



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 15 April 2020

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

**time:** 5.30pm

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 15 April 2020

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 18 March 2020 be confirmed.

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## **PRESENT**

### ***Members:***

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

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

Acting General Manager (Jeffery Sharp)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Infrastructure (Dan Bylsma)  
Acting Director Strategy and Growth (Liesa Davies)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)  
Communications Manager (Andy Roberts)

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The meeting opened at 5:30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 LOCAL GOVERNMENT PRAYER**

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The Minister from the Wauchope Presbyterian Church was not in attendance to deliver the Local Government Prayer.

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### **03 APOLOGIES**

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*RESOLVED: Dixon/Griffiths*

That the apology received from Councillor Geoff Hawkins be accepted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Alley/Intemann*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.08 - Fernbank Creek and Sancrox Planning Investigation, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the owner of a property within the investigation areas dealt with in the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.03 - T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the a principal of one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.04 - T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the a principal of one of the tenderers, the subject of the report.

Councillor Turner declared a Pecuniary Interest in Item 12.01 - Event Sponsorship Program Round 2, 2020, the reason being that Councillor Turner is one of the organisers of an event that has made an application under the Event Sponsorship Program and which is named in the Council report.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 in relation to Item 13.08 - Fernbank Creek and Sancrox Planning Investigation.

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Mayor Pinson declared a Pecuniary Interest in Item 15.03 - T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8, the reason being that Mayor Pinson has interests in a company known as Stabilcorp who provide quotations from time to time to one of the tenders.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works, the reason being that Mayor Pinson has interests in a company known as Stabilcorp who provide quotations from time to time to one of the tenders.

At the time for consideration of Item 15.01, Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 15.01 - Wauchope RSL Club and Bransdon Street Car Park, Wauchope (Lots 4, 5 and 6 Deposited Plan 236079), the reason being that Councillor Intemann is a Director of Hastings Co-operative Limited which uses the car park mentioned in the report, but that use is unaffected by the action the subject of the item.

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## **06 MAYORAL MINUTES**

Nil.

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

There is no confidential correspondence to the Ordinary Council Meeting.

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## **MATTER OF URGENCY - COVID-19**

In accordance with clause 9.3 of Council's Code of Meeting Practice, Councillor Levido moved a matter of great urgency.

*RESOLVED: Levido/Intemann*

That the Matter of Urgency in relation to COVID-19 be dealt with at this meeting.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Mayor Pinson ruled that the matter was of great urgency and permitted the business to be transacted at the meeting.

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*RESOLVED: Levido/Intemann*

That the General Manager, or Directors as directed by the General Manager, now provide Council with verbal advice as to the following:

1. Impact of COVID-19 crisis upon the operations of Council and its associated entities generally.
2. The impact of the COVID-19 crisis with respect to future monthly meetings of Council.
3. Details of any Emergency Management plans or protocols in place or being considered by Council as to the public generally and the Port Macquarie-Hastings Local Government Area with respect to the ongoing COVID-19 crisis.
4. Details of any plans or consideration being given to economic / financial assistance to the local economy as a result of the COVID-19 crisis.

*CARRIED: 7/0*

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

*AGAINST: Nil*

The Acting General Manager provided verbal advice in relation to COVID-19.

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## **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 Milton Job regarding recent sewerage overflows.
2. Mr Stewart Cooper regarding Lake Cathie / Lake Innes.
3. Mr David Waite, Timbertown, regarding tourism.
4. Mr Raymond Griffiths, Rollands Plains Community Group, regarding positive action in Rollands Plains.
5. Mrs Jenny Hurrell regarding rural roadside vegetation maintenance, rubbish collection and Comboyne Road drainage.

*RESOLVED: Griffiths/Dixon*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **08.01 RECENT SEWERAGE OVERFLOWS**

Mr Milton Job addressed Council in regard to recent sewerage overflows and answered questions from Councillors.



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## **08.02 LAKE CATHIE / LAKE INNES**

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Mr Stewart Cooper addressed Council regarding Lake Cathie / Lake Innes and answered questions from Councillors.

At this juncture the Mayor raised a point of order against Councillor Levido following his questions and comments to Mr Cooper.

Councillor Levido moved a motion of dissent against the Mayor's point of order in accordance with clause 15.8 of Council's Code of Meeting Practice.

*RESOLVED: Levido/Intemann*

That Council dissent from the ruling of the Chairperson on a point of order.

*CARRIED: 4/3*

*FOR: Alley, Intemann, Levido and Turner*

*AGAINST: Dixon, Griffiths and Pinson*

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## **08.03 TOURISM**

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Mr Waite, Timbertown Heritage Park, commenced his address to Council, however the Mayor advised that the subject of his address was not permitted in the Public Forum.

The Mayor invited Mr David Waite to meet with her at a later date to discuss this issue.

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## **08.04 POSITIVE ACTION IN ROLLANDS PLAINS**

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Mr Raymond Griffiths, Rollands Plains Community Group, addressed Council regarding positive action in Rollands Plains and answered questions from Councillors.

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## **08.05 RURAL ROADSIDE VEGETATION MAINTENANCE, RUBBISH COLLECTION, COMBOYNE ROAD DRAINAGE**

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Mrs Jenny Hurrell addressed Council regarding rural roadside vegetation maintenance, rubbish collection, sealing of Lorne Road and Comboyne Road drainage and answered questions from Councillors.

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

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

Item 10.01 - Mr Philip Lloyd in support of the recommendation.

Item 11.03 - Mr Stewart Cooper in support of the recommendation.

Item 11.03 - Ms Susan Pike, Telegraph Point Council Community Action Team, in support of the recommendation.

Item 13.06 - Ms Rachel Sheppard in support of the recommendation. Advice was received just prior to the meeting from Rachel Sheppard that she could not attend.

Item 13.08 - Mr Graham Burns, Land Dynamics Australia, in opposition of the recommendation.

Item 13.08 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.

*RESOLVED: Dixon/Turner*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Intemann/Dixon*

That Standing Orders be suspended to allow Items 10.01, 11.03, 13.06 and 13.08 to be brought forward and considered next.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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

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Mr Philip Lloyd addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Dixon*

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

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

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## **11.03 LAKE CATHIE AND TELEGRAPH POINT AND SURROUNDS COMMUNITY PLAN**

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Deputy Mayor Intemann left the meeting, the time being 7:07pm.

Deputy Mayor Intemann returned to the meeting, the time being 7:07pm.

Mr Stewart Cooper addressed Council in support of the recommendation.

Ms Susan Pike, Telegraph Point Council Community Action Team, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Dixon/Alley*

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.

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

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### **13.06 CLIMATE CHANGE INFORMATION**

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The Mayor advised that advice was received prior to the meeting from Rachel Sheppard that she could not attend.

Councillor Dixon left the meeting, the time being 7:21pm.

Councillor Dixon returned to the meeting, the time being 7:22pm.

*RESOLVED: Intemann/Alley*

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.
3. Request the General Manager provide a report to the July 2020 Council Meeting on progress in this matter.

*CARRIED: 6/1*

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

*AGAINST: Griffiths*

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### **13.08 FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION**

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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 7:31pm.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993, left the room and was out of sight during the Council's consideration, the time being 7:31pm.

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

Mr Tony Thorne, King and Campbell Pty Ltd, addressed Council in support of the recommendation.

*RESOLVED: Turner/Intemann*

That Council:

1. Note the submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet.

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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 further preliminary work has been undertaken by Council staff on the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan.
  5. Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once:
    - a) the Gateway determination for Le Clos Sancrox Planning Proposal has been advised and any additional work completed.
    - b) the necessary preliminary planning work for the structure plan is completed by Council staff.
  6. Request the General Manager bring a progress report to the July 2020 Ordinary Council Meeting.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Griffiths returned to the meeting, the time being 7:52pm.

Councillor Levido returned to the meeting, the time being 7:52pm.

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## **10.02 STRENGTHENING THE ENFORCEABILITY OF THE CODE OF CONDUCT**

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*RESOLVED: Intemann/Griffiths*

That Council note the information in the Strengthening the Enforceability of the Code of Conduct report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **10.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 FEBRUARY TO 4 MARCH 2020**

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*RESOLVED: Pinson/Griffiths*

That Council note the allocations from the Mayoral Discretionary Fund for the period 6 February to 4 March 2020 inclusive.

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

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### **10.04 DISCLOSURE OF INTEREST RETURN**

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*RESOLVED: Intemann/Dixon*

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

- Group Manager Digital Technology.

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

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### **10.05 DESIGNATED PERSONS**

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*RESOLVED: Dixon/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) Waste Manager.
2. Endorse the following positions be removed from the Designated Positions within Council:
  - a) Waste and Environmental Engineer.

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

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#### **10.06 MONTHLY BUDGET REVIEW - FEBRUARY 2020**

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*RESOLVED: Griffiths/Alley*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **10.07 INVESTMENTS - FEBRUARY 2020**

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*RESOLVED: Alley/Intemann*

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

*CARRIED: 6/1*

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

*AGAINST: Griffiths*

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

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*RESOLVED: Turner/Alley*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **10.09 POLICY REVIEW - INVESTMENT POLICY**

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*RESOLVED: Turner/Alley*

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.

*CARRIED: 6/1*

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

*AGAINST: Griffiths*

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## **11.01 NOTICE OF MOTION - ADULT CHANGE TABLE FACILITIES ALONG NSW HIGHWAYS**

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*RESOLVED: Alley/Griffiths*

That Council request the General Manager write to:

1. The NSW Minister for Families, Communities and Disability Services – the Hon. Gareth Ward, MP;
2. The NSW Minister for Transport and Roads – the Hon. Andrew Constance, MP;
3. The NSW Shadow Minister for Disability Inclusion – the Hon. Penny Sharpe, MP;
4. The Member for Port Macquarie - Hon. Leslie Williams, MP;
5. The Member for Oxley - Hon. Melinda Pavey, MP;

to call upon the NSW Government to provide adult change table facilities along NSW highways.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **11.02 POLICY REVIEW - DRAFT PUBLIC ART POLICY - POST PUBLIC EXHIBITION**

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*RESOLVED: Turner/Intemann*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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Item 11.03 Lake Cathie and Telegraph Point and Surrounds Community Plan, has been addressed previously within the meeting.

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**12.01 EVENT SPONSORSHIP PROGRAM ROUND 2, 2020**

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Councillor Turner declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:26pm.

*RESOLVED: Intemann/Dixon*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Turner returned to the meeting, the time being 8:34pm.

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**12.02 PROPOSED POSTPONEMENT OF VISIT TO HANDA, JAPAN**

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*RESOLVED: Pinson/Alley*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.03 PROPOSED POLL ON FLUORIDATION OF COUNCIL'S WATER  
SUPPLY**

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*RESOLVED: Alley/Turner*

In accordance with the Code of Meeting Practice, clause 9.13A, that Council split the motions and hence have separate resolutions on a community poll on "fluoridation of Council's water supply" and on "a new East-West link road between Ocean Drive and the Oxley Highway".

*CARRIED: 7/0*

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

*AGAINST: Nil*

**MOTION**

*MOVED: Pinson/Intemann*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
"Would you prefer Council to stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"

**AMENDMENT**

*MOVED: Alley/Levido*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
"Should Council apply to the Secretary of the Department of Health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council's drinking water supply?"

**THE AMENDMENT WAS PUT AND CARRIED**

*MOVED: Alley/Levido*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
"Should Council apply to the Secretary of the Department of health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council's drinking water supply?"

*CARRIED: 4/3*

*FOR: Alley, Griffiths, Levido and Turner*

*AGAINST: Dixon, Intemann and Pinson*

**THE AMENDMENT BECOMES THE MOTION**

*MOVED: Alley/Levido*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:

“Should Council apply to the Secretary of the Department of Health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council’s drinking water supply?”

#### **AMENDMENT**

*MOVED: Intemann/Pinson*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

#### **THE AMENDMENT WAS PUT AND CARRIED**

*MOVED: Intemann/Pinson*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

*CARRIED: 4/3*

*FOR: Dixon, Griffiths, Intemann and Pinson*

*AGAINST: Alley, Levido and Turner*

#### **THE AMENDMENT BECOMES THE MOTION**

*RESOLVED: Intemann/Pinson*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

*CARRIED: 4/3*

*FOR: Dixon, Griffiths, Intemann and Pinson*

*AGAINST: Alley, Levido and Turner*

*MOVED: Alley/Levido*

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:  
“Should Council continue to consider all options for a new East-West link (orbital) road between Ocean Drive and the Oxley Highway, Port Macquarie?”

*LOST: 3/4*

*FOR: Alley, Intemann and Levido*

*AGAINST: Dixon, Griffiths, Pinson and Turner*

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### **13.01 NOTICE OF MOTION - OXLEY HIGHWAY GATEWAY SCULPTURE**

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*RESOLVED: Pinson/Griffiths*

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.

*CARRIED: 6/1*

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

*AGAINST: Levido*

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### **13.02 RESPONSE TO NOTICE OF MOTION - OCEAN TIDAL POOL IN PORT MACQUARIE**

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*RESOLVED: Alley/Turner*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **13.03 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**

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*RESOLVED: Intemann/Alley*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.04 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**

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*RESOLVED: Intemann/Alley*

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).

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.05 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**

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*RESOLVED: Intemann/Griffiths*

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).

*CARRIED: 7/0*

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

*AGAINST: Nil*

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Item 13.06 Climate Change Information, has been addressed previously within the meeting.

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### **13.07 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT**

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*RESOLVED: Pinson/Intemann*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 13.08 Fernbank Creek and Sancrox Planning Investigation, has been addressed previously within the meeting.

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

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Nil.

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### **CONFIDENTIAL SESSION**

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*RESOLVED: Alley/Dixon*

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

2. That Council move into Closed 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(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 15.02      T-19-33 - LGP EL0519 Supply of Electricity - Update  
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.

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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.

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **EXTENSION OF TIME**

*RESOLVED: Alley/Dixon*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **15.01 WAUCHOPE RSL CLUB AND BRANDSON STREET CAR PARK, WAUCHOPE (LOTS 4, 5 AND 6 DEPOSITED PLAN 236079)**

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

*RESOLVED: Levido/Griffiths*

That Council:

1. Note the "without prejudice" offer dated 27 February 2020 made to the Wauchope RSL Club Ltd in the amount of \$182,044.78 (inclusive of GST) for the release of the Wauchope RSL Club Ltd's purported First Right of Refusal in the Bransdon Street Car Park Wauchope (Lots 4, 5 and 6 Deposited Plan 236079).

- 
2. Note the Wauchope RSL Club Ltd's formal acceptance on 2 March 2020 of Council's "without prejudice" offer dated 27 February 2020.
  3. Delegate authority to the General Manager to negotiate and enter into a Deed of Release with the Wauchope RSL Club Ltd for the release of the Wauchope RSL Club Ltd's purported First Right of Refusal in the Bransdon Street Car Park Wauchope (Lots 4, 5 and 6 Deposited Plan 236079).
  4. Affix the seal of Council to the necessary documents.
  5. Maintain the confidentiality of the documents and considerations in respect of this Confidential Report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **15.02 T-19-33 - LGP EL0519 SUPPLY OF ELECTRICITY - UPDATE**

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*RESOLVED: Alley/Griffiths*

That Council:

1. Note the rates accepted by Local Government Procurement under Request for Tender LGP EL0519 for Stage 1 - Supply of Electricity for Large Buildings and Facilities and Unmetered Public Lighting tendered by Origin Energy.
2. Note the rates accepted by Local Government Procurement under Request for Tender LGP EL0519 for Stage 2 - Supply of Electricity for Small (SME) Sites tendered by AGL.
3. Maintain the confidentiality of the documents and considerations in respect of Local Government Procurement Request for Tender EL0519 for Stage 1 - Supply of Electricity.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **15.03 T-19-67 CONSTRUCTION OF THURMSTER RECYCLED WATER INTERIM SUPPLY MAIN STAGES 3-8**

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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 9:56pm.

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 9:56pm.

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

*RESOLVED: Griffiths/Turner*



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That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$3,683,952.83 (exclusive GST) for Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8.
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-19-67.

*CARRIED: 5/0*

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

*AGAINST: Nil*

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**15.04 T-19-65 SANCROX RESERVOIR TO WAUCHOPE WATER TRUNK MAIN  
- MAIN WORKS**

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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 remained out of the room and was out of sight during the Council's consideration.

*RESOLVED: Turner/Dixon*

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$1,216,855.29 (exclusive GST) for construction of Sancrox Reservoir to Wauchope Water Trunk Main.
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-19-65.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 9:58pm.

Mayor Pinson returned to the meeting, the time being 9:58pm.

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

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*RESOLVED: Dixon/Alley*

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

*CARRIED: 7/0*  
*FOR: Alley, Dixon, Griffiths, 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.

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The meeting closed at 10:04pm.

.....  
Peta Pinson  
Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

**Pecuniary Interest**

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

**Non-Pecuniary**

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

**Managing non-pecuniary conflicts of interest**

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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

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

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

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**Item: 07**

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

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

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**Alignment with Delivery Program**

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

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

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**Item: 08**

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

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Due to the current COVID-19 health emergency, Public Forum - Matters Not On The Agenda will not be held as part of this meeting.



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

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Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda will not be held as part of this meeting.

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 10.01**

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

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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	Reported in March 2020 - complete	DDE	Apr-20	Mar-20
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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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 Deferred due to COVID-19	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	May-20
Town Centre Master Plan Charter Review	20/06/18 Item 09.09	Still being discussed Deferred due to COVID-19	DSG	Apr-19 May-19 Jun-19 Aug-19 Oct-19 Nov-19 Dec-19 Feb-20 Apr-20	May-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
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. Deferred due to COVID-19	DDE	Feb-20 Apr-20	May-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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. Deferred due to COVID-19	DDE	Feb-20 Apr-20	May-20
JH Taylor & MJ Taylor vs PMHC - report when finalised	18/09/19 Item 15.03	Still under negotiation	DCP	Feb-20 Mar-20 Apr-20	May-20
T-19-38 Supply and Delivery of Electrical Goods	16/10/2019 Item 15.01	Still negotiating	DI	Dec-19 Feb-20	May-20
Biodiversity Investigations Stewardship Sites	20/11/19 Item 13.15	Detailed analysis still being undertaking Deferred due to COVID-19	DDE	Mar-02 Apr-20	May-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 Deferred due to COVID-19	DDE	Mar-20 Apr-20	May-20
Draft Waste Minimisation and Management Policy - post exhibition	20/11/19 Item 13.01	Deferred due to COVID-19	DCP	Mar-020 Apr-20	May-20
Draft Community Inclusion Plan - post exhibition	20/11/19 Item 11.03	Review of submissions still underway Deferred due to COVID-19	DSG	Mar-20 Apr-20	May-20
Development Assessment Panel Charter Review - post exhibition	20/11/19 Item 13.10	Ongoing review of options underway	DDE	Mar-20 Apr-20	May-20

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Draft PMH DCP 2013 - Airport Business Park - post exhibition	11/12/2019 Item 13.06	Review of submissions underway Deferred due to COVID-19	DDE	Apr-20	May-20
Coast, Estuary and Floodplain Sub-Committee - Membership	11/12/2019 Item 13.07	Deferred due to COVID-19	DDE	Apr-20	May-20
Draft Greater Port Macquarie Destination Management Plan - post exhibition	11/12/2019 Item 12.03	Further consideration of submissions required to finalise draft Deferred due to COVID-19	DSG	Mar-20 Apr-20	May-20
T-19-60 Beach to Beach Detailed Design & EIS - outcome of procurement strategy	11/12/2019 Item 15.05	Review of submissions underway Deferred due to COVID-19	DI	Mar-20 Apr-20	May-20
Draft Glasshouse Plan 2020-2022 - post exhibition	11/12/2019 Item 10.10	Still considering submissions	DCP	Mar-20 Apr-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
Investment Policy Review - posit exhibition	18/03/20 Item 10.09		DCP		May-20
Oxley Highway Gateway Sculpture	18/03/20 Item 13.01	deferred due to COVID-19	DSG	Apr-20	May-20
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



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	DSG	1/12/2019 Feb-20	Jun-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	Jun-20
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06	Revised Pplodged and under assessment	DDE	Aug-19 Sep-19 Nov-19 Feb-20 Apr-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
2020-2021 IP&R Documents - post exhibition	18/03/20 Item 10.08		DCP		Jun-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02	Post-exhibition report and revised Planning Proposal (potentially) and re-exhibition	DDE	Sep-19 Nov-19 Feb-20 Apr-20	Jul-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
Climate Change Risk Assessment - Update	18/03/20 Item 13.06		DDE		Jul-20
Fernbank Creek and Sancrox Planning Investigation - Progress Report	18/03/20 Item 13.08		DSG		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
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	10/08/16 Item 12.01		DDE		2021 (estimate)



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.					
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)	April: deferred due to COVID-19
Investments	DCP	Monthly	Every	
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	April: deferred due to COVID-19
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb	
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug	
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	

<b>Report</b>	<b>Reporting Officer</b>	<b>Reporting Cycle</b>	<b>Month</b>	<b>Altered Report Date</b>
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	April: deferred due to COVID-19
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Biannual Progress Report (18/03/20 - Item 13.07)	DDE	Biannual	Jul, February	
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	
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	

Report	Reportin g Officer	Reporting Cycle	Month	Altered Report Date
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

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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 5 MARCH TO  
1 APRIL 2020**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note there were no allocations made from the Mayoral Discretionary Fund for the period 5 March to 1 April 2020 inclusive.**

### **Executive Summary**

To advise there were no allocations made by the Mayor from the Mayoral Discretionary Fund for the period 5 March to 1 April 2020 inclusive.

### **Discussion**

There were no allocations made by the Mayor from the Mayoral Discretionary Fund for the period 5 March to 1 April 2020 inclusive.

### **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.

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

## AGENDA

ORDINARY COUNCIL  
15/04/2020

### Attachments

Nil

LEADERSHIP AND  
GOVERNANCE

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Item: 10.03

Subject: RELIEF MEASURES FOR THE IMPACTS OF COVID-19

Presented by: General Manager, Craig Swift-McNair

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### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

### RECOMMENDATION

That Council:

1. Waive or defer the payment of fees and charges as detailed below in relation to community members and local businesses impacted by the COVID-19 virus. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
a)	Interest on rates and charges	Up to 6 months commencing 16/04/20	For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.
b)	Direct debit dishonour fees	Up to 6 months commencing 16/04/20	N/A
c)	Rent for Council owned cafes and facilities	Up to 6 months commencing 16/04/20	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. Any reduction applied will be proportionate to the turnover reduction of the tenant.
d)	Interest on outstanding rental fees	Up to 6 months commencing 16/04/20	For applicants where rent is deferred in accordance with c) above.
e)	Fees for outdoor dining and footpath displays	Up to 6 months commencing 16/04/20	N/A



	<b>Fee / Charge</b>	<b>Timeline of waiver / deferral</b>	<b>Conditions of waiver / deferral</b>
f)	Glasshouse venue hire and associated fees, including provisions for tickets to patrons	Up to 6 months commencing 16/04/20	Venue hire and associated fees waived, and deposits refunded or transferred, where events have been cancelled as a result of a government directive to restrict or cease operations. Tickets to patrons credited, transferred or refunded where the event has been cancelled or rescheduled by the event organiser / promoter.
g)	Fees for mobile food vending vehicles	Up to 6 months commencing 16/04/20	N/A
h)	Fees for food shop inspections	Up to 6 months commencing 16/04/20	N/A
i)	Fees for public health inspections	Up to 6 months commencing 16/04/20	N/A
j)	Impound and maintenance fees (in relation to animals)	Up to 6 months commencing 16/04/20	Registration requirements, including registration fees, will still be required before release if an animal is not already registered. Customers will need to sign a financial hardship form to be eligible.
k)	Ferry fees for delivery of food and other items to the North Shore	Already commenced	N/A
l)	Licence fees / application fees for activities on Council managed land	Up to 6 months commencing 16/04/20	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity.
m)	Fees for applications for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138)	Up to 6 months commencing 16/04/20	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity.

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
n)	Bin reinstatement fee for businesses (Waste Management)	On resumption of normal operations	Waived on resumption of normal operations, where businesses have requested a suspension of bin services due to COVID-19.
o)	Fees for A-Frame signs	Up to 6 months commencing 16/04/20	N/A
p)	Credit card surcharge fees	Up to 6 months commencing 16/04/20	N/A

2. Delegate authority to the General Manager to enter into a formal agreement with an eligible applicant to repay outstanding rates and charges by periodical payments on a payment arrangement, where the applicant is suffering financial hardship due to the impacts of COVID-19. Note that application for such payment arrangements will be subject to similar criteria and documentation requirements as the current Council adopted Rates & Charges Hardship Assistance policy.
3. Amend the Rates and Charges Hardship Assistance Policy to include provisions for non-residential property owners.
4. Continue to issue reminder notices on outstanding accounts, with details of assistance options provided, however suspend formal debt recovery actions for outstanding accounts for a period of up to 6 months.
5. Note the additional range of non-financial support programs and initiatives to be offered to our community, local businesses and events during this difficult period, as detailed in this Relief Measures for the Impacts of COVID-19 report.

### Executive Summary

During recent weeks our community, along with many others across the nation and indeed globally, have been dealing with the significant impacts of the COVID-19 virus. The Federal and State governments have introduced a number of measures on a staged basis to slow the spread of the virus, including travel restrictions, border closures and implementation of strict social distancing requirements. Coming on the back of many difficult months during and after the 2019 bushfires, these unprecedented times are seeing immense challenges for our communities, with businesses across multiple industries reducing services or closing, with one of the results being that unemployment is on the rise.

Council has taken a number of measured precautions in line with Federal and State Government advice and although a number of services and facilities have been impacted, Council continues to provide a large number of services and facilities to the community. This means that as well as delivering essential services, Council continues to ensure the community's assets and infrastructure are maintained and this provides important stimulus to the local economy.



Provision of these services and facilities does require Council to continue spending on items such as materials, labour and utilities, and providing financial relief for our community at this time, as detailed in this report, will without doubt impact Council's overall financial position. However despite this, it is recognised that the challenges facing our community are significant and the impacts will be ongoing for a period of time, therefore it is considered appropriate for Council to act as best it can to these circumstances.

The Federal and State governments have announced stimulus measures to assist individuals and businesses throughout these uncertain times. This report requests Council endorsement for additional local relief measures, both financial and non-financial, to support members of the community and local businesses who are being severely impacted by COVID-19 and to assist in minimising their financial burden.

These local relief measures include specific provisions for rates and charges as detailed in this report, however it should be noted that Councils are subject to certain legislative restrictions in relation to issuing rates levies and instalments, and writing these amounts off if required. A number of relief measures are proposed around rates and charges, which will still meet the legislative requirements, whilst providing support and assistance to the community. Further details of these measures are included in this report, however they have been proposed with a focus on working with affected businesses and individuals on a case by case basis to formulate to most appropriate solution for their particular needs, whilst making the process as easy and accessible as possible in these difficult times.

### **Discussion**

In response to the evolving situation of the COVID-19 virus and in closely following the advice provided by the Federal and State health authorities, Council has taken a number of measured precautions to ensure we keep our staff and our community safe.

Whilst being accessible and open for business, Council has and will continue to temporarily change the way it does business and how it delivers services to our community. Council has adapted some existing services and continues to provide essential support and services to our community when it's needed the most.

There are a number of Council services and facilities that are temporarily closed, including:

- The Glasshouse including the Visitor Information Centre and Regional Gallery
- Port Macquarie and Wauchope indoor stadiums
- Customer service centres (face-to-face services)
- Laurieton, Port Macquarie and Wauchope libraries (face-to-face service)
- Kendall, Laurieton, Port Macquarie and Wauchope swimming pools
- The Hub Business and Co-Working Space
- Community Halls
- Outdoor playgrounds and BBQ's
- Outdoor exercise equipment
- Skate parks

Despite the above, delivery of essential services such as water, sewer, waste management and roads maintenance programs remain unchanged at this stage. The following Council services and facilities continue to be provided:

- Council governance, insurance, planning, reporting and decision making
- Communication, engagement, education, community grants
- Water treatment and water operations
- Sewage treatment and sewer operations
- Waste collection and disposal services
- Roads, bridges, canals and drainage services - planning, maintenance and response
- Ferry operations
- Open spaces, beaches, boat ramps and sports field management - maintenance and preparation for recovery
- Regulatory services, enforcement and responsiveness in line with community needs and government direction
- Development assessment and certification services in line with community needs and government direction
- Customer contact, correspondence and communication
- Financial, procurement, payroll, business improvement and revenue services
- Asset planning, management and reporting services
- Human resources and WHS support
- Information technology and records management services
- Fleet, plant and depot management
- Strategic land use planning
- Glasshouse online box office, online gallery and event services
- Port Macquarie Airport operations
- Innes Gardens Crematorium and LGA cemeteries
- Economic development, major events, Destination Marketing and grants
- Cultural development
- Council pursuit of grants to support service delivery
- Emergency management
- Environmental laboratory
- Library online services
- Property management and strategic property services, statutory property and leasing
- Capital works program delivery
- Building and facility maintenance
- Natural resource and tree management

In managing operations in line with the above and continuing to provide these services, Council is able to deliver the following benefits for our community at this important time:

- Council continues to deliver essential services to the community / households in ensuring that water / sewer are operational and waste is collected.
- As one of the largest employers in the Local Government Area, Council is making every attempt to ensure that where possible, its large workforce is kept employed during this difficult time, with Council staff salaries supporting spending in our local economy.

- Council is ensuring that assets and infrastructure continue to be maintained for community use during and following this crisis.
- By continuing its programs, Council continues to provide stimulus to the local economy by purchasing materials and using local contractors and businesses to deliver goods and services.

Whilst Council holds monies in reserve, a significant proportion of these funds are restricted in use by NSW legislation i.e. Council is not legally allowed to utilise these monies to fund general operations / work program items, with remaining amounts held for specific future purposes or projects. For example, a significant proportion of our reserves will go towards future major capital infrastructure projects to ensure water security for our community. On this basis, Council relies each year on monies received from rates, charges and fees to fund many services and projects, most of which are continuing to be delivered during this period. It is understood that the NSW government is continuing to look at a variety of ways it may be able to assist Councils during this time and once any further information is forthcoming on any further initiatives, these will be reported to Council.

This pandemic event and in particular the associated closure of the Glasshouse and grounding of regular passenger air services to and from the Port Macquarie Airport, will impact the budget position and operating performance of Council, the full impact of which will not be known for some time. It is also acknowledged that providing financial relief for our community at this time will also impact Council's overall financial position. However notwithstanding the above, Council understands that the impact of COVID-19 on our community and particularly on those who have been impacted by business closures, is significant and indeed unprecedented. Therefore, in order to further assist those members of our community and local businesses who have been severely impacted by COVID-19, Council has considered a range of options, including a number of measures to provide financial and non-financial relief to those affected, as detailed below.

The Federal and State governments have announced various stimulus measures that will assist those affected and the intent of this report is not to replace these assistance avenues. This report and the initiatives contained within it are intended to provide additional assistance to those members of the community and local businesses experiencing financial difficulty as a result of COVID-19.

The following fees are proposed to be waived under the recommendation:

#### Rates and Charges

- Interest on overdue rates and charges will be waived for a period of up to 6 months in accordance with section 567 of the Local Government Act 1993 and under the provisions of the Rates and Charges Hardship Assistance Policy, for applicants who enter into payment arrangements on outstanding accounts, (refer below to 'Other Relief Measures' section).
- Direct debit dishonour fees will be waived for a period of up to 6 months.

Lease Fees - Council Land

- Rent relief for council owned cafes and facilities: fees will be deferred / waived, depending on individual circumstances, for a period of up to 6 months where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. These will be assessed on a case by case basis.
- Interest on outstanding rental fees will be waived for a period of up to 6 months, where rent is deferred in accordance with the above.
- Fees for outdoor dining and footpath displays will be waived for a period of up to 6 months.

The Glasshouse

- Venue hire and associated fees will be waived, and deposits will be refunded or transferred, where events have been cancelled as a result of a government directive to restrict or cease operations.
- Tickets to patrons will be credited, transferred or refunded, (at their choice), where the event has been cancelled or rescheduled by the event organiser / promoter.

Compliance

- Fees for mobile food vending vehicles will be waived for a period of up to 6 months.
- Fees for food shop inspections will be waived for a period of up to 6 months. Council will continue to work with businesses still operating to maintain food safety.
- Fees for public health inspections will be waived for a period of up to 6 months.
- Some or all impound and maintenance fees will be waived for a period of up to 6 months so that animals can return home in a timely manner. Registration requirements, including registration fees, will still be required before release if an animal is not already registered. Customers will need to sign a financial hardship form to be eligible.

Ferries

- Ferry fees for delivery of food and other items to the North Shore will be waived for a period of up to 6 months.

Other

- Licence fees / application fees for activities on Council-managed land will be deferred / waived, depending on individual circumstances, for a period of up to 6 months where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. These will be assessed on a case by case basis.
- Fees for applications for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act (Section 138), will be deferred / waived, depending on individual circumstances, for a period of up to 6 months where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. These will be assessed on a case by case basis.



- Where businesses have temporarily closed and requested a suspension of bin services due to COVID-19, the bin reinstatement fee which would ordinarily be charged on resumption of normal operations will be waived.
- Fees for A-frame signs will be waived for a period of up to 6 months.
- Credit card surcharge fees will be waived for a period of up to 6 months.

In addition to the above, following are some further initiatives as detailed in the recommendations included in this report:

#### Rates and Charges

Under the Local Government Act 1993 and associated Regulations, Councils must levy rates and send quarterly instalment notices in accordance with legislated timeframes. In addition to this, Councils can only write off Rates and Charges under limited circumstances. On this basis and under section 562 of the Local Government Act, Council must issue the 4<sup>th</sup> quarter instalment notices on or before 30 April and payment is due by 31 May.

Notwithstanding the above restrictions, Council recognises the financial burden which businesses and individuals impacted by COVID-19 may be experiencing and therefore proposes a number of measures as detailed below to assist in relation to Rates and Charges. This means that Council will work with businesses and individuals on a case by case basis to tailor solutions which will best assist during this challenging period. Affected parties are requested to contact Council staff who will then work through the particular impacts / circumstances, discuss the most appropriate options for that particular case and work through the information / documentation required, with a focus on making the assistance process as easy and accessible as possible. Some of the options for assistance by arrangement in this area include the following:

- Entering into a payment arrangement which means the amount payable can be spread over smaller payments and across a timeframe which is manageable for the applicant.
- People with existing payment arrangements can contact Council and further reduce the amounts payable each week / month for a period.
- Although Council must continue levying rates and charges under legislation, Council may be able to put rate and charges payments on hold for a period by negotiation.
- For businesses experiencing closure or reduced activity, water and sewer access charges may be waived on a case by case basis.
- Waiving or putting interest charges on hold for a period.
- Suspending debt recovery activity for a period.

The proposed measures are therefore as follows:

- Council's Rates and Charges Hardship Assistance Policy currently has provisions for Council to enter into a formal agreement with an eligible applicant to repay outstanding rates and charges by periodical payments on a payment arrangement. It is proposed to extend these provisions to allow Council officers with the relevant delegated authority to enter into such agreements where the applicant is suffering financial hardship due to the impacts of COVID-19. Note

that application for such payment arrangements will be subject to similar criteria and documentation requirements as the current hardship policy.

- The above provisions currently apply to residential properties. It is therefore proposed to amend the Rates and Charges Hardship Assistance Policy to extend these provisions to non-residential properties.
- Reminder notices for amounts due on the 3<sup>rd</sup> instalments (including earlier arrears) have been delayed at this time. It is proposed that these letters be sent, however modified to include specific information about assistance available should the account holder be experiencing financial hardship as a result of COVID-19. This will strike an important balance between providing our community with the appropriate assistance at this time and, by working with our community, minimise the risk of applicants accumulating significant and potentially unmanageable debts.
- Whilst reminder notices will continue to be issued so that account holders are aware of the status of their accounts and assistance options available, formal debt recovery actions for outstanding accounts will be suspended for a period of up to 6 months.

#### Non-Financial Local Support Initiatives

While financial hardship will be a key concern for many in our community now and in the coming months, there are also a range of ways in which staff and other Council resources can work to support locals. In addition to performing the important role of advocating with other levels of government for appropriate support measures, it is proposed that the following Council programs are implemented to provide support for local business and our community - many of whom are already experiencing hardship following the 2019 bushfires.

A new Business Support Program will be established to ensure Council places a strong priority on local businesses to support job retention and growth and our economy during and post-COVID-19. This Program will include a range of Council led initiatives including:

- Priority management and processing of commercial applications or enquiries regarding development inspections and approvals.
- Priority processing of business applications to conduct commercial activities on council-managed land.
- #supportlocalPMH marketing campaign to encourage locals to support local business.
- Continued commitment to our 'on-time payment policy' for local business.
- Ongoing destination marketing and communications, including social media, to keep the region top of mind and drive visitation when it is safe to do so.
- Development and sharing of additional event marketing content and promote events via Council-owned media channels, to drive participation and visitation locally and from out of region.
- Industry communications to stay in touch and provide insights.
- Helping local businesses connect with local business advisers, support services and business networks.
- Linking local businesses to education and innovation opportunities.
- Information to support business growth, including new business grants and assistance, research funding, and promotion opportunities.

- Development of easy to read fact sheets to support business in their dealings with Council.

A new Community Support Program will be established, which involves Council staff working with key partners and community groups to facilitate and advocate for better connections and resources for our community to get through this unique and difficult time together.

The intention is for Council staff to connect with existing communities and provide some supporting collateral, promoting this through our community directory to understand what our community needs and then allowing this program to grow within the community.

This program focuses on ensuring physical distancing does not mean social isolation, and shut down does not mean shut out. The proposed program is a means by which all of us in the region can help and connect with each other safely and will involve:

- Existing networks, such as *Our Community Directory* and social media platforms encouraging community members to participate and connect with each other, local business and those in need who can provide practical help.
- Assistance for community members to set up communications technology on their home computers and devices, such as Zoom and Skype.
- The introduction of Care cards for those not connected - a mechanism for those who are not on-line to seek support or assistance.

We acknowledge that these non-financial measure are a starting point and that further work is required to plan for community and economic recovery as we come out of the current COVID-19 environment. In this regard, staff will commence working with key stakeholders such as the Economic Development Steering Group (and the Cultural Steering Group and the Community Inclusion Committee) to discuss ideas and initiatives that will form part of a medium-long term recovery plan.

### **Options**

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

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

Consultation has occurred with the General Manager, Director Corporate Performance, Director Development and Environment, Director Infrastructure, Director Strategy and Growth, Senior Leadership Team, Rates and Revenue Coordinator.

### **Planning and Policy Implications**

Council's Rates and Charges Hardship Assistance Policy will need to be amended subject to the adoption of the recommendation included in this report.

### **Financial and Economic Implications**

The direct assistance measures noted above will inevitably have an impact on Council's financial position, largely in the form of forgone revenue. In addition to this,

Council is also susceptible to the impacts of COVID-19 as with any other business. Therefore, there will be further financial impacts due to business interruption where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity, noting that these future impacts are of course unknown at this point in time. This includes the effect of facility closures such as the libraries, swimming pools and community halls, as well as the flow on effects from potential reduction in activities such as development applications. Further, Council is incurring additional expenditure to implement precautionary health measures, such as increased cleaning costs and increased technological costs to facilitate social distancing via remote working.

Assessment of COVID-19 impacts is ongoing and the overall financial impact will vary depending on a number of factors which are unknown at this point in time, e.g. how long Federal and State health precautionary measures will be in place for. Therefore, whilst there will be a financial impact in relation to the above factors, it is not possible to reliably estimate the full cost to Council at this stage. As these impacts become clearer in this evolving situation, any adjustments required to the budget will be dealt with through the Monthly Financial Update reports to Council.

**Attachments**

Nil



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**Item: 10.04****Subject: INVESTMENTS - MARCH 2020****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the Investment Report for the month of March 2020.**

**Executive Summary**

- Total funds invested as at 31 March equals \$301,970,493.
- Interest for the month of March was \$643,241.
- The year-to-date investment income of \$6,017,900 represents 72% of the total annual investment income budget of \$8,395,000.
- Council's total investment portfolio performance for the financial year to date was 1.69% above the benchmark (2.73% against 1.04%), benchmark being the Bank Bill reference rate as at 31 March 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 +2.81% p.a., outperforming bank bills by 1.57% p.a. and around 3 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.
- Global financial markets continue to be impacted by the widespread effects of COVID-19, with the RBA cutting the official cash rate to a new record low of 0.25%.
- With official interest rates now at the RBA's effective zero bound, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available.
- 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|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 March 2020, comply with this Act.

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

As at 31 March 2020, the investments held by Council totalled \$301,970,493 and were attributed to the following funds:

General Fund	117,152,473
Waste Fund	19,256,657
Water Fund	112,822,216
Sewer Fund	51,150,782
Sanctuary Springs Fund	42,276
Broadwater	1,546,089
	<hr/>
	<b>301,970,493</b>

Whilst the current level of investments remains high, these largely relate to funds which have legal restrictions (for example water and sewer), or for funds held for specific purposes.

These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a minor variance between the total investments held as per this report, (\$301,970,493), and total investments held as per Imperium's attached monthly report (\$301,926,042). 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 11<sup>th</sup> December 2019, Council resolved as follows:

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**10.06 INVESTMENTS - NOVEMBER 2019**

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*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 Levdo*

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 19<sup>th</sup> February 2020 it was reported that responses were received from:

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

At the Ordinary Council Meeting held on 18<sup>th</sup> March 2020 it was reported that further responses had been received from:

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

At the time of writing this report, no additional responses had been received.

**Options**

This is an information report.

**Community Engagement and 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 and 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 1.69% above the benchmark (2.73% against 1.04%) and year to-date income is 72% 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 - March 2020
2. Port Macquarie-Hastings Council Portfolio as at 31 March 2020



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**Item: 10.05**

**Subject: PORT MACQUARIE TRANSPORT NETWORK COMMUNITY  
CONSULTATIVE COMMITTEE CHARTER UPDATE**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That the Port Macquarie Transport Network Community Consultative Committee Charter be amended to reflect the Director of Infrastructure as the relevant Council Officer for the purposes of making recommendations to Council.**

### **Executive Summary**

The Port Macquarie Transport Network Community Consultative Committee Charter was adopted at the 21 August 2019 Council meeting, following consultation with the internal Orbital Road Steering Group.

At the time of development, the Director of Strategy and Growth was to be one of two Council staff representatives on the Committee. This has since been delegated to the Director of Infrastructure as the more appropriate representative.

### **Discussion**

Section 3.3 Obligations of Members of the Charter, see attachment 1 to this report, currently states:

- The Committee may make recommendations to Director of Strategy and Growth or General Manager who will have the discretion to prepare a report, for consideration by Councillors through a formal meeting of Council. Council will consider recommendations that come from the Committee, however is under no obligation to resolve in favour of such recommendations.*

The Director of Infrastructure is the appropriate Council representative for this Committee.

### **Options**

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

**Community Engagement and Internal Consultation**

Engagement on the recommendation was undertaken with members of the Port Macquarie Transport Network Community Consultative Committee at a meeting held on 6 March 2020.

**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. Port Macquarie Transport Network Community Consultative Committee Charter - adopted 21 August 2019

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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





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Item: 13.01

Subject: DA2019 - 649.1 TORRENS TITLE SUBDIVISION AND  
CONSTRUCTION OF A DWELLING INCLUDING CLAUSE 4.6  
OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT  
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT  
LOT 144, DP 1230897, NO. 4 SHORE BREAK CRESCENT, LAKE  
CATHIE  
APPLICANT: MATTO LUKE CORP PTY LTD  
OWNER: W M OWEN AND S A LIEVORE

Report Author: Director Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That DA 2019 - 649.1 for a Torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for a Torrens title subdivision and construction of a 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).

The matter was considered by the DAP at its meeting on 11 March 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 2**.

**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 11 March 2020, the DAP was unable to reach consensus as follows:

Robert Hussey moved the following motion:

*'That it be recommended to Council that DA2019 - 649.1 for a torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by refusing consent for the following reasons:*

*The determination of this application depends on the acceptance of a Clause 4.6 written submission seeking a variation in the order of 75% reduction for the minimum (1000m<sup>2</sup>) lot size development standard in this R3 Residential zone. The proposed lots are 227m<sup>2</sup> and 265m<sup>2</sup>*

*The Clause 4.6 relies substantially on the fact that this 1000m<sup>2</sup> development standard has been effectively abandoned by Council. This seems to be the case because the subject Lot 144 was created along with some approximately 14 other similar lots with areas in the order of 450 - 500m<sup>2</sup>. This outcome relied on a Clause 4.6 to vary the 1000m<sup>2</sup> Development Standard by 50%. However, the subject land is covered by the DCP 2013 controls for Area 14 Precinct B, which envisaged a mix of low density and medium density with the medium density evolving from the 1000m<sup>2</sup> lots.*

*From the site inspection and the documentation before the Panel, there is no significant evidence of any medium density development in this Area 14. Instead, it is substantially characterised by detached low density lots/dwellings. The proposal continues this pattern but with smaller (further 50% reduction in area) lots 1 & 2.*

*The Clause 4.6 states that this increase in residential yield is consistent with Council's desired residential density for the area. The Clause 4.6 does not address in any detail the underlying objective or purpose of the 1000m<sup>2</sup> development standard, which is presumably to enable the economic and orderly development of some of the land in this Precinct B. Instead, the Clause 4.6 notes that the proposal will achieve the objectives of the relevant development standard, notwithstanding non-compliance with the standard.*

*However, this proposal does not contribute to the medium density expectation of the development controls. What it proposed is much smaller, low density lots than the original compromise allowed by Council, resulting in 2 lots that do not comply with the overall lot depth in the DCP and have comprised rear setbacks. As such the approval of the proposal is likely to set a further precedent of subdivision of the other low density block, which impacts the amenity of the area with reduced boundary setbacks, less open space areas and less orderly development. In this regard the*

*Public Interest is usually well served by the public having confidence in the consistent application of the adopted planning controls.*

*With reference to the Wehbe test Clause 4.6 does not adequately address the underlying objectives of the 1000m<sup>2</sup> development standard, part of which is facilitate orderly and economic medium density development. In so far as the Clause 4.6 states that the “desired residential yield has been achieved and this is the orderly purpose” - this is no quantitatively substantiated.*

*With regard to the 3rd test and to whether the underlying subject as proposed would be defeated or thwarted if compliance was required and therefore compliance is unreasonable, this was not made out because a complying development could achieve the underlying objectives and achieve a mixed form of development.*

*In summary, the Clause 4.6 is not acceptable. The proposal would comprise the established residential amenity of the area and therefore the application should be refused because it does not represent economic and orderly development as required by Clause 1.3 of the Environmental Planning and Assessment Act 1979.’*

For: Robert Hussey and Paul Drake  
Against: Dan Croft

The dissenting recommendation from Dan Croft was:

*‘That it be recommended to Council that DA2019 - 649.1 for a torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.’*

This report recommends that the development application be determined by granting consent subject to the attached conditions (**Attachment 2**).

In response to the motion for refusal the following comments are made:

- The minimum 1000m<sup>2</sup> lot size standard has already been significantly varied for the site and immediate surrounds.
- The proposal will provide for an increased housing and density outcome on the site and go toward achieving the medium density zone objectives.
- Refusal of the application will result in a lower development density outcome and will not have any significant impact on the orderly development of the land.
- The DCP variations are minor and having regard to merit assessment considered acceptable in the context of the site.
- The amenity of the area will not be compromised by the proposal.

## 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 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% and is therefore required to be determined by Council.

**Financial and Economic Implications**

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

**Attachments**

1. DAP Report 11 March 2020
2. Recommended Conditions - DA2019 - 649

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**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

1. That Council move into Confidential Session to receive and consider the following items:  

**Item 15.01 RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade**

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