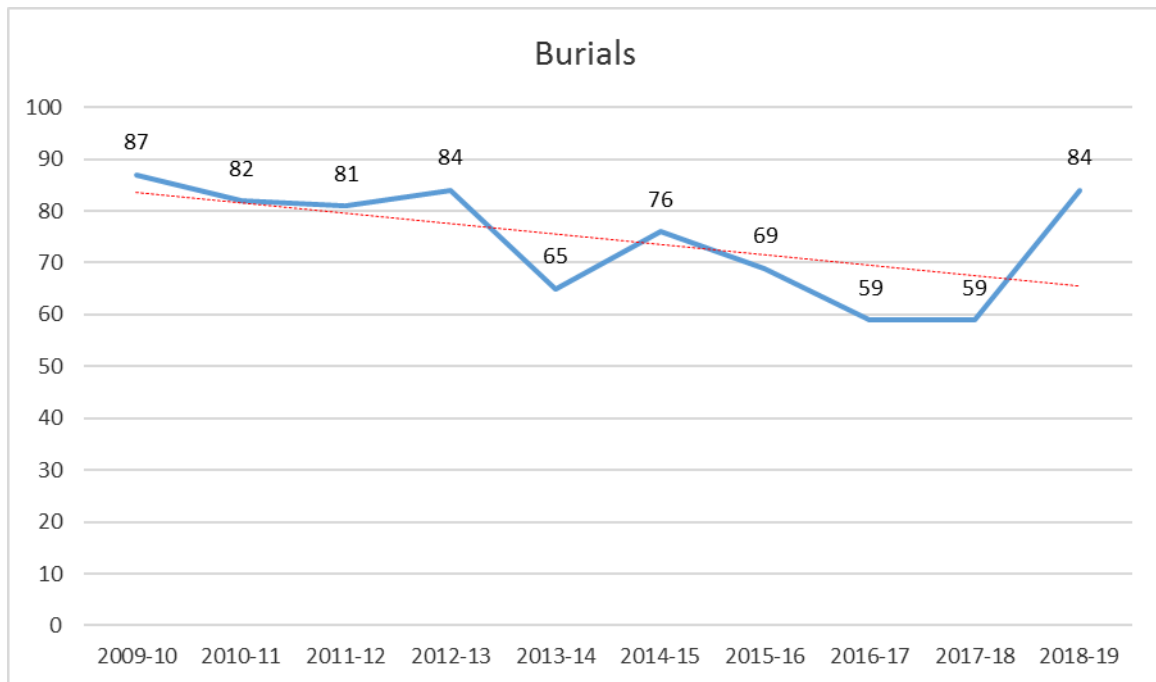
The report also indicates that the majority of cemeteries across NSW are operated by local government. Irrespective of Council’s current consideration of the Innes Gardens Memorial Park facility, Council will still retain ongoing responsibility for the day-to-day and in perpetuity management of other cemeteries located across the local government area including:

- open cemeteries at Wauchope, Laurieton, Comboyne, Kendall, Rollands Plains and Herons Creek; and
- closed cemeteries at Port Macquarie General, Cross Roads, Ellenborough, Telegraph Point, Beechwood and monumental area at Herons Creek.

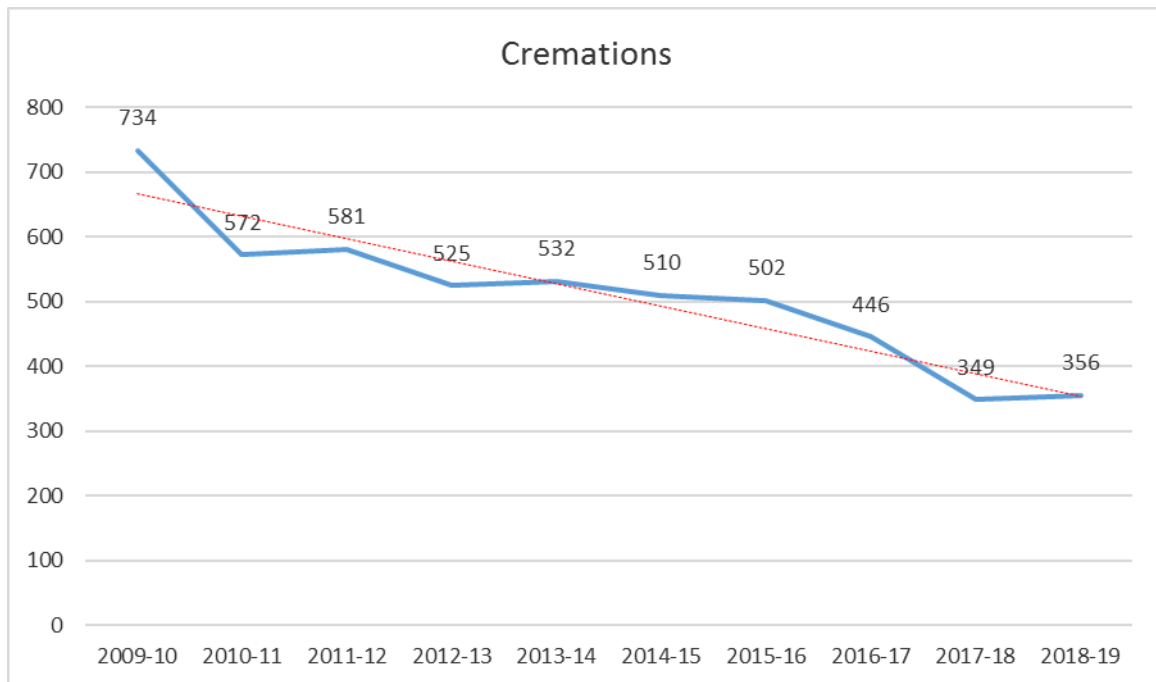
In acknowledging the comments above regarding the lack of information made available to date, the following information is presented, providing an overview of the operating and financial performance of Innes Gardens Memorial Park Crematorium and Lawn Cemetery over the past 10 years for community information purposes.

Operating Statistics

The graph below shows the number of burials conducted at Innes Gardens Memorial Park over the past 10 year. While there is some variability in the number of burials each year, the declining trend is consistent with the trend seen across the funeral industry and the increasing preference for lower cost cremation services over traditional burials.



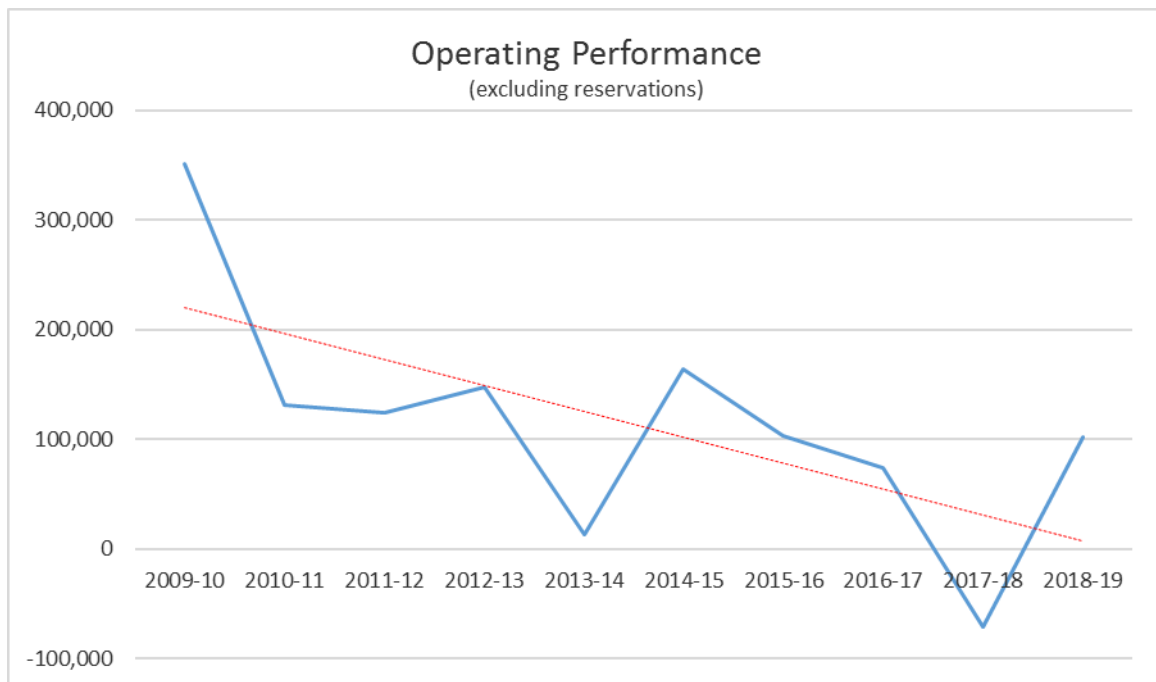
Operating statistics relating to the number of cremations conducted at Innes Gardens Memorial park over the past 10 years is shown in the graph below. Despite the trend identified above and the increasing preference for lower cost cremation services over traditional burials, the graph below indicates a significant decline in the number of cremations being conducted at Innes Gardens Memorial Park (less than 50% of the 2009-10 level) and the impact of the introduction of private cremators and increased competition over this period.



### Financial Performance

The impact of this decline in burials and more significantly cremation numbers on the financial performance of the Innes Gardens Memorial Park facility is shown in the graph below.

The graph shows “Operating Performance” excluding income associated with reservations. Reservations are associated with the pre-purchase of a future burial or cremation (ash) interment right.



The graph also illustrates Council's responses to the changing market dynamics over this period which have included increasing burial and cremation fees to address in part the continuing decline in operating performance (profitability).

While the facility remains profitable to date (recognising income associated with future reservations), the significant decline in operating performance over the past 10 years highlights the increasing financial risk and uncertainty associated with Council's ongoing operation of Innes Gardens Memorial Park.

It is noted that Council's ability to respond to this private competition is limited as funeral services typically have the first point of contact with clients / families and are therefore able to influence their choice with regard to burial, cremation and memorialisation services. A private operator / funeral service would have a greater opportunity (than Council) to respond to this competition and improve operating and financial performance by being able to offer a full service to potential clients.

Innes Gardens Memorial Park has operated for many years as a self-funded business of Council, meaning that it has not needed funding from Council's general fund and the rates paid by ratepayers. If the current trend in declining market share and profitability continues as forecast, Council will need to fund (subsidise) the services provided at Innes Gardens. This funding would come at the expense of other Council services and projects delivered to the community.

In summary, Council's service review process and the data above highlights a number of emerging risks to Council in continuing to operate the Innes Gardens Memorial Park service, including:

- Increasing competition from the private sector;
- Declining market share and profitability;
- Increasing financial risk associated with ongoing operations and the level of capital investment required; and
- Improved levels of service able to be offered by the private sector.

It is in consideration of these risks that Council is considering the potential sale of the Innes Gardens Memorial Park Crematorium and Lawn Cemetery facility.

#### Service and Facility Improvements

Council's current consideration is aimed at ensuring the best possible ongoing delivery of cremation, lawn cemetery and memorialisation services to the community. The current process will seek to identify if there are potential benefits able to be offered by other operators to improve the current level of service and expand the range of facilities and services available for the community.

The community consultation process undertaken also included feedback on the improvements in services and/or facilities that the community would like to see at Innes Gardens Memorial Park. These included provision of:

- a tearoom / wake centre / café for refreshments after services;
- improvements to the existing Chapel, including air-conditioning, audio / visual equipment, and increased seating capacity;
- an onsite florist;

- other general building improvements;
- improved car parking; and
- improved boundary fencing.

Should Council decide to proceed with a sale of the facility, Council would seek to secure a commitment from any new operator as part of a contract of sale to capital improvement works to the facility to improve the delivery of crematorium, lawn cemetery and memorialisation services to the community.

**Options**

This report is provided for information.

**Community Engagement & Internal Consultation**

Details of the recent community consultation process undertaken (from 1 - 28 July) are outlined in the body of this report.

Internal consultation has been undertaken with:

- Councillors via a Councillor Briefing on 31 July 2019;
- General Manager;
- Director Corporate Performance;
- Group Manager Commercial Business Units;
- Group Manager Economic Development and Communications; and
- Group Manager Community Place.

**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](#). Innes Gardens FAQ Fact Sheet
- 2 [View](#). Innes Gardens Have Your Say Summary
- 3 [View](#). Innes Gardens Have Your Say Survey
- 4 [View](#). Innes Gardens Have Your Say General Feedback
- 5 [View](#). CCNSW Annual Activity Report 2017-2018



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**Item: 10.18**

**Subject: LEGAL FEES**

**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 information in the Legal Fees report.**

#### **Executive Summary**

At the July 2018 Ordinary Council meeting, Council resolved for a report to be provided to the September 2018 Ordinary Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.

As a result of the September 2018 Ordinary Council meeting, Council requested an updated report to be provided each quarter.

Attached is a confidential attachment that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2018-2019 financial year to date as at the end of June 2019.

#### **Discussion**

At the July 2018 Ordinary Council meeting, Council resolved:

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

**RESOLVED:** Turner/Intemann

*That Council:*

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

**CARRIED:** 9/0



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

*AGAINST: Nil*

A report was then provided to the September Ordinary Council meeting that relates to point 4 of the resolution above. As a result, at the September 2018 Ordinary Council meeting, Council resolved:

**09.16 LEGAL FEES**

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

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

*RESOLUTION: Alley/Turner*

*That Council:*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

Attached is a confidential attachment that provides the information that relates to point 4 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2018-2019 financial year to date as at the end of June 2019.

The attachment titled "Legal matters >\$10,000 2018-19 Financial Year" is confidential as it 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)*).

**Options**

This is an information report.

**Community Engagement & Internal Consultation**

Internal Consultation

- General Manager;
- Director Corporate Performance.

**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](#). Confidential - Legal matters >\$10,000 2018-19 Financial Year  
(Confidential)

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**Item: 10.19**

**Subject: GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information provided in the Glasshouse Biannual Report and Update on Strategic Plan Recommendations report.**

### **Executive Summary**

This report provides details of the Glasshouse finances for the 2018-19 financial year (i.e. as at 30 June 2019), including the updated status of Glasshouse loan balances.

The Report also provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 – 2017 (noting that the Strategic Plan is currently being reviewed and updated in conjunction with the Cultural Steering Group and in consideration of Council's adopted Cultural Plan 2018 – 2021).

### **Discussion**

#### Background

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

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

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

**RESOLVED: Turner/Cusato**

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

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

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

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

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

CARRIED: 7/2

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

AGAINST: Griffiths and Hawkins

Accordingly, this report provides details of the Glasshouse finances for the 2018-19 financial year as at 30 June 2019, including the updated status of Glasshouse loan balances, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

#### Glasshouse Finances

This report and the attached Financial Statement present the financial performance of the Glasshouse Venue for the fourth quarter of the 2018-19 financial year (1 April 2019 to 30 June 2019) and the overall 2018-19 financial year (1 July 2018 to 30 June 2019), and is indicative of an end of year result. End of year journals relating to Council overhead distributions are yet to occur. For the purposes of this report, the annual budgeted figure for Council overheads has been used.

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

The operating deficit for the 2018-19 financial year (before interest and depreciation) is a deficit/shortfall of \$2,153,101 against a budget of \$2,097,430, hence tracking \$55,671 (or 2.6%) over budget. Actual results for the same period in the prior year (1 July 2017 to 30 June 2018) was an operating deficit/shortfall of \$2,182,611. Hence the Glasshouse operating position has improved by \$29,510 during the 2018-19 period.

To provide some historical context on the result of the implementation of the Glasshouse Strategic Plan, the deficit/shortfall for the Glasshouse for the 2011-12 year was \$3,020,491.

It should be noted that being a venue, income patterns can be subject to market forces, availability (and timing) of product in the market-place and seasonality. Operating income is up 13% on 2017-18 with significant increases in commercial venue hire and performing arts show income.

Operating costs are up 5% on the 2017-18 financial year.

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

Glasshouse Operating Deficit by Activity - to 30 June 2019:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	0	0	0	3,396	1,671,754	469,037	2,144,187
Operating Expenditure (Before Council Overheads)	204,148	1,063,408	572,026	60,193	1,020,221	910,683	3,830,681
Council Overheads	107,320	37,329	79,323	23,330	55,993	163,312	466,607
Net Operating Surplus (Deficit)	(311,468)	(1,100,737)	(651,350)	(80,127)	595,540	(604,959)	(2,153,101)

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

Glasshouse Operating Deficit by Activity (after internal adjustments) - to 30 June 2019:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(311,468)	(1,100,737)	(651,350)	(80,127)	595,540	(604,959)	(2,153,101)
Internal Overhead Distribution	311,468	1,100,737	651,350	(797,763)	188,952	(1,454,744)	0
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	0	0	0	(877,890)	784,492	(2,059,702)	(2,153,101)

### Glasshouse Loan Balances

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



The outstanding balance of the borrowings that are repaid through general revenue, as at 30 June 2019, is \$11,835,562. This demonstrates that over \$16.1 million has already been repaid, with loans expected to be repaid by 2027.

#### Glasshouse Strategic Plan Recommendations

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

Significant progress has been achieved since July 2014 with regard to the implementation of the strategic direction outlined in the Plan with some specific outcomes discussed below.

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

Council's Operational Plan 2018 – 2019 included an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2). At the Ordinary Council Meeting held on 16 August 2017, Council resolved as below:

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

*RESOLVED: Turner/Hawkins*

*That Council:*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

Further to Resolution 3 above, the review of the Glasshouse Strategic Plan is continuing in consideration of Council's Cultural Plan 2018 – 2021 which was adopted at the Ordinary Council meeting held in September 2018, and feedback received from the Cultural Steering Group following discussions at the Cultural Steering Group meetings held in October / November 2018 and May 2019.

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

The following table includes the following Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 30 June 2019):

Performance Indicator	Target	2016-17 Actual	2017-18 Actual	2018-19 Actual
<b>Key Outcome 3: Enhancing Utilisation and Visitation</b> <i>Implement targeted marketing and sales strategies to enhance utilisation, increase event visitation and maximise commercial outcomes</i>				
Visitation (Glasshouse)	>255,000	255,521	262,635	266,766
Visitation (Gallery)	>55,000	54,617	59,859	61,534
Visitation (website)	>140,000	135,905	153,526	183,646
Utilisation (%) (theatre)	>40%	42%	47%	50%
Utilisation (%) (studio)	>35%	26%	38%	32%
Utilisation (%) (meeting rooms)	>40%	47%	51%	42%
Average attendance (%) (theatre)	>70%	68%	74%	73%
Average attendance (%) (studio)	>70%	79%	69%	83%
Number of tickets processed	>65,000	66,353	69,243	78,947
Percentage of tickets sold online	>30%	27%	32%	33%

The 2018-19 KPI results indicate further growth in visitation and strong ticket sales (as reflected also in the financial summary above), noting that results can fluctuate year to year depending on the timing of particular events and the type and composition of venue hire.

Key events and activities at the Glasshouse during the past 6 months have included:

#### Venue Management

- welcomed over 123,000 people to the venue;
- conducted a number of events to commemorate the 10<sup>th</sup> anniversary of the Glasshouse, including the Glasshouse 10<sup>th</sup> Birthday Morning Tea (1 July) and Members' Dinner (13 July) - a Community Open Day is also scheduled for 24 August to celebrate the 10<sup>th</sup> Birthday with the local community;
- continued to develop a number of corporate partnerships / sponsorships consistent with the Glasshouse Marketing and Sales Plan to support the delivery of cultural programs, including the Glasshouse Founding Sponsors, Create NSW and a number of regional / local organisations;
- continued to implement strategies as part of a partnership with Destination North Coast NSW to support the attraction of new Business (Conference) Events to the Glasshouse (and other venues in the region) in 2019-20;
- continued planning for the installation of new retractable seating in the Studio following the awarding of \$128k in grant funding from the State Government Regional Cultural Fund;



**Event Services**

- launched the 2019 “Colour Your Life” Season on 31 January - the Launch was very successful presenting the 2019 Season to a full house of Glasshouse Members and guests;
- presented 9 productions (15 performances) as part of the annual Performing Arts Season, including TWO by Ensemble Theatre, The Gruffalo Live on Stage, The Sapphires, Sydney Writers Festival, The Gospel According to Paul, Sydney Symphony Orchestra, TEDx SydneyLive, The Dinner Party, Expressions Dance, and David Helfgott;
- hosted 49 commercial hire (theatre / studio) events, presented by commercial promoters;
- hosted 38 community events, presented by tertiary educational institutions, schools, charities and non for profit groups including performances, dance festivals, graduations, training days, free concerts, school speech nights and fundraising events;
- presented 4 performances as part of the 2019 Education Program with over 2,200 tickets sold;
- delivered a range of supporting workshops in conjunction with the 2019 Education Program including teacher and student workshops with Sydney Symphony Orchestra and student workshops with Expressions Dance Company;
- hosted 73 “non-ticketed” events such as conferences, meetings and expos including Mid North Coast Careers Day and Ironman with over 34,300 attendees;
- delivered box office ticketing services for 50 performances external to the Glasshouse including Players Theatre shows, Under the Southern Stars, Red Hot Summer Tour and The Mayors Sporting Fund.

**Gallery Services**

- presented 10 exhibitions in the Regional Gallery, with visitation of over 32,000 people;
- delivered a range of Gallery Public Programmes including National Photographic Portrait Prize tours, adult drawing masterclasses, Move Shake and Make adult creative workshops, Glasshouse Sprouts - kid’s art and craft sessions, Young Movers and Shakers - kid’s digital workshops. The Saltwater Freshwater Aboriginal Cultural Immersion Weekend, which featured - Elder’s story telling sessions, an indigenous language workshop, curator talk and tour, weaving workshop and a film screening.

**Options**

This is an information report.

**Community Engagement & Internal Consultation**

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

**Planning & Policy Implications**

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

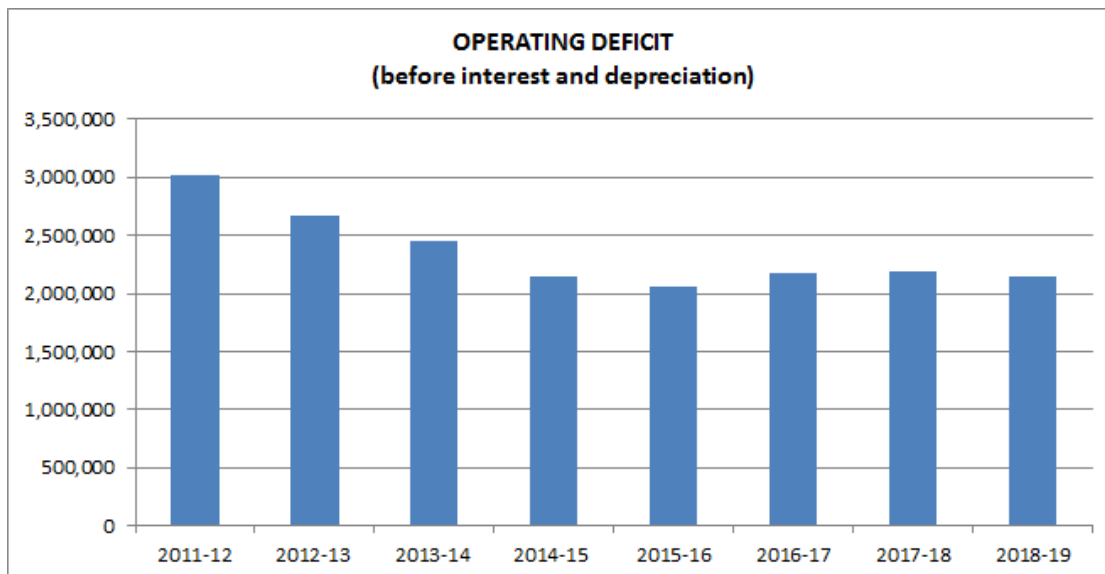
Council's Operational Plan 2018 – 2019 included an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2). This review is continuing in conjunction with Council's Cultural Steering Group and in consideration of Council's adopted Cultural Plan 2018 – 2021.

**Financial & Economic Implications**

At the Ordinary Council Meeting held on 19 June 2013, Council resolved to develop a Glasshouse Strategic Plan to provide a greater commercial focus in the future operation of the venue.

The Glasshouse Strategic Plan 2014 – 2017 was subsequently developed in conjunction with the Glasshouse Sub-Committee, and adopted by Council at the Ordinary Council Meeting held on 16 July 2014.

Since that time, the Glasshouse Strategic Plan has provided the framework to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community (as shown in the graph below) while continuing to ensure the delivery of high quality cultural, community and commercial activities.



This report provides a summary of the broad range of cultural, community and commercial activities currently undertaken within the Glasshouse venue.

**Attachments**

1 [View](#). Glasshouse Financial Statement 30 June 2019

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**Item: 10.20**

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

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

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### **Alignment with Delivery Program**

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the Development Activity and Assessment System Performance report for the fourth quarter of 2018-2019.**
- 2. Note that no determinations were made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.**

### **Executive Summary**

This report provides a summary of development assessment, building certification and subdivision certification activities for the April to June 2019 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

### **Discussion**

#### **1. Development Activity and Assessment System Performance**

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

There have been numerous media reports in metropolitan areas of a slow-down in the housing market. Anecdotally, some local land developers are also reporting that land sale rates are slowing. It is difficult to conclude from the data available at this point that there is any significant slow-down. Whilst the number of DA received for the quarter is slightly down on the year to date monthly average of 91 DAs, 2018-2019 saw a total of 1096 DAs received, up on the 1069 received in the 2017-2018 period. Other application types have been relatively consistent to the last 3-4 years.

Applications Received and Determined	2014-15 Monthly Average	2015-16 Monthly Average	2016-17 Monthly Average	2017-18 Monthly Average	2018-19 Monthly Average	2018 - 19 TOTAL	Apr-19	May-19	Jun-19
DAs Received	76	85	89	89	91	1096	88	80	78
DAs Determined	74	79	80	86	89	1063	78	102	72
DA Modifications Received	14	17	15	16	16	189	18	25	12
DA Modifications Determined	14	15	15	15	15	182	12	25	17
Complying Development Certificates Received by Council	10	7	9	8	9	104	10	10	3
Complying Development Certificates Determined	10	7	16	8	8	95	4	8	7
Complying Development Certificates Determined (Private Certifier)	15	21	19	30	21	251	11	21	17
Construction Certificates (Building Work) Received by Council	46	41	42	41	45	545	40	40	44
Construction Certificates (Building Work) Determined by Council	45	38	38	42	44	532	52	52	37
Construction Certificates Building Work Determined (Private Certifier)	20	29	23	34	38	458	33	30	35
Plumbing & Drainage Applications Received					82	984	77	83	74
Plumbing & Drainage Applications Determined	64	72	87	91	81	972	60	95	87
Infrastructure Construction Certificates Received	8	9	13	13	11	132	5	10	7
Infrastructure Construction Certificates Determined	6	9	8	12	12	144	8	10	16
Subdivision Certificates Received	10	11	12	12	8	95	3	10	7
Subdivision Certificates Determined	9	10	11	10	7	89	9	4	4
Strata Certificates Received					5	56	3	3	10
Strata Certificates Determined					4	50	1	2	6
Roads Act Applications Received					47	568	44	53	42
Roads Act Applications Determined	38	49	49	52	44	523	40	40	45
Building Inspections Undertaken	393	407	455	494	484	5803	468	579	396

The following table outlines the estimated value of works per development type approved during the quarter along with the year to date value and value of the preceding 2 years. The 2018-2019 value of \$438 million has surpassed the \$426 million in 2017-2018. This result reinforces the confidence in the development sector and does not point toward any significant slow-down.

Value of Works DA	Apr-19	May-19	Jun-19	Total to date 2018 - 2019	Total 2017-2018	Total 2016 - 2017
Ancillary DA	\$2,212,870	\$448,901	\$264,086	\$8,630,779	\$8,649,369	\$5,416,321
Ancillary CDC	\$56,650	\$476,159	\$403,270	\$4,461,919	\$5,750,178	\$1,559,611
Commercial DA	\$19,695,148	\$119,950	\$14,238,200	\$50,335,092	\$17,415,409	\$12,710,871
Commercial CDC	\$0	\$0	\$100,000	\$1,015,474	\$2,380,814	\$4,007,057
Community DA	\$27,374,600	\$2,049,500	\$0	\$36,258,032	\$13,111,186	\$1,851,000
Community CDC	\$0	\$0	\$0	\$345,078	\$692,872	\$330,000
Industrial DA	\$1,750,000	\$95,000	\$1,077,400	\$18,414,595	\$13,919,469	\$7,176,750
Industrial CDC	\$200,000	\$139,000	\$0	\$8,187,481	\$757,727	\$503,000
Residential DA	\$22,348,156	\$23,733,514	\$9,759,822	\$227,592,925	\$266,406,644	\$190,943,031
Residential CDC	\$2,220,884	\$3,155,510	\$2,096,657	\$37,815,194	\$51,975,736	\$37,712,396
Rural DA	\$210,000	\$304,000	\$1,284,240	\$9,693,549	\$9,718,464	\$7,635,746
Rural CDC	\$0	\$0	\$0	\$1,145,009	\$1,638,082	\$1,237,092
Subdivision DA	\$27,642,000	\$90,000	\$680,000	\$30,759,000	\$18,137,000	\$26,708,500
Tourist DA	\$600,000	\$68,400	\$100,000	\$3,395,692	\$14,777,822	\$1,711,860
Tourist CDC	\$0	\$0	\$0	\$0	\$1,225,000	\$690,000
<b>Total</b>	<b>\$104,310,308</b>	<b>\$30,679,934</b>	<b>\$30,003,675</b>	<b>\$438,049,819</b>	<b>\$426,555,772</b>	<b>\$300,193,235</b>



Application processing data and longer term trends for the various application types is provided in the table below. It is noted that gross monthly average DA processing time of 61 days for the year to date is an improvement on the monthly average of 64 days during 2017-2018.

Gross average processing times for infrastructure construction certificates have decreased to 77 days for 2018-2019, compared to an average of 107 days in 2017-2018. Net average processing times for infrastructure construction certificates have also improved from an average of 53 days in 2017-2018 to an average of 39 days. Monthly gross average processing days for subdivision certificates for the 2018-2019 to date is 91 days, up from an average of 63 days in 2017-2018. This figure has been heavily influence by a number of long standing subdivision certificates approved during 2018-2019. The net processing Days for subdivision certificates has improved from 49 days in 2017-2018 to 44 days in 2018-2019. With both of the vacant development engineering positions now being filled, staff have been better able to follow up applicants and finalise a number of longstanding applications. It is anticipated that further improvements in processing times will be realised in 2019-2020.

PMHC Application Processing Performance	NSW 2014-15 Monthly Average	PMHC 2014-15 Monthly Average	NSW 2015-16 Monthly Average	PMHC 2015-16 Monthly Average	PMHC 2016-17 Monthly Average	PMHC 2017-18 Monthly Average	PMHC 2018-19 Monthly Average	Apr-19	May-19	Jun-19
DAs Processing -										
Net Median Days	46	30	49	30	31	38	37	48	33	28
DA Processing -										
Net Average Days	48	36	52	34	26	46	42	49	37	43
DA Processing -										
Gross Average Days	76	56	63	58	55	64	61	76	54	79
Complying Development Processing -										
Net Average Days		13		6	6	7	13	11	15	13
Complying Development Processing -										
Gross Average Days	22	14	22	7	8	7	15	14	17	18
Building Construction Certificate Processing -										
Net Average Days		12		9	9	9	9	23	6	6
Building Construction Certificate Processing -										
Gross Average Days		49		51	52	66	59	88	48	62
Plumbing & Drainage Applications Processing -										
Net Average Days		17		16	15	21	18	18	16	28
Plumbing & Drainage Applications -										
Gross Average Days		61		51	47	52	53	51	45	48
Infrastructure Construction Certificate Processing -										
Net Average Days		41		54	39	53	39	50	62	51
Infrastructure Construction Certificate Processing -										
Gross Average Days		114		94	77	109	77	95	93	65
Subdivision & Strata Certificates Processing -										
Net Average Days		33		42	40	49	44	93	19	54
Subdivision & Strata Certificates Processing -										
Gross Average Days		72		97	60	63	91	123	70	141
Roads Act Applications Processing -										
Net Average Days		16		17	19	17	13	16	3	13
Roads Act Applications Processing -										
Gross Average Days		41		43	48	43	39	31	32	37

## 2. Applications determined under delegation including Clause 4.6 - Exceptions to Development Standards

There were no applications determined for the quarter involving use of Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

### Options

This is an information report.



**Community Engagement & Internal Consultation**

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

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

**Planning & Policy Implications**

There are no planning or policy impacts.

**Financial & Economic Implications**

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

**Attachments**

Nil

# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

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

**How we will get there**

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

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**Item:** 11.01

**Subject:** NOTICE OF MOTION - WELCOME SCROLL PROJECT

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

**RECOMMENDATION**

**That Council:**

- 1. Join the Welcome Scroll Project.**
- 2. Grant permission for the Mayor to provide Council's logo and electronically sign the Welcome Scroll on behalf of Council.**

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

At the Ordinary Council Meeting held on 5 November 2007, Council resolved, in part:

*"That Port Macquarie-Hastings become a "Refugee Welcome Zone" in line with Council's long standing policy of promoting social tolerance, condemning racism and continuing to welcome people from all backgrounds to our community."*

Council has recently been contacted by the Co-ordinator of the National Tour of the Welcome Scroll, to participate in Stage 2 of the Welcome Scroll project.

The Welcome Scroll is a joint project of the Refugee Council of Australia, Refugee Welcome Zone Councils and Rural Australian for Refugees, which was initiated in September 2016 as part of the Rural Australians for Refugee National Conference.

The Welcome Scroll is on a National journey, visiting Refugee Welcome Zone Councils, of which there are 161 across the country.

The Refugee Welcome Zone declaration is a public commitment in spirit to:

- Welcoming refugees in to our community
- Upholding the human rights of refugees
- Demonstrating compassion for refugees
- Enhancing cultural and religious diversity in our community

The Welcome Scroll is currently 6 metres long and contains 113 Mayoral signatures. It is hoped that eventually the Welcome Scroll will be endorsed by representatives of all Local Councils who have chosen to become Refugee Welcome Zones.

There is no cost to Council to participate. Over the past two years, the Scroll has slowly travelled through Queensland, NSW, ACT, Victoria and South Australia and later this year will journey through south-western WA and in 2020, Tasmania.

**Attachments**

Nil

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**Item: 11.02**

**Subject: GRANT APPLICATIONS QUARTERLY REPORT**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the third quarterly Grant Application Report, providing an update on grants applied for or obtained for the 2018/19 financial year.**
- 2. Agree future reports on Council grant applications be presented on a biannual basis in February and August each year.**

### **Executive Summary**

Grants from other levels of government support the delivery of a range of Council services and infrastructure for our community. This report provides an update on the grant applications and outcomes since May 2019, the last quarterly report. It is proposed that in future, these reports be presented as comprehensive updates, twice a year.

### **Discussion**

This report is the third quarterly update on Council grant applications, in accordance with the 17 October 2018 Ordinary Council Meeting resolution:

#### **09.07 GRANT APPLICATIONS STATUS REPORT INVESTIGATION**

**RESOLVED:** *Griffiths/Alley*

**That Council:**

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

**CARRIED:** 7/0

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

**AGAINST:** *Nil*

Every year, Council applies for, or obtains, a significant number of grants to support the delivery of a range of services and infrastructure for our community. Some grants are ongoing or recurring, such as the Roads and Maritime Services "block grants" for

regional roads and traffic facilities. Some are for specific projects, often over several financial years, while others are for specific projects with designated completion targets.

The Council Grant Funding Application Register (Attachment 1) details grants applications made, successfully, unsuccessfully, or outcome unknown for the 2018-19 financial year. Also noted at the bottom of the Register are funding commitments made during the 2019 State and Federal election care-taker periods.

For the remainder of the 2018/19 financial year (1 May - 30 June 2019 ie, since the last quarterly report), no new grant applications were made, however, Council was advised of the success of three previous grant applications:

- \$30,750 from the LGNSW Flying Fox Grants Program toward the Koolongbung Creek Management Plan implementation;
- \$30,000 NSW Community Heritage Grant for the Port Macquarie-Hastings Aboriginal Cultural Heritage Study;
- \$805,000 RMS Active Transport Grant towards construction of a section of the Schools to Schools shared path (Brotherglen Drive to Pacific Highway) and a range of pedestrian refuges, kerb extensions and ramps across the LGA.

The hiatus in grant applications in recent months has resulted from the NSW and Federal Election periods, with new grant rounds being opened in recent weeks. Since 1 July 2019, one new application has been made:

- \$1.5m for seven projects under the NSW Safer Roads Program and Australian Government Black Spot Program.

#### Reporting of grants activity to future Council meetings

The quarterly reporting of grants under the trial resolved by Council in 17 October 2018, has provided a systematic way of updating Council and the community of Council grants activity. This is viewed as valuable information, that would appropriately be shared twice per year, rather than quarterly, given the likely quantum of information to be updated. It is recommended that in future, the Grants Funding Applications Register and associated information be reported to Council on a biannual basis, in February and August each year.

#### **Options**

1. That Council notes the information contained in the third quarterly "Grant Application Quarterly Report" and agrees future reports be provided on a biannual basis; or
2. That Council requests continued quarterly reports or additional information.

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

All staff making grant applications were consulted in finalising the Grants Register at Attachment 1.

The Council has a commitment to support community group grant applications by assisting them with information/data, and letters of support, where applicable. These community-based grants are not included in this report.



**Planning & Policy Implications**

There are no policy implications in relation to this report. It is noted, however, that the timing of grants received and project implementation/delivery can have implications for Council's operational program delivery.

**Financial & Economic Implications**

There are no direct economic implications in relation to this report but, as noted, there is a financial implication in regard to the significant staff time required to apply for grants. It is also noted that if successful in receiving grants, often there is a requirement for Council to provide matched funding and further resources are required to not only implement the grant funded project, but also to complete an acquittal at the end of the project term and for many projects, to provide regular progress reports as the grant funds are expended.

Grants from various sources are an important source of funding for a wide variety of Council activities.

**Attachments**

1 [View](#). All Council Grant Funding Applications Register

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**Item: 11.03**

**Subject: PORT MACQUARIE NEW YEAR'S EVE FIREWORKS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the number of firework displays around the Port Macquarie Foreshore usually shown over the Festive/New Year period;**
- 2. Support the delivery of the 2019 Port Macquarie 9pm New Year's Eve Firework display;**
- 3. Determine future Fireworks support following the proposed engagement on Community Events, to be completed later in 2019.**

### **Executive Summary**

Since 2016, Council has been involved (financially) in the delivery of the Port Macquarie New Year's Eve (NYE) 9pm Fireworks. This has been organised through the Community Place team and funded through the Community Events budget.

Over this time, Council has collaborated with the Port Macquarie Chamber of Commerce who have been responsible for managing and funding the midnight fireworks.

In 2018, the Port Macquarie Chamber of Commerce requested that Council also deliver the midnight fireworks. Although this request could not be accommodated, Port Macquarie-Hastings Council assisted in finding a sponsor to deliver these fireworks.

The Port Macquarie Chamber have again raised this matter with the Mayor and senior staff seeking a resolution on the delivery, funding and management of the annual Port Macquarie New Year's Eve fireworks.

### **Discussion**

The Port Macquarie New Year's Eve (NYE) fireworks have a long history. Prior to 2016, Youngs, who managed the Youngs Family Carnival on Westport Park, delivered fireworks for NYE. Traditionally the fireworks were held at either 9pm or 10pm and were delivered on land, from a site near the Westport Club.

New regulations subsequently came into effect that required the host organisation to obtain additional licences and approvals including a Section 68 certificate and a pyrotechnic licence. Any on-land fireworks now require exclusion zone, subsequently ruling out the Westport Park launch area and requiring an on water barge to be utilised.

This requires an application to the Roads & Maritime Services (RMS) for an Aquatic Licence for the barge.

At this point, Youngs made a decision to cease this activity due to the complexities in delivering this event.

On news that Youngs would not be proceeding with a fireworks display in 2016, Council was approached by members of the Port Macquarie Chamber of Commerce (PMCC) to support the NYE fireworks.

Ultimately at the time, Council decided to support a continuation of a “family-friendly” 9pm fireworks display, with the PMCC supporting the midnight fireworks.

Since 2016, Council has continued to support the delivery of the 9pm fireworks and collaborate with the PMCC to deliver the midnight fireworks. This has included funding, support for insurances, Section 68 approvals, liaising with the pyrotechnic expert to deliver the event and managing aspects of the event.

Associated risks have previously been covered under Council’s insurance policy for the Council component of the event based on advice from Council’s insurance broker.

Whilst the preliminary works have been completed by staff during the lead up to the event, coordination and management for the Council component of the event on New Years eve has rested solely on the voluntary time of Council Staff and the Port Macquarie Chamber. Continuation of supporting the event will require appropriate staffing and remuneration and needs to be considered in any future budget allocation.

From a community perspective, the New Year’s Eve fireworks are embraced as a family friendly activity that encourages and supports economic growth in the CBD. It is also a busy tourist season for the local businesses and this event assists in creating a vibrant and activated town centre.

There are a number of fireworks and events around the Port Macquarie Foreshore during the festive season this including:

- Countdown to Christmas at the end of November
- Christmas Under the stars - Westport Club at Westport Park - Mid December
- New Year’s Eve Fireworks Display
- Young’s Family Carnival
- Westport Club Summer Event with Fireworks - early January

There is an opportunity in the future through engaging with our community to develop a partnership approach to the above events that are happening in and around the festive season and consolidate our events to bring more coordinated approach to these activities.

Each year many communities across the region also deliver festive events and apply for Christmas and New Year’s Community Grants through Council’s Community Grants Program. Council has supported 25 community events during the festive season and provided over \$68,000 in support. This includes:

- Long Flat Public School - Community Christmas party;
- Wauchope Chamber of Commerce and Industry - Christmas Festival;
- Beechwood Public School - Community Christmas Party;
- Port Macquarie City Church - Christmas Day Event;

- Lake Cathie Bonny Hills Lions Club - Christmas Carols;
- Camden Haven Chamber of Commerce - New Year's Eve event;
- Lorne Community Hall - Community Christmas Party;
- Kendall Heritage Society - Community Christmas Party;
- Byabarra Hall and Recreational Reserve Trust - Community Christmas party;
- Telegraph Point Community Association - Community Christmas Party; and
- Port Macquarie Neighbourhood Centre;

As Council has been a partner and contributed financially to the Port Macquarie fireworks events, the PMCC has been unable to apply for Council Community Grants.

Council has recently developed an Event Plan to assist in determining the delivery of events for our community. As part of the plan one of the priority actions is to engage with our community to understand what events they would like to see Council deliver, support or sponsor. Staff propose that as part of that engagement process to test with the broader community, what level of ongoing support there is for NYE fireworks displays and whether there are some additional partnership opportunities to make the event more sustainable into the future. This engagement is to commence later this year.

Ultimately it is recommended that Council support the delivery of the 9pm NYE fireworks in Port Macquarie in 2019 with further consideration of any future plans for the event to be determined after the engagement feedback is received.

### **Options**

Council has a number of options in relation to this matter including but not limited to the following:

1. Council delivers 9pm New Year's Eve fireworks only;
2. Council allows the Port Macquarie Chamber of Commerce to apply for Community Grants to deliver the New Year's Eve Fireworks, note there is a limit of \$10,000 for community grants, leaving a potential shortfall;
3. Council delivers the 9pm and midnight New Year's Eve fireworks;
4. Council does not support the delivery of New Year's Eve Fireworks at all.

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

Internal discussions with Council Executive and Economic Development Team. Discussions have also continued with the Port Macquarie Chamber of commerce at their quarterly Council catch-ups.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

Currently, budget allocation for the NYE fireworks has been funded through the Community Events budget.

The current financial year allocation in this area is \$29,482 and it is currently allocated to deliver and support activities in Youth Week, Seniors Week, Heritage Festival and the Countdown to Christmas. No allowance currently exists for the NYE Fireworks.

If Council were to deliver the 2019 NYE 9pm fireworks, the cost is estimated to be \$8500, which include the fireworks for the 9pm display, leasing cost of the barge required to deliver the event and staff management time.

This amount would be in the order of \$17,000 if Council were to deliver midnight fireworks as well.

Whilst not currently budgeted, the cost of supporting the NYE Fireworks event would need to be funded from the Community Events budget, unless additional budget is made available. This would however come at a community cost, as Council would need to reduce delivery of other community events, or reduce budgets for events across the annual calendar.

**Attachments**

Nil



# 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: 13.01**

**Subject: NOTICE OF MOTION - PROPOSED PRIMARY AIRPORT ACCESS  
ROAD INTERSECTION WITH OXLEY HIGHWAY**

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

**RECOMMENDATION**

**That Council:**

- 1. Acknowledge the significant evident environmental and geological constraints associated with the proposed 'blue line' investigation area from Fernhill Road to replace the Clifton Drive intersection at the Oxley Highway.**
- 2. Request the General Manager investigate and consult with Transport for NSW (TfNSW) regarding the feasibility of either;**
  - a) Upgrading the existing Clifton Drive intersection to serve the proposed Primary Airport Access Road, or**
  - b) Continuing to plan for a new intersection with the proposed Primary Airport Access Road onto the Oxley Highway, excluding the extension of any new intersection into the Fernhill area.**
- 3. Request the General Manager report to the December 2019 Council meeting on progress in regard to point 2 above.**

**Comments by Councillor (if provided)**

Nil.

**Attachments**

Nil

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**Item: 13.02****Subject: NOTICE OF MOTION - PARKING STRATEGY - REVIEW**

---

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

**RECOMMENDATION**

**That the General Manager bring back a report to Council's October 2019 meeting detailing the timing and scope of the proposed review of the Parking Strategy.**

**Comments by Councillor (if provided)**

Within the (approved) Operational Plan for 2019 / 2020 is a line item of \$200,000 to cover a "Review of the Parking Strategy." The purpose of this motion is, broadly speaking, twofold, viz:

1. To "start the discussion" within the community about the state of parking within our LGA and, in particular, within the Port Macquarie CBD to help ensure that by the time the real work starts, all participants in the discussion are better informed as to the issues in general and the facts in particular, and
2. Similarly, for all councillors to be informed about the facts and the key issues well in advance of the project work "landing" on our collective desks.

Since the last Parking Study update came before council in 2012 /13 much has changed, including but not restricted to:

1. The population of the LGA has continued to grow at a rate in excess of 1,000 people pa, every year.
2. Port Macquarie has been declared to be a "Regional City" (as opposed to a "sleepy, coastal holiday village).
3. We have a major new University which is growing faster than any other university in the state (and possibly the whole country).
4. Other key infrastructure expansion includes the base hospital, the Airport (both the Runway and terminal buildings), the Indoor Stadium, the Regional Sporting complex and we are now at stage 1 of investigations and analysis for a new Port Macquarie Aquatic Centre.

Whilst all this has been occurring, Council has been very active with high level planning initiatives with respect to (for example):

1. An update to the Urban Growth Management Strategy.
2. Traffic Network Study Updates (ongoing).
3. Updates to Council's Bio diversity Strategy, Koala Plans of Management, etc.

In the context of the above - and it is possible to include several more examples - , a review of the Parking Strategy is potentially significantly more valuable and timely than it would have been even as recently as 2 or 3 years ago. It is also worthy of note that Council's Economic Development Strategy has earmarked as a high priority the development of a "Smart Regional City Strategy" and it is already self evident that "Parking" is likely to be an important matter to be considered in the development of that strategy.

It is no accident that all these matters are interconnected and hence, in closing, I wanted to reinforce that this "interconnectedness" will have an impact on not just the ultimate parking strategy decisions by council, but also the critical engagement and communications strategy's around the process.

**Attachments**

Nil

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**Item: 13.03**

**Subject: ATTENDANCE AT 2019 NATIONAL LOCAL ROADS AND  
TRANSPORT CONGRESS - HAHNDORF, SOUTH AUSTRALIA**

**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 grant approval to Councillor Sharon Griffiths to attend the 2019 National Local Roads and Transport Congress to be held in Hahndorf, South Australia, from 18 to 20 November 2019.**

### **Executive Summary**

The 2019 National Local Roads and Transport Congress is to be held in Hahndorf, South Australia from 18 to 20 November 2019. Councillor Sharon Griffiths has indicated an interest in attending the Conference.

Under Council's policy "Payment of Expenses and Provision of Facilities to Councillors", a Council resolution is required for a Councillor to represent Council at the Congress.

### **Discussion**

The 2019 National Local Roads and Transport Congress is to be held in Hahndorf, South Australia from 18 to 20 November 2019.

Councillor Sharon Griffiths is the Chair of the Roads & Transport Portfolio and has indicated her interest in attending the Congress.

The theme for the Congress is "*Breaking Through the Modern Transport*" and will explore the future of transport mobility in Australia and the importance of all levels of Government and the private sector working together to plan and deliver integrated infrastructure.

A copy of the Congress program is attached for information.

### **Reporting Requirements for Conferences**

As per Council policy, Councillor Griffiths will be required to provide a report in writing to Council on the outcome of the Congress, should approval at the Congress be approved.



**Options**

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

**Community Engagement & Internal Consultation**Internal Consultation

- General Manager

**Planning & Policy Implications**

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

**Financial & Economic Implications**

Early Bird registration by 27 September 2019 is \$895.00. This includes attendance at all Congress sessions; ticket to Welcome Reception & Exhibition Opening; ticket to Congress Dinner; Morning Tea/Lunch/Afternoon Tea as per Congress program and Congress satchel/materials.

In addition to the Congress registration, costs for accommodation, transportation and any out-of-pocket expenses, as allowed for under the policy, will be at the expense of Council.

The costs for Councillor Griffiths' attendance at the Congress can be funded from the 2019/2020 budget allocation for expenses relating to attendance at conferences by Councillors.

**Attachments**

1 [View](#). 2019 National Local Roads and Transport Congress Program

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Item: 13.04

Subject: ACQUISITION OF EASEMENT FOR WATER SUPPLY AND  
EASEMENT TO DRAIN SEWER AT SCARBOROUGH WAY,  
DUNBOGAN

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. Pay compensation in the amount of \$4,000.00 (GST Exclusive) to the owners of Lot 32 Deposited Plan 1213619, A & J Creative Pty Limited, for the acquisition of an easement for water supply 4 metres wide and an easement for the drainage of sewage 4 metres wide, depicted (A) & (B) respectively, in the unregistered survey prepared by Hopkins Consultants Pty Ltd reference 7366 dated 17 April 2019.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the legal costs reasonably incurred by the owners of Lot 32 Deposited Plan 1213619 associated with the acquisition of the easement.
3. Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the acquisition in accordance with the *Electronic Transactions Act 2000*.

#### Executive Summary

A report recommending the payment of compensation for the acquisition of easements for water supply and sewerage, situated on land in Scarborough Way at Dunbogan.

#### Discussion

To adequately cater for urban expansion at Dunbogan, augmentation of Council's water and sewer network is required. An additional water supply pipe and sewer pipe have been laid in private land, Lot 32 DP1213619, situated at Scarborough Way.

Easements, 4 metres wide, are required over the recently laid infrastructure at the location shown in the plan attached to this report. Council's Consulting Surveyors, Hopkins Consultants Pty Ltd, have prepared a survey of the easements to be acquired. The easements are shown as (A) & (B) in the attached plan.

**Options**

Nil

**Community Engagement & Internal Consultation**

There has been ongoing consultation with the owners of Lot 32 DP1213619, A & J Creative Pty Limited.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The acquisition of the easements entitles the landowner to the payment of compensation assessed having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. Council's Consulting Valuer has assessed compensation for the easements at \$4,000.00 (GST Exclusive). An offer in this amount has been made to the landowner who has accepted the offer. The matter is now reported to Council for formal approval.

In addition to the payment of monetary compensation for the easements, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* provides that Council shall meet the legal costs reasonably incurred by the landowner resulting from the acquisition.

There is funding in the current operational plan to meet the land acquisition compensation and legal fees, ref. Operational Plan 4.1.3.17 CW.

**Attachments**

1 [View](#). Unregistered Easement Plan

2 [View](#). Location of Easements to be Acquired

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**Item: 13.05**

**Subject: FEDERAL FUNDING TO SEAL THE HATCH ROAD**

**Presented by: Infrastructure, Dan Bylsma**

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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. Note the Unsealed Roads Dust Monitoring completed by AM Enviro Services did not detect any airborne respirable crystalline silica or any other contaminants above the relevant exposure standards on The Hatch Road.**
- 2. Note the Federal Funding of \$370,000 to seal The Hatch Road is not sufficient to seal its entire length.**
- 3. Note that there may be a funding condition for Council to allocate 20% of the funding, being \$74,000, towards The Hatch Road sealing.**
- 4. Request the General Manager write to the Federal Member for Cowper outlining Council was not aware of a funding co-contribution requirement and is not in a position to allocate any funding towards The Hatch Road sealing.**
- 5. Request the General Manager submit the Project Proposal Report for The Hatch Road sealing to the Department of Infrastructure as soon as practical.**
- 6. Seal the first 1.98km of The Hatch Road using Federal funding as soon as practical after the funding is approved, noting the actual length of new seal may be less pending detailed investigation and design.**

### **Executive Summary**

Following concerns from residents on The Hatch Road particularly around the health impacts related to airborne crystalline silica and the use of recycled crushed concrete as a road gravel, the Nationals' candidate for Cowper, Pat Conaghan, made an election commitment of \$370,000 to seal The Hatch Road. Following the election, this funding has subsequently been confirmed. An analysis of the costs associated with sealing The Hatch Road has found that \$370,000 is insufficient to seal the entire length. The \$370,000 could potentially be used for a new bitumen seal to the 1.98km section containing the recycled crushed concrete gravel or used for resealing the remaining 1.37km, which was a sealed road with some sections reverted back to an unsealed surface in 2004. A risk of the road being located outside the road reserve boundaries has been identified and if property acquisition is required to complete this project, this could significantly impact on the scope of works delivered with the available funding.

Sealing the first 1.98km would extend the sealed road network off Blackman's Point Road. This has a suitable sub-base layer with the recently placed recycled crushed concrete, and has suitable width of approximately 7 to 8m and is predominantly straight.

Based on the concerns around airborne crystalline silica and the use of recycled crushed concrete as a road gravel, Council undertook dust monitoring on six unsealed roads, three with recycled crushed concrete and three with quarry gravels, over a period of February to April 2019. The testing did not detect crystalline silica, asbestos or heavy metals above the relevant exposure standards. It is therefore assessed there is no significant health risk to the residents from the use of recycled crushed concrete.

A copy of the Dust Monitoring report is included at Attachment 1.

It should be noted that crystalline silica is a natural occurring product, commonly referred to quartz, and is present in the majority of all rocks, clays, gravel and sand. Crystalline silica is not unique to recycled crushed concrete and is likely present in the gravels on every unsealed road, whether from a commercial quarry, local borrow pit (ridge gravel) or recycled crushed concrete.

This report provides an assessment of the allocation of Federal funding (\$370,000) for the sealing of The Hatch Road.

### **Discussion**

The Hatch Road is approximately 3.35 km long heading north-south from Blackman's Point Road to Elford's Road.

The road is predominantly unsealed with two sections, approximately 550m and 170m, of poor condition seal.

Following a Council decision in 2003, approximately 650m of seal was removed, with that section of road reverted back to an unsealed road.

Prior to that Council decision, The Hatch consisted of a 1.98km unsealed section, the first section heading north from Blackman's Point Road (shown as Section A below) and a 1.37km sealed section, the remaining section heading north to Elford's Road (shown as Section B below).



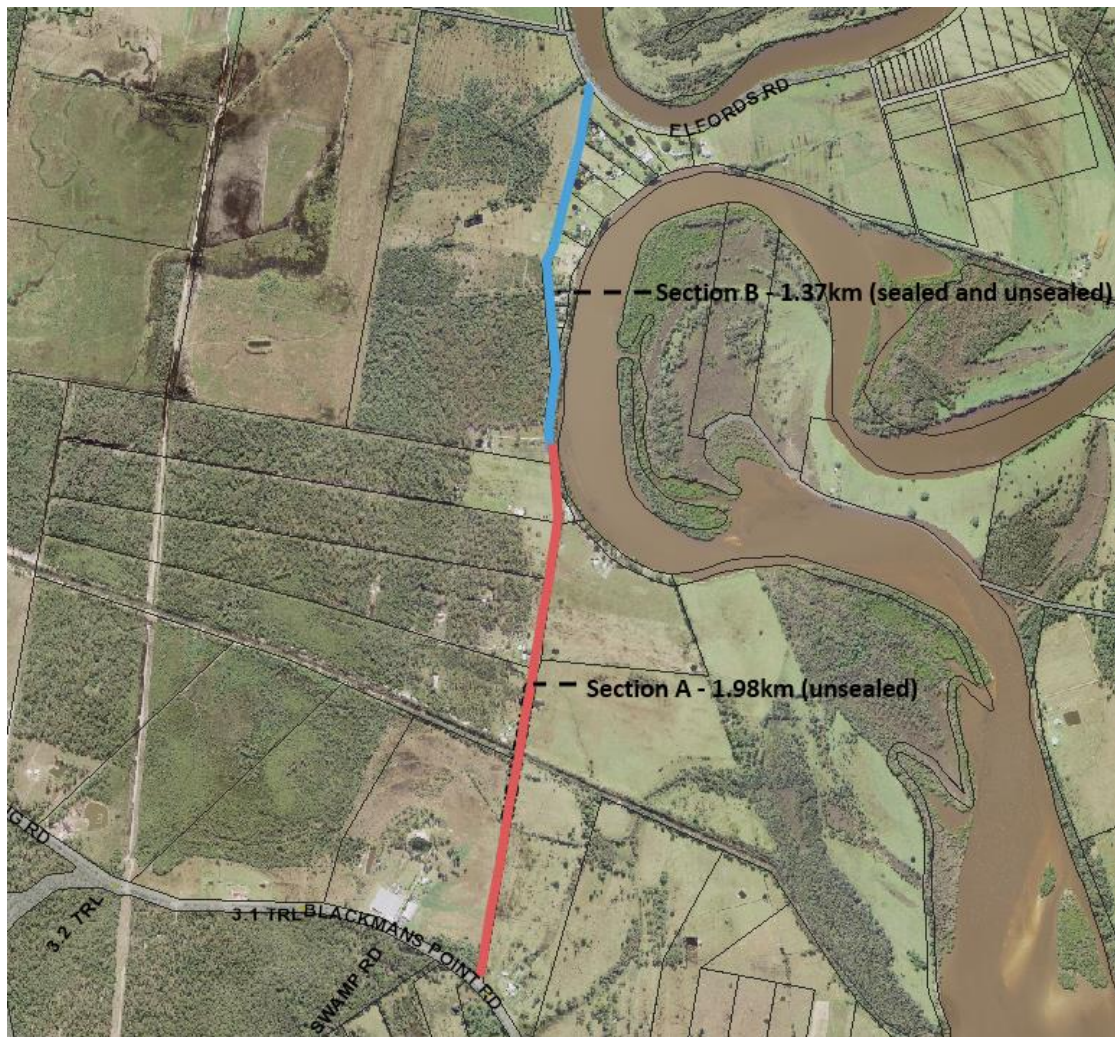


Figure 1: The Hatch Road

In November 2018 Council resheeted the 1.98km unsealed section with recycled crushed concrete road base in response to community concern regarding the poor condition of the unsealed road, particularly in wet conditions due to a lack of gravel. Due to an unseasonal dry summer, the community subsequently raised concerns about the health impacts of dust. Following these concerns, Council commenced dust monitoring on six roads across the Local Government Area including three test locations along The Hatch Road. The three sites recorded information for two locations along the recycled crushed concrete section and one location on the unsealed section with commercial quarry gravel. The testing did not detect crystalline silica, asbestos or heavy metals above the relevant exposure standards. It is therefore assessed there is no significant health risk to the residents from the use of recycled crushed concrete.

A copy of the Dust Monitoring report is included at Attachment 1.

During the May Federal Election, Nationals candidate for Cowper, Pat Conaghan, promised \$370,000 to seal The Hatch Road. Following the re-election of the Liberal/Nationals coalition government, Pat Conaghan has confirmed with the Department of Infrastructure that the funding is available and Council should contact the Department of Infrastructure as soon as the project is 'shovel ready'. Early advice

from the Department of Infrastructure has indicated that Council has to submit a Project Proposal Report in order to receive a funding agreement. The advice also outlined that Council may be required to contribute 20% of the funding amount, being \$74,000. Council currently hasn't budgeted for this contribution.

An analysis of works and associated costs to seal the entire length of The Hatch Road (3.35km) have indicated that it is likely to cost approximately \$800,000. With the allocated amount of \$370,000 from the Federal Government, it has been assessed that either the first 1.98km unsealed section (Section A), which has been recently resheeted with recycled crushed concrete could potentially be sealed or the 1.37km section (Section B) that was previously sealed could be repaired and resealed.

Correspondence from the Federal Member for Cowper indicates both '*resealing The Hatch Road*' and '*sealing The Hatch Road*'; therefore, it is unclear which section of The Hatch Road the funding was intended.

#### Cost Analysis - Sealing Section A The Hatch Road

Length	1.98 km
Subgrade Width	7.5 m
Seal Width	6.5 m

Geotechnical Testing, Pavement Design & boundary survey	\$ 10,000.00
Site Establishment, Environmental Control and Survey Control	\$ 5,000.00
Traffic Control	\$ 25,000.00
Existing Surface preparation	\$ 35,000.00
Import, place and compact Road Base (100mm), to be determined by pavement design to ensure an adequate design life.	\$ 130,000.00
Final trim, two coat seal and line marking	\$ 120,000.00
Sub-total	\$ 325,000.00
15% contingency	\$ 48,750.00
<b>TOTAL</b>	<b>\$ 373,750.00</b>

#### Cost Analysis - Sealing Section B The Hatch Road

Length	1.37 km
Subgrade Width	7 m
Seal Width	6.5 m



Geotechnical Testing, Pavement Design & boundary survey.	\$ 10,000.00
Site Establishment, Environmental Control and Survey Control	\$ 5,000.00
Traffic Control	\$ 25,000.00
Existing Surface preparation, including repairing the existing poor sealed areas	\$ 40,000.00
Import, place and compact Road Base (200mm), to be determined by pavement design to ensure an adequate design life	\$ 165,000.00
Final trim, two coat seal and line marking	\$ 78,000.00
Sub-total	\$ 323,000.00
15% contingency	\$ 48,450.00
<b>TOTAL</b>	<b>\$ 371,450.00</b>

It should be noted that the use of a 15% contingency at this early stage prior to any pavement investigations or boundary survey is high risk and best practice is to allocate anywhere from 30% to 50%. Following detailed pavement investigations and design, including boundary survey, it may be found that a lesser section can only be afforded.

It is recommended that Section A be sealed, noting the actual length of new seal may be less pending detailed investigation and design.

If the contingency allocation is not used, this funding should be used to extend the works to repair and reseal as much as possible of the poor section of seal pavement.

#### Road boundary risk

A preliminary assessment of the road boundaries has indicated that there is a project risk that the road is actually located outside the mapped road reserve boundaries. There are four sites along The Hatch Road (two in the first 1.98km, Section A and two in the next 1.37, Section B) as shown in Figures 2 through 5 below.

As the cadastral boundary information in this area is not survey accurate this would have to be confirmed at the beginning of the project. There is potential that the areas shown are just due to a mapping error.

As this project is a road upgrade project, there is a requirement to consider and correct any road boundary issues present.

It is assessed that the two locations within Section A would cost approximately \$30,000 to adjust (survey, legal and land acquisition costs) and the two locations within Section B would cost approximately \$50,000. These costs would be refined and confirmed following a boundary survey. This funding would come from the project contingency amount and would affect the overall amount of sealing works that could be delivered.



Figure 2: Road potentially outside boundaries at 125 The Hatch Road.



Figure 3: Road potentially outside boundaries opposite 170 The Hatch Road.

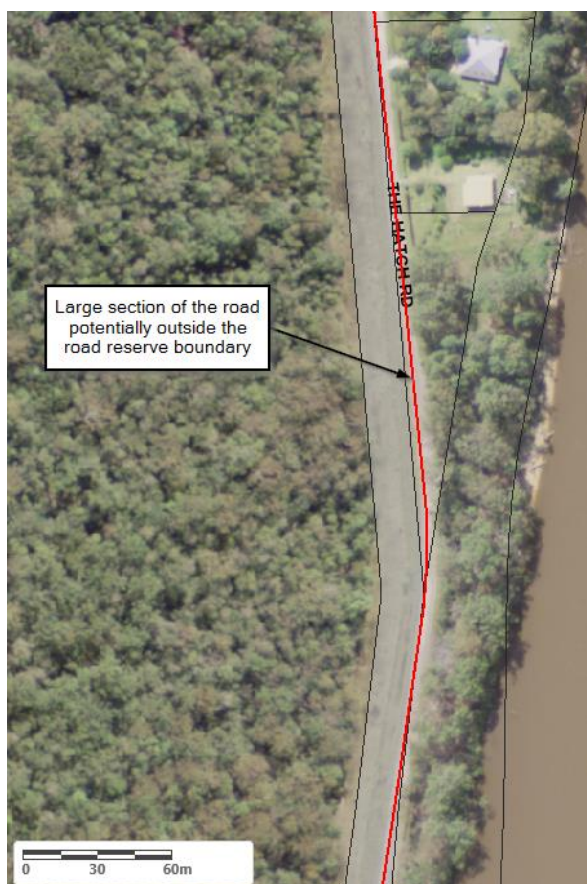


Figure 4: Large section of road potentially outside boundaries at 246 The Hatch Road.

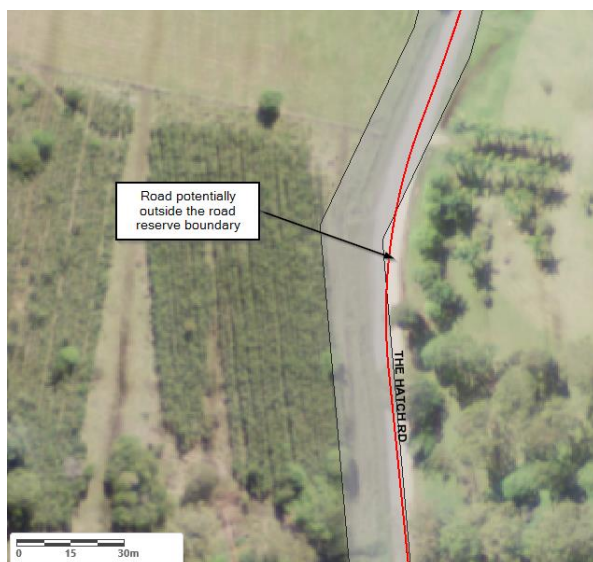


Figure 5: Road potentially outside boundaries at 276 The Hatch Road.

### Options

Council has the option to adopt the recommendation noting the funding constraints or choose to increase the works by allocating further Council funding. Noting a further



\$430,000 of Council funding would be required to complete sealing the entire length of The Hatch Road.

**Community Engagement & Internal Consultation**

No community consultation was undertaken in relation to this report.

Internal consultation for this report has occurred with the following:

Director Infrastructure  
Director Strategy and Growth  
A/Group Manager Transport and Stormwater Network  
Transport and Stormwater Network Operations Manager

**Planning & Policy Implications**

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

**Financial & Economic Implications**

If Council is unable to secure the Federal Funding for sealing The Hatch Road without allocating 20%, then Council will have to allocate \$74,000 to the project, which is currently unfunded in the 2019/20 Operational Plan.

**Attachments**

1 [View](#). Report - Unsealed Roads Dust Assessment - PMHC LGA - AM Enviro Services

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**Item: 13.06**

**Subject: OCEAN DRIVE DUPLICATION PROJECT**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the current estimated Total Project Cost (Out Turn Cost) for the Ocean Drive Duplication is \$72.6million.**
- 2. Note that the current project budget deficit of \$7.1million requires one or more funding sources allocated to enable approval of the Business Case by the Roads & Maritime Service (RMS) and subsequent release of committed project funding from the NSW Government.**
- 3. Note the General Manager's letter to the Member for Port Macquarie - Leslie Williams MP of 8 Aug 2019 indicating Council's preference for the RMS to deliver the construction phase of the Ocean Drive Duplication project.**
- 4. Request the General Manager write to the RMS Director Northern Region to outline Council's preference and support for the RMS to deliver the construction phase of the Ocean Drive Duplication project.**
- 5. Request the General Manager table a report at the September 2019 Council meeting, detailing funding sources (Council and other) for the additional funding required for the completion of the Ocean Drive Duplication project.**

### **Executive Summary**

This report provides a status update on the Ocean Drive Duplication project between Greenmeadows Drive and Matthew Flinders Drive.

In March 2019, the Member for Port Macquarie, Leslie Williams MP announced a further \$50million commitment to fund the delivery of the Ocean Drive Duplication project. This announcement is in addition to the \$10million previously committed by Leslie Williams and is in addition to the \$5.5million previously committed by Port Macquarie-Hastings Council, bringing the total project funding commitment to \$65.5million.

It was reported to Council in August 2017 that the estimated total construction cost for the project was \$60million - see attachment. Since this time and through development of the final Business Case with the Roads & Maritime Service (RMS) it has been determined that the current (Jul 2019) estimated total project cost is \$72.6million. This estimated total project cost exceeds the total committed available

budget for the project by \$7.1million. This report discusses the total project cost escalation and recommends an approach to addressing this budget shortfall.

**Discussion**

Council formerly submitted the formal Business Case to Roads and Maritime Services (RMS) on 13<sup>th</sup> June 2019. The Business Case surmises the project with a Benefit Cost Ratio (BCR) of 2.2 (at 4% discount rate) and Out-Turn Cost of \$72.6million based on construction completion in June 2022. The Business Case is currently being assessed by the RMS, however has not yet reached the RMS Assurance Review process.

The Out-Turn Cost is based on a construction methodology and cash flow program developed by an independent expert consultant and has been formally endorsed by RMS through the Ocean Drive Duplication Project Steering Group. This cost was escalated at 3.2% p.a. to 2019, 4% p.a. from 2019 to 2020 and 5% p.a. from 2020 to 2022 as directed by RMS (with sunk costs of \$2.1million excluded from the cost escalation). These costs provide the Out-Turn Cost of \$72.6million being reported in the Business Case.

With respect to the project delivery methodology, Council's General Manager wrote to the Member for Port Macquarie, Leslie Williams MP on 8 August 2019, as attached, following his meeting with the Minister for Regional Transport and Roads, The Hon, Paul Toole. This correspondence highlighted Council's preference and support for the RMS to deliver the construction phase of the Ocean Drive Duplication project.

The RMS has advised they have numerous projects in the region nearing completion (Rosewood Road Intersection Upgrade and the Spencers Cutting Upgrade) with internal resources available to establish and deliver the Ocean Drive Duplication project. Notwithstanding Council Infrastructure Delivery Sections, demonstrated success and experience in the delivery of major projects, it is recognised that an RMS led delivery model would be most suited to this scale of project noting particularly the local capacity presently available and RMS's recent experience in the delivery of projects of this size locally.

Through discussion with RMS Regional Planning Section management staff, Council officers have been informed that there is a low likelihood of the Business Case assessment progressing through the Project Assurance Review process and gaining subsequent approval whilst the project Out-Turn costs exceed the approved/available project funding. RMS staff have also confirmed that in previous similar cases, where the Business Case progressed for approval whilst subject to resolving the budget shortfall, an increased level of scrutiny and an extended assessment duration has been experienced.

It is on this basis that Council and RMS Planning and Programs Section staff are recommending to urgently address the funding deficit ahead of the Business Case formal submission for approval.

**Options**

Council can resolve in line with the recommendations included in this report, or resolve in some other manner.

**Community Engagement & Internal Consultation**

There has been no specific community engagement in relation to this report, beyond the broader project updates and previous community engagement activities.

**Planning & Policy Implications**

There are no policy implications in relation to this report.

In the event that the project budget deficit is not able to be funded and the project does not proceed to construction, the Regional Transport Planning Strategy for the Ocean Drive corridor and other transport network projects will need to be reprioritised.

**Financial & Economic Implications**

In March 2019, the Member for Port Macquarie, Leslie Williams MP announced a further \$50million commitment to fund the delivery of the Ocean Drive Duplication project. This announcement is in addition to the \$10million previously committed by Leslie Williams and is in addition to the \$5.5million previously committed by Port Macquarie-Hastings Council, bringing the total project funding commitment to \$65.5million. At the time of this announcement (Mar 2019), the estimated total construction cost for the project was \$60million.

Since this time and through development of the final Business Case with the RMS it has been determined that the current (Jul 2019) estimated total project cost is \$72.6million. This estimated total project cost exceeds the total committed available budget for the project by \$7.1million, and the Business Case is not expected to be approved by RMS without the funding deficit being resolved.

Council proposes to work collaboratively with both the RMS and Member for Port Macquarie in seeking to urgently resolve this funding deficit, and a report is proposed for the September 2019 Council meeting, detailing potential funding sources (Council and other) for the additional funding required for the completion of the Ocean Drive Duplication project.

**Attachments**

1[View](#). Ocean Drive Duplication - August 2017 Council Report

2[View](#). Letter to Leslie Williams MP

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Item: 13.07

Subject: PETITION FOR SECOND ENTRY/EXIT TO CRESTWOOD ESTATE

Presented by: Infrastructure, Dan Bylsma

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information presented in this Petition for Second Entry / Exit to Crestwood Estate report.**

### Executive Summary

This report is presented in response to Council's resolution of the 17 July 2019 relating to access to the Crestwood Estate from Ocean Drive. Particularly, it discusses the feasibility of including a permanent secondary access into the Crestwood Estate and draws on the significant preconstruction and design investigations already undertaken, the community consultation processes and outcomes as related to access to/from the Crestwood Estate.

### Discussion

A petition was submitted to Council on 3 June 2019 by Mr. David Irving, to which this report refers. This petition was formally tabled at the 17 July 2019 Ordinary Council meeting, where Council resolved the following:

**RESOLVED:** *Pinson/Cusato*

*That Council:*

1. *Note the petition from residents and regular visitors to Crestwood Estate requesting that prior to the finalisation of the planned duplication of Ocean Drive, that Council make the proposed emergency exit a permanent entry/exit to the Estate by regular vehicular traffic.*
2. *Request the General Manager table a report to the September 2019 Council meeting detailing the following:*
  - a) *The feasibility of including a permanent secondary access into the Crestwood Estate through the design work already undertaken for the upgrade / duplication of Ocean Drive and what would be involved in doing this; and*
  - b) *Any other additional access options for the Crestwood Estate.*

**CARRIED:** 9/0

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



This report is presented in accordance with and in response to item 2 of the above 17 July 2019 Council Resolution.

**Background**

The Ocean Drive Duplication project incorporates the upgrade of Ocean Drive to four lanes between Greenmeadows Drive (South) and Matthew Flinders Drive.

In March 2019, the Member for Port Macquarie, Leslie Williams MP announced a \$50million commitment to the Ocean Drive Duplication project, in addition to Councils \$5.5million November 2018 commitment and a previous election commitment of \$10million from Leslie Williams.

The project is currently awaiting final approval of the Business Case by the Roads & Maritime Service (RMS) that will enable the release of the above-mentioned funding and commencement of construction. For more information on this overall project, please refer to Ocean Drive Duplication Council Report that is a separate item on this 21 August 2019 Council agenda.

A Community Consultation Report was released to the public in May 2016 to summarise and respond to the issues raised during the February/March 2016 project consultation period.

Similarly, a Submission Report was released to the public in July 2016 to summarise and respond to issues raised during the June 2016 environmental assessment consultation. Both reports are available on Council's website.

All preconstruction documentation for the project was completed in 2017. An additional community consultation session was held in mid-2017 to present the final design.

Three main issues were raised in relation to access/egress from the Crestwood Estate during consultation, being:

1. In an emergency situation (bushfire) it was noted that it would be difficult for all residents to exit at the same time from one access point onto Ocean Drive;
2. If a major incident occurred at the Ocean Drive / Crestwood Drive intersection (truck roll over), there would be no way for emergency vehicles to access the estate; and
3. There are currently significant queues in the AM peak period with residents exiting Crestwood Estate at Crestwood Drive. A second exit is required to reduce the delay at this intersection.

In recognition and response to issues 1 and 2, Council added an emergency access road opposite Yaluma Drive to be used as an emergency vehicle access point only and as an emergency egress for the public. This emergency egress point will be closed to general traffic at all times other than emergencies.

Issue 3 is consistent with the subject of the recently received petition and was considered during the investigation and design phase of the project. The key considerations that were explored in determining the feasibility and subsequently not progressing with a second access to the Crestwood Estate are provided below:

Feasibility of a second access opposite Yaluma Drive

The following section addresses Item 2 a) of the 17 July 2019 Council resolution.

The intent of this investigation revolved around the feasibility of a second access opposite Yaluma Drive to reduce the delays currently experienced by Crestwood residents in the AM peak exiting Crestwood Drive. This was raised numerous times during community consultation.

It was recognised during the consultation and design period that the AM peak queues may be unacceptable to residents. The objective of the Ocean Drive Duplication was to improve the traffic efficiency on Ocean Drive being a key arterial route within Port Macquarie. Although it is recognised that installation of traffic signals at the Ocean Drive / Crestwood Drive intersection will improve the current queueing issues, this was not the objective of the project.

Regardless of this, a second access at Yaluma Drive was considered during the design process however discounted for the following reasons:

1. Changed traffic flow within Crestwood Estate

A new access opposite Yaluma Drive would result in significantly different traffic flows within Crestwood Estate with increased traffic expected on Rowthorne Way. This street was not designed for this intent. Additional consultation with Rowthorne Way residents would be required due to the anticipated additional vehicle load on the street.

2. Access to Ocean Drive

If a new egress was provided opposite Yaluma Drive, it would be expected the majority of Crestwood Estate residents would use this exit rather than the current Crestwood Drive intersection due to it being a shorter route. Due to the significant use of this intersection, a simple intersection arrangement would not be appropriate.

Appropriate intersection treatments would include the installation of traffic signals to enable all movements or an exit only with a left turn acceleration lane for exiting westbound traffic.

The Ocean Drive Duplication project adopted a design speed criteria of 80km/h and a posted speed of 70km/h to match the current speed zoning for this section of Ocean Drive.

Traffic signals at this intersection were considered, however would result in three sets of traffic signals within 900m of Ocean Drive (incorporating the Pacific Drive intersection), resulting in reduced efficiency of the arterial route. Therefore, a signalised intersection was not preferred.

An exit only intersection with a left turn acceleration lane to enable traffic to merge to 70km/h with traffic on Ocean Drive was considered. This acceleration lane would have the following impacts to the design:

- Widening of the retaining wall and increased fill into the duckpond area;

- Significant impact on the Coastal SEPP Wetlands and Endangered Ecological Community south of Ocean Drive in this location;
- Extension to the large cross carriageway drainage structures beneath Ocean Drive; and
- Extension to the proposed fauna underpass located in this area.

This exit would also be highly used during the AM peak period, which corresponds to the high use of the entry to Maranatha Place to access the Port Macquarie Adventist School. Due to the length required for the acceleration lane, conflict between vehicles merging onto Ocean Drive and turning into Maranatha Place would create unsafe manoeuvres.

The issues raised above both significantly increase project costs and introduce potentially unsafe traffic manoeuvres.

### 3. Intersection of Yaluma Drive and Crestwood Drive

Due to the steep grade of Yaluma Drive on approach to the Crestwood Drive intersection, an intersection upgrade would be required if a four leg intersection was provided. This would increase project costs.

### 4. Impact to residents adjacent to Council reserve

Acquisition of an adjacent property may be required to facilitate an access road in accordance with Council standards. This easement is approximately 15m wide, which is not sufficient. This would increase project costs.

Additional consultation would also be required with neighbouring residents prior to establishing a new road opposite Yaluma Drive.

In August 2019, Council received a submission from a Yaluma Drive resident directly opposing the consideration of a second access opposite Yaluma Drive following the July 2019 Council resolution.

Due to the issues detailed above, a second access/egress opposite Yaluma Drive was not, and is not, considered feasible by Council staff, nor is it in accordance with the objective of the overall Ocean Drive Duplication project and was therefore excluded from further consideration.

This section addresses Item 2 b) of the 17 July 2019 Council resolution.

For the purpose of the assessment, it is considered that the objective of “*any other additional access options for Crestwood Estate*” is to reduce the delays currently experienced by Crestwood Residents in the AM peak traffic exiting Crestwood Drive.

There are two alternative options available for consideration for a second access to Crestwood Estate, being:

1. Birchwood Circuit (Crestwood Estate) to Topaz Place/Sapphire Drive (Emerald Downs); and
2. Adjacent to 283 Crestwood drive to Maranatha Drive.



Option 1: Birchwood Circuit (Crestwood Estate) to Topaz Place/Sapphire Drive (Emerald Downs)



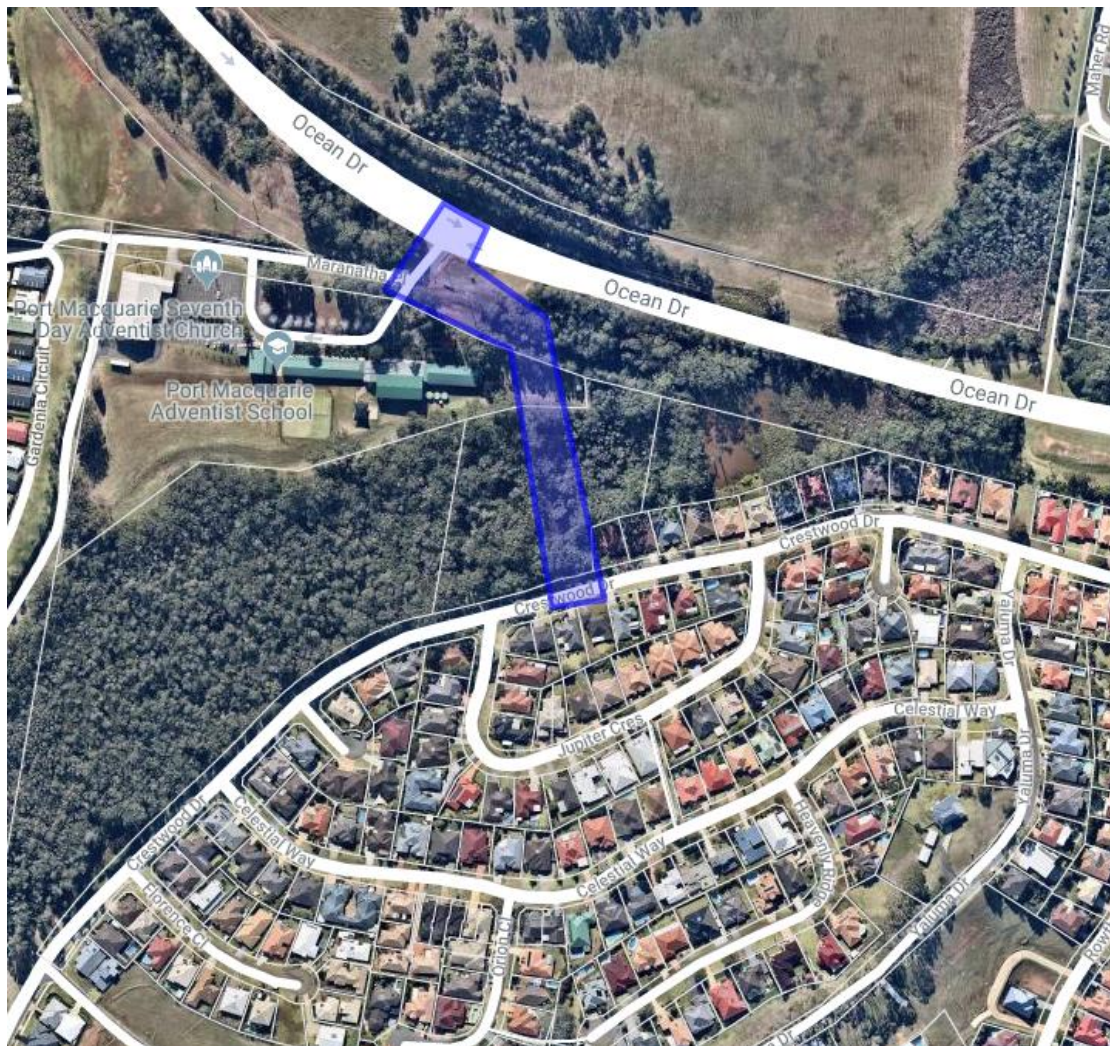
This option is assessed in accordance with the objective assumed above as follows:

- Due to this being a longer route for most within the Crestwood Estate when heading towards Port Macquarie, it is assumed the majority of residents would still use Crestwood Drive intersection for most movements meaning this option would not meet the objective of reducing the current delays at the intersection in the AM peak.
- This access however would provide a second egress point in an emergency and a shorter route for some residents heading south along Ocean Drive, which is assumed a small percentage of residents.
- Significant private property acquisition and land rezoning would be required to facilitate this connection.
- There is sensitive coastal wetland vegetation and Endangered Ecological Communities in the vicinity of this link which would need to be assessed for impacts
- This is a key koala link to the Lake Innes Nature Reserve, which would require further assessment to ensure impacts are minimised/mitigated.

With this option being an undesirable route for most residents and considering a second exit is currently included in the Ocean Drive Duplication for use in emergencies, it is not recommended this option be investigated further.



Option 2: Adjacent to 283 Crestwood drive to Maranatha Drive



This option is assessed in accordance with the objective assumed above as follows:

- This option has similar impacts to the exit at Yaluma Drive being that it will attract the majority of Crestwood residents to this access in the AM peak adding additional pressure to the Maranatha Place intersection. This would likely require this intersection to be upgraded to traffic signals.
- This access would result in a conflict between residents exiting Crestwood Estate and those entering Maranatha Place to access the school in the AM peak and conversely in the PM peak. This would require significant augmentation to the road network to ensure it remains efficient and safe considering the dominate route is likely to be the new entry/exit to Crestwood Estate. This would be difficult due to the terrain in this area.
- This access would require some private property acquisition.
- Council owns the majority of the land along this route; however, it is zoned as E2 - Environmental Conservation.
- Majority of the vegetation impacted by this option is sensitive coastal wetland vegetation which includes Endangered Ecological Communities which would need to be assessed for impacts.
- This is a key koala link to the Lake Innes Nature Reserve, which would require further assessment to ensure impacts are minimised/mitigated.



It is predicted that the majority of Crestwood residents would use this as an entry/exit to the estate due to the layout of the suburb and direction of travel. This would add pressure to the Maranatha Place intersection and potentially move the current delays experienced at Crestwood Drive to the Maranatha Place intersection and thus not meet the objective.

Due to the potential environmental impacts and high capital costs of this option, it is not considered feasible nor recommended to be investigated further.

### **Options**

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

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

Significant community consultation was carried out for the Ocean Drive Duplication project as follows:

- February/March 2016 - General project 28 day consultation
- May/June 2016 - 28 day consultation on the Project Environmental Assessment
- May 2017 - Project update and various drop in sessions held to present final design

The following documents summarising these consultation processes and responses to submissions are available on Councils project website

(<https://haveyoursay.pmhc.nsw.gov.au/ocean-drive-duplication/documents>):

- Community Consultation Report - May 2016
- Ocean Drive Duplication Submissions Report - July 2016
- Ocean Drive Community Update - May 2017

### **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 noting that further more detailed investigations of a second entry/exit to the Crestwood estate is not recommended.

Alternatively, and for clarity, it should be note that a resolution to progress further investigations into a second entry/exit will would result in significant further costs and delay to the project critical path. The addition of a second entry/exit would be initiate the need for the following preconstruction items to be revisited and in some cases completely re modelled including;

- Design changes to the "For Construction" drawings set,
- Traffic modelling and studies
- Noise studies and investigations

- Community Engagement (particularly adjoining and surrounding properties to any proposed entry/exit and the Seventh Day Adventist School)
- Review of Flora and Fauna impacts and assessments
- Re Determination of the Environmental Assessment

These items in the ideal scenario are expected to cost in excess of \$100K and take approx. 6 months to finalise. A more probable estimate of the additional costs and time associated with detailed investigation and incorporation of a second entry/exit is in excess of \$250K and 9-12 months. A second access/egress opposite Yaluma Drive was not, and is not, considered feasible by Council staff, nor is it in accordance with the objective of the overall Ocean Drive Duplication project and was therefore excluded from further consideration.

**Attachments**

Nil

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**Item: 13.08**

**Subject: LORNE ROAD WORKS AS MATERIAL PUBLIC BENEFIT REVISED APPLICATION**

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

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#### **Alignment with Delivery Program**

4.5.2 Plan for infrastructure that supports population growth.

#### **RECOMMENDATION**

##### **That Council:**

- 1. Note the existing Works in Kind agreement entered into between Council and the Developer for Lorne Road, Kendall provides for a roads contributions offset of \$67,387.95.**
- 2. Note that the existing Works in Kind agreement can be varied via a resolution of Council.**
- 3. Approve the revised application to undertake construction of road works in Lorne Road, Kendall to the total value of \$92,290, on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended).**

#### **Executive Summary**

At the meeting of 15 May 2019, Council resolved to approve an application on behalf of the developers of a rural residential subdivision at Lorne Road, Kendall to undertake road works as material public benefit. The road works were proposed in conjunction with other intersection works at the site to serve the rural residential subdivision.

The application was accepted on the basis that the works would be constructed at the expense of the developer in lieu of payment of Section 7.11 (previously Section 94) contributions in connection with the development to a value of \$67,387.95.

A formal Works in Kind Agreement has been entered into. The works have been completed by the developer. A revised works cost has been submitted on behalf of the developer because the works to reshape and resurface Lorne Road have resulted in additional costs of \$27,772.50 (ex GST).

The total revised offset in development contributions sought by the developer is \$95,160.45.

Staff have completed an assessment of the work and have valued the material public benefit at the total amount of \$92,290, being the roads contributions required by the development.

**Discussion**

At the meeting of 15 May 2019 (Item 12.03), Council considered a request by Hopkins Consultants on behalf of Jojeni Pty Ltd to undertake works in the road reserve in connection with the development of adjacent land for a rural residential subdivision under DA2010/577. The developer requested that Council offset the cost of part of the road works in lieu of the payment of development contributions for roads under Section 7.11 (previously s94) of the Environmental Planning & Assessment Act 1979 (as amended).

The works are not identified in a development contribution plan.

The proposed works included, among other items, the reshaping and resurfacing of Lorne Road to a total estimated cost of \$67,387.95.

The resolution adopted by Council in May 2019 is as follows:

*RESOLVED: Alley/Hawkins*

*That Council:*

- 1. Approve the application to undertake construction of road works in Lorne Road, Kendall on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended), subject to the applicant entering into a Works in Kind Agreement.*
- 2. Delegate authority to the General Manager to execute the Works in Kind Agreement in item 1 above.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

The Works in Kind Agreement has been executed. The Developer has received a \$67,387.95 reduction in roads contributions and paid the remaining roads contribution of \$24,902.05 in connection with the development.

Hopkins Consultants have lodged a revised application because the cost of the work has exceeded the estimated costs by \$27,772.50. The increased costs were due to the need for extra asphalt and traffic control to rectify the surface and shape of the road travel lanes.

Council staff have verified the revised costs and confirm that the additional costs incurred at construction stage are considered reasonable in the circumstances.

It is therefore recommended that Council approve a total revised offset amount of \$92,290 in this case being the total of the roads contributions applicable to Stage 2 of the development.

This means that a further contributions reduction of \$24,902.05 would be granted to the Developer with the remaining amount of \$2,870.45 be borne by the developer.

The WIK already entered into between Council and the Developer on 25 July 2019 (D2019/315456) sets the contribution offset amount at \$67,387.95 at Clause 4.1.1



but also provides for variation of the Works Value amount under Clause 4.1.2 in accordance with Clause 5.

Relevant extracts from the WIK are contained below.

**4 Effect of Developer's Compliance with this Agreement**

- 4.1 The entering into this Agreement by the Developer satisfied the Developer's obligation to pay the Monetary Contributions to the following extent:*
- 4.1.1 \$67,387.95 being 8.032 equivalent Tenement for Roads pursuant to the Port Macquarie Hastings Major Roads Contributions Plan under DA 2010/577 or,*
- 4.1.2 the amount of the Works Value determined by Council in accordance with Clause 5.*
- 4.2 Pursuant to the provisions of the Act, the Hand-Over of the Works by the Developer to the Council satisfies the Developer's obligation to pay the Monetary Contributions referred to at 4.1.1 or the Works Value (determined in accordance with Clause 5) referred to at Clause 4.1.2*
- 4.3 Clause 4.1 only takes effect when the Security has been provided to Council in accordance with clause 14 or the work has been Handed Over to Council.*
- 4.4 When Clause 4.1 operates the Council, following a request from the Developer, will refund any Monetary Contributions paid to the Council prior to the receipt of the security required by Clause 14.*

**5 Determination of Works Value**

- 5.1 The Parties acknowledge and agree that the Works Value shall be determined by the Council acting reasonably and having regard to Schedule 1.*
- 5.2 The Developer may make a written request to vary the Works Value.*
- 5.3 The Council will consider a request made under Clause 5.2 and may approve or refuse a variation to the Works Value, in its absolute discretion acting reasonably.*
- 5.4 For the purposes of the council's determination of the Works Value or consideration of a variation to the cost of an Item of Works, the Developer must provide to the Council copies of all documents reasonably required by Council (including invoices and evidence of payment).*

These clauses provide sufficient flexibility to vary the final offset amount without the need to enter into an amended agreement.

The final works costs are less than \$100,000 and tenders were not required in accordance with Council's Procurement Policy.

**Options**

Council could reject the revised application to undertake works as material public benefit, in which case the maximum offset would be \$67,387.95.

In the circumstances, it is recommended that Council approve the application.



**Community Engagement & Internal Consultation**

The Acting Manager Transport and Stormwater Network has been consulted and agrees that the additional costs are reasonable in this case.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The offset of Roads contributions does not impact on Council's financial position, however, it should be noted that these contributions to the value of \$92,290 will not be collected against the current s7.11 Major Roads Contributions Plan.

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

**Attachments**

Nil

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**Item: 13.09**

**Subject: COMMUNITY CONSULTATIVE COMMITTEE - PORT MACQUARIE  
TRANSPORT NETWORK & ORBITAL ROAD**

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

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#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

##### **That Council:**

- 1. Endorse the change of name from the “Orbital Road Community Consultative Committee to the “Port Macquarie Transport Network Community Consultative Committee”.**
- 2. Adopt the Charter for the Port Macquarie Transport Network Community Consultative Committee.**
- 3. Call for expressions of interest from the community to apply to be members of the Port Macquarie Transport Network Community Consultative Committee.**
- 4. Request the General Manager table a report to a future Council Meeting to endorse the membership of the Port Macquarie Transport Network Community Consultative Committee.**

#### **Executive Summary**

Council commenced engaging with the community on the proposed Orbital road in November 2018. As part of the engagement report, it was recommended to establish a Community Consultative Committee to support the development of the project.

At the Ordinary Council meeting in June 2019, under item 13.01 Proposed Orbital Road Project, Council resolved the following 14 point resolution:

*Miss Peta Watters addressed Council in opposition of the recommendation.*

*Mr Philip Lloyd addressed Council in support of the recommendation.*

*Mr Terry Muldoon, St Columba Anglican School, addressed Council in opposition of the recommendation.*

*Ms Cara Dale, C2Hills Consultancy, representing St Columba Anglican School, addressed Council in opposition of the recommendation and answered questions from Councillors.*

*Mr Grant Mitchell, Port Macquarie Better Orbital Options Alliance, addressed Council in opposition of the recommendation and answered questions from Councillors.*

*Mr Denis Lane representing the Sanctuary Springs / Greenmeadows Action Group, addressed Council in opposition of the recommendation.*

*Councillor Dixon left the meeting, the time being 08:00pm.*

*Councillor Dixon returned to the meeting, the time being 08:03pm.*

*Mr Graham Bray addressed Council in opposition of the recommendation.*

*Councillor Cusato left the meeting, the time being 08:07pm.*

*Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Constructions Pty Ltd, J & G Newton and St Agnes Care and Lifestyle Ltd addressed Council in opposition of the recommendation.*

*Mr Ken Monson representing the Hastings Birdwatchers, addressed Council in opposition of the recommendation.*

*Mr Daniel Bessell addressed Council in opposition of the recommendation.*

**MOTION**

**MOVED:** Levido/Turner

*That Council:*

1. *Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;*
2. *Note the information provided in:*
  - a) *this Proposed Orbital Road Community Engagement Council report; and*
  - b) *the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.*
3. *Request the General Manager to proceed to the next stage of the proposed Orbital Road process, being the development of a Strategic Business Case, known as "Gate 1" (incorporating a Needs Confirmation Summary, known as "Gate 0") as identified in the NSW Infrastructure Investment Assurance Framework.*
4. *Note that the Strategic Business Case will take up to 24 months and will include both a review and assessment of (but will not be limited to):*
  - a) *Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);*
  - b) *Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;*
  - c) *Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;*
  - d) *Cost-benefit analysis of options to improve the traffic network;*
  - e) *Project specific traffic studies;*
  - f) *Environmental impact investigations (including heritage); and*
  - g) *Social and economic impact investigations;*
  - h) *Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.*
5. *In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:*

- a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
- b) NSW Office of Environment and Heritage (OEH)
- c) NSW National Parks and Wildlife Service (NPWS)
- d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.
7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.
8. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed and engaged, including via the Community Consultative Committee, in a transparent and timely manner in relation to progress of the project.
9. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.
10. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also to contribute \$400,000.
11. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels, including Council's web site.
12. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above such as TfNSW, OEH, NPWS, DPE and any others deemed applicable, as well as to the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
14. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and traffic network improvements generally.

**AMENDMENT**

MOVED: Pinson/Griffiths

That Council:

1. Note the information provided in:



- a) *The proposed Orbital Community Engagement Council report and;*
  - b) *The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.*
2. *Thank the community for the extensive feedback received during the engagement period in relation to the proposed Orbital Road and request the General Manager advise those who made submissions of Council's determination in this matter.*
3. *Note that the community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone, specifically Greenmeadows to Oxley Highway and the Port Macquarie Airport Access Road, Fernhill Road intersection.*
4. *Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.*
5. *Request the General Manager utilise previous Orbital Road concept plans, consultant reports, community engagement and survey reports as a learning tool for how Council undertakes any future investigation zones.*
6. *Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.*
7. *Note that the Strategic Business Case will include a review of, but not limited to;*
  - a) *Findings to date following extensive community engagement*
  - b) *Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study*
  - c) *Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback*
  - d) *Environmental impact investigations with inclusion of the Koala Recovery Strategy*
  - e) *Social and Economic impact investigations*
  - f) *Planned road upgrades to the existing road network*
  - g) *Identification of options for a strategic staged implementation of new road networks and linkages*
  - h) *Engage and partner with;*
    - *Transport for NSW (Previously known as RMS)*
    - *Department Planning Industry and Environment (Previously known as OEH)*
    - *NSW National Parks and Wildlife Service*



- *State Member for Port Macquarie Ms Leslie Williams*
- *Federal Member for Cowper Mr Patrick Conaghan*
- i) *Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of best value for money.*
- 8. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels.*
- 9. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above along with any other agencies deemed applicable, as well as the State Member for Port Macquarie and the Federal Member for Cowper.*
- 10. *Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests are represented on the Committee.*
- 11. *Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed, including via the Community Consultative Committee, to enable full transparency.*
- 12. *Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council website.*
- 13. *Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and recommendations.*

**THE AMENDMENT WAS PUT AND LOST**

**MOVED:** *Pinson/Griffiths*

**That Council:**

1. *Note the information provided in:*
  - a) *The proposed Orbital Community Engagement Council report and;*
  - b) *The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.*
2. *Thank the community for the extensive feedback received during the engagement period in relation to the proposed Orbital Road and request the General Manager advise those who made submissions of Council's determination in this matter.*
3. *Note that the community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone, specifically Greenmeadows to Oxley*

*Highway and the Port Macquarie Airport Access Road, Fernhill Road intersection.*

4. *Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.*
5. *Request the General Manager utilise previous Orbital Road concept plans, consultant reports, community engagement and survey reports as a learning tool for how Council undertakes any future investigation zones.*
6. *Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.*
7. *Note that the Strategic Business Case will include a review of, but not limited to;*
  - a) *Findings to date following extensive community engagement*
  - b) *Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study*
  - c) *Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback*
  - d) *Environmental impact investigations with inclusion of the Koala Recovery Strategy*
  - e) *Social and Economic impact investigations*
  - f) *Planned road upgrades to the existing road network*
  - g) *Identification of options for a strategic staged implementation of new road networks and linkages*
  - h) *Engage and partner with;*
    - *Transport for NSW (Previously known as RMS)*
    - *Department Planning Industry and Environment (Previously known as OEH)*
    - *NSW National Parks and Wildlife Service*
    - *State Member for Port Macquarie Ms Leslie Williams*
    - *Federal Member for Cowper Mr Patrick Conaghan*
  - i) *Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of best value for money.*
8. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels.*
9. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State*

*agencies as listed above along with any other agencies deemed applicable, as well as the State Member for Port Macquarie and the Federal Member for Cowper.*

10. *Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests are represented on the Committee.*
11. *Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed, including via the Community Consultative Committee, to enable full transparency.*
12. *Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council website.*
13. *Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and recommendations.*

LOST: 3/5

FOR: Dixon, Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

**THE MOTION WAS PUT**

RESOLVED: Levido/Turner

That Council:

1. *Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;*
2. *Note the information provided in:*
  - a) *this Proposed Orbital Road Community Engagement Council report; and*
  - b) *the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.*
3. *Request the General Manager to proceed to the next stage of the proposed Orbital Road process, being the development of a Strategic Business Case, known as "Gate 1" (incorporating a Needs Confirmation Summary, known as "Gate 0") as identified in the NSW Infrastructure Investment Assurance Framework.*
4. *Note that the Strategic Business Case will take up to 24 months and will include both a review and assessment of (but will not be limited to):*
  - a) *Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);*
  - b) *Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;*



- c) *Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;*
- d) *Cost-benefit analysis of options to improve the traffic network;*
- e) *Project specific traffic studies;*
- f) *Environmental impact investigations (including heritage); and*
- g) *Social and economic impact investigations;*
- h) *Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.*
- 5. *In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:*
  - a) *Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)*
  - b) *NSW Office of Environment and Heritage (OEH)*
  - c) *NSW National Parks and Wildlife Service (NPWS)*
  - d) *NSW Department of Planning and Environment (DPE).*
- 6. *Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.*
- 7. *Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.*
- 8. *Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed and engaged, including via the Community Consultative Committee, in a transparent and timely manner in relation to progress of the project.*
- 9. *Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.*
- 10. *Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also to contribute \$400,000.*
- 11. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels, including Council's web site.*
- 12. *Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above such as TfNSW, OEH, NPWS, DPE and any others deemed applicable, as well as to the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.*
- 13. *Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network*

*improvements and request the General Manager advise those who made submissions of Council's determination in this matter.*

14. *Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and traffic network improvements generally.*

**CARRIED:** 5/3

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

**AGAINST:** Dixon, Griffiths and Pinson

This report outlines the proposed charter (including purpose, membership & term) for such a Consultative Committee to meet point 7 of the resolution.

### **Discussion**

In proposing to establish a Community Consultative Committee, Council also reaffirmed in the resolution of June 2019, that the proposed Strategic Business Case would consider alternate routes for the proposed Orbital Road as well as other improvements to the existing road network.

As such, the focus of the associated Community Consultative Committee also needs to consider the broader transport network planning in Port Macquarie, hence the proposed name being recommended is now the "Port Macquarie Transport Network Community Consultative Committee".

The purpose of a Port Macquarie Transport Network Community Consultative Committee is to provide a forum for discussion between Council and the community on issues directly relating to the investigation of proposed Orbital Road options and planned traffic network improvements and upgrades to the existing Port Macquarie road network, through the development of the Strategic Business Case that is related to the Orbital Road proposal.

The Committee will:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements & upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements & upgrades.
- Provide a forum for the community members and other stakeholders to share / seek information on and provide feedback to Council on the development of the Strategic Business Case for the proposed Orbital Road, including planned traffic network improvements and upgrades to the existing Port Macquarie road network.

Membership of the Committee will comprise ten (10) members including:

1. One independent Chair
2. Two Councillor representatives



3. Up to five community and stakeholder representatives (including no more than 2 representatives from any one representative group)
4. Two Council staff representatives (Director and Group Manager).

Council will seek Expressions of Interest for the independent chair and community /stakeholder representatives for an appointment of 12 months. This will be advertised commencing on the 2 September 2019 and closing on the 30 September 2019.

A report will then be prepared for a future Council meeting in relation to the appointment of members to the Committee. Depending on the number of applications which need to be assessed, this may necessitate a report being tabled to the November Council meeting rather than October.

It is proposed that the Committee will be established for the life of the development of the Strategic Business Case for the proposed Orbital Road. There is a mechanism within the draft Charter to extend the initial membership of the Committee to a two year period. Following this time Council would need to determine to call a further EOI or alternately extend the membership again via a resolution.

### **Options**

Council has the option to call for amendments of the proposed 'Charter' or any of the terms contained within, including the purpose, membership and term.

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

Internal engagement on the development of the Transport Network Community Consultative Committee charter was undertaken with the Orbital Road Steering Group. This group includes:

- General Manager
- Director Development and Environment
- Director of Infrastructure
- Director of Strategy and Growth
- Director Corporate Performance
- Group manager Economic Development and Communications
- A/Group Manager Transport and Stormwater Network
- Group Manager Community Place

### **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 as presented, however it should be noted that Independent Chairs of similar Committees are often reimbursed for their involvement.

If this is the case then this will be tabled as part of a future report.

**Attachments**

- 1 [View](#). Port Macquarie Transport Network Community Consultative Committee Draft Charter

Item: 13.10

Subject: MEMBERSHIP OF THE COAST, ESTUARY AND FLOODPLAIN  
SUB- COMMITTEE

Presented by: Development and Environment, Melissa Watkins

### Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

### RECOMMENDATION

That Council:

1. Adopt the revised Coast, Estuary and Floodplain Sub-Committee Charter as included in Attachment 2.
2. Adopt the revised membership composition of the Coast, Estuary and Floodplain Sub-Committee which provides for equitable representation for key catchment areas and an even spread across the flood management, coastal management and estuary management disciplines as follows:

Community Representatives				
Name	Title	Organisation	Catchment	Coast, estuary, flood
Alan MacIntyre	Community Representative	NA	Camden Haven	Coast and estuary
Patrick McEntee	Community Representative	NA	Hastings	Coast and estuary
Bob Jolly	Community Representative	NA	Lake Cathie	Coast and estuary
Kingsley Searle	Oyster Industry	NA	Hastings	Coast and estuary
Tony Troup	Oyster Industry	NA	Camden Haven	Coast and estuary
Paul Hyde	Fishing Industry	NA	Hastings	Coast and estuary
New	Development Industry		Hastings	Flood
New	Development Industry		Camden Haven	Flood
New	Community Representative		Hastings	Flood
New	Community Representative		Camden Haven	Flood

New	Community Representative	Revive Lake Cathie	Lake Cathie	Flood
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**3. Proceed to seek formal Expressions of Interest for replacement and new members for the Coast, Estuary and Floodplain Sub-Committee.**

### Executive Summary

Over the last few years there have been a number of departures from the Coast, Estuary and Floodplain (CEF) Sub-Committee resulting in an uneven spread of expertise and local area representation with remaining sub-committee members. This has resulted in limited expertise on the Sub-Committee in respect of flood planning/management and uneven representation of community members across the coastal and estuarine zone.

In addition, due to the strategic nature of coast and estuary projects, the extensive regulatory planning requirements and changes in coastal legislation, Council projects in this area have been slow to progress, resulting in infrequent consultation with the Sub-Committee. It has also been a number of years since the Sub-Committee has been utilised optimally or its composition or Charter reviewed.

Over the next five years, there will also be a significant body of work involved in the development of the new comprehensive Coastal Management Program for the Port Macquarie-Hastings Local Government Area and a number of flood studies and ongoing estuarine issues that will require specialist input from the Sub-Committee.

Accordingly, to ensure appropriate membership composition and expertise on the Sub-Committee the Charter has now been reviewed to better reflect the roles and to improve representation and expertise distribution across the areas of coast, estuaries, and flooding. Further, this review has been undertaken to ensure that it is consistent with other committees of Council and Council's adopted *Code of Conduct* and *Code of Meeting Practice*. The revised Charter is included in **Attachment 2**. The existing Charter and the report adopted by Council on 18 November 2015 is included here as **Attachment 1**.

This report recommends that the revised Charter and Sub-Committee membership composition be adopted.

### Discussion

The *Coastal Management Act 2016* and *Coastal Management State Environmental Planning Policy 2018* commenced on 3 April 2018. The *Coastal Management Act* has introduced Coastal Management Programs (CMP) to replace the Coastal Zone Management Plans (CZMPs). Port Macquarie-Hastings Council (PMHC) is about to commence the new comprehensive CMP process.

In addition, Flood Management Studies are about to commence for the Hibbard area and Wrights Creek catchments and flood management options and mapping need to progress for the Hastings and Camden Haven areas.

Typically, coastal estuary and flood 'management plans' are strategic in nature, taking a number of years to deliberate over, consult on options and are thus slow to

complete. Given the number of Council projects coming on line and the changes in legislation requiring different plans and a new coastal and estuary program to be determined, there is now a number of projects requiring consultation and feedback. A robust and expert Coast, Estuary and Floodplain (CEF) Sub-Committee is required to engage and advise on these upcoming projects.

Over the last few years there have also been a number of departures from the CEF Sub-Committee resulting in reduction in the skillset relating to flooding and also inequitable representation across the Local Government Area (LGA).

The current membership of the Sub-Committee is as follows:

<b>Community Representatives - Existing</b>				
<b>Name</b>	<b>Title</b>	<b>Organisation</b>	<b>Catchment</b>	<b>Coast, estuary, flood</b>
Vacant	Waterways User Representative	NA	Hastings	Coast and estuary
Alan MacIntyre	Community Representative	NA	Camden Haven	Coast and estuary
Patrick McEntee	Community Representative	NA	Hastings	Coast and estuary
Bob Jolly	Community Representative	NA	Lake Cathie	Coast and estuary
Kingsley Searle	Oyster Industry	NA	Hastings	Coast and estuary
Vacant	Oyster Industry	NA	Hastings	Coast and estuary
Tony Troup	Oyster Industry	NA	Camden Haven	Coast and estuary
Paul Hyde	Fishing Industry	NA	Hastings	Coast and estuary
<b>Council Representatives - Existing</b>				
Michael Cusato Chairperson	Councillor	PMHC	All	All
Melissa Watkins	Director, Development & Environment	PMHC	All	All
Maria Doherty	Manager Environmental Services	PMHC	All	All
Gordon Cameron	Waste & Environmental Manager	PMHC	All	All
Blayne West	Natural Resources Manager	PMHC	All	All
Jesse Dick	Environmental Projects Officer	PMHC	All	All
<b>Agency Representatives - Existing</b>				
Tina Clemens	NRM Project Officer	DPI - Lands	All	All



Mick Northam Scott Anderson (alternative)	Fisheries Officer	DPI - Fisheries	All	Coast and estuary
Shane Robinson Geoff James (alternative)	Manager Hastings Macleay Area North Coast Branch	DPIE - NPWS	All	Coast and estuary
John Schmidt Toong Chin (alternative)	Natural Resource Officer - Water, Floodplains & Coast	DPIE - Biodiversity and Conservation Division	All	Coast and estuary
Nic Denshire Toong Chin (alternative)	Principal Floodplain Officer - Water, Floodplains & Coast	DPIE - Biodiversity and Conservation Division	All	Flood
Paul Burg Maria Frazer (alternative)	Local Commander, Hastings Cluster	SES	All	Flood
Matt Dawson Andre Uljee (alternative)	Boating Safety Officer	RMS	All	Coast and estuary

In light of the above and as part of the review of the Charter, a review of the membership of the CEF Sub-Committee has been undertaken. The objectives of this review were to ensure:

- that the Charter is consistent with other committees of Council and Council's adopted *Code of Conduct* and *Code of Meeting Practice*
- equitable community representation for the main catchments within the PMHC LGA
- an equitable representation of members with skills and knowledge in floodplain management, coastal management and estuary management.

Based on the issues and projects emerging for Council over the next five years it is recommended that membership composition of the Coast, Estuary and Floodplain Sub-Committee be amended as follows:

Community Representatives - Proposed				
Name	Title	Organisation	Catchment	Coast, estuary, flood
Alan MacIntyre	Community Representative	NA	Camden Haven	Coast & estuary
Patrick McEntee	Community Representative	NA	Hastings	Coast & estuary
Bob Jolly	Community Representative	NA	Lake Cathie	Coast & estuary
Kingsley Searle	Oyster Industry	NA	Hastings	Coast & estuary
Tony Troup	Oyster Industry	NA	Camden Haven	Coast & estuary

Paul Hyde	Fishing Industry	NA	Hastings	Coast & estuary
New	Development Industry		Hastings	Flood
New	Development Industry		Camden Haven	Flood
New	Community Representative		Hastings	Flood
New	Community Representative		Camden Haven	Flood
New	Community Representative	Revive Lake Cathie (RLC)	Lake Cathie	Flood

It is proposed that all staff and State Government Agencies (eg. Fisheries, NPWS etc) representation remain unchanged.

Due to the lapse in time since the *Charter of the Committee* has been reviewed (18 November 2015) and given the vacancies in membership and the need for a change in composition of the Sub-Committee, a review of the Charter has now been undertaken to ensure that the Charter is consistent with other committees of Council and Council's adopted *Code of Conduct* and *Code of Meeting Practice* and that membership representation is appropriate.

The revised Charter is included as **Attachment 2**

### Options

The Council may choose to:

1. Adopt the revised membership composition, Charter and advertise for new members for the vacant positions; or
2. Disband the CEF Sub-Committee and advertise for new community members; or
3. Maintain the existing CEF Sub-Committee membership and seek Expression of Interest for those areas deemed to be lacking or vacant.

### Community Engagement & Internal Consultation

The proposal to review the Sub-Committee has been discussed with PMHC staff and Councillors.

Once a determination is made by Council a meeting of the CEF Sub-Committee will be held to advise the existing members of Councils decision.

### Planning & Policy Implications

Council is required to have a community reference committee for all Flood Management Plans and the new CMP process.

### Financial & Economic Implications

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

**Attachments**

- 1 [View](#). Existing Charter - Coast Estuary and Floodplain Sub-Committee 2015 11 18.pdf
- 2 [View](#). Revised Charter - Coast Estuary and Floodplain Sub-Committee.pdf

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**Item:** 13.11

**Subject:** THE SETTLERS INN, 101 HASTINGS RIVER DRIVE, PORT  
MACQUARIE - INSPECTION REPORT RECEIVED FROM NSW FIRE  
& RESCUE

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Note the contents of the Fire Safety Inspection report, dated 5 July 2019, from NSW Fire & Rescue, as shown in Attachment 1 to this report.**
2. **Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (Division 9.3 and Schedule 5), to issue a Fire Safety Order to address the outstanding fire safety concerns at the premises 101 Hastings River Drive, Port Macquarie.**

### Executive Summary

A Fire Safety Inspection Report has been referred to Council from NSW Fire & Rescue, in respect to the subject premises for investigation and further action. NSW Fire & Rescue is conferred powers pursuant to the Act, to carry out inspections of buildings and is required to forward its findings to Council as follows:

In accordance with Schedule 5 of the Environmental Planning and Assessment Act, 1979:

#### "17 Inspection reports by fire brigades

- (1) If the Commissioner of Fire and Rescue NSW carries out an inspection of a building under section 9.32 (Fire brigades inspection powers), the Commissioner must furnish to the council of the area in which the building is located:
  - (a) a report of the inspection, and
  - (b) if of the opinion that adequate provision for fire safety has not been made concerning the building, such recommendations as to the carrying out of work or the provision of fire safety and fire-fighting equipment as the Commissioner considers appropriate.
- (2) A council must:
  - (a) table any report and recommendations it receives under this clause at the next meeting of the council, and

- (b) at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order.
- (3) A reference in subclause (2) to a meeting of a council does not include a reference to a special meeting of the council unless the special meeting is called for the purpose of tabling any report and recommendations or making any determination referred to in that subclause.
- (4) A council must give notice of a determination under this clause to the Commissioner of Fire and Rescue NSW."

A Fire Safety Inspection Report was referred to Council from NSW Fire & Rescue dated 5 July 2019, in respect to the subject premises, for investigation and further action.

Council is now required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

The NSW Fire & Rescue report provided attached in **Attachment 1** confirms that an inspection of the premises at 101 Hastings River Drive, Port Macquarie was undertaken on 22 June 2019 by NSW Fire & Rescue officers and NSW Police. The report outlines fire safety concerns and recommendations in respect to non-compliances within the premises.

The issues raised by NSW Fire and Rescue have been discussed with the proprietor and builder. An undertaking was given by the proprietor, that outstanding and rectification works would be completed as a matter of priority.

Further site inspections, have been undertaken by Council staff on 17 July and 6 August 2019 to ensure that these works were being completed in a timely manner. In this regard, the majority the fire safety matters raised in the NSW Fire & Rescue Report have now been complied with.

Some works to comply with the following matters raised by NSW Fire & Rescue, have been undertaken, but remain to be completed, including:

- An upgraded Fire Indicator Panel and new zone block plan.
- A new Evacuation Plan.
- Verification that the existing compartmentation and fire separation of the commercial kitchen and residential accommodation adjacent complies with Building Code requirements.

Given there are still works outstanding, this report recommends that Council proceed to exercise the powers conferred on Council by the Environmental Planning and Assessment Act, pursuant to Division 9.3 to issue a Fire Safety Order to address the outstanding fire safety concerns at the premises 101 Hastings River Drive, Port Macquarie.



**Discussion**

Development consent was granted by Council on 21 November 2017 via DA 2017-366, authorising the construction of a new covered outdoor area on the southern side and to effect internal alterations to the existing hotel and dining areas. A Construction Certificate was issued in respect to the development, by Port City Certifiers, on 27 June 2018. Port City Certifiers were appointed as the Certifying Authority.

A Final Occupation Certificate has not to date, been issued by the Certifying Authority in relation to the development.

Council and NSW Fire & Rescue Officers, contacted the Certifying Authority and outlined concerns in relation to the development, relevant to fire safety and other evident non-conformities with the Building Code and the Development Consent.

In response, the Certifying Authority issued a Notice of Intention to serve an Order upon their client. The terms of any Order served require the owners to stop using the covered courtyard area until an occupation certificate is issued.

The NSW Fire & Rescue report provided attached in **Attachment 1** outlines fire safety concerns and recommendations in respect to non-compliances within the premises.

The issues raised by NSW Fire and Rescue, together with other matters of concern to Council staff were discussed with the proprietor and builder. An undertaking was provided by the proprietor that outstanding and rectification works would be completed as a matter of priority.

Further site inspections, were undertaken by Council staff on 17 July and 6 August 2019 to ensure that these works were being completed in a timely manner. In this regard, the majority the fire safety matters raised in the NSW Fire & Rescue Report have now been complied with.

Some works to comply with the following matters raised by NSW Fire & Rescue, have been undertaken, but remain to be completed, including:

- An upgraded Fire Indicator Panel and new zone block plan.
- A new Evacuation Plan.
- Verification that the existing compartmentation and fire separation of the commercial kitchen and residential accommodation adjacent complies with Building Code requirements.

Accordingly, a Fire Safety Order is recommended to be served pursuant to the provisions of Environmental Planning and Assessment Act (Division 9.3 and Schedule 5), to address the outstanding fire safety concerns.

**Options**

A Fire Safety Inspection Report was referred to Council from NSW Fire & Rescue dated 5 July 2019, in respect to the subject premises, for investigation and further action. This is required to be tabled at a Council meeting in accordance with

Schedule 5 of the Environmental Planning and Assessment Act as outlined above and Council is required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

Council has the option to not exercise its authority to serve a Fire Safety Order under of the Act.

**Community Engagement & Internal Consultation**External Consultation

External consultation has been undertaken with NSW Fire & Rescue.

Internal Consultation

There was no internal consultation required in this instance.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

1 [View](#). NSW Fire Rescue Report 5 July 2019.pdf

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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 15.01 Innes Gardens Memorial Park Crematorium and Lawn Cemetery - Negotiations with Interested Parties**

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

**Item 15.02 Human Resources (HR) - Permanent and Temporary Placements and Associated Services**

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

**Item 15.03 Consent to be a Group Member - NSW Class Action**

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

**Item 15.04 T-19-34 (REGPRO621920) Pipes, Pipe Relining, Pumps, Water Meters, Pre-cast Concrete Products and Associated Fittings, Products and 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 15.05 Settlement Point Ferry - Out of Water Inspection and Maintenance (Slipping)**

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

**Item 15.06 T-19-16 Provision of Landscaping 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 15.07    T-19-36 (REGPRO T611920MNC) Supply, Delivery and Placement of Road Resurfacing**

**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 15.01 Innes Gardens Memorial Park Crematorium and Lawn Cemetery -  
Negotiations with Interested Parties**

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

**RECOMMENDATION**

**Item 15.02 Human Resources (HR) - Permanent and Temporary Placements  
and Associated Services**

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

**RECOMMENDATION**

**Item 15.03 Consent to be a Group Member - NSW Class Action**

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

**RECOMMENDATION**

**Item 15.04 T-19-34 (REGPRO621920) Pipes, Pipe Relining, Pumps, Water  
Meters, Pre-cast Concrete Products and Associated Fittings,  
Products and 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**

**Item 15.05 Settlement Point Ferry - Out of Water Inspection and Maintenance  
(Slipping)**

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

**RECOMMENDATION**



**Item 15.06 T-19-16 Provision of Landscaping 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**

**Item 15.07 T-19-36 (REGPRO T611920MNC) Supply, Delivery and Placement of Road Resurfacing**

**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**