



Ordinary Council

Business Paper

date of meeting: Wednesday 18 March 2020

location: Wauchope Showground Hall
93A High Street
Wauchope

time: 5.30pm

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Wednesday 18 March 2020

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

"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."

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 19 February 2020 be confirmed.

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Acting Director Development and Environment (Dan Croft)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Mark Minturn from the Coastside Church and President of the Port Macquarie Ministers' Association delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Hawkins

1. That the Minutes of the Ordinary Council Meeting held on 11 December 2019 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 22 January 2020 be confirmed.
3. That the Minutes of the Confidential Committee of the Whole Meeting held on 11 December 2019 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.01 - Sale of Innes Gardens Memorial Park Crematorium and Lawn Cemetery, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the purchasing entity, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.03 - T-19-53 Design of Rainbow Beach Sporting Fields, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.05 - RFQ-19-22 Kenny Walk Construction Upgrade & RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for a principal of one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.07 - T-19-64 Coastal Walk Boardwalks, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for a principal of one of the tenderers, the subject of the report.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 13.03 - Water Restrictions Update and Water Storage Levels, the reason being that Councillor Hawkins and his wife are Directors, Trustees and Beneficiaries of their own self-managed super fund which owns shares in several ASX listed public companies that are significantly involved in water processing and

water purification activities both in Australia and overseas. Councillor Hawkins has no interest in any local business or activities in this area.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 13.04 - Water Supply Security Update, the reason being that Councillor Hawkins and his wife are Directors, Trustees and Beneficiaries of their own self-managed super fund which owns shares in several ASX listed public companies that are significantly involved in water processing and water purification activities both in Australia and overseas. Councillor Hawkins has no interest in any local business or activities in this area.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 12.01 - Notice of Motion - Wauchope RSL Club Senior Housing Development, the reason being that Councillor Intemann is a Director of Hastings Co-operative Ltd, which uses for parking nearby land owned by Council.

Mayor Pinson declared a Non-Pecuniary, Less Than Significant Interest in Item 11.01 - Refund of Application Fees - Port Macquarie Croquet Club, the reason being that Councillor Pinson is the Patron of the Port Macquarie Croquet Club.

Mayor Pinson declared a Pecuniary Interest in Item 15.02 - T-19-61 Construction of Port Macquarie Sewer Rising Main 71, the reason being that Councillor Pinson holds interests in a company Stabilcorp, that provides quotations and services to one of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-19-55 Construction of Schools to Schools Shared Pathways, the reason being that Councillor Pinson holds interests in a company Stabilcorp, that has provided quotations for one of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 15.05 - RFQ-19-22 Kenny Walk Construction Upgrade & RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Pinson holds interests in a company Stabilcorp, that provides services and quotations listed tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 15.07 - T-19-64 Coastal Walk Boardwalks, the reason being that Councillor Pinson holds interests in a company Stabilcorp, that provides services and quotations and services to listed tenderers.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Dixon

That Council determine that the attachments to Item Numbers 10.07 and 10.17 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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

1. Mr Philip Von Schoenberg regarding Public School Teachers' Views on Climate Change in Support of Parents, Students and Doctors.
4. Mr Dave Curry, Revive Lake Cathie, regarding Lake Cathie / Lake Innes Estuarine System.
5. Mr Stewart Cooper regarding Issues in Lake Cathie.
6. Ms Rachel Sheppard regarding Climate Change and Our Community.
7. Mr Martin Parish regarding Mosquitoes Infestation - Epidemic Levels.

RESOLVED: Dixon/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 PUBLIC SCHOOL TEACHERS' VIEWS ON CLIMATE CHANGE IN SUPPORT OF PARENTS, STUDENTS AND DOCTORS.

Mr Philip Von Schoenberg was not present at the meeting.

08.02 LAKE CATHIE / LAKE INNES ESTUARINE SYSTEM

Mr Dave Curry, Revive Lake Cathie, addressed Council regarding Lake Cathie / Lake Innes Estuarine System and answered questions from Councillors.

08.03 ISSUES IN LAKE CATHIE

Mr Stewart Cooper addressed Council regarding Issues in Lake Cathie and answered questions from Councillors.

08.04 CLIMATE CHANGE AND OUR COMMUNITY

Ms Rachel Sheppard addressed Council regarding Climate Change and Our Community and answered questions from Councillors.

08.05 MOSQUITOES INFESTATION - EPIDEMIC LEVELS

Mr Martin Parish addressed Council regarding Mosquitoes Infestation - Epidemic Levels and answered questions from Councillors.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

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

Item 10.16 - Mr Mick Lyons in support of the recommendation.

Item 12.01 - Mr Malcolm Butler in support of the recommendation.

Item 13.03 & 13.04 - Ms Carmel Krogh in support of the recommendation.

RESOLVED: Griffiths/Hawkins

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Dixon

That Standing Orders be suspended to allow items 10.16, 2.01, 13.03, 13.04 and 11.04 to be brought forward and considered next.

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

10.16 INVESTMENTS - JANUARY 2020

Councillor Dixon left the meeting, the time being 6:53pm.

Councillor Dixon returned to the meeting, the time being 6:57pm.

Mr Mick Lyons addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Hawkins/Turner

That Council note the Investment Report for the month of January 2020.

CARRIED: 7/1

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

AGAINST: Griffiths

12.01 NOTICE OF MOTION - WAUCHOPE RSL CLUB SENIOR HOUSING DEVELOPMENT

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

Mr Malcolm Butler, Wauchope RSL Club Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note that the Wauchope RSL Club repaid Council's loan to purchase the Bransdon Street carpark site in 1967, being Lots 4, 5, and 6 in DP 236079.
2. Note the purpose for repaying the loan on behalf of Council was to provide additional parking space for Wauchope RSL and the community at that time.
3. Note the original agreement provided for Wauchope RSL to have first right of refusal should Council wish to sell the carpark site.
4. Waive the payment of carparking contributions levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 on DA2018 - 562, for seniors housing at Lot 1 DP 390610, Lot 1 DP: 782560, Lots 10, 11, 12, 13 DP 861177, Lots 3 and 4 DP 347796, Lot 1 DP 151300, Lot 1 DP 795534, Lot 1 DP 1053812 and Lot 1 DP 393967. The amount waived is 18 car parking spaces, which is currently \$6,434 per space under Council's Contribution Plan 1993 - Part C - Car Parking, totalling \$115,812.
5. Invite the Wauchope RSL Club to lodge an application to modify DA2018 - 652 to delete reference to the payment of car parking contributions.

LOST: 2/6

FOR: Griffiths and Pinson

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

MOTION

MOVED: Intemann/Alley

That the General Manager bring back to the April 2020 meeting of Council a report updating Council on the history of the Bransdon Street, Wauchope car park issue including a settlement proposal with the Wauchope RSL Club Ltd.

LOST: 1/7
FOR: Pinson

AGAINST: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

MOTION

MOVED: Levido/Alley

That the General Manager bring back to the March 2020 meeting of Council a report updating Council on the history of the Bransdon Street, Wauchope car park issue including a settlement proposal to pay to the Wauchope RSL Club Ltd the sum of \$125,000 plus interest by reference to the CPI - All Groups Sydney plus gst, calculated from 1 January 2008 to the date of payment which payment date will be on or before 30 June 2020.

AMENDMENT

MOVED: Pinson/Intemann

1. That the General Manager invite representatives of the Wauchope RSL Club Ltd for the purpose of urgent discussions over the matter of a proposed future settlement and report back to Councillors via an urgent briefing as to the outcome of those discussions.
2. That a report be provided to the March 2020 Ordinary Council Meeting detailing a proposed settlement.

THE AMENDMENT WAS PUT AND LOST

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

PUT THE MOTION

RESOLVED: Levido/Alley

That the General Manager bring back to the March 2020 meeting of Council a report updating Council on the history of the Bransdon Street, Wauchope car park issue including a settlement proposal to pay to the Wauchope RSL Club Ltd the sum of \$125,000 plus interest by reference to the CPI - All Groups Sydney plus gst, calculated from 1 January 2008 to the date of payment which payment date will be on or before 30 June 2020.

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

13.03 WATER RESTRICTIONS UPDATE AND WATER STORAGE LEVELS

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

Ms Carmel Krogh addressed Council in support of the recommendation for both this Item and Item 13.04 and answered questions from Councillors.

MOVED: Pinson/Griffiths

That Council:

1. Note the update on water supply and Total Combined Storage (TCS) since the implementation of Level 4 Severe Water Restrictions on 28 January 2020.
2. Move from Level 4 to Level 3 Water Restrictions from Sunday 1 March 2020, for residential use.
3. Not implement Level 4 Severe Water Restrictions for commercial users from 25 February 2020 as previously resolved by Council on 22 January 2020, but move from Level 4 to Level 3 Water Restrictions from Sunday 1 March 2020, for commercial users.
4. Continue to disable all public outdoor showers, fish cleaning tables and boat cleaning areas until 1 April 2020.
5. Thank the Community for their commitment to 'Reducing Our Use' during this difficult period of water restrictions.

LOST: 2/6

FOR: Griffiths and Pinson

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

RESOLVED: Turner/Alley

That Council:

1. Note the update on water supply and Total Combined Storage (TCS) since the implementation of Level 4 Severe Water Restrictions on 28 January 2020.
2. Move from Level 4 to Level 3 Water Restrictions only once the TCS increases above 48%.
3. That Council significantly increase its frequency and scope of communication with our community in order to heighten awareness and transparency around water and its usage.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

13.04 WATER SUPPLY SECURITY UPDATE

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

MOTION

MOVED: Alley/Hawkins

That Council:

1. Note the information included in the Water Supply Security Update report.
2. With regards to project 2 identified in this report and pursuant to Section 55(3)(i) of the *Local Government Act 1993*, endorse the direct engagement of the required suppliers, fabricators and installers due to the water supply security risks outlined in this report resulting in extenuating circumstances for the upgrade of the Wauchope Water Treatment Plant, with DuPont (Australia) Pty Ltd and Membrane Systems Australia Pty Ltd being the two main suppliers.
3. With regards to project 3 – stage 1 identified in this report and pursuant to Section 55(3)(a) of the *Local Government Act 1993*, note the direct engagement of a Consultant, through Local Government Procurement Professional Services panel LGP1208-3, to undertake the feasibility and investigation works for a seawater reverse osmosis desalination plant.
4. With regards to recycled water, request the General Manager:
 - a) Write to the NSW Minister for Water, Hon. Melinda Pavey MP and Minister for Health, Hon. Brad Hazzard MP, asking for information on the NSW Government's policy direction relating to supplementing drinking water supplies with recycled water.
 - b) Write to the NSW Water Directorate requesting the latest research and information on supplementing drinking water supplies with recycled water.
5. Request the General Manager to bring further Water Supply Security Update Reports to the May 2020 and August 2020 meetings of Council.

AMENDMENT PROPOSED BY COUNCILLOR GRIFFITHS WAS WITHDRAWN

That Council:

1. Note the information included in the Water Supply Security Update report.
2. Pursuant to Section 55(3)(i) of the *Local Government Act 1993*, endorse the direct engagement of the required suppliers, fabricators and installers due to the water supply security risks outlined in this report resulting in extenuating circumstances for the upgrade of the Wauchope Water Treatment Plant, with DuPont (Australia) Pty Ltd and Membrane Systems Australia Pty Ltd being the two main suppliers.
3. Note that a further report will be tabled (for information only) detailing the outcomes of the procurement strategy for each of the projects.
4. Request the General Manager write to the NSW Minister for Water, Hon. Melinda Pavey MP and Minister for Health, Hon. Brad Hazzard MP, asking for information on the NSW Government's policy direction relating to supplementing drinking water supplies with recycled water.
5. Request the General Manager write to the NSW Water Directorate requesting the latest research and information on supplementing drinking water supplies with recycled water.

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6. Request the General Manager report back to a future Council meeting outlining the outcomes of the feasibility and investigation work for Council to give consideration on whether to proceed with a seawater reverse osmosis desalination plant.

RESOLVED: *Alley/Hawkins*

That Council:

1. Note the information included in the Water Supply Security Update report.
2. With regards to project 2 identified in this report and pursuant to Section 55(3)(i) of the *Local Government Act 1993*, endorse the direct engagement of the required suppliers, fabricators and installers due to the water supply security risks outlined in this report resulting in extenuating circumstances for the upgrade of the Wauchope Water Treatment Plant, with DuPont (Australia) Pty Ltd and Membrane Systems Australia Pty Ltd being the two main suppliers.
3. With regards to project 3 – stage 1 identified in this report and pursuant to Section 55(3)(a) of the *Local Government Act 1993*, note the direct engagement of a Consultant, through Local Government Procurement Professional Services panel LGP1208-3, to undertake the feasibility and investigation works for a seawater reverse osmosis desalination plant.
4. With regards to recycled water, request the General Manager:
 - c) Write to the NSW Minister for Water, Hon. Melinda Pavey MP and Minister for Health, Hon. Brad Hazzard MP, asking for information on the NSW Government's policy direction relating to supplementing drinking water supplies with recycled water.
 - d) Write to the NSW Water Directorate requesting the latest research and information on supplementing drinking water supplies with recycled water.
5. Request the General Manager to bring further Water Supply Security Update Reports to the May 2020 and August 2020 meetings of Council.

CARRIED: 8/0

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

AGAINST: Nil

**11.04 30TH ANNIVERSARY OF SISTER CITY RELATIONSHIP BETWEEN
PORT MACQUARIE-HASTINGS COUNCIL AND HANDA CITY COUNCIL
- VISIT TO JAPAN 2020**

RESOLVED: Turner/Intemann

That Council:

1. Note the January discussions with Handa Sister City Working Group and stakeholders regarding the value, cost and future direction of the Sister City relationship with Handa.
2. Note that up to six Council delegates have been invited to Handa to attend the 30th Anniversary celebrations of the Sister City Relationship between Port Macquarie-Hastings Council and Handa City Council, Japan from 17-21 April 2020.
3. Grant approval for the Mayor, Peta Pinson, to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
4. Additionally, grant approval for up to two (2) other Councillors to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, with 50% of the expenses related to this trip to be covered by Council via the Councillor Conference Budget and the balance to be self-funded by the Councillors.
5. Grant approval for Mr Bruce Hardy and Mrs Patricia Johnson to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, expenses related to this trip are to be covered by Mr Hardy and Mrs Johnson.
6. Agree that the Mayor extend an invitation to the Mayor of Handa for a reciprocal visit to Port Macquarie, also in 2020.
7. Thank the long standing work by the members of the Handa Sister City Working Group.

CARRIED: 8/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

10.02 GENERAL MANAGER'S PERFORMANCE REVIEW PANEL 2019-2020

Councillor Alley left the meeting, the time being 8:55pm.

RESOLVED: Pinson/Intemann

That Council:

1. Determine the composition of the General Manager's Performance Review Panel for the 2019-2020 period to consist of the Mayor, Deputy Mayor, Councillor Peter Alley (nominated by Council) and Councillor Lee Dixon, (nominated by the General Manager).
2. Delegate to the General Manager's Performance Review Panel:
 - a) The whole process of performance management, including discussions about performance and performance reviews for the 2019-2020 period.
 - b) The reporting to Council of findings and recommendations of reviews for the 2019-2020 period and any actions that should be taken.
 - c) The determination of any new performance agreement for the period 2020-2021.
3. Note that a new General Manager Performance Review Panel will be required to be established following the September 2020 Local Government elections.

CARRIED: 7/0

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

AGAINST: Nil

10.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 28 NOVEMBER 2019 TO 5 FEBRUARY 2020

Councillor Alley returned to the meeting, the time being 8:57pm.

RESOLVED: Pinson/Dixon

That Council:

1. Note the allocations from the Mayoral Discretionary Fund for the period 28 November 2019 to 5 February 2020 inclusive.
2. Note the expenditure was a floral tribute for the funeral of the late Sylvia Arnett.
3. Note that at the time of her passing Sylvia Arnett was the oldest resident of Port Macquarie aged 108 years, missing her 109th Birthday by 3 months.

CARRIED: 8/0

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

AGAINST: Nil

10.04 REPORT ON 2019 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

RESOLVED: Griffiths/Hawkins

That Council:

1. Note the report from Councillor Sharon Griffiths on the 2019 National Local Roads and Transport Congress.
2. Give future consideration to the benefits, equity and impacts of technology and infrastructure development on the community.

CARRIED: 8/0

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

AGAINST: Nil

10.05 REPORT ON WOMEN IN LOCAL GOVERNMENT LEADERSHIP MASTERCLASS

RESOLVED: Pinson/Griffiths

That Council note the report from the Mayor on the Women in Local Government Leadership Masterclass.

CARRIED: 8/0

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

AGAINST: Nil

10.06 REQUEST FOR CHANGE OF DATES FOR LEAVE OF ABSENCE - MAYOR PETA PINSON

RESOLVED: Alley/Griffiths

That Council:

1. Amend the leave of absence for Mayor Pinson as approved in December 2019 and grant leave of absence for Mayor Peta Pinson for the period 21 February 2020 to 1 March 2020 inclusive.
2. Note that in accordance with Section 231(3) of the Local Government Act, the Deputy Mayor will perform all duties of the Mayor during this period.
3. Allocate the Mayoral allowance to the Deputy Mayor during this period in accordance with Section 249(5) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

10.07 LEGAL FEES

RESOLVED: Intemann/Griffiths

That Council note the information in the Legal Fees report.

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

10.08 ESTIMATED COST TO CONDUCT A CONSTITUTIONAL REFERENDUM

RESOLVED: Griffiths/Alley

That Council note the information in the Estimated Cost to Conduct a Constitutional Referendum report.

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

10.09 DESIGNATED PERSONS

RESOLVED: Intemann/Griffiths

That Council:

1. Determine that the following positions become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:
 - a) Group Manager Community Engagement.
 - b) Group Manager Customer Experience and Communications.
 - c) Group Manager Economic and Cultural Development.
 - d) Group Manager Governance.
 - e) Group Manager Infrastructure Operations.
 - f) Group Manager Infrastructure Planning.
 - g) Group Manager Land Use Planning.
 - h) Group Manager Project Delivery.
 - i) Group Manager Recreation, Property and Buildings.
 - j) Group Manager Regulatory and Environment Services.
 - k) Group Manager Strategy.
 2. Endorse the following positions be removed from the Designated Positions within Council:
 - a) Group Manager Assets and Systems.
 - b) Group Manager Economic Development.
 - c) Group Manager Environmental Services.
 - d) Group Manager Governance and Procurement.
 - e) Group Manager Infrastructure Delivery.
 - f) Group Manager Place Making.
 - g) Group Manager Recreation and Buildings.
 - h) Group Manager Strategic Planning.
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- i) Group Manager Transport and Stormwater Network.
 - j) Group Manager Water and Sewer.
 - k) Group Manager Regulatory Services.

CARRIED: 8/0

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

AGAINST: Nil

10.10 DISCLOSURE OF INTEREST RETURN

Councillor Hawkins left the meeting, the time being 9:11pm.

RESOLVED: Griffiths/Alley

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

1. Environmental Planner.
2. Group Manager Financial Services.

CARRIED: 7/0

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

AGAINST: Nil

10.11 DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION ISSUED UNDER THE SWIMMING POOLS ACT 1992

RESOLVED: Intemann/Griffiths

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

- Debbie Archer (Group Manager Regulatory and Environment Services).

CARRIED: 7/0

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

AGAINST: Nil

10.12 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Turner/Alley

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

CARRIED: 7/0

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

AGAINST: Nil

10.13 DIGITAL TECHNOLOGY PROJECT STATUS

Councillor Hawkins returned to the meeting, the time being 9:13pm.

RESOLVED: Dixon/Intemann

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

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

10.14 2017-2021 DELIVERY PROGRAM AND 2019-2020 OPERATIONAL PLAN - SIX MONTHLY PROGRESS REPORT AS AT 31 DECEMBER 2019

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

RESOLVED: Dixon/Pinson

That Council note the 2017-2021 Delivery Program and 2019-2020 Operational Plan Six Monthly Progress Report as at 31 December 2019.

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

10.15 INVESTMENTS - DECEMBER 2019

Councillor Turner returned to the meeting, the time being 9:20pm.

RESOLVED: Intemann/Hawkins

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

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

Item 10.16 Investments - January 2020, has been addressed previously within the meeting.

10.17 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2019

RESOLVED: Griffiths/Hawkins

That Council note the Quarterly Budget Review Statement for the December 2019 Quarter.

CARRIED: 8/0

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

AGAINST: Nil

10.18 MONTHLY BUDGET REVIEW - JANUARY 2020

RESOLVED: Intemann/Alley

That Council:

1. Adopt the adjustments in the "January 2020 Adjustments" section of the Monthly Budget Review – January 2020.
2. Adopt the adjustments in the "2019-2020 Works Program Review" as they relate to the 2019-2020 financial year.
3. Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.
4. Consider the projects listed in the "2019-2020 Works Program Review" section of this report for inclusion in the 2020-2021 draft budget or outer years as indicated.

CARRIED: 8/0

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

AGAINST: Nil

10.19 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Dixon/Alley

That Council:

1. Note the Development Activity and Assessment System Performance report for the second quarter of 2019-2020.
2. Note the determination made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

CARRIED: 8/0

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

AGAINST: Nil

10.20 GRANT APPLICATIONS BIENNIAL REPORT

RESOLVED: Alley/Griffiths

That Council note the biennial Grant Application Report, providing an update on grants that Council applied for, or obtained, for the 2018-2019 and current 2019-2020 financial year.

CARRIED: 8/0

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

AGAINST: Nil

10.21 BUSHFIRE RECOVERY - RECENT ACTIVITY AND FUNDING

RESOLVED: Pinson/Hawkins

That Council:

1. Note the recent activities undertaken by Council in support of bushfire recovery across our community, including the business community.
8. Note the receipt in January 2020, of a \$1million Federal Government grant announced by Member for Lyne, Dr David Gillespie, for the purpose of supporting the local community and businesses in their recovery from the recent bushfires.
9. Note the recent funding announcement from the NSW Government of a grant of \$250,000 for the purpose of supporting the local community and businesses in their recovery from the recent bushfires.
10. Note the recent funding announcement from Member for Cowper Pat Conaghan of a grant of \$416,667 for further Bushfire recovery assistance via the National Bushfire Recovery Agency.
11. Note that Council staff are currently in the process of engaging with bushfire impacted parts of our community on how best to utilise the current Federal and State Government funding mentioned in 2 and 3 above.
12. Note that an action plan on how Council intends to expend the \$1million Federal Government grant is required to be provided to the NSW Office of Local Government within three months of receipt of the grant funding, with expenditure to take place within 12 months of receipt of the funding.
13. Request the General Manager keep Councillors informed of proposed projects to be included in the action plan via Councillor briefings as required.
14. Request the General Manager table a report at the May 2020 and August 2020 Council meetings, detailing the projects that have been funded under the grant funds mentioned in 2 and 3 above.

CARRIED: 8/0

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

AGAINST: Nil

10.22 RESPONSE TO DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT (DPIE) ON TIMING OF LOCAL STRATEGIC PLANNING STATEMENT (LSPS)

RESOLVED: Intemann/Turner

That Council:

1. Note the response received by the Department of Planning, Industry & Environment (DPIE) which did not support Council's request for an extension of time to complete the development of Council's first Local Strategic Planning Statement (LSPS).
2. Reaffirm its previous commitment to comprehensively engage with our community to deliver a considered Community Strategic Plan by the end of December 2021, together with an evidence-based Local Strategic Planning Statement that is in line with the regional vision, goals and actionable priorities of the North Coast Regional Plan 2036, relevant State strategies and Sector Agency recommendations.
3. Request the General Manager write to the Minister for Planning and Public Spaces, advising of Port Macquarie-Hastings Council's decision.
4. Request the General Manager to table six-monthly progress reports on preparation of the Local Strategic Planning Statement for Port Macquarie-Hastings Local Government area.

CARRIED: 8/0

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

AGAINST: Nil

11.01 REFUND OF APPLICATION FEES - PORT MACQUARIE CROQUET CLUB

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

RESOLVED: Alley/Griffiths

That Council refund \$546 of application fees paid by the Port Macquarie Croquet Club for the installation of a recycled water storage tank under DA2020-4.

CARRIED: 8/0

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

AGAINST: Nil

11.02 NOTICE OF MOTION - POLL ON FLUORIDATION OF COUNCIL'S WATER SUPPLY

RESOLVED: Pinson/Intemann

That Council request the General Manager to:

1. Report to Council in March 2020 regarding the process, cost and proposed wording to conduct a Poll in conjunction with the September 2020 Local Government Election that provides for the community to indicate whether or not they would like Council to continue to add fluoride (as hydrofluorosilicic acid) to the water supply.
2. Receive any other suggestions from Councillors for possible Poll questions, and include those in the report referred to in 1 above.

EQUAL: 4/4

FOR: Dixon, Griffiths, Intemann and Pinson

AGAINST: Alley, Hawkins, Levido and Turner

*CASTING VOTE: FOR
MOTION CARRIED*

EXTENSION OF TIME

RESOLVED: Alley/Dixon

That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the meeting until all business has been dealt with.

CARRIED: 8/0

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

AGAINST: Nil

11.03 CULTURAL STEERING GROUP CHARTER AND NEW MEMBERSHIP

RESOLVED: Turner/Hawkins

That Council:

1. Adopt the amended Cultural Steering Group Charter to encourage a diverse membership, including representatives from the Birpai and Bunyah Local Aboriginal Land Councils.
2. Note Expressions of Interest for new members of the Group will commence shortly with a recommended membership to be presented to the 15 April 2020 Council meeting.

CARRIED: 8/0

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

AGAINST: Nil

Item 11.04 30th Anniversary of Sister City Relationship Between Port Macquarie-Hastings Council and Handa City Council - Visit to Japan 2020, has been addressed previously within the meeting.

Item 12.01 Notice of Motion - Wauchope RSL Club Senior Housing Development, has been addressed previously within the meeting.

13.01 NOTICE OF MOTION - OCEAN TIDAL POOL IN PORT MACQUARIE

RESOLVED: Turner/Hawkins

That Council:

1. Note the full resolution of Council of 16 May 2018:

RESOLVED: Turner/Cusato

That Council alter the "12.02 – Notice of Motion – Request for Ocean Tidal Pool in Port Macquarie" adopted at the April 2018 Ordinary Council meeting to:

That Council:

1. *Note the 2016 petition for an ocean tidal pool in Port Macquarie resubmitted to the Mayor by the Port Macquarie Tidal Pool Committee Incorporated.*
2. *Note the petition received by the Mayor from Jenny Broughton in March 2018 in favour of an ocean tidal pool in Port Macquarie.*
3. *Note that an ocean tidal pool in Port Macquarie is not a priority for Council.*
4. *Request the two petitions be considered by Council as public submissions to the 2018-19 Operational Plan.*
5. *Encourage the Port Macquarie Tidal Pool Committee Incorporated to make any future requests, submissions and grant applications through Council's recognised engagement processes to ensure that the competing priorities of all volunteer and community groups in our area receive appropriate and equal consideration by Council.*
6. *Noting that as any development of an Ocean Tidal Pool would require consent from the landowner (in this case the Crown) as part of any future Development Application, request the General Manager seek advice from the Department of Industry Crown Lands as to the Crown's position regarding the construction of new ocean tidal pools and what information the Crown would require in order to be able to consider giving land owner's consent to such a proposal being lodged.*

CARRIED: 6/3

FOR: Cusato, Dixon, Hawkins, Intemann, Levado and Turner

AGAINST: Alley, Griffiths and Pinson

2. Request the General Manager advise whether the Department of Industry Crown Lands has advised Council as to the Crown's position regarding the construction of new ocean tidal pools and the information required for consideration of landowner's consent, as per Council's resolution from May 2018.

CARRIED: 8/0

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

AGAINST: Nil

13.02 NOTICE OF MOTION - CLIMATE CHANGE SOLUTIONS

MOVED: Pinson/Griffiths

That Council request the General Manager report to the April 2020 Ordinary Council Meeting advising of the total spend by Council on climate change or sustainability solutions.

LOST: 2/6

FOR: Griffiths and Pinson

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

RESOLVED: Intemann/Alley

That Council:

1. Note that Sustainability is a core value for Council and is a consideration in most of Council's decisions.
2. Request the General Manager to consider including a sustainability statement when relevant in future reports.
3. Request the General Manager to give consideration to incorporating in any future reports which include actions relating to changing climate, a brief statement of estimated costs, savings and/or benefits from the proposed action/s.

CARRIED: 8/0

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

AGAINST: Nil

Item 13.03 Water Restrictions Update and Water Storage Levels, has been addressed previously within the meeting.

Item 13.04 Water Supply Security Update, has been addressed previously within the meeting.

13.05 BEACH TO BEACH PROGRESS UPDATE

RESOLVED: Griffiths/Dixon

That the Council note the information contained in the Beach to Beach Progress Update report.

CARRIED: 8/0

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

AGAINST: Nil

13.06 THRUMSTER TOWN CENTRE WATERMAIN WORKS

RESOLVED: Griffiths/Hawkins

That Council:

1. Approve the request by Lewis Developments Pty Ltd to offset the cost of upsizing the watermain works, as described in the report, to a maximum of \$92,941, subject to the developer entering into a Works in Kind Agreement.
2. Delegate authority to the General Manager to execute the agreement in item 1 above.

CARRIED: 8/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

Nil.

RESOLVED: Griffiths/Dixon

That the confidential items in the Committee of the Whole agenda be considered by Council in a Confidential Session of the Ordinary Council.

CARRIED: 8/0

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

AGAINST: Nil

CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL

RESOLVED: Griffiths/Hawkins

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

Item 15.01 Sale of Innes Gardens Memorial Park Crematorium and Lawn Cemetery

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 15.02 T-19-61 Construction of Port Macquarie Sewer Rising Main 71

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.

Item 15.03 T-19-53 Design of Rainbow Beach Sporting Fields

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.

Item 15.04 T-19-55 Construction of Schools to Schools Shared Pathways

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.

Item 15.05 RFQ-19-22 Kenny Walk Construction Upgrade & RFQ-19-24 Kenny Walk Civil Works Upgrade

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.

Item 15.06 T-19-56 Broadwater Canal Lighthouse and Gangway Repairs

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.

Item 15.07 T-19-64 Coastal Walk Boardwalks

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.

Item 15.08 Stakeholder Negotiations - Site Selection for Water Supply Security Project

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

3. That the resolutions made by the Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Dixon

That Standing Orders be suspended to allow items 15.01, 15.03, 15.05, 15.07, 15.06, 15.08, 15.02, 15.04 to be brought forward and considered in that order.

CARRIED: 8/0

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

AGAINST: Nil

15.01 SALE OF INNES GARDENS MEMORIAL PARK CREMATORIUM AND LAWN CEMETERY

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 10:46pm.

RESOLVED: Turner/Hawkins

That Council:

1. Note the resolution made at the Ordinary Council Meeting held on 21 August 2019 in respect of Item 15.01 Innes Gardens Memorial Park Crematorium and Lawn Cemetery - Negotiations with Interested Parties;
2. For the reasons set out in this Sale of Innes Gardens Memorial Park Crematorium and Lawn Cemetery report, as an alternative to entering into a Contract of Sale with Walker Funeral Group Pty Ltd as specified in the 21 August 2019 resolution, delegate authority to the General Manager to negotiate and enter into contracts for sale of Innes Gardens Memorial Park Crematorium and Lawn Cemetery with related business entities that are wholly owned by either Walker Funeral Group Pty Ltd or the persons or entities that wholly own Walker Funeral Group Pty Ltd.
3. Maintain the confidentiality of the documents and considerations in respect of this Confidential Report.
4. Affix the seal of Council to the necessary documents.

CARRIED: 6/1

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

AGAINST: Pinson

15.03 T-19-53 DESIGN OF RAINBOW BEACH SPORTING FIELDS

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

RESOLVED: Turner/Hawkins

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, note the acceptance of the quote from King & Campbell Pty Ltd for \$269,600 (ex GST) for T-19-53 Design of Rainbow Beach Sporting Fields obtained through Local Government Procurement Professional Services panel LGP1208-3.
2. Pursuant to Section 55(3)(a) of the Local Government Act 1993, note the acceptance of the schedule of rates from King & Campbell Pty Ltd for T-19-53 Design of Rainbow Beach Sporting Fields obtained through Local Government Procurement Professional Services panel LGP1208-3.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-53.

CARRIED: 7/0

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

AGAINST: Nil

15.05 RFQ-19-22 KENNY WALK CONSTRUCTION UPGRADE & RFQ-19-24 KENNY WALK CIVIL WORKS UPGRADE

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

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 10:48pm.

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

RESOLVED: Turner/Alley

That Council:

1. Note that public quotations were called for RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade and no submissions were received.
2. Pursuant to Section 55(3)(i) of the Local Government Act 1993 and due to extenuating circumstances, resolve to not invite open tenders due to the unavailability of competitive tenders noting that an open process had been previously conducted with no submissions being received.
3. Pursuant to Section 178(3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with a view of entering into a contract in relation to the subject matter of the combined scopes of the quotations previously advertised with the following companies:
 - a) Eire Construction
 - b) Green Construction and Management
 - c) JNC Civil
 - d) Marden Civil
 - e) Mid North Coast Contractors
 - f) Coastal Works
4. Pursuant to Section 377(1) of the Local Government Act 1993, delegate the General Manager the authority to accept a tender for the supply and delivery of the Kenny Walk Upgrade project.
5. Request the General Manager present a further report to a future meeting of Council on the outcome of the negotiations, for the combined package of works for Kenny Walk Construction Upgrade and Kenny Walk Civil Works Upgrade.
6. Maintain the confidentiality of the documents and considerations in respect of RFQ-19-22 and RFQ-19-24.

CARRIED: 6/0

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

AGAINST: Nil

15.07 T-19-64 COASTAL WALK BOARDWALKS

Mayor Pinson declared a Pecuniary Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

RESOLVED: Hawkins/Dixon

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for \$268,322 (Ex GST) for the design, supply and construction of Charlie Uptin Boardwalk and the Doctors Boardwalk.
2. Accept the Schedule of Rates from Eire Constructions Pty Ltd for the design, supply and construction of Charlie Uptin Boardwalk and the Doctors Boardwalk.
3. Affix the seal of Council to the necessary document.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-64.

CARRIED: 6/0

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

AGAINST: Nil

15.06 T-19-56 BROADWATER CANAL LIGHTHOUSE AND GANGWAY REPAIRS

Councillor Levido returned to the meeting, the time being 10:50pm.

Mayor Pinson returned to the meeting, the time being 10:50pm.

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

RESOLVED: Alley/Griffiths

That Council:

1. Accept the tender from Birdon Pty Ltd for \$227,525 (Exclusive GST) for the Broadwater Canal Lighthouse and Gangway Repairs.
2. Accept the Schedule of Rates from Birdon Pty Ltd for the Broadwater Canal Lighthouse and Gangway Repairs.
3. Affix the seal of Council to the necessary document.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-56.

CARRIED: 8/0

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

AGAINST: Nil

15.08 STAKEHOLDER NEGOTIATIONS - SITE SELECTION FOR WATER SUPPLY SECURITY PROJECT

RESOLVED: Alley/Hawkins

That Council:

1. Note the information contained within the confidential Stakeholder Negotiations - Site Selection for Water Supply Security Project report.
2. Endorse Council Staff to directly engage with the required key stakeholders in relation to the preferred location for a seawater reverse osmosis desalination plant to enable finalisation of the site selection process.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

15.02 T-19-61 CONSTRUCTION OF PORT MACQUARIE SEWER RISING MAIN 71

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 11:01pm.

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

RESOLVED: Griffiths/Hawkins

That Council:

1. Accept the Alternative Tender Offer 2 from TCM Civil Pty Ltd for the Lump Sum of \$1,364,000 (exclusive GST) for Construction of Port Macquarie Sewer Rising Main 71.
2. Affix the seal of Council to the necessary document.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-19-61.

CARRIED: 7/0

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

AGAINST: Nil

15.04 T-19-55 CONSTRUCTION OF SCHOOLS TO SCHOOLS SHARED PATHWAYS

Mayor Pinson declared a Pecuniary Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

RESOLVED: Griffiths/Dixon

That Council:

1. Note the engagement of Coffs Harbour City Council trading as Coastal Works under the existing Memorandum of Understanding (MoU) for \$809,083.00 for the Construction of Schools to Schools Shared Pathway.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-55.

CARRIED: 7/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 11:02pm.

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

RESOLVED: Griffiths/Dixon

That the Council Meeting be re-opened to the public.

CARRIED: 8/0

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

AGAINST: Nil

The outcomes of the Confidential Session of the Ordinary Council were read to the meeting by the Group Manager Governance.

The meeting closed at 11.14pm.

.....
Peta Pinson
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(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.*

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</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.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</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.

¹ 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.

² 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

Item: 07

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

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council note that there are no confidential attachments to reports of the Ordinary Council Meeting.

Discussion

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

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

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.

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.
- The Meeting is recorded and will be made available to the public on Council's website.
- Members of the public may quietly enter and leave the Meeting at any time.

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

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.

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.
- The Meeting is recorded and will be made available to the public on Council’s website.
- 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

Item: 10.01

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
LGP EL0519 Supply of Electricity - Accepted Rates	17/07/19 Item 15.06		DCP	Sep-19 Oct-19 Dec-19 Feb-20	Mar-20
Code of Conduct - strengthening the enforceability	11/12/2019 Item 10.09		DCP		Mar-20
Draft Public Art Policy - post exhibition	11/12/2019 Item 11.01		DSG		Mar-20
Wauchope RSL Club Ltd - settlement proposal and history of Bransdon Street, Wauchope car park issue	19/02/2020 Item 12.01		DDE		Mar-20
Proposed Poll in 2020	19/02/2020 Item 11.02	Briefing scheduled 11 March 2020. Potentially a late item to March meeting.	GM		Mar-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade - outcome of negotiations	19/02/2020 Item 15.05	General Manager approved the RFQ - outcomes to be reported to April	DI	Mar-20	Apr-20
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02	Awaiting advice from proponent	DDE	Sep-19 Nov-19 Feb-20	Apr-20
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Priority item for the new CSG when adopted by Council following the EOI for membership	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 Mar-20	Apr-20
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 Nov-19 Dec-19 Feb-20	Apr-20
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-18 Feb-19 Mar-19 Apr-19 Jun-19 Jul-19 Aug-19 Oct-19 Feb-20	Apr-20
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06	Awaiting advice from proponent	DDE	Aug-19 Sep-19 Nov-19 Feb-20	Apr-20
JH Taylor & MJ Taylor vs PMHC -	18/09/19 Item 15.03	Still under negotiation	DCP	Feb-20 Mar-20	Apr-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
report when finalised					
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	Apr-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	Apr-20
Draft Community Inclusion Plan - post exhibition	20/11/19 Item 11.03	Review of submissions still underway	DSG	Mar-20	Apr-20
Draft Waste Minimisation and Management Policy - post exhibition	20/11/19 Item 13.01	To align policy and DCP provisions	DCP	Mar-20	Apr-20
Stage 1 Review of Port Macquarie-Hastings Development Control Plan 2013 - Housekeeping Amendments - post exhibition	20/11/19 Item 13.06	To align policy and DCP provisions	DDE	Mar-20	Apr-20
Biodiversity Investigations Stewardship Sites	20/11/19 Item 13.15	Detailed analysis still being undertaking	DDE	Mar-20	Apr-20
Development Assessment Panel Charter Review - post exhibition	20/11/19 Item 13.10	Ongoing review of options underway	DDE	Mar-20	Apr-20
Draft PMH DCP 2013 - Airport Business Park - post exhibition	11/12/2019 Item 13.06	Review of submissions underway	DDE	Mar-20	Apr-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Sustainability - Climate change information and predicted risks and opportunities, using information from reputable sources such as but not limited to CSIRO, NASA and Council's insurers	11/12/2019 Item 13.05		DDE		Apr-20
Coast, Estuary and Floodplain Sub-Committee - Membership	11/12/2019 Item 13.07		DDE		Apr-20
Draft Greater Port Macquarie Destination Management Plan - post exhibition	11/12/2019 Item 12.03	Further consideration of submissions required to finalise draft	DSG	Mar-20	Apr-20
Draft Glasshouse Plan 2020-2022 - post exhibition	11/12/2019 Item 10.10	Still considering submissions	DCP	Mar-20	Apr-20
T-19-60 Beach to Beach Detailed Design & EIS - outcome of procurement strategy	11/12/2019 Item 15.05	Review of submissions underway	DI	Mar-20	Apr-20
T-19-09 Supply and Delivery of Ready Mix Concrete - post negotiations	19/06/19 Item 15.04	Still negotiating	DI	Aug-19 Oct-19 Dec-19 Feb-20	May-20
T-19-10 Supply and Delivery of Road Construction Materials - post negotiations	19/06/19 Item 15.05	Still negotiating	DI	Aug-19 Oct-19 Dec-19 Feb-20	May-20
T-19-38 Supply and Delivery of Electrical Goods	16/10/2019 Item 15.01	Still negotiating	DI	1/12/2019 Feb-20	May-20
Water Supply Security Update Report	19/02/2020 Item 13.03		DI		May-20
Bushfire Recovery - Grant Funded Projects	19/02/2020 Item 10.21		DSG		May-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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	Jun-20
Canal Maintenance	18/10/17 Item 12.04	Works delayed 18mths.	DI	FY2018/2019	Jun-20
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 Feb-20	Jun-20
Port Macquarie Aquatic Facility - Progress of detailed design and Strategic Concept Plan	18/09/19 Item 11.02		DDE		Jun-20
Port Macquarie Aquatic Facility - Outcome discussions with displaced user groups of Macquarie Park	18/09/19 Item 11.02		DDE		Jun-20
Update on Site Specific Planning Proposal Requests	11/12/2019 Item 13.10		DDE		Jun-20
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	On hold as per GM advice	DSG	Mar-20	Jul-20
Long Term Energy Strategy - suitable sites	20/11/19 Item 13.05		DDE		Jul-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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Water Supply Security Update Report	19/02/2020 Item 13.04		DI		Aug-20
Bushfire Recovery - Grant Funded Projects	19/02/2020 Item 10.21		DSG		Aug-20
Markets Policy - Review	11/12/2019 Item 12.02		DSG		Dec-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 habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
Ocean Drive Duplication - Outcomes of RMD Review	18/09/19 Item 13.09		DI		TBA
Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition	20/11/19 Item 13.13	Awaiting completion of required processes prior to exhibition.	DDE	Feb-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
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	nil for March
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 (15/08/18 - Item 12.08)	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 (21/08/19 - Item 11.02)	DSG	Biannual	Feb, Aug	
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	
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	
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	
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	
Local Preference Policy Outcomes	DCP	Annually	Aug	
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Council Meeting Dates	GM	Annually	Sep	
Creation of Office - Deputy Mayor	GM	Annually	Sep	
Audit Committee Annual Report	DCP	Annually	Sep	
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep	
Legislative Compliance Register	DCP	Annually	Sep	
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep	
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DDE	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	
Performance of Property Investment Portfolio 6-Monthly (20/11/19 - Item 10.17)	DSG	Annually	Nov	
Compliments and Complaints Annual Report	DSG	Annually	Dec	May-20
Code of Conduct Complaints Annual Report	DCP	Annually	Dec	

Attachments

Nil

Item: 10.02

Subject: STRENGTHENING THE ENFORCEABILITY OF THE CODE OF CONDUCT

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 the information in the Strengthening the Enforceability of the Code of Conduct report be noted.

Executive Summary

Following a Circular issued by the Office of Local Government (OLG) on 2 October 2019 and subsequent resolutions of Council from November and December 2019, Council requested the General Manager make representation to the Minister of Local Government and/or Office of Local Government in relation to strengthening the enforceability of the Code of Conduct.

The intent of this report is to report back to Council the response to those representations.

Discussion

A Circular was issued by the Office of Local Government on 2 October 2019. The Circular is in relation to penalties available to councils for code of conduct breaches by Councillors. The circular is attached for background and information (Attachment 1).

At the ordinary Council meeting held on 20 November 2019, Council resolved as follows:

10.07 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT COMMITTEE - RISK REGISTER QUARTERLY REPORT - SEPTEMBER 2019 REVIEW

RESOLVED: *Hawkins/Intemann*

That the Audit, Risk and Improvement Committee recommends that Council:

- 1. Notes the effect of the decision of the Supreme Court in the matter of Cornish v Secretary which appears to dilute the effectiveness of a Code of Conduct as a control.*
- 2. Request the General Manager make representation to the Minister of Local Government and/or Office of Local Government in relation to strengthening the enforceability of the Code of Conduct.*

CARRIED: 8/0

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

AGAINST: Nil

Subsequently, at the December 2019 Ordinary Meeting of Council, a report was presented on the Code of Conduct statistics. The "*Procedures for the administration of the Model Code of Conduct*" state that Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council each year.

Council then resolved the following:

10.09 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLVED: Hawkins/Intemann

That Council:

- 1. Notes the Code of Conduct Complaint Statistics for the period 1 September 2018 to 31 August 2019.*
- 2. Provide the report to the Audit, Risk and Improvement Committee for information.*
- 3. Request the General Manager to report back to the March 2020 Meeting of Council (or earlier, if applicable) the response to his representations to the Minister of Local Government and / or Office of Local Government in relation to "strengthening the enforceability of the Code of Conduct" as resolved by Council at the Ordinary Meeting of Council on 20 November, 2019 as per Agenda Item 10.07.*
- 4. Request the General Manager investigate options for reporting Code of Conduct complaints so as to include basic de-identified information sufficient to permit better analysis of the issues raised and therefore identify any useful corrective or educative action to be taken, and bring the findings to a Councillor briefing for discussion by March 2020.*

CARRIED: 7/0

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

AGAINST: Nil

This report addresses Resolution 3. (Resolution 4 is still under investigation with a Councillor Briefing pending for later in March 2020).

With regard to representations to the Minister of Local Government and or the Office of Local Government, the Mayor and General Manager attended a Regional Cities NSW meeting in Parliament House Sydney on Thursday 21 November 2019, in the presence of the Minister for Local Government. At that meeting, the General

Manager raised the issue of the ineffectiveness of the Code of Conduct with the Minister in light of the above-mentioned ruling by the Supreme Court which appears to dilute the effectiveness of a Code of Conduct as a control mechanism within Councils.

The Minister was receptive to the issues discussed in relation to how the enforceability of the Code of Conduct had been impacted by the Supreme Court decision, with the Minister noting at the time that the OLG was undertaking a review of the Code of Conduct in light of the Supreme Court ruling.

Further to the above, the General Manager met with the OLG on Friday 28 February 2020 in Parliament House Sydney, where the issue of the ineffectiveness and the lack of enforceability of the Code of Conduct was discussed. The General Manager was assured at the time that the governance team within the OLG were continuing work on reviewing the Code of Conduct, however there were no timelines discussed in relation to when this work might result in either a revised draft Code of Conduct or at a minimum, some revised clauses that assist in strengthening the enforceability of the Code.

Contact was again made with the OLG on 9 March 2020, with advice that a formal response to the General Manager was currently being finalised. This formal response was received on 9 March 2020, with a copy attached for information (Attachment 2).

Options

This report is for noting only.

Community Engagement and Internal Consultation

No specific community engagement has been undertaken.

Internal consultation has taken place with:

General Manager
Director Corporate Performance
Group Manager Governance



Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  OLG Circular - Code of Conduct
2.  OLG Response dated March 2020

Item: 10.03

Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 FEBRUARY TO 4 MARCH 2020

Presented by: General Manager, Craig Swift-McNair

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 6 February to 4 March 2020 inclusive.

Executive Summary

To advise of the allocations made by the Mayor from the Mayoral Discretionary Fund for the period 6 February to 4 March 2020 inclusive.

Discussion

The following allocations have been made by the Mayor since the last report to Council:

1 x Floral Wreath for National Servicemen's Day Service and 1 x Floral Wreath for Bangka Island Commemorative Service both on 14/02/20	\$130.00
Donation towards Automated External Defibrillator for Rainbow Beach, Bonny Hills via Wauchope-Bonny Hills SLSC	\$500.00
Donation of Glasshouse Vouchers to Hastings Business Women's Network's International Women's Day Function fundraiser for Liberty Domestic & Family Violence Specialist Services	\$200.00
	\$830.00

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 budget.

Attachments

Nil

Item: 10.04

Subject: DISCLOSURE OF INTEREST RETURN

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 Disclosure of Interest returns for the following position:

- **Group Manager Digital Technology.**

Executive Summary

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

Discussion

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

- Group Manager Digital Technology.

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 and Internal Consultation

Internal Consultation

- Group Manager Governance.
- General Manager.
- Group Manager Digital Technology.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.05

Subject: DESIGNATED PERSONS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Determine that the following positions become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:**
 - a) Waste Manager.**
- 2. Endorse the following positions be removed from the Designated Positions within Council:**
 - a) Waste and Environmental Engineer.**

Executive Summary

This report identifies a position within Council that should be added to the Council's list of Designated Persons.

Discussion

Section 441 of the *Local Government Act 1993* ("the Act") states:

"For the purposes of this Chapter, designated persons are:

- the General Manager*
- other senior staff of Council*
- a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interests"*

As new positions are established or positions responsibilities change, it is necessary to review the list of Council positions which should become Designated Persons.

"Designated Persons" must:

- prepare and submit written returns of interest in accordance with section 449 of the Act.*
- disclose pecuniary interests in accordance with section 459 of the Act.*

The Office of Local Government has previously advised that the range of Designated Persons must include individuals with delegations to issue orders, approvals or consents under any Act.

Based on this information, the following position should be added to the existing list of Designated Positions within Council:

- Waste Manager.

Duties of the positions listed above can involve the issuing of orders, approvals or consents under the Local Government and related Acts. These positions have the ability to make recommendations and influence Council. Many of these positions previously existed in the organisational structure however they were renamed during an organisational restructure in 2019.

As a result of the organisational restructure in 2019 and the related renaming of a number of positions the following positions should be removed from the existing list of Designated Positions within Council:

- Waste and Environmental Engineer.

Options

Council has the option of reviewing the position for inclusion on the current list of Designated Persons.

Community Engagement & Internal ConsultationInternal Consultation

Consultation has taken place with:

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

Planning & Policy Implications

There are no planning or policy implications.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.06**Subject: MONTHLY BUDGET REVIEW - FEBRUARY 2020****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

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

RECOMMENDATION**That Council:**

1. **Adopt the adjustments in the "February 2020 Adjustments" section of the Monthly Budget Review – February 2020.**
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 February 2020.

The Council adopted 2019-2020 budget position at the commencement of the financial year was a shortfall of \$975,198. At the commencement of February 2020 the shortfall was \$605,693. The budget adjustments contained in this report reduce this shortfall further to \$535,693 as at the end of February 2020.

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

Original Budget as at 1 July 2019	Shortfall	(\$975,198)
Plus adjustments:		
July Review	Balanced	\$0
August Review	Surplus	\$125,477
September Review	Surplus	\$14,783
October Review	Balanced	\$0
November Review	Balanced	\$0
December Review	Balanced	\$0
January Review	Surplus	\$229,245
February Review	Surplus	\$70,000
Forecast Budget Position for 30 June 2020	Shortfall	(\$535,693)

February 2020 Adjustments

A review of salary and wages budgets has been undertaken this month. The following adjustments reflect the budget adjustments included in this report that impact Council's budget position:

Item	Surplus/ Shortfall	Amount	Comment
Review of salaries & wages budgets	Surplus	\$70,000	A review of salaries and wages budgets has been undertaken across a number of areas resulting in a budget adjustment, arising largely from vacancies during the period.
Total	Surplus	\$70,000	

The following adjustments reflect budget movements as a result of grant funding received, reserve movements, movements between projects and budget variance requests which have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant Funding	1	Grants	\$1,635,324
Reserve Movements	2	Reserve	\$78,000
Movement Between Projects	3	Grant	\$1,006,294
Budget Variation Requests	4	Reserve	\$4,000,000
Total			\$6,719,618

1. Grant Funding

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
Bago Rd Rehabilitation	Dept of Infrastructure, Transport Cities & Regional Development	\$1,270,000	\$0	Council has received a grant under the Community Development Grants Programme.
The Ruins Way Upgrade	Dept of Infrastructure, Transport Cities & Regional Development	\$365,324	\$1,606,294	Additional Roads to Recovery Grant funding received. Allocated to The Ruins Way Upgrade.
Total Grant Funding		\$1,635,324		

* Other funding already contained within existing budgets

2. Reserve Movements

Transfer from	Transfer To	Amount	Comments
Environmental Levy Reserve	Natural Resources Operational Consultancy Activities	\$78,000	Budget allocation of Natural Resources Consulting Bids.
Reserve Movements		\$78,000	

3. Movement between Projects

Transfer from	Transfer To	Amount	Comments
Bago Rd Rehabilitation Project	Various	\$1,006,294	Transfer of Roads to Recovery Grant funding to The Ruins Way Upgrade & Kew Rd Rehabilitation
Total Movements between Projects		\$1,006,294	

4. Budget Variation Requests (approved by Executive)

Project Name	Funding Source	Amount	Comments
Wauchope Water Treatment Plant Expansion	Reserve	\$4,000,000	Budget variance to upgrade the Wauchope Water Treatment Plant
Total Approved Budget Variations		\$4,000,000	

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

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report decrease the budget position to a shortfall of \$535,693.

Statement by Responsible Accounting Officer

"The adopted original budget result for 2019-2020 was a shortfall of \$975,198. As of 29 February 2020, this shortfall position is \$535,693. This position is considered an unsatisfactory result for the year. As such, all budgets will continue to need to be closely monitored with the view to reduce this shortfall position".

Attachments

1.  February 2020 Budget Review

Item: 10.07

Subject: INVESTMENTS - FEBRUARY 2020

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment Report for the month of February 2020.

Executive Summary

- Total funds invested as at 29 February equals \$303,957,394.
- Interest for the month of February was \$617,725.
- The year-to-date investment income of \$5,374,659 represents 64% of the total annual investment income budget of \$8,395,000.
- Council's total investment portfolio performance for the financial year to date was 1.73% above the benchmark (2.75% against 1.02%), benchmark being the Bank Bill reference rate as at 29 February 2020.

The following outlines the significant points outlined in the attached Monthly Report (Attachment 1), as provided by Council's investment advisors:

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Over the past 12 months, the portfolio has returned +2.85% p.a., outperforming bank bills by 1.45% p.a. and more than 2.5 times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.
- With a further interest rate cut on the horizon imminent, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available, *(noting that the report was provided 2 March 2020)*.
- Should credit securities become more attractive relative to deposits, it is recommended to consider increasing the allocation to liquid senior floating rate notes.

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 (Attachment 2) 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|cdbad291-68a4-4d81-8aee-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 29 February 2020, comply with this Act.

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

As at 29 February 2020, the investments held by Council totalled \$303,957,394 and were attributed to the following funds:

General Fund	125,412,822
Waste Fund	18,723,775
Water Fund	108,959,607
Sewer Fund	49,332,285
Sanctuary Springs Fund	39,514
Broadwater	1,489,391
	303,957,394

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.

It is noted that there is a minor variance between the total investments held as per this report, (\$303,957,394), and total investments held as per Imperium's attached monthly report (\$303,961,078). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report. This variance is not expected to be material.

It is further noted that at the Ordinary Council meeting held on 11th December 2019, Council resolved as follows:

10.06 INVESTMENTS - NOVEMBER 2019

Mr Mick Lyons addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: *Intemann/Hawkins*

That Council:

- 1. Note the Investment Report for the month of November 2019.*
- 2. Write to the parties with which it has investments asking each party to advise its position with respect to investment in fossil fuel projects and enterprises and investment in projects that ensure a low carbon emissions future, with a reply to Council requested by 28 January 2020.*
- 3. Refer the investments issues raised in the public address to the Audit, Risk and Improvement Committee for its information and comment.*

CARRIED: 5/2
FOR: Alley, Hawkins, Intemann, Pinson and Turner
AGAINST: Griffiths and Levido

In relation to Resolution 2 above, letters were written as per the Council resolution and forwarded in December 2019 to the following financial institutions:

- a) AMP;
- b) Auswide Bank;
- c) Bendigo Bank;
- d) Bank of Queensland;
- e) ICBC Sydney;
- f) ING;
- g) ME Bank;
- h) NAB;
- i) Newcastle Permanent;
- j) Rabobank;
- k) Westpac.

At the Ordinary Council Meeting held on 19th February 2020 it was reported that responses were received from:

- a) Bendigo Bank;
- b) Bank of Queensland;
- c) ING;
- d) NAB;
- e) Newcastle Permanent.

Subsequent to the previous report, further responses have been received from:

- a) Auswide Bank;
- b) Westpac;
- c) ICBC Sydney.

Copies of the responses are attached (Attachment 3).

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. 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 1.73% above the benchmark (2.75% against 1.02%) and year to-date income is 64% 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.  Port Macquarie-Hastings Council Monthly Report - February 2020
2.  Port Macquarie-Hastings Council Portfolio as at 29 February 2020
3.  Further responses from Financial Institutions regarding PMHC Investments

Item: 10.08

Subject: DRAFT DELIVERY PROGRAM 2017-2021 (REVISED 2020), DRAFT OPERATIONAL PLAN 2020-2021, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.1 Engage with the community on impacts and changes of operations.

RECOMMENDATION

That Council:

- 1. Place the Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 19 March to 17 April 2020:**
 - a) Draft Delivery Program 2017-2021 (Revised 2020) and Draft Operational Plan 2020-2021.**
 - b) Draft Fees and Charges 2020-2021.**
 - c) Draft Revenue Policy 2020-2021.**
 - d) Draft Rating Maps 2020-2021.**
- 2. Note that a further report will be tabled at the June 2020 meeting of Council for the adoption of the 2020-21 IP&R documents, detailing the submissions received from the public during the exhibition period.**

Executive Summary

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents as detailed above in this report, and for them to be endorsed by Council by 30 June in the year following a Council election. The legislation (Section 404 and 405 of the Local Government Act (1993)) also requires the IP&R documents be placed on public exhibition for a minimum of 28 days before being endorsed by the Council.

On the 21 June 2017, Council adopted the entire IP&R suite of documents, which included the 2017-2021 Delivery Program (DP). This document details the priorities of Council during their term of office. For each year of the Four Year Delivery Program, Council is required to review the Delivery Program and develop a one year Operational Plan which outlines the activities, performance measures, and budgets that will be undertaken for that year to achieve the commitments made in the Delivery Program.

This report provides information relating to the Draft 2020-21 Operational Plan. The total 2020-2021 budgeted expenditure, (excluding depreciation and loss on disposal of assets), will be \$198.5m, with total revenues expected to be \$200.4m. The

difference between the income and expenditure is funded from a combination of loans and money previously allocated to reserves for specific purposes. This results in a net cash shortfall position for 2020-2021 of \$964k. Further information relating to the draft 2020-2021 budget can be found under the Financial and Economic Implications section of this report, and in the attached documents.

The 2020-2021 financial year will see Council continue to deliver/commence some major infrastructure works such as: the Hastings Regional Sporting Facility, Road resurfacing and rehabilitation works, Small Town Sewerage Scheme construction, Bago Road Rehabilitation, Cairncross Waste Management Facility Expansion /Improvements, Construction of water main between Sancrox Reservoir and Wauchope, Kindee Bridge designs and structural repairs, Kew Main Street upgrade, Town Green West - Reserve Upgrade, Gordon Street Upgrade Port Macquarie, Boundary Street Upgrade Port Macquarie, Rainbow Beach Sporting Fields - finalise designs and commence construction of district facilities, Thompsons Bridge Replacement Rollands Plains, and Lake Cathie Foreshore Reserve - Construction of Skate Facility.

In addition to delivering some major projects, Council will continue to deliver services such as water and sewer, library services, community, cultural services and waste services.

The purpose of this report is to seek approval to engage the community and other stakeholders, over the minimum 28 day exhibition period (19 March to 17 April 2020) to provide their feedback on the draft 2020-21 IP&R documents.

Following this period of consultation, a further briefing will be held with Councillors to discuss the community feedback. As a result, some changes may be made to the draft documents prior to final adoption.

Legislatively, the final planning documents are required to be presented to Council for consideration and adoption no later than 30 June 2020.

Discussion

In 2009, the NSW Government adopted a new Integrated Planning and Reporting (IP&R) framework within the Local Government Act (1993) which legislates the way councils draw their plans together in consultation with their community, while also preserving local identity and working towards a sustainable future.

The framework included the development and review of the IP&R suite of documents every four years following a council election. To comply with legislation Port Macquarie-Hastings Council has completed a review and developed its suite of planning documents following the September 2016 council election.

The Integrated Planning suite of documents consisted of:

- Towards 2030 - Community Strategic Plan (CSP)
- Delivery Program 2017-2021 (DP)
- Resourcing Strategy (RS) consisting of the Long Term Financial Plan (LTFP), Workforce Management Plan and Asset Management Strategy and Plan

- Annual Operational Plan (OP) including Fees and Charges, Revenue Policy and Rating Maps

These documents must align to the quadruple bottom line addressing civic leadership, social, environmental and economic issues in an integrated manner.

The Port Macquarie-Hastings CSP, DP and OP are structured under four community themes that align to the quadruple bottom line:

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

A review and update of the *Delivery Program 2017-2021(Revised 2020)* and *2020-2021 Operational Plan* has been conducted by council in preparation for the minimum 28 days public exhibition.

This combined document includes:

Four Year Delivery Program (DP)

Developed by Councillors for their four year term the DP is Council's commitment to undertake principal activities under each of the community themes as established by the CSP within the resources available under the Resourcing Strategy. The DP includes the intended outcomes, how performance will be assessed and a four year financial plan. Council reviews its Delivery Program each year when preparing the annual Operational Plan in compliance with legislation.

One Year Operational Plan (OP)

Supporting the DP is the one year OP which includes individual projects and actions which will be undertaken during the 2020-21 financial year. This document is set out by the community themes that are consistent throughout the integrated suite of documents.

The OP includes a budget snapshot providing an overview of key projects proposed across the region, with breakdown of major projects by area.

The proposed 2020-21 capital works program is included in the Operational Plan and totals \$64.72m.

Some of the major commitments in capital works for 2020-21 include:

Across the region

- Stormwater Renewal Program - \$650,000
- Water asset replacement and renewal programs for live water mains, water meters, renewals and minor works, pumps and switchboards - \$2,810,000
- Finalisation of Small Towns Sewerage Scheme Construction - Long Flat, Comboyne, Telegraph Point - \$4,200,000

- Footpath, Cycleway and Pedestrian works - \$500,000
- Local Roads Proactive Renewal Program - \$1,000,000
- Road resurfacing and rehabilitation works throughout the local government area - \$3,277,192
- Installation of new bus shelters - \$90,000

Laurieton, Camden Haven and surrounds

- Vince Imon Sporting Fields – Sports Facility Upgrade - \$530,000
- Vince Imon Sporting Fields – Amenities Upgrade - \$70,000
- Playground replacement - Bonny Hills Community Hall Reserve - \$84,103
- Lake Cathie Foreshore Reserve - Master plan implementation - Construction of Skate Facility - \$290,000
- Rainbow Beach Sports Fields - finalise designs and commence construction of district facilities - \$500,000
- Rainbow Beach Reserve - Reserve Upgrade - \$30,620
- Undertake preparatory work for new stormwater system at Illaroo Road \$150,000
- Continue design and construction for Black Swan Terrace - Stormwater detention facility - \$200,000
- Continue Investigation, Design and Construction of Kew Sewer Treatment Plant (STP) Upgrade - \$400,000
- Camden Haven Waste Water Treatment Membrane Replacements - \$420,000
- Beach to Beach - shared path project at Camden Haven - \$600,000
- Lorne Road Sealing - Investigations and concept design - \$200,000
- School to Schools share pathway project - detailed design and planning approvals for highest priority sections - \$300,000
- Kew Main Street Upgrade - Construction - \$1,440,000

Port Macquarie

- Finalise development planning for the Port Macquarie Airport Business and Technology Park \$100,000
- Undertake the Public Amenities program including Blair Reserve, Port Macquarie - Construct New Amenities - \$90,000
- Port Macquarie Regional Sports Stadium - upgrade - \$150,000
- Playground equipment replacement program including - John Dick Reserve, Port Macquarie - \$84,900
- Deliver recreational walkway replacement program across the local government area - Town Beach to Town Beach North - \$653,310
- Thrumster Sports Fields - Detailed design and approvals - \$600,000
- Town Green West - Reserve Upgrade - \$2,000,000
- Port Macquarie Pool - Design Finalisation - \$430,000
- Port Macquarie Airport Parallel Taxiway Stage 1 and General Aviation (GA) pavement renewal – finalise detailed design - \$150,000
- Operate and maintain Port Macquarie Airport in accordance with regulatory, safety and security requirements - \$435,000
- Install solar energy system at Port Macquarie Airport Terminal building - \$150,000
- Thrumster Recycled Water Interim Supply - Rising Main to Thrumster Reservoir - undertake construction - \$5,500,000

- Inlet Works Replacement for Port Macquarie Sewerage Treatment Plant - \$700,000
- Commence construction of the Port Macquarie Sewer rising main (Sewer Pump Station 71) - \$1,700,000
- Preconstruction works for upgrade of Lake Innes Sewerage Pump Station #71 - \$100,000
- Pedestrian Refuge - Horton Street - Clarence Street and William Street - Detailed Design - \$ 60,000
- Gordon Street Upgrade - Road Resurfacing, Stormwater flood mitigation and water main renewal works - \$3,000,000
- Boundary Street Upgrade - Commence Detailed design and Environmental Approvals - \$1,000,000
- John Oxley Drive Upgrade - Finalise Detailed Design - The Ruins Way to Wrights Road (Oxley Highway) \$100,000
- Finalise detail business case for Ocean Drive duplication - Matthew Flinders Drive to Greenmeadows - \$100,000

Wauchope, Rural and surrounds

- Lank Bain Sports Ground - upgrade - \$76,550
- Playground replacement - Narran Park, King Creek - \$88,750
- Hastings Regional Sporting Complex Commence Construction - \$500,000
- Cairncross Waste Management Facility (WMF) Expansion / Improvements - \$3,650,000
- Cairncross Recycling Industrial Zone Improvements - Concrete Processing Facility Establishment Stage 1 - \$100,000
- Construction of a water main between Sancrox Reservoir and Wauchope - \$4,000,000
- Continuation of Bago Road Rehabilitation Stage 2 (Milligan's Rd to Bluewater Cres) - \$1,400,000
- Pembroke Road, Stoney Creek Bridge Upgrade - Detailed Design - \$300,000
- Scrubby Creek Bridge Replacement - \$450,000
- Kindee Bridge Upgrade - Detailed Design - \$50,000
- Kindee Bridge Structural Repairs - \$861,176
- Bago Road Rehabilitation of Stage 3 - Bluewater Crescent to Cameron Street - \$2,700,000
- Thompsons Bridge Replacement - \$800,000
- Bril-Bril Road Sealing - Investigations and concept design - \$450,000

Supplementary documents

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and Fees and Charges documents. The supplementary documents to the Operational Plan are:

- Draft Fees and Charges;
- Draft Revenue Policy; and
- Draft Rating Area Maps.

Fees and Charges and Revenue Policy

Council delivers a wide range of chargeable services to the community. In determining the appropriate level of fees to be charged, a range of issues are considered such as what is fair and equitable, and how much the service costs to provide.

Taking these principles into account, the 2020-2021 fees and charges for services in a number of categories have been reviewed and adjusted as appropriate. These adjustments apply to categories where the individual costs are met by the user of the service, where Council operates in a competitive marketplace or Council provides services on a commercial basis.

Rates

The Local Government Minister's allowable increase for the 2020-2021 financial year has been set at 2.6% and has been applied in full.

Water Charges

Water charges will continue to be charged under the current two-tier water pricing tariff structure. The overall yield from annual water charges and usage charges is proposed to increase by 2.6% for the 2020-2021 financial year. Reclaimed water will be charged at 50% of the potable water charge.

The Department of Industry has determined that with water becoming an increasingly scarce resource both locally and globally, it is appropriate that local water utilities focus on influencing water demand through increasing emphasis on usage based pricing. Best practice water supply pricing requires utilities to provide strong pricing signals to encourage efficient water use. With this in mind, the water usage charge is being increased and the water access charge is being reduced over a 3-year period with the goal that 75% of water income will be derived from usage charges by 2021-2022, in line with best practice recommendations. The tier 1 water usage charge has been increased by 25c per kl and the access charge for a 20mm meter has reduced from \$198.00 in 2019-2020 to \$178.00 in 2020-2021.

Sewer Charges

All properties connected or capable of connection, to the sewerage system will be subject to an annual charge. In addition, properties such as major regional shopping centres, caravan parks, flats, retirement homes, motels, clubs, hotels, schools and backpacker hostels will be required to pay an additional charge based on the amount of water consumed. The annual sewerage charge has been increased by 2.6% in line with the general fund rate peg approved by IPART.

Onsite Effluent charges

Properties with an on-site effluent management system will be charged an on-site effluent management fee based on the risk of the system. This fee has been increased by 2.6% for 2020–2021.

Stormwater charges

Council charges a stormwater levy on all urban properties (except vacant land) that are in the residential and business rating categories and where a stormwater management service is provided. The base stormwater levy has remained unchanged since it was introduced by the State Government in 2006-2007.

Domestic Waste Management charges

The charges to apply to domestic waste management are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government. All properties with a domestic waste management service available to their property will be charged an annual charge under Section 496 of the *Local Government Act 1993*.

Other Waste Management charges

All properties with a non-domestic waste management service will be charged an annual charge under Section 501 of the *Local Government Act 1993*.

All waste management charges have been increased for 2020-2021 by 2.6%.

Other fees

A number of new fees have been introduced, with more significant changes as following:

- Fees for the installation of CBD communications flags
- New fees in relation to bonds for commercial leases
- Introduction of a rates / water overpayment refund fee
- New fees in relation to street lighting glare issues and street lighting design fees
- Fees to cover dance floor / podium / studio hire at the Glasshouse
- Water supply - fees to cover the installation of meters which were previously covered through private works
- Introduction of fees for use of new meeting rooms at the Airport terminal building
- Introduction of a new fee and surcharge for pilot training circuit movements conducted outside of defined circuit training hours of operation
- Review of the Glasshouse podium and studio fees to promote greater utilisation
- Introduction of new weight-based fees at the Port Macquarie Waste Depot for commercial and domestic waste to apply following the construction and commissioning of a new weighbridge facility, as well as fees for tyres at the Port Macquarie Waste Depot, (all aligned with the Cairncross Waste Depot)

Options

Council could adopt the recommendation as proposed.

Council could seek additional information on the content of the IP&R suite of documents prior to placing on exhibition noting this would delay the proposed

minimum 28 days exhibition period (19 March - 17 April 2020) and potentially impact ability to meet legislative timeframes for adoption of the planning suite of documents.

Community Engagement and Internal Consultation

In line with legislative requirements Councils are required to place the draft Integrated Planning and Reporting documents on public exhibition for a minimum of 28 days, allowing for public submissions to be received during this time.

The purpose of this engagement is to ensure that all stakeholders including the Port Macquarie-Hastings community, Councillors and Council staff, are able to access, and provide feedback on the development, implementation and review of the draft 2020-21 IP&R documents which are the:

- Draft Delivery Program 2017-2021(Revised 2020);
- Draft Operational Plan 2020-2021;
- Draft Fees and Charges 2020-2021;
- Draft Revenue Policy 2020-2021; and
- Draft Rating Maps 2020-2021;

Feedback gathered through the exhibition period will be used to inform Council when finalising the IP&R suite of documents, which will be presented to Council for adoption in June 2020.

The ways in which Council will engage with the community during the public exhibition period are described in Table 1 and align to Councils Engagement Policy.

For this engagement, it has been deemed appropriate to inform and consult with the community using a variety of methods as detailed in table 1.

Table 1

Engagement Level	Method	Purpose
Inform <i>To provide stakeholders with balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions.</i>	Fact sheets	Provide information on the process, draft information and ways in which the community can provide feedback
	Community newsletter	Article included to inform the community of the process and engagement activities taking place
	Communications: <ul style="list-style-type: none"> • Media releases • E news • Social media • PMHC Website • Exhibition in Council offices and libraries • Staff notification including GM Message 	Inform wider community of, process exhibition and opportunities to have a say.
Consult	Draft documents to view	The draft suite of documents will be available to view and

Engagement Level	Method	Purpose
<i>To obtain stakeholder feedback on analysis alternatives and/or decisions. To work directly with stakeholders throughout the process to ensure that the stakeholders' concerns are consistently understood and considered.</i>		make a submission at the Council offices and Libraries.
	Online forum	Council's 'Have Your Say' website will have a dedicated discussion page to provide information, view the draft documents and the opportunity for the community to lodge a submission.
	Information Kiosk/Pop ups	Information stands will take place across the region throughout late March to mid April 2019 to provide the community with the opportunity to view the draft documents ask questions and make a submission.

The public exhibition period is 19 March to 17 April 2020. All submissions received during this period will be acknowledged, considered and reviewed in a workshop with Councillors.

All community members that made a submission will receive a response, following the June 2020 Council meeting.

Internal consultation has taken place with:

- Councillors;
- Executive; and
- Group Managers

Submissions received through the consultation period, will be discussed with Councillors prior to final documentation being prepared for consideration at the June 2020 Ordinary Meeting of Council.

Planning and Policy Implications

This report is aligned with Council's obligations under the NSW Integrated Planning and Reporting Framework legislative requirements.

Financial and Economic Implications

The Resourcing Strategy, Revenue Policy and Fees and Charges documents contain a detailed explanation of the financial implications associated with the 2020-2021 Operational Plan.

In summary, the 2020-2021 budget forecasts a shortfall position of \$964k as shown in Table 2.

Table 2

Budget Summary Table Surplus/(Shortfall)	
	2020 - 2021 Draft Budget \$'000
Operating Budget	
Operating Income	193,858 ^
Developer Provided Asset Contributions	6,500 ^
Operating Expenses (excl. Interest Expense, Depreciation, Loss on Disposal of Assets)	(114,148) *
Interest Expense	(2,563) *
Net Operating Budget	83,647
Capital Items	
Net transfers from reserves	(2,795)
Purchase of Assets	(64,718) *
Developer Provided Assets	(6,500) *
Loan Principal Repayments	(10,598) *
Net Capital Result	(84,611)
Budget Result surplus/(shortfall)	(964)

Excluding depreciation and loss on disposal of assets the total expenditure is \$198.5m which includes the items in Table 2 marked with an *. These are:

- \$114.1m operational costs
- \$2.6m interest expense
- \$64.7m in capital works
- \$6.5m in developer provided assets
- \$10.6m in loan repayments

Total projected income is \$200.4m consisting of items in Table 2 marked with an ^. These are:

- \$193.9m in operating income
- \$6.5m in developer provided asset contributions

Whilst there is a shortfall of \$964k, the budget is considered representative of key priorities across the LGA and will facilitate a number of key works. The position is deemed to be manageable, however ongoing financial diligence will need to occur and be reported to Council to address this position through savings or other measures over the financial year.

In addition to a budget shortfall position of \$964k, the 2020-2021 budget forecasts an operating surplus of \$5,514k on a consolidated basis and an operating deficit of \$7,310k for Council's general fund. Whilst the consolidated operating result is

strong, the general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

- a number of new and/or non-recurrent expenditures which have been prioritised and included in the draft budget to meet longer term strategic goals. Although contributing to a negative operating result in 2020-2021, these items may be one-off in nature and generally will not impact the operating result going forward. These include planning for the Health & Education Precinct, actions coming from Community Plans, Yippen Creek planning investigations, and Greater Port Macquarie Brand Review;
- cyclical expenditure items which are forecast to occur in 2020-2021, which however do not impact every financial year, such as the Local Government election costs;
- impact of cost shifting from other levels of government. In 2018-2019, the impact was estimated to be \$16.3m, noting that there may be other impacts which cannot be fully quantified at this stage. Cost shifting impacts Council's available funds to deliver quality services and infrastructure, and its operating performance. It represents a significant financial impost on Council and highlights a significant level of funding which could otherwise be utilised on, for example, service delivery, new infrastructure works, increased maintenance / asset renewal expenditure, and/or improve Council's operating position. Included as an attachment to this report is a copy of the 'Financial Impact of Cost Shifting from Other Levels of Government' report presented to Council in November 2019, which outlines in detail the impacts of cost shifting on Council. As a standalone item, without the impact of cost shifting, the operating performance ratio for General Fund would be well and truly met.

Although a negative operating result is manageable in the short-term in light of the above factors and in light of Council's overall financial position, the importance of ensuring Council's ongoing financial sustainability is recognised. On this basis, Council will continue to focus on improving the general fund operating result, with the following focus areas noted:

- focus on Council's integrated planning and reporting to drive the operational plan. Throughout the course of 2020-2021, Council will engage with the community to understand our future vision and the expectations of our changing community, to develop the new 10-year Community Strategic Plan (CSP). The CSP is the highest level plan that Council prepares and identifies the community's priorities and aspirations for the future and plans strategies for achieving those goals. The completion of the CSP and understanding the community's needs and priorities in relation to service levels and delivery will help drive the delivery programs and operational plans of the coming periods;
- continued focus on ensuring Council's fees and charges structure is appropriate;
- continued review of depreciation and appropriateness of underlying assumptions.

It should be noted that the 2020-2021 draft budget includes grant funding from the Federal Government in the form of a Financial Assistance Grant, (\$9.4m). The budget has assumed a small uplift from the 2019-2020 levels. Any reduction to this funding could impact upon Council's ability to deliver services.

It should also be noted that the Federal Government has in recent years made advance payments of the annual allocation of the Financial Assistance Grant. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2020-2021 draft revenue budget in effect includes the second half of the 2020-2021 annual allocation and the first half of the 2021-2022 annual allocation (assuming the latter, which will be held in restricted cash until 2021-2022, is paid in advance). Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2020-2021 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

As part of the development of the 2020-2021 Operational Plan, a significant review of both the 2019-2020 and proposed 2020-2021 works programs has been conducted, with a focus on deliverability and maximising reserve funding where possible. This has included a detailed review of the phasing of expenditure in relation to multi-year projects and has identified a number of projects which will be delivered over a number of years. Where this occurs, only the portions of expenditure which relate to 2020-2021 have been included in the draft works program. The expenditure relating to subsequent years has been reallocated to those years in order to better align projected expenditure with the timing of works. The above approach has been designed to ensure that the proposed capital works program is achievable and realistic.






In addition, at the October 2019 Ordinary Council meeting, Council resolved to prioritise a number of projects for planning and design, and consider funding the projects through loan borrowings up to \$25m in the draft 2020-2021 operational plan and in the review of the long term financial plan. The following table details the proposed expenditure on these projects based on forecast deliverability in line with Council's project management framework:

Item	Funded by Borrowings (\$'000)	Proposed Expenditure (\$'000)				
		19/20	20/21	21/22	22/23	23/24
Upgrade of Boundary Street	15,000	20	1,000	300	10,000	4,680
Bril Bril Road, Rollands Plains	6,000	32	450	280	4,000	1,238
"Schools to Schools" project	900	20	300	580	-	-
"Beach 2 Beach" project	900	162	600	256	-	-
Lake Innes Lake Cathie Estuarine System	1,000	148	To be confirmed (Refer below)			

In relation to the status of funding for Lakes Innes Lake Cathie Estuarine System, the following is noted:

- \$148k Council funding: these funds have been allocated from the \$2.4m first tranche of the above borrowings. They reflect Council's 50% contribution to undertake studies into the Lake Cathie Lake Innes Estuarine System to support the development of the Coastal Management Program for the system and any Review of Environmental Factors (REF) that may be required to address concerns with the with the Lake including opening Lake Cathie. Expenditure of these funds are pending receipt of the other 50% from the Department of Planning, Industry and Environment, (DPIE).
- Status of the grant application for the 50% funding from DPIE: Council submitted a funding request to the DPIE on 19 November 2019 for \$147,500, being the NSW Government contribution to undertake studies into the Lake Cathie Lake Innes Estuarine System to support the development of the Coastal Management Program for the system and any Review of Environmental Factors (REF) that may be required to address concerns with the with the Lake including opening Lake Cathie. Council is still awaiting advice from DPIE regarding the outcome of this request.

Attachments

1.  Draft Delivery Program 2017-2021 (Revised 2020) and Draft Operational Plan 2020-2021
2.  Draft Fees and Charges 2020-2021
3.  Draft Revenue Policy 2020-2021
4.  Draft Rating Maps 2020-2021
5.  Financial Impact of Cost Shifting from Other Levels of Government Report to Council

Item: 10.09

Subject: POLICY REVIEW - INVESTMENT POLICY

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Place on public exhibition from 25 March 2020 until 21 April 2020 (28 days), the revised Investment Policy.**
- 2. Note that a further report will be tabled at the May 2020 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The Investment Policy has been reviewed for consideration by Council in line with requirements to review on an annual basis. This report details changes arising from that review.

Discussion

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

As such a review of the Investment Policy has been conducted. Refer Attachment 1 for the current approved Investment Policy and Attachment 2 for the Revised Investment Policy.

The review of the investment policy has resulted in some minor changes as follows:

- Portfolio exposure: changed BBB rating to 35% (from 30%) and Unrated rating to 5% (from 10%);
- Maturity requirement: changed 1 to 3 years from 60% to 70%;
- Maturity requirement: changed >5.5 years from 20% to 10%.

In addition to the above, the Audit, Risk & Improvement Committee resolved the following at their most recent meeting held on 13 February 2020:

11 INVESTMENT ISSUES RAISED IN PUBLIC ADDRESS TO COUNCIL

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

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

RESOLVED: *Parkinson/O'Rourke*

That the Committee:

1. *Note the information contained in this report.*
2. *Request management give consideration to including the below clause in the Investment Policy:*
"Subject to consideration of the Risk Management Guidelines in this policy, preference is to be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if:
 - *The investment is compliant with Council's Investment Policy; and*
 - *The investment rate of interest is equivalent to or more favourable to Council relative to other similar investments that may be on offer to Council at the time of the investment."*

CARRIED: 5/0

FOR: *Hawkins, Intemann, Marchant, O'Rourke and Parkinson*

AGAINST: Nil

In relation to resolution 2 above, a new section 'Environmentally and Socially Responsible Investments' has been included in the revised Investment Policy, which will cover a range of investments, including those which relate to the fossil fuel industry.

Options

Council has the option to not adopt the revised Investment Policy for exhibition.

Community Engagement and Internal Consultation

Consultation has occurred with:

- Relevant Finance staff;
- Imperium Markets;
- The Executive;
- The Audit, Risk and Improvement Committee (13 February 2020)



Planning and Policy Implications

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

Financial and Economic Implications

The Investment Policy frameworks and requirements can positively impact returns through its regulation of investments.

Attachments

1.  Current Approved Investment Policy
2.  Revised Investment Policy

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01**Subject: NOTICE OF MOTION - ADULT CHANGE TABLE FACILITIES ALONG
NSW HIGHWAYS**

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

RECOMMENDATION

That Council request the General Manager write to:

- 1. The NSW Minister for Families, Communities and Disability Services – the Hon Gareth Ward;**
 - 2. The NSW Minister for Transport and Roads – Hon Andrew Constance;**
 - 3. The NSW Shadow Minister for Disability Inclusion – Hon Penny Sharpe;**
- to call upon the NSW Government to provide adult change table facilities along NSW highways.**

Comments by Councillor (if provided)

In 2019, Port Macquarie Hastings Council, with the help with a State Government grant, installed a new toilet block in the Short Street Plaza Car Park in Port Macquarie. This facility in Port Macquarie has an accessible toilet block. It includes two accessible (wheelchair friendly) toilets that are open 24/7. A third toilet is a 'Changing Places' toilet and caters for multiple accessibility requirements, and includes an overhead gantry hoist, wheelchair friendly toilet and hand basin, and a height adjustable adult change table. An MLAK key is required to use the "Changing Places" toilet.

The benefits of this is that those in our community who need ready access these facilities are more able to be out in Port Macquarie. It is hoped that we will have the opportunity to install similar facilities in the Camden Haven and in Wauchope in years to come.

It is also important to ensure that community members have the same access to facilities as they travel around NSW, and that those from other communities are able to travel to our community.

Attachments

Nil

Item: 11.02

Subject: POLICY REVIEW - DRAFT PUBLIC ART POLICY - POST PUBLIC EXHIBITION

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.5.1 Support cultural activities within the community.

RECOMMENDATION

That Council:

- 1. Adopt the Public Art Policy as attached to the report.**
- 2. Advise those people who made a submission during the development of the Public Art Policy of the outcome.**
- 3. Rescind the Art in Public Places Policy - 2010.**

Executive Summary

At the Ordinary Council Meeting held on 11 December 2019, Council resolved to place the Draft Public Art Policy on public exhibition (Attachment 1).

The Policy was subsequently placed on public exhibition from 12 December 2019 to 20 February 2020. During the exhibition period, three submissions were received providing an array of comment relating to public art, but expressing broad support of the proposed draft Policy. The draft Public Art Policy has been reviewed in light of the submissions received and it is proposed that it be adopted without any further amendment.

Discussion

At the Ordinary Council meeting held on Wednesday 11 December 2019, Council resolved as follows:

11.01 DRAFT PUBLIC ART POLICY

That Council:

- 1. Note the draft Public Art Policy.*
- 2. Place the draft Public Art Policy on public exhibition from 13 December 2019 until 21 February 2020.*
- 3. Note that a further report will be tabled at the March 2020 meeting of Council, detailing the submissions received from the public during the exhibition period.*

CARRIED: 7/0

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

AGAINST: Nil

The Draft Public Art Policy seeks to provide the framework for program parameters, decision-making, funding, procurement and management for public art throughout the Port Macquarie-Hastings region.

This Policy will supersede Council's *Art In Public Places Policy 2010* (refer Attachment 2).

Public Exhibition

The public exhibition period is now complete. During the exhibition period, there were 69 visits to Council's engagement website page. There were 21 documents downloaded or viewed, with three submissions received, in support of the proposed Policy (see attached).

Options

Council has the option to adopt the Public Art Policy identified within this report or seek further information.

Community Engagement and Internal Consultation

The draft Policy that is the subject of this report was available for public comment from 12 December 2019 to 20 February 2020 (70 days). During this period, three submissions were received.

Submission Kathryn Butler		Issue
1.		<ul style="list-style-type: none"> - Advocates for a sculpture on Flynn's Beach commemorating those lost on our beaches due to rips and changing surf conditions as a reminder to all beachgoers to watch out for rips and watch out for each other.
	Response/ Comment:	Noted. As mentioned in the Policy, new public art guidelines and a masterplan will support further consideration of individual requests for public art in the future.
Submission Todd Bourke		Issue
2.		<ul style="list-style-type: none"> - Supportive of the cultural and innovative approach to the draft policy. - Encourages Council to collaborate with artists, businesses and public spaces to create forms of art as discussed throughout the policy.

		- Advocates for more mural art in public spaces.
	Response/ Comment:	Noted. Thank you for taking the time to review the draft policy and providing a submission. You will have noted that one of the objectives of the Public Art Policy is to encourage local artists and creative industry participation in public art projects.
Submission Arts Mid North Coast - Kevin Williams		Issue
3.		<ul style="list-style-type: none"> - Asks Council to apply best practice in commissioning and managing art in public space, in accordance with the National Association of Visual Arts (NAVA) Code of Practice and key principles of best practice processes: <ul style="list-style-type: none"> • First Nations first. • Respect for the expertise and rights of artists. • Fairness.
	Response/ Comment:	Noted. As identified in your submission the Public Art Guidelines will provide more detail in this regard.
		- That artists are remunerated fairly for design concepts and artists fees are in line with NAVA's Code of Practice.
	Response/ Comment:	Noted. As identified in your submission the Public Art Guidelines will provide more detail in this regard.
		- Maintenance budgets should be considered at the beginning of the commission process.
	Response/ Comment:	Noted. The Public Art Policy identifies a range of avenues to source funding, not all of these are specific to Council. In developing the Public Art guidelines, additional consideration and

		detail will be provided around procurement, management and maintenance.
		<ul style="list-style-type: none"> - That PMHC contracts are fair and recognise artist's inherent moral rights and make use of the contract developed by the Arts Law Centre. Arts Mid North Coast also encourages artists commissioned by Councils to make use of this contract.
	Response/Comment:	Noted and happy to consider but does not form part of the Policy itself.
		<ul style="list-style-type: none"> - That commissions awarded to urban design consultancies encourage community consultation with First Nations people, artists and wider community and the engagement of local artists on the project.
	Response/Comment:	Noted, we are supportive of this approach.

Copies of the submissions will be provided to Councillors under separate cover.

Planning and Policy Implications



Should this policy be adopted it will supersede the Art in Public Places Policy 2010.

Financial and Economic Implications

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

The level of investment in public art and the ongoing maintenance costs associated with any new pieces will however need to be considered in line with the policy if adopted.

Attachments

1.  Draft Public Art Policy
2.  Art in Public Places Policy - 2010

Item: 11.03

Subject: LAKE CATHIE AND TELEGRAPH POINT AND SURROUNDS
COMMUNITY PLAN

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.3.1 Ensure access to community facilities and activities; including access to natural environment.

RECOMMENDATION

That Council:

1. **Endorse the Community Plans for the following two communities:**
 - a) **Lake Cathie.**
 - b) **Telegraph Point and Surrounds.**
2. **Note the goals and actions identified for each of the communities as outlined in the Community Plans, for consideration in future Operational Plans.**

Executive Summary

Port Macquarie-Hastings Council (PMHC) initiated the Community Planning process in mid-2018 with a clear mandate to work collaboratively with our communities to develop and deliver community plans with a focus on improving the liveability, service provision and economic development for towns and villages across the Local Government Area (LGA).

The Community Plans are designed to identify each community's vision, priorities and actions to achieve positive change, whilst recognising the unique qualities of each community and the challenges posed by significant forecast growth. The Plans will enable Council to better assess these priorities across the entire LGA and assist communities to deliver projects that they have identified as priorities for their community.

The Bonny Hills Community Plan was the first to be endorsed by Council at the October 2019 Council meeting. The Community Plans for the two communities of Lake Cathie and Telegraph Point and Surrounds have now been completed as a result of extensive consultation with the relevant communities and development of the Plans with Community-Council Action Teams for each area and follows further feedback from the communities on the draft Community Plans

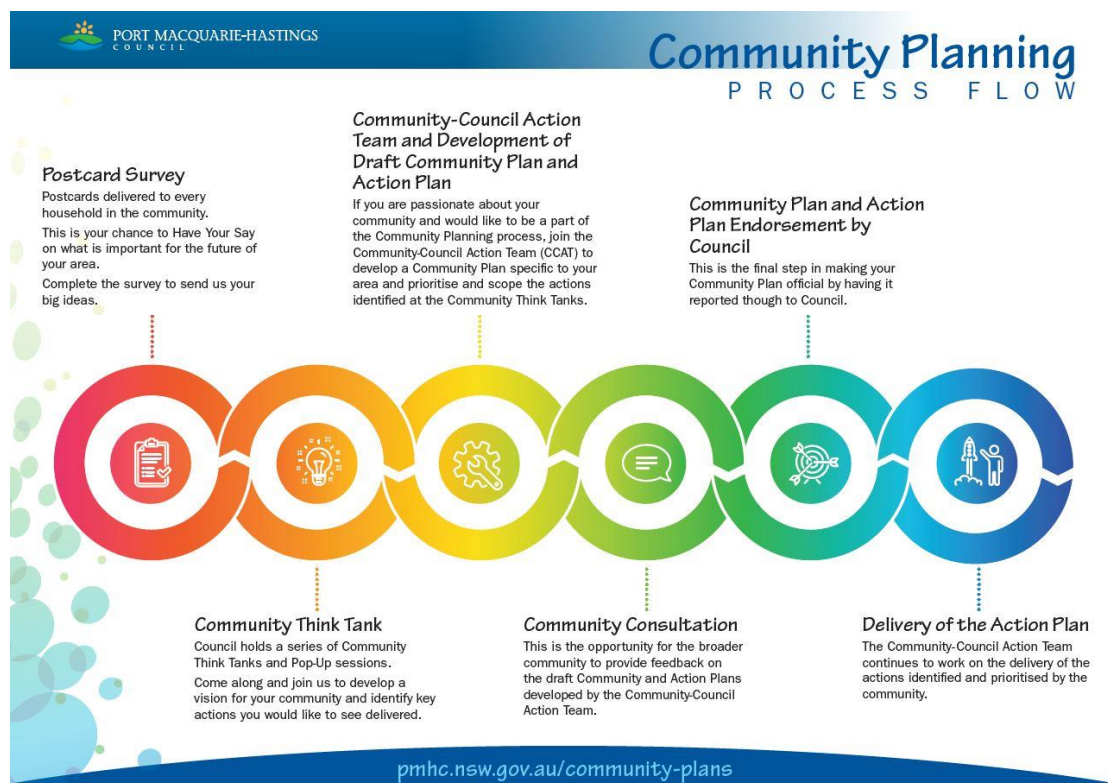
Discussion

As outlined in previous reports to Council regarding Community Planning, Community Plans are a concept of community-based strategic visioning and capacity building that are designed to:

- capture the priorities a community has identified as important to their strong and sustainable future;
- promote sustainable communities and neighbourhoods;
- better align community projects and vision with Council's planning and processes.

Council's Engagement team have been working with communities across the LGA to develop community plans that will help inform Council's future Operational Plans and provide input into key planning documents, for example the soon to be developed Local Strategic Planning Statement and Community Strategic Plan.

The two plans presented in this report have been developed using Council's Community Planning Process outlined in the diagram below. Endorsement of the Plans by Council is a key step in the process of turning the identified actions into reality with Council and the communities working together to achieve the communities' visions.



Options

Council can resolve in line with the recommendation included in this report or request additional information.

Community Engagement and Internal Consultation

Each of the Community Plans put forward for endorsement have been developed following extensive community consultation as outlined in the Community Planning process (shown above).

Feedback on the draft plans developed by the Community-Council Action Teams (CCATS) has been sought from each of the communities during an extended public exhibition period from October 2019 - January 2020 (extended due to the recent fires in the region).

Lake Cathie - on exhibition 20 October 2019 - 12 January

HYS Visitors - 51

Downloads of Plan - 60

Submissions Received - 4

Below is a summary of the submissions received during the public exhibition period. Whole submissions are attached for review by Councillors under a separate cover.

Submission		Issue
1.	Geoff McNeil	Mr McNeil's 9 page submission contained detailed feedback on numerous Action items. The feedback was reviewed and considered for inclusion by the CCAT. Whole submission is provided as an attachment.
	Response/ Comment:	Community Planning staff met with Mr McNeil to discuss his submission. Mr McNeil is now a CCAT member and was present at the meeting where his submission was discussed..
Submission		Issue
2.	Jollybob (via Have Your Say)	1. Remove invasive weeds or trees from shoreline. 2. Protect the roots of Norfolk Pine trees where bank erosion has exposed roots. 3. Fill in area east of Bundella Ave to provide safer parking area. 4. Provide footpaths that is suitable for disabled persons so that these persons do not walk on roads to get around. 5. Dredge out the estuary/ lake west of the bridge to provided better water flow when the estuary is open.

		<p>6. Set aside land for future emergency service such as Police and Ambulance.</p> <p>7. Provide shade over the new playground.</p> <p>8. Allow dogs to be lease free on the beach in restricted hours, i.e. Not permitted on beach between 9.00am to 5.00pm or during school holidays. (Council should be more flexible like a lot of South Coast Local Government Areas). There are no lease free areas close to the built up areas for older persons to exercise dogs.</p> <p>9. Provide a larger parking area at Foreshore Reserve.</p> <p>10. Upgrade Ocean Drive and drainage urgently.</p>
	Response/Comment:	Jollybob's feedback was reviewed and considered for inclusion by the CCAT and changes made where agreed upon.
Submission		Issue
3.	Patricia Cooper	Ms Cooper's submission contained detailed feedback on numerous Action items. The feedback was reviewed and considered for inclusion by the CCAT. Whole submission is provided as an attachment.
	Response/Comment:	Ms Coopers feedback was reviewed and considered for inclusion by the CCAT and changes made where agreed upon.
Submission		Issue
4.	Jomar (via Have Your Say)	Jomar's submission contained detailed feedback on numerous Action items. The feedback was reviewed and considered for inclusion by the CCAT. Whole submission is provided as an attachment.
	Response/Comment:	Jomar's feedback was reviewed and considered for inclusion by the CCAT and changes made where agreed upon.

The order of Actions were reordered to reflect the original prioritising by the community through the Think Tank sessions and broader community engagement.

The following Actions were included as a result of feedback -

ACTION 1.7:

Advocate for the continued maintenance of existing fire trails and for an extended buffer zone between homes in Lakeside Woods Estate and the surrounding bushland.

ACTION 1.8:

Advocate for Emergency Services including Ambulance, RFS and SES to be located in the Lake Cathie/Bonny Hills region.

ACTION 1.9:

CCAT members to work with relevant stakeholders to develop a Lake Cathie Community Action and Emergency Evacuation Plan.

Telegraph Point and Surrounds - on exhibition 20 October 2019 - 12 January

HYS Visitors - 106

Downloads of Plan - 169

Submissions Received - 4 Following is a summary of the submissions received during the public exhibition period. Whole submissions are attached for review by Councillors under a separate cover.

Submission		Issue
1.	K Graham	Very concerned about dust and noise generated by the increased traffic from the Gum Scrub timber mill. The mill has grown and the roads are suffering - why was Ballangarra-Bransdon Road and Old Kempsey Road not being sealed when the mill extended their operating hours in 2005?
	Response/Comment:	K Grahams feedback was reviewed and considered for inclusion by the CCAT. Rural roads will be considered as part of Council's Regional Integrated Transport Strategy.
Submission		Issue
2.	Dianne Cook	<ol style="list-style-type: none"> 1. If a play gym for children was to be installed at Log Wharf Reserve, would it be repaired or replaced after subsequent floods considering said reserve has a history of flooding? However, I agree the town does need better, and more, play areas for children. 2. What types of artworks would be considered as part of this plan? Many types of sculptures/ artworks etc. would not be keeping with the ambiance of the locale.

		Whole submission is provided as an attachment.
	Response/ Comment:	K Grahams feedback was reviewed and considered for inclusion by the CCAT. These issues would be considered in the detailed design of any new facilities that are put in place.
Submission		Issue
3.	Michelle Richards	<p>The overall plan lists a lot of (great) things! I hope Council focuses on a few substantive actions rather than just ticking some of the easier things off the list to make it look like something is happening.</p> <p>I would like to see Goal 2 Action 1 : 'Develop a Masterplan for Log Wharf Reserve' prioritised with creating spaces for the whole community to enjoy together with playground, covered picnic areas, exercise equipment, bike track etc. The current playground facilities out here are beyond poor. I believe any of the goals that provide increased opportunities for community gathering and enjoying our environment (like hall improvements or safe public spaces) should be a priority.</p> <p>Whole submission is provided as an attachment.</p>
	Response/ Comment:	Submission noted regarding request for prioritisation of community spaces.
Submission		Issue
4.	Dan Cook	<p>A decent playground for the kids ... I know we don't have as many as say Ascot Park but the difference between the two is staggering ... Better road maintenance including slashing (not just before elections) Better signage/ social media for ALL businesses that have experienced a downturn since the bypass... more upkeep on local camp grounds like Kippara, Copperbald, etc instead of closing them.</p>
	Response/ Comment:	Dan Cook's feedback was reviewed and considered for inclusion by the CCAT and changes made where agreed upon.

The CCAT reviewed submissions received and made no major changes. The CCAT deemed the feedback as commentary on existing Actions for this plan.

Planning and Policy Implications



Outcomes from the Lake Cathie and Telegraph Point and Surrounds Community Plans will need to be considered for inclusion in future Delivery & Operational Plans through the inclusion in draft plans exhibited or via submissions and support to Community Plan projects from the Lake Cathie and Telegraph Point and Surrounds CCAT or community members.

Financial and Economic Implications

No funding to-date has been allocated to deliver the actions identified in the Community Plans.

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

Attachments

1.  Lake Cathie Community Plan
2.  Telegraph Point & Surrounds Community Plan

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: EVENT SPONSORSHIP PROGRAM ROUND 2, 2020

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2, 2020 in the total amount of \$20,000 to:

Event Name, Organiser & Ranking	Sponsorship \$ Recommended
1. Moto Fest Wauchope (Motorcycle Friendly Town Wauchope)	\$4,000
2. Surf 'n' Country (Rob Turner & Simon Luke)	\$4,000
3. Elephant Trail Race (Matthew Williams)	\$4,000
4. Gardenista (Creative Comboyne)	\$4,000
5. King of the Mountain (Camden Haven Surf Lifesaving Club)	\$2,000
6. David 'Goose' Gosby Memorial (Port Macquarie Bodyboarding Association)	\$2,000
Total allocated this round	\$20,000

Executive Summary

Round 2 of funding for 2020 under Council's Event Sponsorship Program opened in December 2019 and closed in February 2020. This round of funding was open to events being held in the second half of 2020. Eight eligible applications were received with one event receiving support under the program previously (in 2018 and 2019 Elephant Trail Race and in 2015 and 2016 King of the Mountain). One event has received previous Council support through the community grants program, (2019 Moto Fest Wauchope). Three organisers have received funding for different events in this program (Port Macquarie Bodyboarding Association, Rock Trail Entertainment Pty Ltd and Hello Koalas Sculpture Trail).

The panel members were unanimous in their agreement that six events were worthy recipients of the funding, with each being awarded less than the maximum \$5,000 amount, noting the available budget of \$20,000 for this Round.

Discussion

Event Sponsorship Program applicants are required to demonstrate that the proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to major event status with a significant economic impact. Typically, there are four grants consisting of \$5,000 allocations on offer per round, with \$40,000 allocated to the Program per year. Council has the discretion to offer less than \$5,000 per recipient, with the opportunity to allocate to a larger number of applicants per round. A maximum of three re-occurring allocations to any one event can be made under this program.

Applicants are also required to detail how the grant will be spent, with the proposed spending required to be allocated toward marketing activities that assist in attracting out of region visitors.

As per previous rounds, an internal review panel assessed applications. The individual panellists completed a matrix containing the established program criteria, and weightings (see Table 1). The panel then met to discuss each application and make a final assessment. Criteria and weightings are as follows (with 1 being the lowest and 5 being the highest), applicants are then ranked and funds allocated. 65% is payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data and proven marketing).

A summary of the panel's assessment of each applicant is detailed in confidential **Attachment 1**.

Table 1- Program Criteria & Weightings

Criteria	Weighting
Potential to become a major event & attract significant visitor nights	5
Unique to the region/Mid North Coast	3
Financial sustainability	4
Substantial economic impact (or potential for)	3
Event organiser experience & resourcing	3
Off-peak or shoulder season placement	5
Robust marketing plan	4
Community Benefit	3

Since the sponsorship program's inception in 2015, 47 allocations of sponsorship totalling \$183,500 to the following events (refer Attachment 2 for full detail of sponsorship distribution to date).

Options

Council can endorse the final assessment of the internal review panel, which is to grant the following amounts (in ranked order):

Event Name, Organiser & Ranking	Sponsorship \$ Recommended
1. Moto Fest Wauchope (Motorcycle Friendly Town Wauchope)	\$4,000
2. Surf 'n' Country (Rob Turner & Simon Luke)	\$4,000
3. Elephant Trail Race (Matthew Williams)	\$4,000
4. Gardenista (Creative Comboyne)	\$4,000
5. King of the Mountain (Camden Haven Surf Lifesaving Club)	\$2,000
6. David 'Goose' Gosby Memorial (Port Macquarie Bodyboarding Association)	\$2,000
Total allocated this round	\$20,000

OR

Council may decide not to endorse the final assessment of the internal review panel. This will result in the further options of either not expending any of the allocated budget for this round of funding or re-opening this round of funding and calling for new applications.

Community Engagement and Internal Consultation

No external community engagement occurred as part of the assessment process.

Internal consultation included:

Council's Executive Group
Group Manager Economic & Cultural Development
Major Events Manager

Internal Review Panel:

Group Manager Community Place
Major Events Manager
Project Officer - Events
Project Officer - Destination & Culture
Project Officer - Waste

Planning and Policy Implications



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

Financial and Economic Implications

Since February 2015, Council has allocated \$183,500 to the Event Sponsorship Program with an economic impact of approximately \$12.5 million being realised (based on increased visitor nights as a direct result of these events). Under the 2020/21 budget, Council has allocated \$40,000 divided between two contestable funding rounds for the Event Sponsorship Program. Should Council

choose to adopt Option 1 from this report, \$20,000 will be allocated from this budget to the six events recommended.

Attachments

1.  Attachment A - Event Sponsorship Program Evaluation Summary - Round 2 2020
2.  Attachment B - History of allocations under the Event Sponsorship Program

Item: 12.02

Subject: PROPOSED POSTPONEMENT OF VISIT TO HANDA, JAPAN

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.5.1 Support cultural activities within the community.

RECOMMENDATION

That Council postpone the planned April 2020 visit to Handa, Japan, for the 30th Anniversary of the Sister City relationship, due to the international spread of the Covid-19 (Coronavirus).

Executive Summary

At the 19 February 2020 Council meeting it was resolved that the Mayor and up to two Councillors visit Handa, Japan, for the 30th Anniversary of the Sister City relationship between Handa and Port Macquarie. Given the international spread of Covid-19 (Coronavirus) and following consultation and communication with Handa City, it is now recommended that the visit be postponed. Council staff will continue to liaise with Handa City and Handa International Association staff on the potential future timing of the visit to Handa and reciprocal visit by Handa officials to Port Macquarie.

Discussion

At the 19 February 2020 Ordinary Council meeting, it was resolved:

11.04 30TH ANNIVERSARY OF SISTER CITY RELATIONSHIP BETWEEN PORT MACQUARIE-HASTINGS COUNCIL AND HANDA CITY COUNCIL - VISIT TO JAPAN 2020

RESOLVED: Turner/Intemann

That Council:

- 1. Note the January discussions with Handa Sister City Working Group and stakeholders regarding the value, cost and future direction of the Sister City relationship with Handa.*
- 2. Note that up to six Council delegates have been invited to Handa to attend the 30th Anniversary celebrations of the Sister City Relationship between Port Macquarie-Hastings Council and Handa City Council, Japan from 17-21 April 2020. 3. Grant approval for the Mayor, Peta Pinson, to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.*
- 3. Additionally, grant approval for up to two (2) other Councillors to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, with 50% of the expenses related to*

this trip to be covered by Council via the Councillor Conference Budget and the balance to be self-funded by the Councillors.

4. *Grant approval for Mr Bruce Hardy and Mrs Patricia Johnson to travel to visit Handa, Japan from 17-21 April 2020 to represent Council and attend the 30th Anniversary Sister City relationship events, expenses related to this trip are to be covered by Mr Hardy and Mrs Johnson.*
5. *Agree that the Mayor extend an invitation to the Mayor of Handa for a reciprocal visit to Port Macquarie, also in 2020.*
6. *Thank the long standing work by the members of the Handa Sister City Working Group.*

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

As per resolution points 2-4 above, Council agreed a Port Macquarie-Hastings delegation visit Handa from 17-21 April 2020 for the purpose of celebration the 30th Anniversary of our Sister City relationship.

As at 8 March 2020, the Australian Department of Foreign Affairs and Trade have recommended travellers 'Exercise a high degree of caution in Japan overall due to heightened risk of sustained local transmission of Covid-19 (Coronavirus). Recent consultation with Handa City officials also indicated support for postponing the visit. Noting the risk and Handa City's concurrence, it is recommended that the visit be postponed.

Council staff will continue to liaise with Handa City and Handa International Association staff on the potential future timing of the visit to Handa and reciprocal visit by Handa officials to Port Macquarie.

Options

Council may choose to agree with the recommendation and postpone the proposed visit. Council may opt to proceed with the visit or cancel, however, in light of the on-going changes to the Covid-19 risk internationally, these options are not recommended.

Community Engagement and Internal Consultation

The proposed postponement of the visit has been discussed with Handa Working Group members who are supportive of the recommendation.

Planning and Policy Implications

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

Financial and Economic Implications

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

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



Item: 13.01

Subject: NOTICE OF MOTION - OXLEY HIGHWAY GATEWAY SCULPTURE

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

RECOMMENDATION

That Council request the General Manager table a report at the April 2020 Ordinary Council Meeting advising on the history of the Oxley Highway Gateway Sculpture.

Comments by Mayor (if provided)

I have received a few enquiries from residents regarding the sculpture at the gateway roundabout to our Local Government Area and whether the sculpture is symbolic of our region.

A report on the background and history to the sculpture is requested.

Attachments

Nil

Item: 13.02

**Subject: RESPONSE TO NOTICE OF MOTION - OCEAN TIDAL POOL IN
PORT MACQUARIE**

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 note the information contained in the Response to Notice of Motion - Ocean Tidal Pool in Port Macquarie Report.

Executive Summary

This report outlines the Department of Planning, Industry and Environment (DPIE) position regarding the construction of new ocean tidal pools and the information required for consideration of landowner's consent relating to the proposal to establish an ocean tidal pool in Port Macquarie.

Discussion

This report is provided in regard to the following Notice of Motion from the February 2020 Ordinary Council Meeting:

13.01 NOTICE OF MOTION - OCEAN TIDAL POOL IN PORT MACQUARIE

That Council:

1. *Note the full resolution of Council of 16 May 2018:*

RESOLVED: Turner/Cusato

That Council alter the "12.02 – Notice of Motion – Request for Ocean Tidal Pool in Port Macquarie" adopted at the April 2018 Ordinary Council meeting to:

That Council:

1. *Note the 2016 petition for an ocean tidal pool in Port Macquarie resubmitted to the Mayor by the Port Macquarie Tidal Pool Committee Incorporated.*
2. *Note the petition received by the Mayor from Jenny Broughton in March 2018 in favour of an ocean tidal pool in Port Macquarie.*
3. *Note that an ocean tidal pool in Port Macquarie is not a priority for Council.*
4. *Request the two petitions be considered by Council as public submissions to the 2018-19 Operational Plan.*
5. *Encourage the Port Macquarie Tidal Pool Committee Incorporated to make any future requests, submissions and grant applications through*

Council's recognised engagement processes to ensure that the competing priorities of all volunteer and community groups in our area receive appropriate and equal consideration by Council.

6. *Noting that as any development of an Ocean Tidal Pool would require consent from the landowner (in this case the Crown) as part of any future Development Application, request the General Manager seek advice from the Department of Industry Crown Lands as to the Crown's position regarding the construction of new ocean tidal pools and what information the Crown would require in order to be able to consider giving land owner's consent to such a proposal being lodged.*

CARRIED: 6/3

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

AGAINST: Alley, Griffiths and Pinson

2. Request the General Manager advise whether the Department of Industry Crown Lands has advised Council as to the Crown's position regarding the construction of new ocean tidal pools and the information required for consideration of landowner's consent, as per Council's resolution from May 2018.

CARRIED: 8/0

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

AGAINST: Nil

This current Notice of Motion follows Council's consideration of a previous Notice of Motion at its May 2018 Council meeting where Council resolved as follows:

12.01 NOTICE OF ALTERATION OF A MOTION - PETITION - REQUEST FOR OCEAN TIDAL POOL IN PORT MACQUARIE

That Council alter the "12.02 – Notice of Motion – Request for Ocean Tidal Pool in Port Macquarie" adopted at the April 2018 Ordinary Council meeting to:

That Council:

1. *Note the 2016 petition for an ocean tidal pool in Port Macquarie resubmitted to the Mayor by the Port Macquarie Tidal Pool Committee Incorporated.*
2. *Note the petition received by the Mayor from Jenny Broughton in March 2018 in favour of an ocean tidal pool in Port Macquarie.*
3. *Note that an ocean tidal pool in Port Macquarie is not a priority for Council.*
4. *Request the two petitions be considered by Council as public submissions to the 2018-19 Operational Plan.*
5. *Encourage the Port Macquarie Tidal Pool Committee Incorporated to make any future requests, submissions and grant applications through Council's recognised engagement processes to ensure that the competing priorities of all volunteer and community groups in our area receive appropriate and equal consideration by Council.*
6. *Noting that as any development of an Ocean Tidal Pool would require consent from the landowner (in this case the Crown) as part of any future Development Application, request the General Manager seek advice from the Department of Industry Crown Lands as to the Crown's position regarding the construction of new ocean tidal pools and what information the Crown would require in order to be able to consider giving land owner's consent to such a proposal being lodged.*

CARRIED: 6/3

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

In response to the resolution of May 2018 Council wrote to Crown Lands in December 2018 in respect of item 6 in particular. No record of a response could be found.

In response to the further Notice of Motion from February 2020 staff from the North Coast region of DPIE provided the following information on 4 March 2020:

"Once the site of the tidal pool has been established the department will undertake due diligence investigations including reservation purpose, cultural heritage, Native Title and Aboriginal Land Claims.

In providing any Land Owners Consent or concurrence to a Public Authority proponent (per cl 49 EPA Regs) the department must be reasonably satisfied the proposal will be able to proceed under relevant legislation to Crown Lands. With the potential complexity, future liabilities and maintenance requirements of such a structure the department's preference is that there is a Public Authority proponent and asset owner in the long term. Native Title is likely to be a significant consideration requiring some sort of protection by way of for example; a non-claimant application, Indigenous Land Use Agreement or acquisition of Native Title rights. In providing Land Owners Consent the department requires the full suite of supporting information to the proposal as would be required to be submitted to the relevant consent authority."

Essentially, this advice means that DPIE (Crown Lands) does not have a position at this time and that further consideration would be given once a proposal that addresses the issues raised by DPIE and the relevant legislation. It is anticipated that these matters would be addressed with any development application for the proposal, once a site is determined.

Options

Nil

Community Engagement and Internal Consultation

There has been engagement with staff from the North Coast region of DPIE in preparation of this report.

Planning and Policy Implications

At this time, there are no planning and policy implications for Council in relation to this report.

Financial and Economic Implications

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

Attachments

Nil

Item: 13.03

Subject: DA2019 - 215.1 - RESIDENTIAL FLAT BUILDING INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF
BUILDINGS) UNDER THE PORT MACQUARIE HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 AT LOT 22 DP38266, NO. 5 GRAY
STREET, PORT MACQUARIE

APPLICANT: D & R ENTERPRISES PTY LTD

OWNER: P ROSE

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 determination of DA2019-215.1 for a Residential Flat Building Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be deferred to enable the applicant to:

- 1. Reconsider building design and address areas of non-compliance with Council's Development Control Plan; and**
- 2. Provide a more comprehensive Clause 4.6 exception to development standard report.**

Executive Summary

This report considers a development application for a residential flat building, including a Clause 4.6 objection to Clause 4.3 (Height of Buildings) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel (DAP).

The matter was considered by the DAP at its meeting on 26 February 2020. A copy of that report as presented is provided in **Attachment 1**. The DAP did not reach a consensus on this matter. This report recommends that the development application and clause 4.1 variation be deferred to enable the applicant to reconsider building design so as to address non-compliance with Council's Development Control Plan and to also provide a more comprehensive Clause 4.6 exception to development standard report.

Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in Section 4.15 of the Environmental Planning and Assessment Act 1979 has been carried out and is included in **Attachment 1** to this report.

The Development Assessment Panel considered the proposal and the report at its meeting on 26 February 2020, The DAP was unable to reach consensus as follows:

Motion: Paul Drake

'That DA2019-215 for a residential Flat Building including Clause 4.6 Objection to clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 22, DP 38266, no. 5 Gray Street Port Macquarie, be deferred to enable the applicant to:

- 1. Reconsider building design and address areas of non-compliance with Council's Development Control Plan.*
- 2. Provide a more comprehensive Clause 4.6 exception to development standard report.'*

For: Paul Drake and Dan Croft

Against: Robert Hussey

The dissenting recommendation from Robert Hussey was:

'That it be recommended to Council that DA2019-215.1 for a Residential Flat Building Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be determined by refusing consent for the following reasons:

- 1. This application proposes a number of variations to the development controls including the building height, side and rear setbacks and also has a compromised private open space area. The height exceedance is subject to a Clause 4.6 request to vary the height standard, which has an exceedance in the order of 14%. The subject Clause 4.6 request response does not satisfactorily demonstrate how strict compliance with the development standard is unreasonable and unnecessary in this case.*

The environmental planning grounds advised in the written Clause 4.6 request must justify that the contravention of the development standard is not simply promote the benefits of carrying out the development as a whole. Accordingly, I do not consider the Clause 4.6 is satisfactory and therefore consent should not be granted

- 2. The proposal to have 3 garages and a large driveway fronting Gray Street is not considered to demonstrate adequate compatibility with the existing streetscape, noting that other buildings in the street have open landscaping in the front setback area.'*

This report recommends that determination of the application be deferred to enable the applicant to reconsider building design so as to address non-compliance with Council's Development Control Plan and to also provide a more comprehensive Clause 4.6 exception to development standard report.

Options

Council has the following options in determining the development application:

1. Defer the application as per the recommendation.
2. Grant consent to the application subject to conditions.
3. Grant consent to the application subject to amended conditions.
4. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act, 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, no submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation in relation to water supply, sewer, stormwater drainage and vehicular access.

Planning and Policy Implications


The assessment report in **Attachment 1** includes consideration of relevant planning legislation applicable to the proposed development.

The application includes variation to the Height of Buildings development standards in the Port Macquarie-Hastings Local Environmental Plan 2011. In this instance, the Height of Buildings is proposed to be varied by more than 10%.

Financial and Economic Implications

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

Attachments

1.  DAP Meeting 26022020 - DA2019 - 215.1 Report

Item: 13.04

**Subject: DA2019 - 506.1 2 LOT SUBDIVISION INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.1 (LOT SIZE) AND CLAUSE 4.4 (FLOOR
SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 AND ALTERATIONS AND
ADDITIONS TO EXISTING DWELLING AT LOT 113, DP 754405, NO.
2 ARNOTT STREET, LAURIETON**

APPLICANT: ALL ABOUT PLANNING

OWNER: SECURE HOME PARKS PTY LTD

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 DA2019 - 506.1 for a 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113, DP 754405, No. 2 Arnot Street, Laurieton, be determined by granting consent subject to the recommended conditions (Attachment 1).

Executive Summary

This report considers a development application for a 2 lot subdivision and alterations and additions to the existing dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel (DAP).

A copy of the assessment report as presented to the DAP is provided as **Attachment 2**. This report recommends that the development application and clause 4.6 objection be approved subject to the conditions included in **Attachment 1**.

Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in Section 4.15 of the Environmental Planning and Assessment Act 1979 has been carried out and is included in **Attachment 2** to this report.

The Development Assessment Panel considered the proposal at its meeting on 12 February 2020, with the consensus being:

“That it be recommended to Council that DA2019 - 506.1 for a 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113, DP 754405, No. 2 Arnott Street, Laurieton, be determined by granting consent subject to the recommended conditions and as amended below:

- *Additional condition in Section E of the consent to read: “Prior to release of subdivision certificate an amended approval to operate the caravan park is to be submitted to and approved by Council.”*

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result in significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the conditions included as **Attachment 1**, which include the additional condition in Section E recommended by the Development Assessment Panel.

Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, no submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation in relation to water supply, sewer, stormwater drainage, traffic, flooding, and caravan park regulation.

Planning and Policy Implications



The assessment report in the Attachments includes consideration of relevant planning legislation applicable to the proposed development.

The application includes variation to the Lot Size and Floor Space Ratio development standards in the Port Macquarie-Hastings Local Environmental Plan 2011. In this instance, the Floor Space Ratio is proposed to be varied by more than 10%.

Financial and Economic Implications

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

Attachments

1.  DA2019 - 506.1 Recommended Conditions
2.  DAP Report 12022020 DA2019 - 506.1

Item: 13.05

Subject: DA2019 - 796.1 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 1 DP 331765, 5071 OXLEY HIGHWAY AND LOT 1 DP 434372, 39 HENRY STREET, LONG FLAT.

APPLICANT: HOPKINS CONSULTANTS PTY LTD

OWNER: M W AND L M NEWMAN

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 DA 2019 - 796.1 for a boundary adjustment including clause 4.6 variation to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 331765, No 5071 Oxley Highway and Lot 1 DP 434372, No. 39 Henry Street, Long Flat, be determined by granting consent subject to the recommended conditions (Attachment 1).

Executive Summary

This report considers a development application for a boundary adjustment at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel (DAP). The matter was considered by the DAP at its meeting on 12 February 2020 the detailed assessment report considered is provided attached as **Attachment 1**.

This report recommends that the development application and clause 4.1 variation be approved subject to the conditions included in **Attachment 1**.

Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in Section 4.15 of the Environmental Planning and Assessment Act 1979 has been carried out and is included in **Attachment 1** to this report.

The Development Assessment Panel considered the proposal at its meeting on 12 February 2020, with the consensus being:

"That it be recommended to Council that DA 2019 - 796.1 for a boundary adjustment including clause 4.6 variation to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 331765, No 5071 Oxley Highway and Lot 1 DP 434372, No. 39 Henry Street, Long Flat, be determined by granting consent subject to the recommended conditions."

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions.

Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act, 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, no submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation in relation to water supply, onsite sewage and sewer, stormwater drainage and vehicular access.

Planning and Policy Implications


The assessment report in the Attachments includes consideration of relevant planning legislation applicable to the proposed development.

The application includes variation to the Lot Size development standards in the Port Macquarie-Hastings Local Environmental Plan 2011. In this instance, the lot size is proposed to be varied by more than 10%.

Financial and Economic Implications

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

Attachments

1.  DAP Report 12022020 DA2019 - 796.1

Item: 13.06

Subject: CLIMATE CHANGE INFORMATION

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.2.2 Promote strategies to mitigate climate change.

RECOMMENDATION

That Council:

- 1. Note the information provided in the Climate Change Information Report.**
- 2. Note that the General Manager will undertake a Climate Change Risk Assessment to identify the risks specific to Council and develop appropriate mitigation and / or adaptation responses to the identified risks specific to the Port Macquarie-Hastings Local Government Area.**

Executive Summary

At the Ordinary meeting of Council on 11 December 2019 Council resolved the following in response to Agenda item 13.05 Sustainability Initiatives and Programs:

RESOLVED: Intemann/Turner

That Council:

1. Note the information provided in the Sustainability Initiatives and Programs report, but correcting the meaning of Mitigation to refer to reducing pollutant emissions, and the meaning of Adaptation to refer to reducing vulnerability to the consequences of a changed climate.
2. Request the General Manager to consider the development of a Sustainability Strategy as part of the draft 2020-2021 Operational Plan, including specific climate mitigation and adaptation strategies.
3. Request the General Manager to provide a report to the April 2020 Ordinary Council Meeting detailing general climate change information and predicted risks and opportunities, using information from reputable sources such as but not limited to CSIRO, NASA and Council's insurers.

CARRIED: 7/0

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

AGAINST: Nil

This report is in response to part 3 of the resolution and has been brought forward to the March meeting to allow additional time so that any potential actions can be considered in the development of Council's Operational Plan being placed on public exhibition from March /April 2020. The report outlines the responsibilities and commitments of government, summarises the projected changes for the region and identifies some of the risks and opportunities that may require action by Council.

In responding to the Council resolution numerous sources of information have been cited in this report, rather than attaching each of these, links have been included. These links will also be available through the report on Council's website.

From the information available it is clear that there are still conflicting views regarding the cause and impacts of climate change. This report provides an overview of just some of that information as is relevant to local government. This report is not intended to provide a comprehensive analysis of Climate Change, nor recommend or conclude that Council should adopt a single conclusive position on Climate Change or what that is. It does however acknowledge, that based on the information available that our climate is changing and in accordance with Council's obligations under Chapter 3 of the Local Government Act 1993, Council is obliged to consider the long term and cumulative effects of actions on future generations and consider the principles of ecological sustainable development, recognise diverse local community needs and interests, social justice and be transparent and accountable in its decision making.

A helpful resource for Council in considering / determining its response to our changing climate is the NSW Government's [Guide to Climate Change Risk Assessment for NSW Local Government](#) which is attached here as **Attachment 1**.

Projected changes include increased temperatures, decreased rainfall, more intense storms and harsher fire weather. Risks associated with this may require action by many areas of the Council such as water security, emergency management, asset protection, flood and sea level inundation, community amenity needs, and environmental management. A Climate Change Risk Assessment, to better identify the risks specific to this Council, is to be undertaken by June 2020 and this will enable Council to better prioritise actions required. Funding opportunities may then become available to address some of these in a timely manner.

Discussion

From recent media is apparent that there is a strong community divide in relation to why our climate is changing. In 2007-2008 the [Gallup Poll](#) surveyed 128 countries with only 47% of people worldwide perceiving climate change as a threat and only 43% of Australians agreeing that climate change is a serious problem. It appears that increased awareness over recent years may have increased community concern with [Gallup](#) reporting in January 2020 that 51% of Australians are dissatisfied with their countries efforts to preserve the environment compared with a low of 30% in 2013. Whatever the catalyst is, it is difficult to dispute however that change is occurring and it is evident through Australia's recent hardships, being more frequent drought, fire, and flooding. The [Australian Academy of Science](#) issued a statement following the recent bushfires stressing that "The scientific evidence base shows that as the world warms due to human induced climate change, we experience an increase in the frequency and severity of extreme weather events.... Bushfires, along with other weather and climate challenges, pose complex and wide-ranging

problems. Population growth, climate change, temperature extremes, droughts, storms, wind and floods are intersecting in ways that are difficult to untangle and address.”

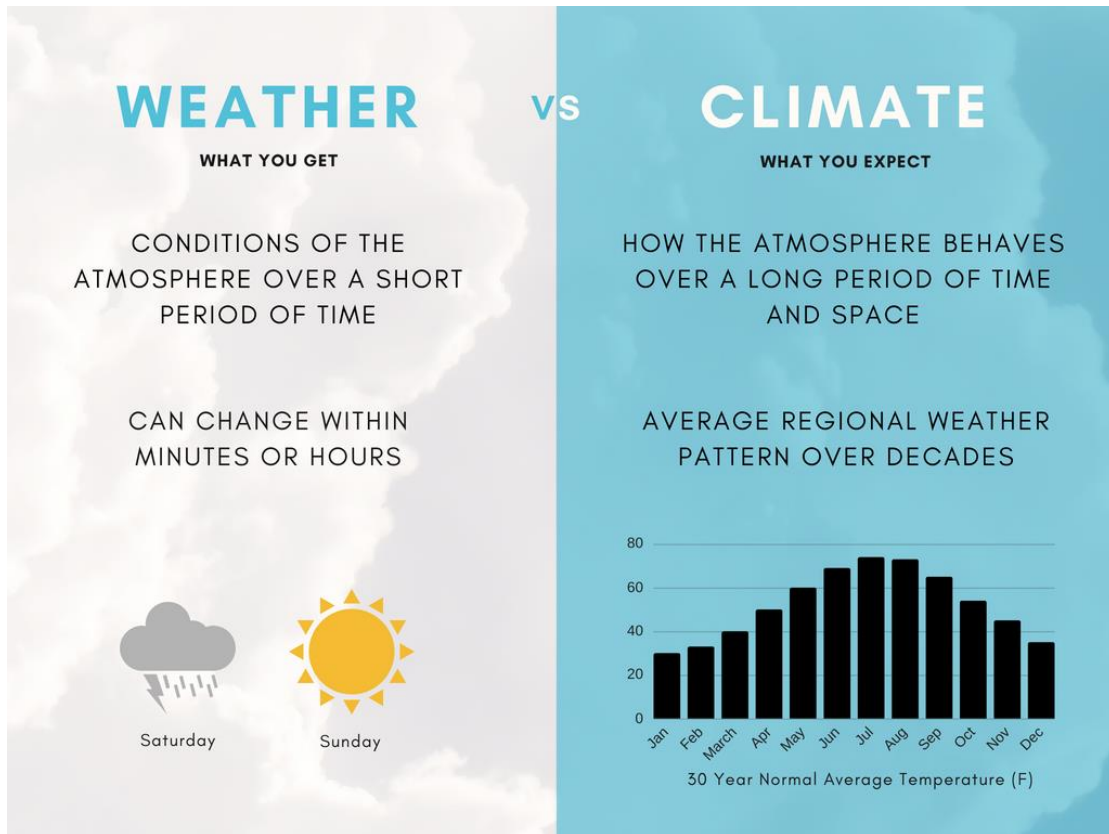


Figure 1: Climate vs weather ([The Global Weather and Climate Center](#))

Figure 1 above explains the difference between weather and climate. This is an important distinction as the changes being discussed in this report are long term changes to our climate rather than shorter term changes to weather which may be more noticeable.

The [American Museum of Natural History](#) outlines that scientific evidence confirming a changing climate is based on measurements from decades of data, from instruments across the globe. This evidence is showing an unmistakable warming trend since the 1970s, at an unusually rapid rate. This variability is due to natural factors such as volcanic eruptions and changes in solar energy, as well as increasing greenhouse emissions (CO₂) from human activity such as burning fossil fuels for electricity and heat, as well as industrial processes and transportation.

They further explain that climate variability due to increased greenhouse gases will continue to escalate, resulting in more extreme weather events at an increased frequency. As warming progresses, severe weather events that were once rare, such as heat waves, droughts and floods, will become more common. What's more, the most extreme events of the future will be considerably more severe than they are today, posing serious risks to society.

The potential effects require action by all levels of Government to protect and prepare communities and infrastructure. Although it is primarily up to Federal and

State Government to set policy around climate change, Local Government can advocate for changes and also need to be considering the potential impacts on the services and the infrastructure they provide.

Background/Our Responsibilities

Governments of all levels have a responsibility to address changing climate. The actions in place that are most notable include:

- [United Nations Paris agreement](#) (Nov 2016) – brings all nations together to strengthen the global response to combat climate change and adapt to its effects, supporting developing countries to do so. This is proposed to be achieved through appropriate financial flows, a new technology framework and an enhanced capacity building framework, all with enhanced transparency. (United Nations Framework Convention on Climate Change (UNFCCC).)
- [Australian Government](#) - Australia's commitment to the Paris Agreement is to implement an economy-wide target to reduce greenhouse gas emissions by 26 to 28 percent below 2005 levels by 2030. The government's Climate Change Plan also includes ensuring large emitters reduce emissions, a Renewable Energy target of 23% in 2020, investing in innovation and clean technology, and managing climate risks. (Australian Government Department of Agriculture, Water and the Environment)
- [The NSW Government's NSW Climate Change Policy Framework \(2016\)](#), has a target of net zero emissions by 2050 and planning for greater resilience to a changing climate. (NSW Government Adapt NSW)
- The [Local Government Act 1993](#) states that Councils should consider the principles of ecologically sustainable development in decision making. This requires the effective integration of economic and environmental considerations in decision-making processes. The Office of Local Government states that the [Integrated Planning and Reporting](#) framework also requires councils to address social, environmental, economic and civic leadership issues in an integrated way.

Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- The precautionary principle – avoid serious or irreversible damage to the environment and risk assess options
- Intergenerational equity - maintaining or enhancing the environment for the benefit of future generations,
- Conservation of biological diversity and ecological integrity.
- Improved valuation, pricing and incentive mechanisms - including environmental factors such as polluter pays, life cycle costings, achieving goals in cost effective manner.

(Local Government Act)

In 2012, the Council of Australian Governments (COAG) agreed on the [roles and responsibilities for climate-change adaptation in Australia](#), including the following basic principles of risk management:

- Private parties should be responsible for managing risks to private assets and incomes.
- Governments (on behalf of the community) should be responsible primarily for managing risks to public goods and assets (including the natural environment) and to government service delivery, and for creating an institutional, market and regulatory environment that supports and promotes private adaptation.
(National Climate Change Adaptation Research facility)

The Data

Climate variability and predication data and reports are available from many government and scientific organisations and can be extremely detailed. The intent of this report (in line with the 11 December 2019 Council resolution) is to provide general climate change information and predicted risks and opportunities. In this regard, information was provided from a number of Councillors with suggested sources, many of which have been utilised throughout this report as well as investigating CSIRO and NASA sources for their relevance. The following sources were found to be the most appropriate to give a summary of the current data and predictions for the Port Macquarie-Hastings Local Government Area:

- [Intergovernmental Panel on Climate Change \(IPCC\)](#) - United Nations body for assessing the science related to climate change. It incorporates 195 countries and over 1300 scientists contribute.
- [Climate Change in Australia](#) - developed by Australian Government Department of the Environment, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Australian Bureau of Meteorology.

Climate Change projections developed utilise up to 40 global models and are the most comprehensive analysis of Australia's future climate ever undertaken

- [NARCLiM](#) (NSW and ACT Regional Climate Modelling) Project – A multiagency partnership between the NSW and ACT governments and the Climate Change Research Centre at the University of NSW.

The NARCLiM project has developed regional projections, including one for the North Coast, to assist Local Government to build resilience and minimise the impact of Climate Change.

Global Trends

The Earth's temperature has fluctuated naturally over hundreds of millions of years. These past changes can help us understand the relationship between temperature, greenhouse gases and other climate drivers today. Figure 2 sourced from [Climate Change in Australia Time Series Explorer](#) displays the historical temperature for the South East Coast of Australia sub-cluster in blue. The grey band demonstrates the average temperature rise based on all simulations. Figure 3 below is a comparison of atmospheric samples contained in ice cores, and more recent direct measurements, and shows the rapid increase in CO₂ levels experienced since the industrial revolution. These graphs demonstrate the need for emission reduction. As

previously mentioned, increasing greenhouse gases (CO₂) are attributed to the enhanced rate of climate change and therefore mitigation measures that reduce atmospheric CO₂ will hopefully slow the rate of climate variability.

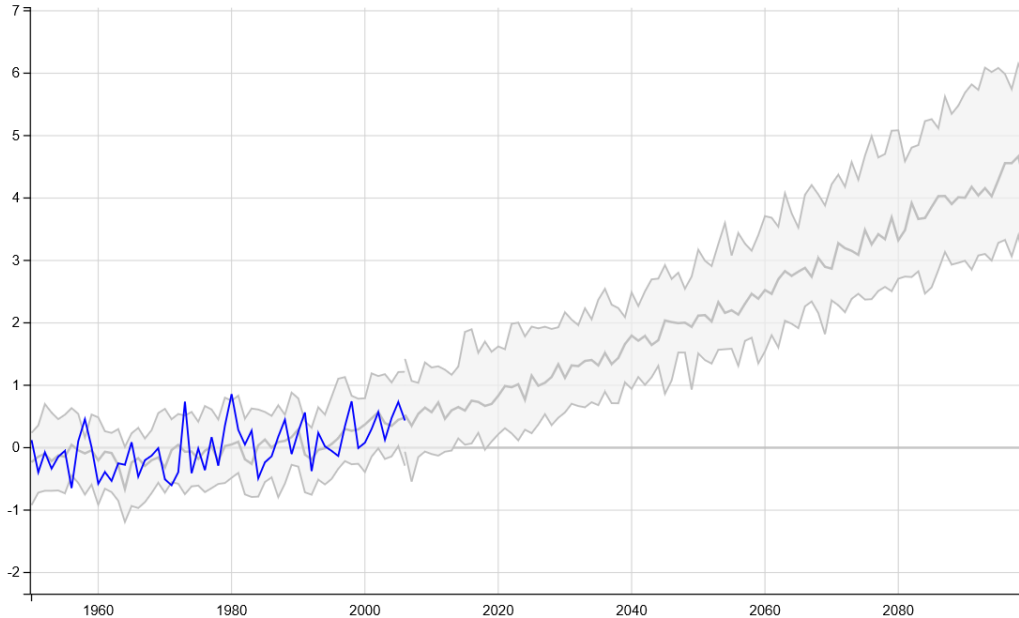


Figure 2: Temperature increase (Climate Change in Australia Time Series Explorer)

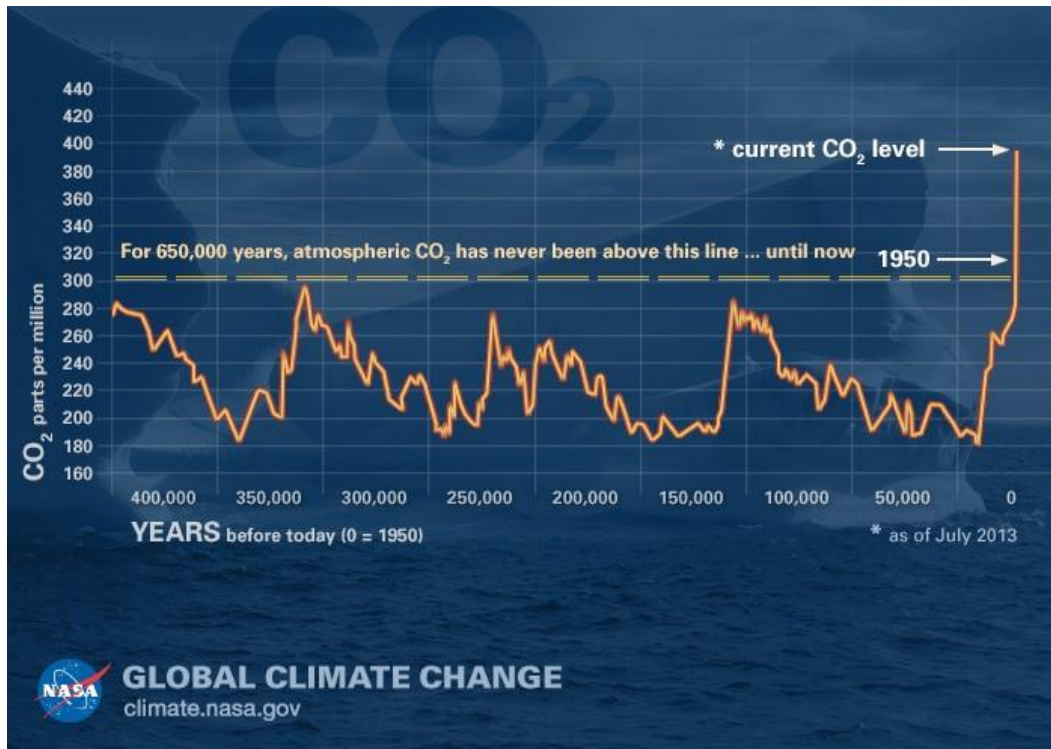


Figure 3: Atmospheric CO₂ (NASA)

Climate Change in Australia summarises the latest IPCC report which details global changes over the last century as follows:

- Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased.
- Each of the last three decades has been successively warmer at the Earth's surface than any preceding decade since 1850 (see Figure). In the Northern Hemisphere, 1983–2012 was likely the warmest 30-year period of the last 1400 years (*medium confidence*).
- Ocean warming dominates the increase in energy stored in the climate system, accounting for more than 90% of the energy accumulated between 1971 and 2010 (*high confidence*). It is virtually certain that the upper ocean (0–700 m) warmed from 1971 to 2010, and it likely warmed between the 1870s and 1971.
- Over the last two decades, the Greenland and Antarctic ice sheets have been losing mass, glaciers have continued to shrink almost worldwide, and Arctic sea ice and Northern Hemisphere spring snow cover have continued to decrease in extent (*high confidence*).
- The annual mean Arctic sea ice extent decreased over the period 1979 to 2012 with a rate that was very likely in the range 3.5 to 4.1% per decade. It is very likely that the annual mean Antarctic sea ice extent increased at a rate in the range of 1.2 to 1.8% per decade.
- The rate of sea level rise since the mid-19th century has been larger than the mean rate during the previous two millennia (*high confidence*). Over the period 1901 to 2010, global mean sea level rose by 0.19 [0.17 to 0.21] m.

Climate Changes in Our Region

Climate Change in Australia show projections for all Natural Resource Management regions of Australia. The Port Macquarie Hastings Council Local Government Area falls within the [East Coast south sub-cluster](#), being the central part of the eastern seaboard of Australia. Predicted changes mirror recent natural disasters in the area in that it is expected that we will experience a harsher fire weather climate, more time in drought, more extreme rainfall events and higher temperatures.

Key changes projected by *Climate Change in Australia* for this region are detailed below. Most could be considered worse case as they are based on a high emission scenario. Should mitigation measures reduce worldwide emissions significantly, an intermediate scenario would apply resulting in less severe changes.

Temperature – Has increased over the last century with an increased rate since 1960 (refer to Figure 2 above). Recent decades have been the warmest on record for daily minimum and maximum temperatures.

There is very high confidence in continued increases under a high emission scenario as follows:

- by 2030 a projected 0.5 °C - 1.3°C increase above 1986-2005 level.
- by 2090 a projected 2.9 °C - 4.6°C increase above 1986-2005 level.
(1.3 - 2.5°C under an intermediate emission scenario)

Extreme Temperature – Very high confidence for increase in hot days temperature, increased frequency of hot days and duration of warm spells. Two to three times the average number of days above 35°C by late this century. Frost risk days are expected to decrease with high confidence.

Rainfall - Decreases in winter rainfall are projected with *medium confidence*. Other changes are possible but unclear. A range of results are projected with little change or a decrease in winter and spring. There is a risk of both a drier and wetter climate.

Extreme rainfall and drought - Increased intensity of extreme rainfall events is projected, with high confidence, however the magnitude of the increases cannot be confidently projected. Time in drought is projected to increase with medium confidence.

Marine and Coast - From 1966 to 2009 sea rise was 1.4mm/year. Mean sea level will continue to rise and the height of extreme sea-level events will also increase. The sea will also become more acidic.

There is very high confidence in continued increases under a high emission scenario as follows:

- by 2030 – 0.09m - 0.19m increase above 1986-2005 level.
- by 2090 – 0.30m - 0.65m increase (0.45 - 0.88m under an intermediate emission scenario)

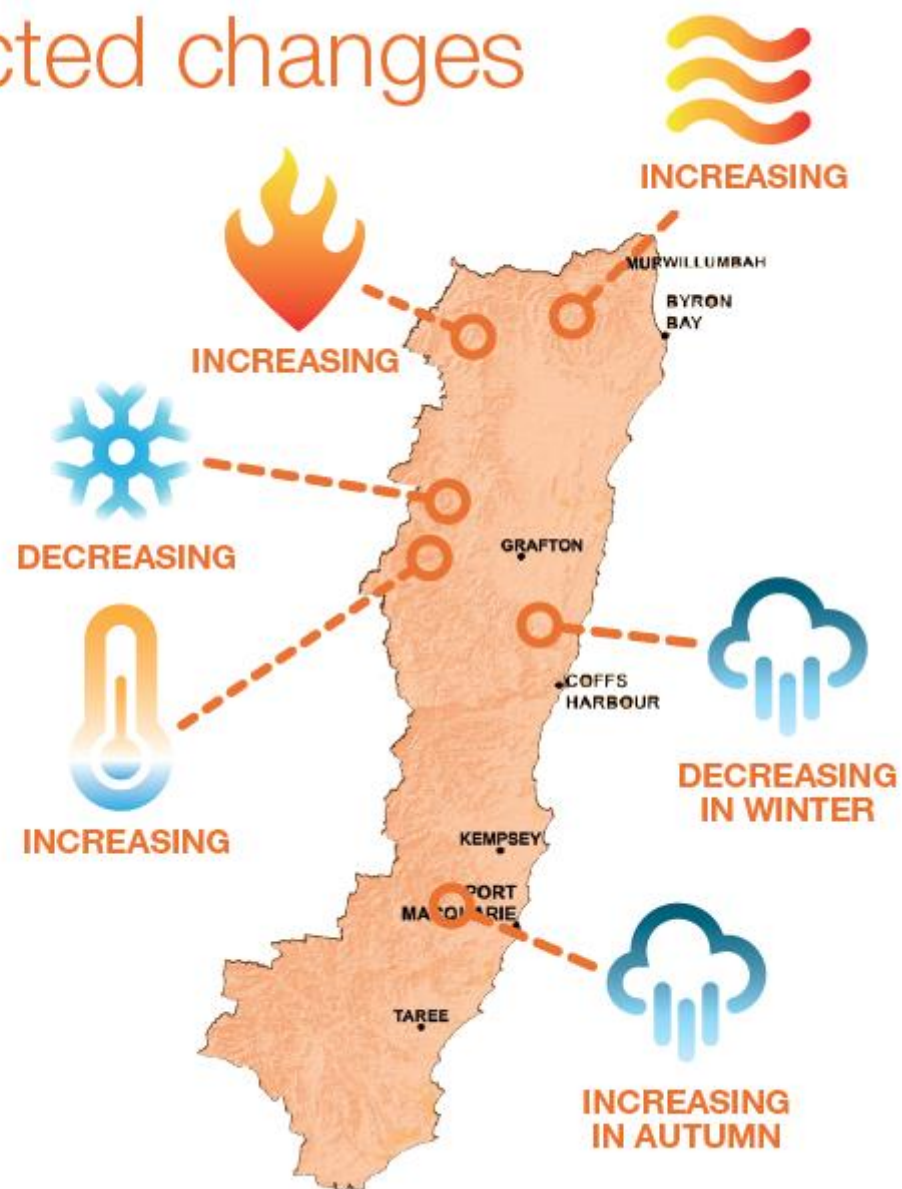
Fire Weather - A harsher fire-weather climate in the future is projected with *high confidence*. Due to uncertain rainfall the magnitude of this change is of a low confidence.

Evaporation - Potential evapotranspiration is projected to increase in all seasons as warming progresses with *high confidence*.

Humidity - There is little change in relative humidity for the near future, but *medium confidence* in a decrease later in the century.

Although data from NARCLiM utilises different models and timeframes (2030 and 2070), the trends are generally consistent with those outlined above from *Climate Change in Australia*. This data similarly projects increased maximum and minimum temperatures, increased hot days, decreased winter rainfall, and increased fire weather. Figure 4 below graphically indicates the NARCLiM North Coast Region projected changes.

Projected changes



Maximum
Temperatures



Minimum
Temperatures



Hot Days



Rainfall



Forest Fire
Danger Index



Figure 4: Projected Changes for North Coast region ([NARCLIM](#) (NSW and ACT Regional Climate Modelling) Project)

Risks and Opportunities

Ninety-seven percent of climate scientists agree that climate-warming trends over the past century are extremely likely due to human activities, and most of the leading

scientific organizations worldwide have issued public statements endorsing this position (NASA 2020). If we accept that our climate is changing, we recognise that there will be risks to our communities. Given the escalating rate of change, the need to act is becoming more imperative every day. On 28 February 2020, The [Climate Emergency Declaration](#) website reported that 1,432 jurisdictions in 28 countries have declared a climate emergency. This includes 94 Australian Councils. The Collins Dictionary defines a Climate Emergency as '*if there is a climate emergency, very serious danger and damage is likely because of climate change, and special action must be taken.*'

It is important to note that the cost of many adaptation and mitigation actions upfront may be considerably more cost effective than addressing the impacts once they have occurred (eg. the recent fires and floods have generated 6-9 months of infrastructure repair work for Council which needs to be done urgently as opposed to a well-planned and cost-effective delivery). The [International Journal of Disaster Risk Reduction](#) outlines that the Benefit Cost Ratio (BCR) of undertaking disaster mitigation measures (which may be considered as climate change adaptation measures) can be between 4 and 7. This means that for every dollar invested on measures such as flood or coastal erosion risk reduction there can be an economic saving of \$4-7 dollars due to the impacts that may occur if those measures had not been implemented.

The Climate Council of Australia have reported that in Australia climate change and extreme weather are projected to reduce property values by \$571 billion by 2030, \$611 billion by 2050 and \$770 billion by 2100. Further, cumulative damages to agricultural and labour productivity from climate change are expected to reach \$4.2 trillion by 2100.

The NSW Department of Planning, Industry and Environment developed the [Guide to Climate Change Risk Assessment for NSW Local Government](#) to assist Local Governments to manage the risks associated with climate change. The guide suggests the following risks are examples of the types of risks that should be considered by Councils:

Infrastructure and assets	Council buildings, stormwater, transport and water supply infrastructure, wastewater treatment facilities, bush and recreation reserves
Land-use planning and development	Assessment of development applications and planning instruments such as local environmental plans and zoning
Emergency management and natural disaster preparedness	Traffic management, business continuity, emergency response and recovery from storms, bushfires, heatwaves, etc.
Environment management and protection	Water quality, air quality, biodiversity and ecosystems, pests and weeds, solid waste management, energy management

Community services	Childcare, recreational facilities, waste services
Corporate services	Insurance, council functions, financial sustainability, communications, IT, human resources

Table 1: Department of Planning, Industry & Environment, Guide to Climate Change Risk Assessment for NSW Local Government 2019

Further, the Hunter and Central Coast Regional Environmental Management Strategy ([HCCREMS](#)), which includes Councils' with similar environments on the North Coast, and therefore similar risks, has identified the following potential impacts/risks:

- Sea Level Rise – flooding and inundation of low-lying coastal areas, coastal recession and erosion, asset damage, loss of coastal and estuarine ecosystems
- Increases in average and extreme temperatures – human and livestock health, changes to bushfire behaviour and seasonality, increased building operational costs and asset deterioration
- Extreme rainfall, flooding and storms – flash floods and catchment flooding, increased need for emergency response and recovery, damage to infrastructure, buildings and facilities, community anxiety, damage to natural assets
- Rainfall and water availability – fluctuations in water supply for drinking, irrigation and industrial use, as well as more pronounced flooding and drying cycles.

A large body of work has also already been completed for the North Coast area, being the [North Coast Integrated Regional Vulnerability Assessment \(IRVA\)](#) in 2014 and the [North Coast Enabling Regional Adaptation \(NERA\)](#) Project in 2018.

The North Coast IRVA gathered more than 100 regional administrators and local representatives, which included PMHC and Mid North Coast Regional Organisation of Councils (MIDROC) to work together to understand the vulnerability of the region to the forecast effects of climate change. The NERA then developed adaptation pathways to transition key North Coast systems to a more resilient future for:

- Settlements and land-use planning
- Resilient communities
- Cultural heritage
- Biodiversity
- Emergency management
- Food and agriculture
- Infrastructure and water
- Energy
- Tourism

It has been recommended that Council undertake a comprehensive climate change risk assessment to better understand the common risks, and those that may be unique to the area and this Council. In this regard, Statewide Mutual, Council's insurer, has offered its member Council's the opportunity of facilitated Climate Change Assessment workshops to consider and understand the potential impacts on Council's business operations. This has been scheduled to be completed in May 2020. The workshop will involve staff from all business areas of the organisation. Following the workshop, a climate change assessment table will be provided to Council.

Once risks are identified it will be possible to incorporate mitigation and adaptation actions into Council's IP&R framework so that action required can be budgeted and carried out in a timely manner.

As some funding programs require projects to be identified in a climate change risk assessment, completing an assessment for PMHC will provide further funding opportunities for Council such as the NSW Government's Climate Change Fund - *Increasing Resilience to Climate Change program*.

Previously funded projects under this funding to other Councils have addressed issues such as roads, mosquitoes, heat islands, foreshore inundation, water sensitive urban design, bus shelters and asset protection.

Mitigation and Adaptation

PMHC have already been proactive and implemented a number of mitigation and adaptation measures. Mitigation, being actions to prevent change occurring such as reducing emissions. Adaptation, being actions taken before, during and after climate change to alleviate the impacts.

Many of these actions were outlined in the Sustainability Initiatives and Programs report presented to Council in December 2019. Actions previously outlined include the following and many others, with the full list attached in **Attachment 2**:

- Environmental Education Programs
- Membership of ICLEI – Cities for Climate Protection Program
- Long Term Energy Strategy including target of 100% renewable by 2027
- Reclaimed Water plants
- Integrated Water Cycle Management Strategy
- Low emission fleet procurement
- Sea Level Rise Mapping
- Vegetation Mapping
- Flood Policy

Options

Council has the following options:

1. Note the information contained in this report
2. Determine to resolve in some other manner.

Community Engagement and Internal Consultation

Internal consultation and engagement will be undertaken during the Risk Assessment process. Community engagement will be undertaken with the development of the Sustainability Strategy and the draft IP&R documents.



Planning and Policy Implications

There are implications to Council's Integrated Planning and Reporting requirements in that there may be mitigation and adaptation actions identified through the risk assessment process that need to be included in Operational Plans and Resourced appropriately.

Financial and Economic Implications

There may be future financial implications in resourcing required action to reduce risk.

Attachments

1.  Attachment 1: Guide to Climate Change Risk Assessment for Local Government (NSW Government)
2.  Attachment 2: Table of Sustainability Initiatives

Item: 13.07

Subject: KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.8.2 Increase community awareness and enable access to the natural environment.

RECOMMENDATION

That Council:

- 1. Note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan quarterly update report.**
- 2. Agree to change the frequency of these reports to twice yearly to coincide with the community information sessions held in June and December of each year.**

Executive Summary

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) was adopted by Council at the June 2019 ordinary meeting. The CMP follows the Department of Planning Industry and Environment (DPIE) template and state legislative guidelines and contains recommendations, specific to Kooloonbung Creek, for action based on feedback from the community and in particular local residents.

After formal adoption of the Camp Management Plan staff have begun implementation of the Level 1 and 2 management actions identified in Table 8 of the CMP Attachment 1.

This report provides an update of the progress of implementing Level 1 and 2 management actions identified in Table 8 of the CMP Attachment 1.

Discussion

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) for the flying fox colony at Kooloonbung Creek was adopted by Council at the June 2019 Council meeting.

At a meeting in August 2018, Council resolved:

That Council:

- 1. Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report;*
- 2. Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*

3. *Invite nominations for membership on the Committee from the following:*
 - *Affected residents;*
 - *Representatives from the Office of Environment and Heritage (OEH);*
 - *Representatives of the Friends of Kooloonbung;*
 - *Expert ecologists; and*
 - *Other interested community representatives.*
4. *Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;*
5. *Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;*
6. *Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).*
7. *Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:*
 - a) *Noise barriers (e.g. Perspex sheeting);*
 - b) *Buffer landscaping using non-roost trees;*
 - c) *Specific rebates to residents to assist with air-conditioning etc.;*
 - d) *(Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;*
 - e) *Other novel options.*
8. *Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.*
9. *Request the General Manager provide quarterly reports to Council on progress in these matters.*

The Kooloonbung Creek Camp Management Plan (the Plan) provides Port Macquarie- Hastings Council (Council) with a framework for managing community impacts associated with flying foxes roosting along Kooloonbung Creek, whilst ensuring flying foxes and their ecological services are conserved.

Level 1 and 2 management actions have commenced. Table 1 outlines the works that have been completed in the 3rd quarter of the 2019-2020 Operational year.

Table 1: Progress Report

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Level 1 Management Actions		
Education and awareness programs	June 2020	Community information sessions are held twice yearly. A community information session was held on 4th December 2019 from 10am to 11am in the Council Chambers.

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Level 1 Management Actions		
		The next community information session is scheduled to be held on 3 June 2020 from 10am to 11am in the Council Chambers.
Property modification/service subsidies	June 2020	<p>The Executive and Council endorsed the subsidy program on 30 October 2019.</p> <p>14 residents have been provided the subsidy information package and 7 residents have taken up the package as of the time of writing this report.</p> <p>The program commenced in November 2019 and will be completed on 31st March 2020. A survey will be completed in April 2020 to assess the initial effectiveness of the program. An additional survey will be undertaken April 2021, to further evaluate the effectiveness of the items and program.</p> <p>The purpose of the survey will be to assist council in determining if future subsidies are an effective tool to alleviate conflict between neighbouring residents and the flying fox colony.</p>
Routine Camp Management	Ongoing	<p>Friends of Kooloonbung Creek with support from Council's NRM team continue to work in the reserve maintaining the bushland ecosystem and flying fox camp area.</p> <p>The planting of 150 Broadleaf paperbark trees (<i>Melaleuca quinquenervia</i>), which are to be supplied by the Port Macquarie Land Care nursery, will assist with the regeneration of the defoliated trees in the camp area. The work is planned to be undertaken over March and April 2020 and will be undertaken by the Friends of Kooloonbung Creek.</p>
Alternative habitat creation	June 2020	<p>Investigations into alternative habitat location is ongoing. Two alternative sites have been identified:</p> <ul style="list-style-type: none"> The area of Kooloonbung Creek where it intersects with Lake Road is highly suitable. The area has the same tree species as the current

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Level 1 Management Actions		
		<p>camp, has a permanent water source and it is over 100m to the nearest residence.</p> <ul style="list-style-type: none"> • A small flying fox camp at Yippin Creek adjacent to the Wauchope Sewerage Treatment plant is also suitable. The closest residence is over 230m away. • Further investigations will be undertaken as sites are identified by the NRM tem.
Protocols to manage incidents	June 2021	<p>Department of Planning, Industry and Environment are working with a range of stakeholders to develop protocols, suggested roles and responsibilities, and supporting resources for all involved in managing heat stress events in flying-fox camps.</p> <p>In the interim the Department has provided fact sheets on correct disposal of deceased bats. These fact sheets are readily available to Council staff and have been provided to the local FAWNA group for information.</p>
Research	Ongoing (long term)	<p>The quarterly flying fox counts continue to be undertaken for the national census.</p> <p>The last census was in February 2020. The results over the camp area of 1.4 hectares is as follows:</p> <ul style="list-style-type: none"> • 1706 Grey-headed flying fox • 85 Black flying-fox • 426 Little red flying-fox <p>For comparison, the census undertaken in November 2019 over the camp area of 1.4 hectares was:</p> <ul style="list-style-type: none"> • 1309 Grey-headed flying fox • 116 Black flying-fox • 72 Little red flying-fox <p>And the census in August 2018 over the camp area of 1.5 hectares was:</p>

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Level 1 Management Actions		
		<ul style="list-style-type: none"> • 6148 Grey-headed flying fox • 117 Black flying fox
Appropriate land-use planning	June 2022	To ensure appropriate land-use planning includes an assessment of the ecological impact of proposed land use practise on flying-fox colonies Council's NRM staff are being consulted and asked to comment on possible land use planning decisions when warranted.
Level 2 Management Actions		
Canopy mounted sprinklers	June 2022	<p>A Review of Environmental Factors including an Ecological Impact Assessment Report for the installation of sprinklers was completed and endorsed on 29 November 2019.</p> <p>The Department of Planning, Industry and Environment granted a recycled water approval on 12 December 2020.</p> <p>The full irrigation system including recycled water tank, pump and sprinklers were installed during the week of 13 January 2020.</p> <p>The irrigation system is ready for use. It will be turned on when the presence of flying fox is in close proximity of the system and when it warrants use.</p> <p>Council staff are assessing the commencement of operation by monitoring the camp regularly and ensuring the system is primed and operational so it can be immediately used as required.</p>
Buffers through vegetation trimming and removal	June 2024	This level 2 management action will be investigated by June 2024 if it is determined that canopy mounted sprinklers and the subsidy program have not managed the impact adequately.

Options

Council may opt to accept the recommendations or choose to resolve in some other manner.

Community Engagement & Internal Consultation

The next community information session is scheduled on 3 June 2020 from 10am to 11am in the Council Chambers. Community information sessions are held on a regular basis twice a year.

Given the community information sessions are held twice yearly, the frequency of these reports to coincide with the community information sessions held in June and December of each year is recommended.

All eligible residents and recipients of the subsidy program have been consulted with via mail out letters, phone calls and face to face meetings. Staff have worked closely to assist eligible residents in processing reimbursements efficiently in order to alleviate any financial burden they would have endured from the pre-purchase of the subsidized items.

Monthly meetings are held with the communications team to discuss the progress of implementing the camp management plan and work through any communications actions.

Internal consultation has commenced with the Education Team with request to develop a community educational program in accordance with the CMP level 1 action - develop education and awareness programs.

Planning & Policy Implications

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

Financial & Economic Implications

Funding for the implementation of the Flying Fox Camp Management Plan (detailed action plan is in Table 8) was incorporated into the 2019-2020 Operational Plan. PMHC was also successful in obtaining \$30,750 from the 2019 Flying-fox Grant Program (FFGP) which is administered by Local Government NSW.

Attachments

1.  Flying Fox Camp Management Plan

Item: 13.08

Subject: FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

- 1. Note the submissions received in relation the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet.**
- 2. In consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan.**
- 3. Note the lodgement of a Planning Proposal for 'Le Clos Sancrox' and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.**
- 4. Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan has been approved by Council for exhibition.**
- 5. Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once the necessary preliminary planning work for the structure plan is completed.**

Executive Summary

The aim of the Fernbank Creek and Sancrox Planning Investigation project is to investigate the potential future growth areas, including a potential long term light industrial investigation area between Sancrox Road and the Oxley Highway, as identified in Council's Urban Growth Management Strategy (UGMS). To facilitate the above Planning Investigation, a Discussion Paper and associated Fact Sheet were developed. The information contained within these documents was intended to assist stakeholders in considering the various aspects of the proposal and to provide feedback.

As an outcome of Council's resolution in December 2019, the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet were placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. During this period, feedback from the community was sought through:

- Addressed letters and fact sheets posted to landholders within and adjoining the Planning Investigation Area,
- A landholder workshop / presentation at Council's Port Macquarie Customer Service Centre on 6 February 2020,
- Provision of information on Council's website,
- Advertisement in local print media on 22 and 29 January and 5 and 12 February 2020; and
- A 'pop up' session held at Sovereign Place Town Centre, Thrumster on 12 February 2020.
- Ultimately, 42 submissions were received as a result of this public exhibition, including submissions from three government agencies, being Transport for New South Wales, the Department of Planning, Industry and Environment and Essential Energy. Notwithstanding some objections to future development within the subject area, overall support was evident for the Structure Planning process.

Issues raised within the submissions received will be addressed in further detail through the preparation of a Structure Plan for the subject Planning Investigation Area.

This report recommends that, in consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, that Council prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan. Following completion of a draft Structure Plan, it is proposed that this plan be placed on public exhibition to invite further community feedback.

Discussion

The aim of the Fernbank Creek and Sancrox Planning Investigation project is to investigate potential future growth areas referred to as A1 to B4, including a potential long term light industrial investigation area between Sancrox Road and the Oxley Highway, as identified in Council's Urban Growth Management Strategy (UGMS). In addition, the relationship between these areas and existing land use zones within the Planning Investigation Area will also be considered to ensure the logical and sustainable long term growth of Port Macquarie can be facilitated.

This process is intended to develop a strategic approach to the planning and release of these urban growth areas to ensure achievement of Council's vision for the Port Macquarie-Hastings Local Government Area: 'A sustainable high quality of life for all'. Council's current adopted position is to maintain a 15-year supply of zoned residential land, ready for development, including allowance for lead-in times for investigation and rezoning. The intent is to promote market choice, competition and

affordability in the housing market, allowing for growth cycles whilst also providing reasonable certainty for builders, developers and government regarding return on investment, particularly in relation to up-front infrastructure costs.

In July 2017, the estimated supply of residentially zoned land in Port Macquarie was 16.4 years (UGMS). Given the usual long lead times for the investigation and rezoning of land, it is timely to commence investigation of the future potential growth areas as detailed within the Discussion Paper in order to maintain a 15-year land supply.

With regard to the UGMS, when the former Department of Planning and Environment (DoPE), now the Department of Planning, Industry and Environment (DPIE) approved this document, it was subject to the potential release areas outside of the urban growth areas (Fernbank Creek and Sancrox) being endorsed as 'only for investigation'. The DoPE advised that the North Coast Regional Plan (NCRP) will not be changed until the investigations have been completed and appropriate structure plans endorsed by the DoPE. The advice also stated that detailed assessment of site specific development constraints such as proximity to mineral resources, regionally significant farmland and potential high-environmental-value land will be required at the structure plan stage to confirm consistency with relevant state environmental planning policies and section 9.1 directions. This advice will need to be reviewed with DPIE.

In consideration of the above, at its Ordinary Meeting of 20 February 2019, it was resolved that Council: '*...4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.*'

In addition to the above, the Port Macquarie Hastings Industrial Land Strategy Review 2015 (ILSR) provides a strategic planning framework for industrial precincts and identifies appropriate locations for future industry to support and enhance the economic competitiveness of the Port Macquarie-Hastings Region. This document was used to inform industrial land use priorities within the UGMS, which included a potential long term light industrial investigation area between Sancrox Road and the Oxley Highway. The ILSR found:

.....there is 530 ha [hectares] of zoned industrial land in Port Macquarie-Hastings LGA, of which around 244ha of land is developed and 285ha is zoned and vacant. Excluding the constrained precinct of Herons Creek there remains around 211ha of vacant suitable industrial land available to the market.

The Port Macquarie-Hastings LGA will demand an additional 78ha to 135ha of industrial land to 2036 indicating there is sufficient current supply to meet demand to 2036.

To address long term industrial demand, an appropriate location for investigation may be between the Sancrox Employment Precinct and the Oxley Highway due to:

- The proximity of both the Oxley and Pacific Highways;
- Agglomeration opportunities with the Sancrox Employment Precinct; and
- The potential for this future land to further improve access to the Sancrox Employment Precinct.

Given the long term nature of potential development within the Planning Investigation Area (beyond 2036), the proximity of this area to the future growth areas referred to as A1 to B4, and the sites location within the assessment boundary for the Greater Sancrox Structure Plan 2015, this precinct is also considered within the Discussion Paper document, along with consideration of other existing land use zones within the Planning Investigation Area.

In consideration of the above, at its Ordinary Meeting of 11 December 2019 Council resolved the following:

1. *Endorse the information contained within Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet and place on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020.*
2. *Use feedback received in relation to this public exhibition to inform the development of a Structure Plan for this area (previously referred to as an 'Outline Plan').*
3. *Delegate to the General Manager the authority to make any required minor or administrative amendments to these documents prior to exhibition.*
4. *Note that Council Staff have recently reviewed a suite of draft documents in support of a proposed future Planning Proposal for a number of landholdings collectively known as 'Le Clos Sancrox'. These documents are being reviewed in parallel with the progression of the Structure Plan following Council's resolution in relation to this matter at its Ordinary Meeting of 20 February 2019.*
5. *Encourage the Le Clos Sancrox land owner consortium to develop documents in support of the proposal in parallel with the development of the Structure Plan to ensure consistency in the strategic planning process.*

Subsequent to the above resolution, the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet were placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. Submissions received in relation to this public exhibition are summarised under the heading 'Community Engagement and Internal Consultation' below.

In addition to the above, at its meeting on 19 September 2018, Council considered a report (Item 12.03) on strategic planning for the Fernbank Creek and Sancrox area, which considered the status of the Le Clos Sancrox subdivision and included a submission from representatives of Le Clos land owners. This submission requested Council to commence investigations immediately to have the entirety of the Le Clos Sancrox subdivision rezoned for urban development. At this meeting Council resolved:

RESOLVED: Hawkins/Turner

"That Council:

1. *Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.*
2. *Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.*

3. *Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity.*
 4. *Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.*
 5. *Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increased program appropriately.*
 6. *Submit an update report on all the above actions to the February, 2019 meeting of council"*
- CARRIED:** 6/0
FOR: Alley, Dixon, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

In accordance with Council's September 2018 resolution, a further update report on planning for the Fernbank Creek and Sancrox areas was submitted to the Ordinary Council meeting on 20 February 2019 (Item 12.10). This report advised Council that advice had been received that the Le Clos Sancrox land owner representatives will be in a position to act as one co-ordinated legal entity. Council was advised that the concept proposal for the Le Clos subdivision would be considered in parallel with the preparation of the Outline Plan. At this meeting Council resolved:

RESOLVED: Turner/Hawkins

"That Council:

1. *Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.*
2. *Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.*
3. *Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.*
4. *Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.*
5. *Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.*
6. *Allow the General Manager to adequately resource this program.*
7. *Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year. "*

CARRIED: 6/0

FOR: Alley, Cusato, Dixon, Hawkins, Intemann and Turner
AGAINST: Nil

Following Council's resolution inviting the Le Clos Sancrox land owners to submit a Planning Proposal in parallel with Stage 1 planning for the wider Sancrox and Fernbank Creek areas, a number of meetings were held between Council staff, land owner representatives and their consultants to assist and clarify the information requirements for the preparation of a planning proposal.

An update on the status of this matter was also included in the biannual report on site-specific Planning Proposal requests at the Ordinary Council meeting on 11 December 2019 (Item 13.10). At the time of finalising this report, a Pre-lodgement meeting had been held in late October 2019 and comments provided by staff on draft documentation, however the Planning Proposal had not been lodged.

The Planning Proposal Application was subsequently lodged on 11 December, 2019. As the biannual report on site specific planning proposals was last considered by Council in December 2019, the next report which will include an update on the Le Clos Sancrox Planning Proposal will be submitted to Council in June 2020.

As can be seen, the Fernbank Creek Sancrox structure plan has been the subject of a number of reports to Council over the last twelve months, with additional detail provided in a Councillor briefing on 4 December 2019. Earlier Councillor briefings on the UGMS also included reference to the proposed structure plan.

Planning Proposal Application

On 11 December 2019, a Planning Proposal Application was lodged requesting Council to amend the Port Macquarie-Hastings LEP 2011 to enable residential development of Le Clos Sancrox. The Planning Proposal was submitted with a large amount of supporting information, reports and plans. Whilst it is not unusual for a planning proposal to be lodged in parallel with a structure plan being developed, the usual sequence of events is for the structure planning to be completed to inform any or all subsequent planning proposals.

A request to enter into a Voluntary Planning Agreement has also been submitted in connection with the Planning Proposal. The Proponent has indicated that they will be seeking Biodiversity Certification of the land under the *Biodiversity Conservation Act 2016* following the receipt of a Gateway determination.

The Proponent for the Planning Proposal is Land Dynamics Australia.

The Site

The subject land comprises a number of landholdings and is collectively known as 'Le Clos Sancrox'. The land is located on the southern side of Sancrox Road, approximately 1.3km to the west of the Pacific Highway. The land comprises 46 residential blocks with frontage to Le Clos Sancrox Road, and 46 bush blocks which are each connected to a residential building block. The land is legally described as Lots 1, 3-12, 14-48 and 50-52 in DP 776681 and has an area of approximately 104 hectares.

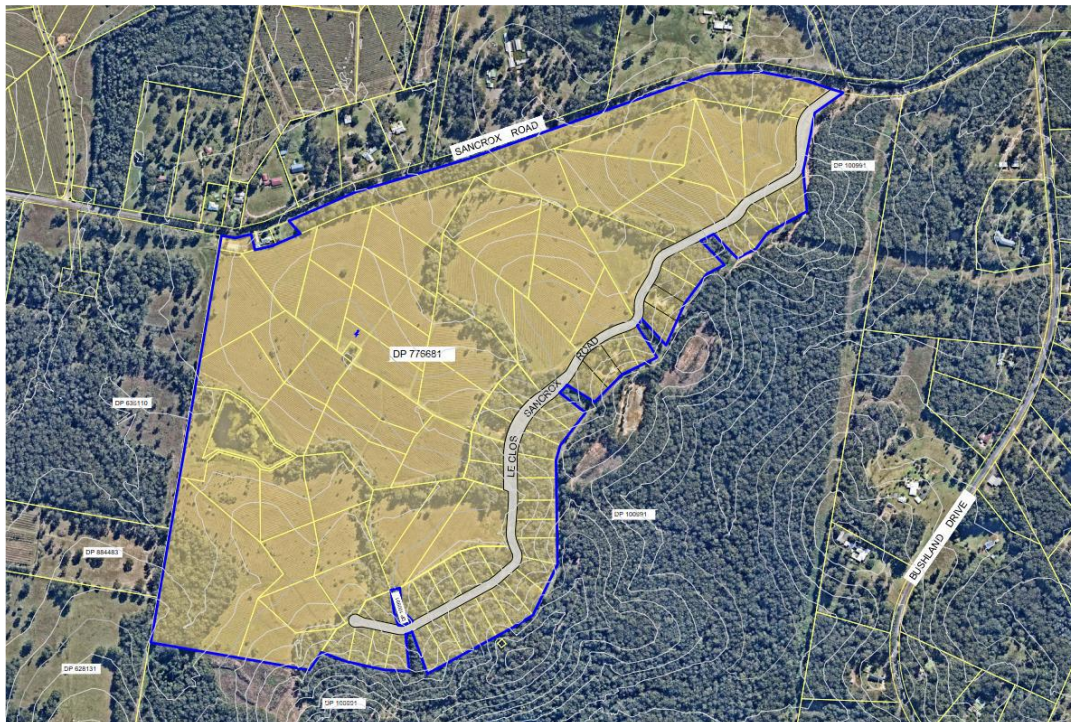


Figure 1: Land included in the Le Clos Sancrox Planning Proposal (Source: Land Dynamics Australia, 2019)

Le Clos Sancrox is currently subject to a moratorium on development which was imposed by Council on 9 October 2006. The Proponent has advised that the moratorium was imposed... *“because the inadequate size of the existing lots to meet current standards for effluent disposal and bushfire protection when constructing a dwelling. It is proposed that Council resolve this situation as a priority, if possible, having regard to other co-ordination issues in the GSA.”* (Source: Greater Sancrox Structure Plan, p41).

The site is zoned RU1 Primary Production under the *Port Macquarie-Hastings Local Environmental Plan 2011* with a minimum lot size for subdivision of 40 hectares.

Intended Development Outcome

The Planning Proposal Application seeks to rezone the subject land from RU1 Primary Production to a range of land use zones including residential, commercial and environmental to enable the future urban development of the land.

The Proponent has advised that the key objectives of the Planning Proposal are to:

- *“Achieve residential development of the site, complementary to the surrounding future desired character of the emerging residential area of Sancrox, whilst having regard to the existing characteristics of the area and the constraints of the site.*
- *Allow for a range of densities of residential development, as well as allowing for complimentary uses within residential zones including educational establishments.*
- *Enable commercial purposes, specifically a Local Centre to complement the proposed residential estate and provide supporting services for the residents.*

- *Conserve areas of environmental significance.*

The Proponent has advised that if the land is rezoned, this will enable its subdivision to create approximately six hundred and eighty (680) low density residential lots, three (3) large residential lots, a local centre lot and a residential allotment to cover open space areas. Access is proposed to be provided to the site via a new public road system which will connect with Sancrox Road, which is an existing public road which adjoins the subject site along its northern property boundary.

Whilst the subject planning proposal was lodged on the day of the December 2019 Council meeting, where Council also adopted the Planning Proposal Policy following public exhibition and consultation with the local development industry, the current Le Clos Sancrox Planning Proposal does not follow the then draft Planning Proposal Policy considered by Council.

Status of the Planning Proposal Application

Since Council invited the submission of a Planning Proposal by the Le Clos Sancrox landowners in February 2019, and following the formal lodgement of the Planning Proposal in December 2019, a number of meetings have been held between the Proponent, land owner representatives and Council staff. The most recent meeting was on 13 February 2020.

The Proponent has requested that the Planning Proposal be considered by Council at its March 2020 Ordinary Council meeting and, subject to Council's resolution, progressed to the Department of Planning, Infrastructure and Environment (Department) for a Gateway Determination shortly thereafter. The Proponent's view is that, *"Based on the resolutions of Council, this site specific Planning Proposal will occur in parallel with Outline Planning for wider Fernbank Creek – Sancrox area. The resolutions indicate that the plan under this proposal will inform the wider planning but does not require this proposal to be delayed."*

Council staff do not agree that this was the intention of Council's February 2019 resolution in relation to *Item 12.10 Strategic Land Use Planning - Fernbank Creek and Sancrox*, an extract of which is provided below and referred to in full earlier within this report:

"5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process."

There is not considered to be an inference within Council's February 2019 resolution that requires the Planning Proposal to be progressed to the Department for a Gateway Determination at this point in time. The progression of the Planning Proposal by Council would be considered to be premature, given the early stages of Council's planning investigations for the Sancrox and Fernbank Creek area as discussed elsewhere within this report. Staff contest that the intention of Council's resolution was to invite the submission of a Planning Proposal, which has been lodged following commencement of Stage 1 planning. In other words, the lodgement of the Planning Proposal for Le Clos Sancrox is a situation that has occurred at the same time as Council had already commenced early planning investigations for the wider Sancrox and Fernbank area following its resolution in September 2018.

Given the early stages of the planning investigations, it is not possible for Council to determine the strategic and site specific merit of the Planning Proposal (as is required under the Department's *A guide to preparing planning proposals*) and

Council's Planning Proposal Policy) without first taking into consideration of the broader planning, infrastructure and servicing requirements and outcomes for the area as a whole. These outcomes are not known as yet as the detailed work and studies which will inform the Sancrox and Fernbank Creek Planning Investigation Area Structure Plan will be undertaken in the next stage of the planning process. Additionally, the Discussion Paper which is the subject of this report only completed public exhibition on 19 February, and Council is yet to consider the community's feedback and understand what this means going forward for the preparation of the Structure Plan for the wider area.

Additionally, to progress a Planning Proposal to the Gateway at this early stage of the planning investigations is likely to lead to inconsistencies in the strategic planning process and potentially uncoordinated planning outcomes for the wider area. This report therefore recommends that Council note the lodgement of the Planning Proposal for Le Clos Sancrox and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider Sancrox and Fernbank Creek area.

It is therefore recommended that the Proponent be advised that the Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan has been approved by Council for exhibition.

Options

Alternative options to the progression of the subject Planning Investigation are provided below:

Option 1 - As per the Recommendations of this report

Option 2 - Not prepare a Structure Plan for the Planning Investigation Area

This option would involve Council's consideration of a report seeking an amendment to the UGMS to remove Action 6 (Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas). In accordance with the provisions of the North Coast Regional Plan (NCRP), this action would likely remove strategic context to facilitate the progression of the Fernbank Creek site, due to this site being located within the 'Coastal Zone' as defined within the NCRP.

Notwithstanding the above, the Sancrox components of this proposal may be able to proceed, likely in part only due to site specific planning constraints, in accordance with the Variation Criteria contained within Appendix 1 of the NCRP. This could occur through the progression of appropriately justified individual Planning Proposals, as this area is outside of the constrained 'Coastal Zone' as defined within the NCRP. This approach would initially reduce burden on Council resources by removing the requirement to prepare a Structure Plan and associated documentation. However, additional long term burden may be borne by Council in assessing multiple site specific Planning Proposals on a case by case basis without the strategic framework of a Structure Plan.

In addition to the above, it is likely that the full cost and benefit of this development to the community will not be accurately quantified without an overall Structure Plan.

This may result in infrastructure not being adequately costed and therefore funded into the future. It is also likely to result in fragmented and poor quality social and environmental outcomes as conservation and community development decisions will be made on a case by case basis rather than in consideration of wider community requirements.

This report recommends Option 1.

Community Engagement and Internal Consultation

Initial meetings between Council staff, State Government agency representatives and landowners in relation to the Greater Sancrox Structure Plan (GSSP) Issues Paper commenced in October 2011.

In December 2011 and after calling for expressions of interest, a Reference Group of landowner representatives was formed to assist in the draft GSSP preparation. The Reference Group comprised 10 landowner representatives and representation from the (former) Department of Planning and Infrastructure (DP&I), the Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH). Information about the draft GSSP preparation, including notes from the Reference Group meetings, was made available on Council's website. Council staff meet with the Group several times to identify challenges and opportunities. The outcomes of these meetings and feedback from Group members helped to inform the development of the GSSP. Information updates were provided on Council's website for all interested persons throughout.

At its Ordinary Meeting of 20 August 2014, Council resolved to publicly exhibit the draft GSSP. The draft GSSP was placed on public exhibition for a period of six weeks during September and October 2014.

Community engagement during public exhibition period included written notification to landowners and adjoining owners, notices in the local paper, web-based information and feedback survey form, information sessions and stakeholder meetings. Additional consultations also occurred with key State government agencies.

Following assessment of the public submissions received, amendments were made to the draft GSSP to incorporate appropriate feedback prior to reporting a revised GSSP to the 17 December 2014 Council meeting for adoption.

The direction of the proposal for the Sancrox component of the Planning Investigation Area has changed significantly since the planning investigations between 2011 and 2014. This includes changing potential urban land use outcomes from large lot residential to a combination of potential large lot, general and medium density residential, business and industrial land uses. These changes will significantly increase demand for infrastructure and social and recreational facilities, the demand for which will be required to be accurately quantified. Proposed targeted consultation in relation to these changes will minimise the chance of stakeholder 'surprise' and allow Council to receive initial feedback which can be taken into consideration in the preparation of the Structure Plan.

Internal consultation in relation to the Sancrox component of the planning investigation area has been undertaken since the development of the Greater Sancrox Structure Plan Issues Paper in 2011. This consultation has been undertaken

through means such as document referrals, meetings and workshops. More recently, internal consultation in relation to this proposal was undertaken as part of an internal working group on 17 September 2019. Feedback from this working group has been used to inform the development of the Discussion Paper and Fact Sheet.

In accordance with Council's resolution of 11 December 2019 in relation to this matter, the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet were placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. During this period, feedback from the community was sought through:

- Addressed letters and fact sheets posted to landholders within and adjoining the Planning Investigation Area,
- A landholder workshop / presentation at Council's Port Macquarie Customer Service Centre on 6 February 2020,
- Provision of information on Council's website,
- Advertisement in local print media on 22 and 29 January and 5 and 12 February 2020; and
- A 'pop up' session held at Sovereign Place Town Centre, Thrumster on 12 February 2020.

42 submissions were received as a result of this public exhibition, including submissions from three government agencies, being;

- Transport for New South Wales,
- The Department of Planning, Industry and Environment, and
- Essential Energy.

The DPIE submission (**Attachment 4**) raises concerns regarding the timing of the development of our Local Strategic Planning Statement, stating that *"Every Council in NSW is required to prepare a Local Strategic Planning Statement (LSPS) which sets out the 20-year vision for land use in their local area."*

As the LSPS identifies the vision and priorities for land use, it would be appropriate to include this project as a planning priority..... Any proposed changes to Council's existing approved land use framework under the NCRP and UGMS should also be firstly considered through the LSPS process before proceeding to the structure plan."

Staff consider that the subject planning investigation can be undertaken during the LSPS development process. Council Staff intend to clarify with the DPIE that the development of the subject Structure Plan should occur in parallel with the development of Council's LSPS.

In addition, on Friday 6 March 2020 the Department of Environment and Conservation advised Council staff that the department intended to provide a submission in relation to the exhibited material. At the time of writing the submission had not yet been received. Notwithstanding some objections to future development within the subject area, overall support was evident for the Structure Planning process.

The main topics raised within these submissions included:

- Concern regarding the proposed expansion of the Sancrox Quarry.

- Where development occurs, a preference for large (rural residential) lots.
- Where development occurs, a preference for high density living.
- The need to address traffic congestion on the Oxley Highway.
- The need to consider ecological constraints and opportunities.
- The need to address road safety issues on Fernbank Creek Road.
- The value of creating a residential corridor on the eastern side of the Pacific Highway between Thrumster and Fernbank Creek and keeping industrial land on the western side of the Pacific Highway in this location.
- Potential noise impacts from roads on existing and future development.
- The need to improve public transport links within the area.
- A preference to maintain the existing character and amenity of the Fernbank Creek and Sancrox area.
- The need to retain existing vegetation (particularly mature trees and vegetated corridors).
- Avoidance of areas of high environmental risk such as flood prone and bushfire prone land.
- The importance of considering and minimising land use conflict.
- The need to ensure high quality community facilities and services.
- The importance of high quality transport, pedestrian and cyclist links.
- The importance of high quality urban amenity outcomes.
- The importance of ensuring high quality services are available to service the existing and future population of the area such as electricity, sewerage and NBN (broadband internet).
- The importance of considering water security and climate change in land use planning.
- The need to consider sequence and staging of land release.
- The need to consider the subject planning investigation with regard to other relevant state and local planning policies, statements, directions, strategies and plans.

It is intended that many of the issues raised within the submissions received will be addressed in further detail through the preparation of Structure Plan for the subject Planning Investigation Area. Following completion of a draft Structure Plan, it is proposed that this plan be placed on public exhibition to invite further community feedback.

Feedback included within the abovementioned submissions is summarised within the table - **Attachment 3**

Full copies of the submissions will be provided to Councillors under separate cover.

Notes from the landholder workshop and 'pop up' session are included as **Attachment 1 and 2** to this report.

Planning and Policy Implications

Preparation of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas is included as Action 4.5.1.15 within Council's 2019 - 2020 Operational Plan and Action 6 of Council's Urban Growth Management Strategy.

In addition to the above, relevant Council policies such as Social Impact Assessment and Planning Agreements would be considered during the relevant phases of the Planning Investigation.

Financial and Economic Implications





Council has allocated \$150,000 to the development of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas. The public exhibition of the Discussion Paper, Fact Sheet and any future Structure Plan will incur administrative costs for purposes such as document distribution, venue hire and other associated costs as applicable. However, the majority of the above allocation is likely to be used to resource specialist assessments during the development of any future Structure Plan.

Overhead resources (such as Council Staff time) would also be required to develop and manage the subject material.

Notwithstanding the above, the provision of resources to the progression of this documentation would facilitate the strategic identification of the economic, social, environmental and infrastructure opportunities and constraints of the site. This would allow the medium and long term costs and benefits of the proposal to be quantified and contributions planning and resource allocation distributed accordingly.

No other financial implications are envisaged in relation to this matter at this time.

Attachments

1.  Fernbank Creek and Sancrox Landholder Presentation Summary
2.  Fernbank Creek and Sancrox Pop Up Summary
3.  Fernbank Creek and Sancrox Engagement Summary Table
4.  Department Planning Industry & Environment Submission

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**
 - Item 15.01 Wauchope RSL Club and Bransdon Street Car Park, Wauchope (Lots 4, 5 and 6 Deposited Plan 236079)**

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 15.02 T-19-33 - LGP EL0519 Supply of Electricity - Update**

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 T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8**

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 15.04 T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 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 Confidential Session of Council on the basis that the items to be considered are of a confidential nature.**
- 3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.**