

Ordinary Council

Business Paper

date of meeting: Wednesday 6 May 2020

location: Via Skype

time: 5:30pm

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Wednesday 6 May 2020

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Services

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

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

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

Due to the current COVID-19 health emergency, the Local Government Prayer will not be delivered as part of this meeting.

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 15 April 2020 be confirmed.

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance Support Officer (Bronwyn Lyon)

This meeting was held remotely and electronically through Skype
and is live streamed on Council's YouTube channel.
The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Due to the current COVID-19 health emergency, the Local Government Prayer will not be delivered as part of this meeting.

03 APOLOGIES

RESOLVED: Griffiths/Intemann

That the apology received from Councillor Dixon be accepted.

CARRIED: 7/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

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

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.01 - RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for one of the tenderers, the subject of the report.

Councillor Pinson declared a Pecuniary Interest in Item 15.01 - RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Pinson holds interests in a company, Stabilcorp, that has provided quotations for one of the tenderers.

06.01 COVID-19 - FINANCIAL SUPPORT

RESOLVED: Pinson

That Council:

1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Call for the stimulus and financial packages to include the following measures:
 - (a) Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19, the drought

-
- and bushfire disaster, as well as giving councils capacity to provide hardship assistance to businesses and residents.
- (b) Providing untied stimulus funding to councils for projects that will help sustain Council operations and boost local economies. This could also be achieved through increasing or bringing forward funding under existing funding programs or introducing new funding programs without the requirement for co-contribution from councils.
 - (c) Increased access to TAFE, VET and other apprenticeship opportunities that Council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commend the NSW and Federal Governments on their stewardship during this crisis and commit to working in partnership to protect community health and sustain local economies through this crisis.
 4. Request the General Manager to write to the following:
 - (a) Local Federal and State Members - Hon Melinda Pavey MP, Dr David Gillespie MP, Hon Leslie Williams MP and Mr Pat Conaghan MP;
 - (b) Prime Minister - Hon Scott Morrison MP;
 - (c) NSW Premier - Hon Gladys Berejiklian MP;
 - (d) Federal Treasurer - Hon Josh Frydenberg MP;
 - (e) NSW Treasurer - Hon Dominic Perrottet MP;
 - (f) NSW Local Government Minister - Hon Shelley Hancock MP;
 - (g) Federal Minister for Local Government - Hon Mark Coultan MP;
 - (h) Federal Opposition Leader - Hon Anthony Albanese MP;
 - (i) NSW Opposition Leader - Ms Jodi McKay MP;
 - (j) Federal Shadow Minister for Local Government - Mr Jason Clare MP;
 - (k) NSW Shadow Minister for Local Government - Mr Greg Warren MPto confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
 5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
 6. Advise the LGNSW President, Ms Linda Scott, of the passage of this Mayoral Minute.

CARRIED: 7/0

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

AGAINST: Nil

06.02 ADDITIONAL COUNCIL MEETING DATES

RESOLVED: Pinson

That Council:

1. Set additional Ordinary Council Meeting dates for 2020 on 6 May, 3 June and 1 July 2020.
2. Note that the meetings detailed in 1. above, are in addition to the currently scheduled and adopted meeting dates of 20 May, 17 June and 15 July 2020.

CARRIED: 7/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

There is no confidential correspondence to the Ordinary Council Meeting.

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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

09 PUBLIC FORUM – MATTERS ON THE AGENDA

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

Council invited the public to submit comments in relation to matters on the agenda in writing which were provided to Councillors prior to the meeting for the consideration of the Councillors.

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Griffiths

That Standing Orders be suspended to allow Items 10.03, 10.04 and 13.01 to be brought forward and considered next.

CARRIED: 7/0

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

AGAINST: Nil

10.03 RELIEF MEASURES FOR THE IMPACTS OF COVID-19

MOTION

MOVED: Intemann/Levido

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)	Waive Interest on rates and charges	Up to 6 months commencing 16/04/2020	For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.
b)	Waive Direct debit dishonour fees	Up to 6 months commencing 16/04/2020	N/A
c)	Rent for Council owned cafes and facilities	Up to 6 months commencing 16/04/2020	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)	Waive Interest on outstanding rental fees	Up to 6 months commencing 16/04/2020	For applicants where rent is deferred in accordance with c) above.
e)	Waive Fees for outdoor dining and footpath displays	Up to 6 months commencing 16/04/2020	N/A
f)	Glasshouse venue hire and associated fees, including provisions for tickets to patrons	Up to 6 months commencing 16/04/2020	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)	Waive Fees for mobile food vending vehicles	Up to 6 months commencing 16/04/2020	N/A
h)	Waive Fees for food shop inspections	Up to 6 months commencing 16/04/20	N/A

i)	Waive Fees for public health inspections	Up to 6 months commencing 16/04/20	N/A
j)	Waive 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)	Waive 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.
n)	Waive 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)	Waive Fees for A-Frame signs	Up to 6 months commencing 16/04/20	N/A
p)	Waive Credit card surcharge fees	Up to 6 months commencing 16/04/20	N/A
q)	Payment Plan for Connection to Telegraph Point Sewerage Scheme	Up to 12 months from date invoice provided to Council, prior to 31/12/2020.	For applicants who are approved to enter into a payment arrangement in line with provisions for connection to the Telegraph Point Sewerage Scheme payments
r)	New Levy for Stormwater on 800 properties	Until 1/7/2021	N/A

s)	Bus Shelter Advertising Space rental	Up to 6 months from negotiated date	Maintenance charge to Council also waived for up to 6 months, with risk based maintenance taking place only
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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.
6. Request that the General Manager:
 - a) Establish a COVID-19 Recovery Working Group with the General Manager as the Chair, with the purpose of the working group being to bring together community leaders from across the Port Macquarie-Hastings Local Government Area to discuss how we can successfully recover from the COVID-19 health crisis, economically, socially and culturally.
 - b) Adopt the COVID-19 Recovery Working Group Charter as tabled at this 15 April 2020 Council meeting.
7. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
8. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

AMENDMENT

MOVED: Griffiths/Pinson

That Council:

1.
 - a) Defer on request from the ratepayer, domestic or commercial rates for 6 months effective 16th April 2020.
 - b) The 6 month deferral period to start at the discretion of the ratepayer but to start no later than 16 October 2020.
 - c) Deferred payments to be paid at a rate of 10% of outstanding balances each quarter after the initial 6 month period until repaid.
2. Waive, for a period of 6 months (16 April 2020 to 16 October 2020) the payment of fees and charges as detailed in the table in relation to community members and local businesses impacted by the COVID-19 virus.

3. No interest is to be charged on outstanding balances from 16 April 2020 to 16 October 2020 inclusive.
4. Waive license/application fees for activities on council managed land for 6 months from 16 April 2020 to 16 October 2020 inclusive.
5. Waive 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) from 16 April 2020 to 16 October 2020 inclusive.
6. Implement a running account balance on all rates or outstanding amounts notices to allow ratepayers to know their account balance during the deferral period.
7. Request the General Manager provide an update report on the status of the relief measures to each council meeting.
8. 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)	Payment Plan for Connection to Telegraph Point Sewerage Scheme	Up to 12 months from date invoice provided to Council, prior to 31/12/2020.	For applicants who are approved to enter into a payment arrangement in line with provisions for connection to the Telegraph Point Sewerage Scheme payments
b)	New Levy for Stormwater on 800 properties	Until 1/7/2021	N/A
c)	Bus Shelter Advertising Space rental	Up to 6 months from negotiated date	Maintenance charge to Council also waived for up to 6 months, with risk based maintenance taking place only

9. Request that the General Manager:
 - a) Establish a COVID-19 Recovery Working Group with the General Manager as the Chair, with the purpose of the working group being to bring together community leaders from across the Port Macquarie-Hastings Local Government Area to discuss how we can successfully recover from the COVID-19 health crisis, economically, socially and culturally.
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10. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
11. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

THE AMENDMENT WAS PUT AND LOST

MOVED: *Griffiths/Pinson*

That Council:

- 1.

- a) Defer on request from the ratepayer, domestic or commercial rates for 6 months effective 16th April 2020.
 - b) The 6 month deferral period to start at the discretion of the ratepayer but to start no later than 16 October 2020.
 - c) Deferred payments to be paid at a rate of 10% of outstanding balances each quarter after the initial 6 month period until repaid.
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LOST: 2/5

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Levido

That Council:

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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.
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 - b) Adopt the COVID-19 Recovery Working Group Charter as tabled at this 15 April 2020 Council meeting.
7. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
8. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

CARRIED: 7/0

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

AGAINST: Nil

10.04 INVESTMENTS - MARCH 2020

RESOLVED: Intemann/Hawkins

That Council:

1. Note the Investment Report for the month of March 2020.
2. Request Imperium Markets, in their April report, to include their assessment of the likely impact of Covid-19 on the investment markets as relate to Council in the short, medium and long term.

CARRIED: 6/1

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

AGAINST: Griffiths

MATTER OF URGENCY - LAKE CATHIE

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

RESOLVED: Alley/Levido

That the matter of urgency in relation to Lake Cathie be dealt with at this meeting.

CARRIED: 6/1

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

AGAINST: Griffiths

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

RESOLVED: Alley/Levido

That Council, with regards to Lake Cathie:

1. Notes the Lake Cathie Opening Strategy states that "the lake system can be opened during optimal conditions when lake levels reach 1.6m AHD" and that optimal conditions would include reference to tides and long term weather forecasts which predicts rain on the horizon. The opening strategy requires notification to DPIE-Fisheries, DPIE-Environment and Heritage & public notification before an artificial opening is enacted.
2. Notes that Manly Hydraulics Laboratory reported that the water level in the lake was 1.494m as at 10am April 15, 2020.
3. Notes that Council is able to open the lake relying on section 191A of the NSW Local Government Act 1993 if required to enact maintenance of water supply, sewerage and drainage works.
4. Notes that orders made under the NSW Public Health Act 2010 in relation to COVID-19 does not inhibit the ability of Council to respond to our requirement under the NSW Local Government Act 1993 section 191A to open the Lake in order to enact maintenance of water supply, sewerage and drainage works.

-
5. Request that the General Manager email Councillors as soon as practicable, details of the plans to implement the lake opening should the trigger level and optimal conditions be met.

CARRIED: 7/0

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

AGAINST: Nil

**13.01 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**

RESOLVED: Griffiths/Intemann

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.

CARRIED: 5/2

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Levido, Pinson

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Levido

That Council adopt items 10.01, 10.02, 10.05 in the block.

CARRIED: 7/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Alley/Levido

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 5 MARCH TO 1 APRIL 2020

BLOCK RESOLVED: Alley/Levido

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

Item 10.03 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

Item 10.04 Investments - March 2020, has been addressed previously within the meeting.

10.05 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE CHARTER UPDATE

BLOCK RESOLVED: Alley/Levido

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.

11 Nil

12 Nil

Item 13.01 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, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Hawkins/Turner

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 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.

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, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

15.01 RFQ-19-22 KENNY WALK CONSTRUCTION UPGRADE AND RFQ-19-24 KENNY WALK CIVIL WORKS UPGRADE

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the meeting and did not participate in the meeting during the Council's consideration, the time being 7:28pm.

Councillor Pinson declared a Pecuniary Interest in this matter and left the meeting and did not participate in the meeting during the Council's consideration, the time being 7:28pm.

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

RESOLVED: Hawkins/Griffiths

That Council:

1. Pursuant to Section 377(1) of the Local Government Act 1993 note the acceptance of the offer from Coffs Harbour City Council, T/as Coastal Works, for the lump sum of \$244,760 (ex GST) for RFQ-19-22 Kenny Walk Constructions Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade.
2. Maintain the confidentiality of the documents and considerations in respect of RFQ-19-22 Kenny Walk Constructions Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 7:33pm.

Mayor Pinson returned to the meeting, the time being 7:33pm.

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

RESOLVED: Griffiths/Hawkins

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

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

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

The meeting closed at 7:36pm.

.....
Peta Pinson
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - 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:
- Your "relative" is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
 - "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)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - 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
 - 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 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
 - 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.
 - 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.
 - 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
 - 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
 - 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:
- 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
 - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.
If there is insufficient space for all the information you are required to disclose,
you must attach an appendix which is to be properly identified and signed by you.*

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 07

Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 10.04 and 11.03 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No: 10.04
Subject: Legal Fees
Attachment Description: Legal matters greater than \$10,000 2019/2020 Financial Year
Confidential Reason: Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Item No: 11.03
Subject: 2019-2020 Round 2 Community Grant Program for Endorsement
Attachment Description: 2019 - 2020 Community Grant Assessment Round 2
Confidential Reason: Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Item No: 11.03
Subject: 2019-2020 Round 2 Community Grant Program for Endorsement
Attachment Description: 2019 - 2020 Round Two Unsuccessful Applications
Confidential Reason: Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Item: 08

Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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

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

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

However, residents may provide information in relation to matters on the agenda to Councillors by emailing councilmeeting@pmhc.nsw.gov.au or by contacting Councillors directly using the contact details found on Council's website. Any information provided will assist Councillors in their decision making capacity on those items on the agenda. All representations made to Councillors through the above email address must be received by Council no later than 4:30pm on the Monday prior to the 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 affective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

Item: 10.01

Subject: REVIEW OF THE MID NORTH COAST JOINT ORGANISATION

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained in this Review of the Mid North Coast Joint Organisation report.**
- 2. Grant approval to the General Manager to become the Executive Officer of the Mid North Coast Joint Organisation from 7 May 2020 to 30 June 2021.**
- 3. Provide a financial contribution to the Mid North Coast Joint Organisation of \$25,000 as budgeted for in the current 2019-2020 Operational Plan.**
- 4. Request the General Manager write to the Minister for Local Government detailing concerns about the lack of ongoing operational funding being provided to Joint Organisations.**
- 5. Request the General Manager table a report at the November 2020 Council meeting detailing any developments in relation to ongoing funding for the Mid North Coast Joint Organisation and related issues.**

Executive Summary

The purpose of this report is to provide a review of the first 24 months of operation of the Mid North Coast Joint Organisation (MNCJO), in line with the resolution of Council from 21 March 2018.

The above-mentioned resolution of Council called for (amongst other things) a review to be undertaken of the MNCJO against the stated goals of additional investment to the region and substantial benefit and significant cost savings to member Councils, within 24 months of the commencement of the MNCJO. The MNCJO officially commenced on 13 June 2018 with its first Board meeting, hence this report being presented to Council within the 24-month period since commencement.

This report details a brief history of the MNCJO and addresses the issues raised in the 21 March 2018 Council resolution. Importantly, this report will also detail issues surrounding the financial sustainability of the MNCJO as well as seek Councillor support for the General Manager of Port Macquarie-Hastings Council (PMHC) to be appointed as the Executive Officer of the MNCJO until 30 June 2021.

Discussion

At the 21 March 2018 Council meeting, Council resolved the following:

09.02 JOINT ORGANISATION OF MID NORTH COAST COUNCILS

RESOLVED: Turner/Intemann

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Port Macquarie-Hastings Council (Council) resolves:

- 1) *That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.*
- 2) *To approve the inclusion of the Port Macquarie-Hastings Council's area in the Joint Organisation's area.*
- 3) *That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:*
 - *Kempsey Shire Council;*
 - *Nambucca Shire Council;*
 - *Bellingen Shire Council;*
 - *Coffs Harbour City Council;*
 - *Clarence Valley Council*
- 4) *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
 - a) *With a copy of this resolution including the date on which Council made this resolution; and*
 - b) *Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.*
- 5) *That Council will provide no financial guarantee to the Joint Organisation, nor will it accept any liability for decisions made and/or debts incurred.*
- 6) *To request the Joint Organisation consider the following points in the determination of its charter:*
 - a) *That decision making occurs via consensus and that a dispute resolution mechanism be included;*
 - b) *That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden;*
 - c) *That the purpose and core functions of the Joint Organisation be limited to the following functions, with all other functions to be decided on a case by-case basis:*
 - i) *Strategic planning and regional priority setting;*
 - ii) *Intergovernmental collaboration and*
 - iii) *Regional leadership and advocacy*
- 7) *That any requests for financial contribution to be decided by Council resolution.*
- 8) *That agendas for meetings of the Joint Organisation be provided to PMHC Councillors prior to the meetings, and that all official business of the Joint Organisation be reported to a subsequent Ordinary Meeting of Council, including agendas, reports, and minutes of meetings.*
- 9) *That Council's decision to participate in the Joint Organisation be reviewed against the stated goals of additional investment to the region, and substantial benefit and significant cost savings to Councils, within 24 months of the commencement of the Joint Organisation.*

CARRIED: 7/2

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

AGAINST: Cusato and Hawkins

Subsequent to the above Council resolution, Joint Organisations (JOs) in NSW were proclaimed by the Governor of NSW on 9 May 2018. The MNCJO was proclaimed as including Port Macquarie-Hastings Council (PMHC), Kempsey Shire Council (KSC) and Bellingen Shire Council (BSC), noting that Coffs Harbour City Council, Nambucca Shire Council and Clarence Valley Council did not join the MNCJO and at the time of writing this report, it is understood that these Councils are not members of any JO. The MNCJO commenced operation on 13 June 2018, with its first official Board meeting.

By way of background, since Council resolved to join the MNCJO, there have been several reports to Council on the subject of the MNCJO and related issues, being at the Ordinary Council meetings of 18 July 2018, 19 September 2018, 20 February 2019 and 16 October 2019. Copies of these reports to Council are attached to this report for information. Also attached is a summary of the various previous resolutions of Council, relating to the above-mentioned MNCJO reports to Council.

Prior to undertaking the above-mentioned review, following is a summary of achievements of the MNCJO as detailed in the Council report from 16 October 2019. Since the proclamation of the MNCJO, the member Councils of the MNCJO have worked hard in building collaborative networks with strategic partners, such as Destination North Coast (now an Associate member of the MNCJO), the Office of Emergency Management and Transport for NSW among others, plus there has been a concerted effort to investigate opportunities for regional collaborations. Some of the key achievements to date are:

- Development of the MNCJO Statement of Strategic Regional Priorities (SSRP) as attached to this report.
- Development of the MNCJO Timber Bridge Renewal Prospectus for the purpose of seeking just over \$10 million funding from the NSW government over 3 years, to be matched by the member Councils.
- This is an important initiative due to the fact that the 3 x member Councils of the MNCJO have 15% of the States ageing timber bridges between them. If the above-mentioned funding could be achieved, then 91 timber bridges will be upgraded across the 3 x Councils, which represents 42% of the total number of timber bridges across the member Councils.
- Whilst this project has caught the interest of the Minister for Regional Roads & Transport, the Hon. Paul Toole MP, no specific funding has been forthcoming to the MNCJO for this project as yet.
- A works program workshop was held in the last half of 2019 between all three member Councils, with General Managers, relevant Directors and Managers present to discuss and explore possible synergies and opportunities for collaborative efforts on Water, Sewerage and Road projects.
- The establishment of a network of Environmental staff across the MNCJO membership who are working towards identifying collaborative sustainability initiatives.

- The commissioning of the Centre for Local Government (CLG) at the University of Technology Sydney to design and conduct social research across the Mid-North Coast Region to find out what matters most to our individual communities, and equally, what matters across the region. This project was known as Why Local Government Matters (WLGm) and was reported to the 17 July 2019 Council meeting. The information gathered through this research is now being used by the member Councils to inform community planning and the suite of documents related to the integrated planning and reporting framework.
- The establishment of the Koala Recovery Partnership, which seeks to improve koala conservation across the Hastings-Macleay Region by engaging with landholders, the community, research groups and government sectors to achieve better on-ground outcomes and on-going viability for the iconic and important koala species.
- The establishment and signing of Memorandum of Understanding (MOU) between the MNCJO and the NSW Office of Emergency Management for the placement of a Regional Disaster Preparedness Officer (RDPO) for the entire mid north coast region. This placement is for two years and the RDPO role is one of only three across NSW.
- An MNCJO web site, which includes copies of all business papers relating to the MNCJO, all of which are available to the public.
- Following the PMHC General Manager acting as the MNCJO Executive Officer from October 2018 to June 2019, a new part time Executive Officer was appointed in April 2019, with commencement in mid-June 2019.
- Active involvement with a range of State agencies as part of the Department of Planning, Industry & Environment (DPIE) Regional Leadership Executive Meetings.
- A joint Mid North Coast and Northern Rivers Joint Organisation series of Ministerial meetings was planned to take place in Parliament House, Sydney in late March 2020, however this was cancelled due to COVID-19. It is likely that this joint meeting will now take place later in 2020.

It should be noted that at the time of writing this report, that the Office of Local Government (OLG) have not yet commenced a broad review of JO's across NSW. It is understood that this will take place in the coming year. It is acknowledged that the OLG has been heavily involved in the bushfires that impacted NSW in late 2019 and early 2020 and most recently have been consumed dealing with the COVID-19 health crisis, therefore the JO review has not been able to be undertaken at this point in time.

The resolution of Council from 21 March 2018 seeking a review of the MNCJO, stated that the review should be against the NSW government stated goals of additional investment to the region and substantial benefit and significant cost savings to Council. This report now deals with these two specific issues.

Additional Investment to the Region:

With regard to additional investment to the region, the MNCJO, like other JO's received establishment funds of \$300,000 from the NSW government in mid-2018. These funds were to assist in the set up costs of the JO and for the engagement of an Executive Officer. Subsequent to this funding, there has been no ongoing operational funding provided to JO's from the NSW government, noting that this has been an ongoing topic of discussion between the JO's and the NSW government since the inception of the JO's.

Whilst no further operational funding has been forthcoming from the NSW government, the MNCJO has been the recipient of the following funding for specific purposes:

Koala Recovery Partnership:

The Partnership is a joint venture under the MNCJO, with \$450,000 in funding from the NSW Government's Saving Our Species Program, along with funding from the Port Macquarie Koala Hospital and Port Macquarie-Hastings and Kempsey Councils.

The Partnership conducts a variety of educational, scientific and on-ground projects that will contribute to protecting koalas and their habitat across the Hastings-Macleay Region. Importantly, the Partnership includes the funding of a Koala Recovery Ecologist to deliver the program over the next three years, with the Ecologist being a fixed term employee of the MNCJO.

Regional Disaster Preparedness Officer:

Whilst not direct funding to the MNCJO, as noted earlier in this report, in late 2019, the MNCJO entered into an MOU with the NSW Office of Emergency Management for the placement of a Regional Disaster Preparedness Officer (RDPO) for the entire mid north coast region. This appointment had been discussed several months before the bushfire crisis of late 2019, so the timing of the appointment of the RDPO has been most welcomed by all parties, with the RDPO now working with a range of communities across the mid north coast on disaster preparedness. The placement of the RDPO is for two years and is one of only three such roles across NSW.

OLG Capacity Building Fund:

In late 2019, the OLG announced a grant program called the Joint Organisation Capacity Building fund as part of the NSW government's commitment to support the sustainability of JO's and to assist them in building additional capacity and to deliver their strategic plans. The fund was for an amount of \$150,000 per JO dependent on the project proposed being deemed appropriate.

The MNCJO project that has been approved under this funding is a Biodiversity Offset Project. The project includes an assessment of the unavoidable biodiversity offset requirements likely to be generated from land already identified for development across the MNCJO region and an analysis of potentially available biodiversity stewardship sites on public land in the MNCJO region. The \$150,000 funding has recently been received by the MNCJO.

Whilst this funding will be of great value to the member Councils of the MNCJO from a biodiversity offset perspective, it is not ongoing operational funding.

Substantial Benefit & Significant Cost Savings to Council:

It is fair to say that there have been very limited opportunities for cost savings to MNCJO member Councils as a result of being a member of the MNCJO. As a small three-member JO, each member Council has contributed enormous amounts of time and resources to various projects and / or initiatives or to the operation of the MNCJO.

The costs required to establish the MNCJO and to continue to operate the MNCJO have largely been absorbed by all three member Councils since the establishment of the MNCJO. There is no doubt that the initial funding of \$300,000 from the NSW government for the establishment of the MNCJO was of great value, but those funds were soon expended across a range of projects, appointing a permanent Executive Officer (EO), attendance at meetings and in the day-to-day operation of the MNCJO. The Mayors of each member Council have been required to attend a range of MNCJO Board meetings and workshops in addition to their current Mayoral duties. Plus, as the Chair of the MNCJO, Mayor Liz Campbell (Kempsey Shire Council) has been required to attend a range of ongoing MNCJO Chairs meetings in Sydney, along with the EO and to attend to a range of other duties as required as the Chair.

The General Managers of each member Council have contributed many hours at no cost to the MNCJO in an effort to ensure the success of the MNCJO through attendance at MNCJO Board meetings, attendance at MNCJO General Manager Advisory Committee meetings and in meetings with a range of State government representatives over these past two years. The General Manager of PMHC was the interim EO of the MNCJO from September 2018 to June 2019 at no cost to the MNCJO, in an effort to preserve limited MNCJO funds, with this role being undertaken in addition to the regular duties of a General Manager.

There have also been a number of MNCJO projects and or workshops that have required the attendance and / or attention of a range of staff at member Councils, whether that be in relation to the Koala Recovery Partnership, the MNCJO Timber Bridges prospectus or the Biodiversity Offset project to name a few. Plus, each member Council has contributed on a number of occasions to submissions made by the MNCJO to the NSW government on a range of issues impacting or likely to impact on the local government sector in NSW.

As a small three-member JO, there have been very few opportunities to develop any projects around shared-services as a JO over these past two years. It is quite possible that at some point in the future, such projects may result in cost savings to each member Council, but the reality is that without adequate funding to resource someone to develop and drive such projects, there is simply not the capacity in member Councils to be able to dedicate time to such projects.

Having said all the above from a cost saving (or otherwise) perspective, there has been significant benefit in being a member of the MNCJO. The three member Councils have worked extremely well together at the Mayoral, General Manager and staff level from day one of the establishment of the MNCJO. Clearly there were existing relationships between the three member Councils prior to the establishment of the MNCJO, as we had all been members of the Mid North Coast Regional

Organisation of Councils (MIDROC) for many years; however, with each Council dedicated to making the MNCJO as successful as it could be, no JO could have asked for more cooperation from their member Councils.

As a JO, the MNCJO has a seat at the table of a range of important regional committees that are not necessarily available to non-JO Councils. These committees include the following (to name just a few):

- North Coast Regional Leadership Executive Committee (and related sub-committees), chaired by the Department of Regional NSW
- North Coast Local Land Services Pests Advisory Committee
- North Coast Weeds Advisory Committee
- North Coast Drought Task Group
- Transition North Coast Strategic Working Group

It is through membership of committees such as those listed above that MNCJO member Councils stay informed of important developments not just across the mid and north coasts of NSW, but across all of NSW. Participation in these committees and sub-committees also allows the General Managers of the member Councils to network with a range of other Councils and State government agencies, which is invaluable for not only the MNCJO, but for the individual Councils.

Another key benefit of being a member of the MNCJO, is that there are regular opportunities for the MNCJO to be at the table with other JO's and a range of government Ministers on any number of topics. The strength of a collective voice is generally always greater than individual voices and whilst it may be hard to measure any results that have come directly from any specific Ministerial meeting, it is better to be at the table than not.

Through the WLGGM research undertaken by the MNCJO as mentioned earlier in this report, we know that collectively, the most important parts of the region are the accessibility and quality of essential services and infrastructure such as good quality roads, bridges, and aged and home care, phone and Internet connections, and access to local shops. Other important features include the degree of social cohesion in the community, being able to live close to friends and family, and the level of community creativity. The research highlighted that our region's residents are strongly interested in its sustainability and find the availability of locally grown food, using land, water and energy resources wisely, pollution levels and the health of plants and animals as extremely or very important.

Whilst all of the above-mentioned issues and services are managed by individual Councils, having a collective regional approach to many of these issues serves to benefit each individual community as well as the collective community of the mid north coast and that regional benefit should not be overlooked.

Financial Sustainability of the MNCJO:

The clear overarching issue that is facing all JO's as a model for regional cooperation and particularly for the MNCJO as one of the smallest JO's, is its ongoing financial viability and sustainability. From the commencement of discussions by the NSW government about the potential establishment of the JO's, many Councils voiced

their concern as to how JO's would be funded and what financial impact the establishment of a JO might have on individual Councils.

Since the establishment of the MNCJO there have been numerous letters written to a range of NSW Ministers by the Chair of the MNCJO, highlighting ongoing concerns with regard to the operational funding of JO's. Financial sustainability of JO's is also the subject of discussion at most of the JO Chairs meetings and JO Executive Officer meetings that take place, noting that this is not necessarily as critical an issue for larger JO's or for JO's that were formed off the back of strong and successful Regional Organisations of Councils (ROC's). Without doubt, financial sustainability presents as the biggest challenge facing the MNCJO.

In order to raise the issue of JO financial sustainability to the highest level possible, at the JO Chairs Forum held on 1 August 2019, it was resolved that with the support of the Minister for Local Government, Minister Shelley Hancock a Joint Organisation Advisory Committee be established to provide recommendations to the on JO Financial Sustainability. The advisory committee includes representatives from four JO's as follows:

JO Chairs	JO Executive Officers
Lord Mayor Clr Gordon Bradbery AM, (Illawarra/Shoalhaven JO)	Julie Briggs, (Riverina JO)
Clr Jamie Chaffey, (Namoi Unlimited)	Isabel Perdriau, (Northern Rivers JO)
Clr Rowena Abbey, (Canberra Region JO)	
Clr Danielle Mullholland, (Northern Rivers JO)	

The advisory committee was charged to work closely with the OLG to:

- Explore possible funding models for financial viability of NSW JOs
- Identify and share examples of best practice
- Investigate opportunities for JOs to create new revenue streams
- Develop new tools/methodologies for all JOs to share

The advisory committee met between 30 September 2019 to mid-December 2019, with the following definition of JO financial sustainability being agreed:

'A Joint Organisation will be financially sustainable over the long term when it is able to achieve sufficient funding to deliver on the Strategic Regional Priorities agreed with its members and stakeholders.'

A draft discussion paper was finalised by the advisory committee in March 2020, which includes the following recommendations:

- 1) That the Minister acknowledges the progress of the Joint Organisation Advisory Committee from 30 September to 17 December 2019. Specifically, the findings of the Committee across four priority program areas of water, infrastructure and jobs, transport for NSW and waste.
- 2) That the Minister endorses the next steps for the Committee:
 - To consult with Joint Organisations on the potential revenue streams.
 - To review expenses streams of Joint Organisations.
 - To seek, collate and analyse procurement models.

- To consult with Joint Organisations on the potential for cross regional and boundary collaboration.
 - Draft the toolkit for financial sustainability.
- 3) That the Minister requests that the NSW Office of Local Government provide to the Committee, areas where Joint Organisations; (a) could contribute to sector capacity, capability and development, and (b) reduce the NSW Office of Local Government workload's in regulation and compliance.
 - 4) That the Minister requests the NSW Office of Local Government provide advice to the Committee that identifies NSW Government functions and projects that Joint Organisations can undertake to assist the Government in their pursuit of strategic regional priorities and inter-governmental relations.
 - 5) That the Minister requests the NSW Office of Local Government seek advice from compliance and regulatory agencies for potential roles for Joint Organisations.
 - 6) That the Minister considers the development of a strategy for Joint Organisations on potential partnerships with the Australian Government through the NSW Government.

Importantly, the advisory committee has recognised that each JO is different, reflecting the priorities of the communities and the Councils they represent and has recognised that the operational capacity and capability of JO's varies, noting that JO's are well placed to identify, assess and prioritise eligible projects for regional growth and inter-governmental collaboration. The advisory committee's draft discussion paper goes on to talk about key opportunities around potential funding partnerships with the NSW government, what performance and value might look like for JO's and potential procurement initiatives.

It is understood that the above-mentioned discussion paper from the advisory committee was to be finalised in April 2020, however at the time of writing this report, no update had been provided on the likely timing of this in light of the current pandemic situation, with Councils and the NSW government focussed elsewhere at present.

One of the most important issues in relation to the financial sustainability of the JO's is that the NSW Government established JO's to undertake functions to achieve strategic regional priorities and inter-governmental relations. However apart from the initial investment of \$300,000 per JO as detailed earlier in this report, there has been no funding forthcoming from the NSW government to JO's to assist in delivering on these key functions.

It is acknowledged that the NSW government never committed to funding the ongoing operation of JO's when JO's were initially being established, however it was the hope of many Councils and certainly the hope of PMHC that the government would review this position in light of the fact that it was the NSW government who promoted the JO's as a new way of working regionally with the government. If JO's are to be seen as a 'joint venture' between the NSW government and local government, then resourcing needs to be allocated to enable the regions to pursue the core JO functions.

One of the greatest costs to a JO is the cost of the EO. As detailed in the above-mentioned draft discussion paper, due to the complexity of collaborating and aligning various Councils and working with the NSW Government, an EO's responsibilities, skills and accountabilities must be generally equivalent to those applicable to a General Manager of a Council and must be remunerated in line with the Executive Band of the Local Government (State) Award 2017.

Some JO's have a full-time EO, some part-time, yet the tasks required of an EO of a JO to fulfil the obligations of its core functions, obtain grants, coordinate regional initiatives, comply with regulatory requirements and assist in achieving financial sustainability, remain the same. As we have found at the MNCJO (noting that this is not a reflection on the effectiveness of the most recent MNCJO EO), a part time EO can impede efficiency, timeliness and the ability of the EO to properly support its Board to drive strategic priorities. As the discussion paper notes, it is a reasonable expectation by member Councils that the JO's have a full time EO, noting that some JOs may well require additional administrative support.

Another important point in relation to the effectiveness or otherwise of JO's is that from the outset, there has been concern that JO's could be seen as a fourth tier of government. This was certainly an issue that this Council put forward in various submissions to the NSW government prior to the establishment of JO's. As things have turned out, JO's are required to undertake the same compliance requirements as Councils. Such requirements impose significant administrative burdens on JO's such as:

- Lodgement of Pecuniary Interest Forms is provided twice by Mayors, once by their representative Council, a second time by the JO.
- Proposals with substantial costs like the Audit and Risk function, impose additional costs on Councils, which are required to implement the function for their own operation and the JO to which they are a member.
- Adoption of the Code of Meeting Practice and the Code of Conduct, where all JO Board members already have appropriate standards in place to represent their respective Councils at forums such as a JO.

There are opportunities for JO's to become financially sustainable, with some examples of these being:

The size and scale of a JO heavily influences whether the above opportunities can in fact be taken advantage of, plus this also assumes that all parties i.e. JO member Councils and the NSW government are invested in wanting to see JO's survive and prosper.

From an MNCJO perspective, the only funding received to date for the establishment and operation of the MNCJO has been the initial grant of \$300,000 in 2018 from the NSW government. Funding for the Koala Recovery Project and the recent funding received for the Capacity Building fund are not for the operational use of the MNCJO. In addition to this, to date there have been no requests made of member Councils for financial contributions to the operation of the MNCJO.

The MNCJO Charter adopted in 2018, states the following in relation to financial contributions:

3.4 Financial Contributions

The financial contributions are to be set in consultation with Member Councils and should consider;

- (a) an annual base fee of the same amount for each Member Council; and
- (b) fees reviewed in consideration of the program of works and activities
- (c) the annual financial contribution required to be made by each Associate Member is to be based on a methodology adopted by the Board.

As noted above, whilst there have been no requests of member Councils for financial contributions towards the operation of the MNCJO, the Charter states that any such fees would be an annual base fee of the same amount for each member Council. To date no modelling has been done in relation to what level of member Council contributions would be required to appropriately fund the operation of the MNCJO. However, based on what we do now from the first two years of operation of the MNCJO and assuming a full time EO, annual operational funding of approximately \$180,000 - \$200,000 would be required to successfully operate the MNCJO, noting that this does not allow for any project specific funding or funding of any initiatives that may present themselves during a year.

Assuming the above-mentioned estimate is correct and assuming no other funding source, then each member Council of the MNCJO would be required to contribute between approximately \$60,000 and \$66,000 annually for the operation of the MNCJO, excluding any additional requests for project specific funding. This is not a cost that any member Council currently has budgeted in the current financial year or in draft budgets for the 2020-2021 financial year.

At the above-mentioned 21 March 2018 Council meeting, where Council resolved to join a JO, resolution 7) states '*That any requests for financial contribution to be decided by Council resolution.*' Noting the information contained within this report and the attached MNCJO financial statement, as per the recommendation included in this report, Council is being asked to consider making a financial contribution of \$25,000 to the MNCJO, noting that this amount is currently budgeted for in the current 2019-2020 budget for MNCJO related costs.

Whilst this level of contribution by no means resolves the longer term financial sustainability of the MNCJO, it will go some way to easing the immediate financial pressure on the MNCJO and will be an indication to the NSW government that Council is keen to ensure the success of the MNCJO, considering the time and resources that have already gone into ensuring the success of the MNCJO. It is anticipated that other MNCJO member Councils may give consideration to a financial contribution to the operation of the MNCJO also.

In an effort to highlight the financial plight of the MNCJO to the Minister for Local Government, at an extraordinary meeting of the MNCJO Board held on Wednesday 15 April 2020, the following was resolved by the Board (amongst other things), with your attention drawn specifically to resolution 9) below:

Resolved: King / Pinson

That the Board:

- 1) *Appoint the General Manager of Port Macquarie-Hastings Council (PMHC) as the Executive Officer of the MNCJO from 17 April 2020 until 30 June 2021 (in addition to the role of General Manager of PMHC), subject to a formal resolution of PMHC*

supporting the appointment, noting that PMHC will not formally consider this until the 20 May 2020 Council meeting.

- 2) *Note that in the event that PMHC does not support the appointment of their General Manager as the Executive Officer that another MNCJO member Council General Manager be appointed as the Executive Officer to 30 June 2021, subject to a formal resolution of the relevant member Council supporting the appointment.*
- 3) *Note that as Executive Officer of the MNCJO, there will be no payment made by the MNCJO to the General Manager (or their member Council) who undertakes the additional role of Executive Officer of the MNCJO, in recognition of the financial constraints of the MNCJO.*
- 4) *Endorse the engagement of a Project Officer to undertake MNCJO administrative tasks as well as project management work relating to projects undertaken by the MNCJO in line with adopted plans and or MNCJO Board resolutions.*
- 5) *Note that the above-mentioned MNCJO Project Officer role is to be funded via a combination of MNCJO funds (if available) and funds derived from an administration fee (at a percentage yet to be determined) taken from any financial grants that the MNCJO is successful in receiving.*
- 6) *Request the Chair of the MNCJO to urgently write to the Minister for Local Government and the Deputy Secretary, Local Government, Planning and Policy, requesting additional operational funding of \$150,000 for the MNCJO in light of the current financial position of the MNCJO, noting that without further financial support, the future of the MNCJO will be placed in jeopardy.*

Carried: King / Pinson / Campbell

On 20 April 2020, the Chair of the MNCJO wrote to the Minister for Local Government and the Deputy Secretary Local Government, Planning & Policy, requesting \$150,000 in urgent operational funding for the MNCJO. At the time of writing this report, no response had been received to this letter. A copy of this letter is attached to this report.

Appointment of the General Manager as the MNCJO Executive Officer (EO):

Council will recall that in September 2018, Council resolved to approve the PMHC General Manager to become the interim EO of the MNCJO until such time as a permanent EO was appointed. This Council resolution is detailed below:

09.07 MID NORTH COAST JOINT ORGANISATION UPDATE

RESOLVED: Alley/Turner

That Council:

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

CARRIED: 8/0

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

AGAINST: Nil

A permanent part time EO was appointed in June 2019 on a 12-month contract, however the contract was terminated early, in April 2020 by written agreement between the MNCJO Board and the EO, in an effort to preserve remaining MNCJO funds. Upon the appointment of the permanent EO in June 2019, the General Manager ceased being the interim EO.

On 2 April 2020, a GMAC teleconference meeting was held where the issue of the financial sustainability of the MNCJO was discussed, along with the possible termination of the current EO, due to the limited MNCJO funds available. At that meeting, GMAC resolved the following, which is in line with the recommendations included in this report:

As detailed in the above-mentioned MNCJO Board resolution from the extraordinary Board meeting held on 15 April 2020 and as detailed in the recommendations included in this report, Council is now being asked to consider approving the General Manager to once again become the EO for the MNCJO until 30 June 2020. The MNCJO Board has made a decision that in an effort to save on the greatest expense of a JO, being the appointment and payment of an EO that a member Council General Manager should once again become the EO. The current plan is for each MNCJO member Council General Manager to take on the role of the EO for a rotating 12-month period. This way, each member Council shares the workload associated with the role of EO over a period of time and the MNCJO will save a substantial amount of money in not having to pay an EO, noting that no payment will be made by the MNCJO to the General Manager or the relevant member Council. The request to appoint the PMHC General Manager as the MNCJO EO was agreed to as the most appropriate way forward at this point in time, considering the majority of the MNCJO systems and processes are based at PMHC and the PMHC General Manager has direct experience in the role, having been the EO previously.

In the event that Council does not support the appointment of their General Manager as the EO, then as per the above-mentioned MNCJO Board resolution, another MNCJO member Council General Manager is to be appointed as the EO to 30 June 2021, subject to a formal resolution of the relevant member Council supporting this appointment.

In light of the additional workload that being the EO of the MNCJO brings to the role of a General Manager, it was recommended to the MNCJO Board that the MNCJO engage a Project Officer to undertake the substantial MNCJO administrative tasks as well as project manage MNCJO adopted projects, in line with adopted MNCJO plans and / or MNCJO Board resolutions.

The MNCJO Project Officer role will ideally be funded via a combination of MNCJO funds (if available) and funds derived from an administration fee (at a percentage yet to be determined) taken from any financial grants that the MNCJO is successful in receiving. At the time of writing this report, no substantial work has been done on what amount of funding may be available to the MNCJO from existing or future grants, but that work will commence shortly on this.

As can be seen by the information contained within this report, JO's across NSW continue to face major challenges in not only how they continue to work closely with the government, but in how the JO model can become financially sustainable. Ensuring the financial sustainability of the JO's is key to the success of JO's. Whilst ever the majority of JO's are consumed by financial viability issues, there will be

limited success in achieving intergovernmental collaboration and new ways of working between the NSW government and local government.

Further to all the above, whilst there are substantial challenges in front of the MNCJO, now more than ever is the time to be working not only for our own local community, but for the broader mid north coast region as we all continue to recover from the 2019-2020 bushfires and from the current pandemic.

It is hoped that the NSW government will take the MNCJO request for additional operational funding seriously, in an effort to solve the immediate financial threat to the MNCJO. As per one of the recommendations included in this report, a further report on any developments in relation to ongoing funding for the MNCJO (and any related issues), will be tabled at the November 2020 Council meeting, where Council can once again give consideration to the issues relating to the financial sustainability of the MNCJO.

Options

Council has the option to resolve in line with the recommendations included in this report or to resolve in some other manner.

Community Engagement and Internal Consultation

There has been no community engagement undertaken in relation to this report. Internal consultation has taken place with the MNCJO Board and the Office of Local Government.

Planning and Policy Implications

There are no specific planning and policy implications in relation to this report, however if PMHC was to withdraw from the MNCJO, then it is likely that the MNCJO would cease to exist with only two member Councils.

Financial and Economic Implications

If Council resolve in line with Recommendation 3) as included in this report, then the financial implications in relation to this report will equate to \$25,000, which is currently included in the 2019-2020 Operational Plan.

As per the March 2018 resolution of Council to join the MNCJO, any requests for financial contributions from Council to the MNCJO are subject to formal resolutions of Council.

There are resource implications as a result of this report, in relation to the time the General Manager may be required to spend on EO duties for the MNCJO. It has been determined that the three General Managers across the MNCJO member Councils will all work together to ensure that not all EO duties fall to the one General Manager. It is considered that this additional resource impact can be managed along with the existing duties of the General Manager.

If Council resolves not to contribute any funds to the MNCJO and if no other member Council chooses to do so and / or the NSW government do not contribute any further operational funds to the MNCJO, then it is likely that the MNCJO will be unable to

trade and will effectively cease to exist. If this was to occur, this in itself would not have any direct financial implications for Council.

There are no direct economic implications as a result of this report.

Attachments

1. [Council Report - Resignation from MIDROC - 18 July 2018](#)
2. [Council Report - MNCJO Update - 19 September 2018](#)
3. [Council Report - MNCJO Financial Statement - 20 February 2019](#)
4. [Council Report - MNCJO Update - 16 October 2019](#)
5. [Council Resolutions from Previous MNCJO Council Reports - April 2020](#)
6. [MNCJO Statement of Strategic Regional Priorities](#)
7. [MNCJO Financial Statement to 17 April 2020](#)
8. [MNCJO Letter - Chair to Minister Hancock re Financial Sustainability - 20 April 2020](#)

Item: 10.02

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft 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	6/05/20
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	6/05/20
Bushfire Recovery - Grant Funded Projects	19/02/2020 Item 10.21		DSG		6/05/20
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	20/05/20
T-19-09 Supply and Delivery of Ready Mix Concrete -	19/06/19 Item 15.04	Still negotiating	DI	Aug-19 Oct-19 Dec-19 Feb-20	20/05/20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
post negotiations					
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	20/05/20
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	20/05/20
Planning Proposal - Airport Business Park - draft DCP approval	17/07/19 Item 13.05	Awaiting additional information from the proponent to allow for the gateway determination to be issued. Deferred due to COVID-19	DDE	Feb-20 Apr-20	20/05/20
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	20/05/20
T-19-38 Supply and Delivery of Electrical Goods	16/10/2019 Item 15.01	Still negotiating	DI	Dec-19 Feb-20	20/05/20
Biodiversity Investigations Stewardship Sites	20/11/19 Item 13.15	Detailed analysis still being undertaken Deferred due to COVID-19	DDE	Mar-02 Apr-20	20/05/20
Development Assessment Panel Charter	20/11/19 Item 13.10	Ongoing review of options underway	DDE	Mar-20 Apr-20	20/05/20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Review - post exhibition					
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	20/05/20
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	20/05/20
Draft Glasshouse Plan 2020-2022 - post exhibition	11/12/2019 Item 10.10	Still considering submissions	DCP	Mar-20 Apr-20	20/05/20
Water Supply Security Update Report	19/02/2020 Item 13.03		DI		20/05/20
Investment Policy Review - posit exhibition	18/03/20 Item 10.09		DCP		20/05/20
Oxley Highway Gateway Sculpture	18/03/20 Item 13.01	deferred due to COVID-19	DSG	Apr-20	20/05/20
Initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold	15/04/2020 Item 10.03		DCP		20/05/20
Coast, Estuary and Floodplain Sub-Committee - Membership	11/12/2019 Item 13.07	Deferred due to COVID-19	DDE	Apr-20	3/06/20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19	Jun-20
Canal Maintenance	18/10/17 Item 12.04	Works delayed 18mths.	DI	FY2018/2019	Jun-20
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	DSG	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 PP lodged 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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie Aquatic Facility - Outcome discussions with displaced user groups of Macquarie Park	18/09/19 Item 11.02		DDE		Jun-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	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
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
Draft Waste Minimisation and	20/11/19 Item 13.01	Deferred due to COVID-19	DCP	Mar-020 Apr-20	Jun-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Management Policy - post exhibition					
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
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	Nov-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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
Ocean Drive Duplication - Outcomes of RMD Review	18/09/19 Item 13.09		DI		TBA
Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition	20/11/19 Item 13.13	Awaiting completion of required processes prior to exhibition.	DDE	Feb-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Mayoral Discretionary Fund Allocations	GM	Monthly	Every	20-May
Monthly Financial Update	DCP	Monthly	Every (except July)	20-May
Investments	DCP	Monthly	Every	20-May
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	6-May
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb	20-May

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug	20-May
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov	6-May
Grant Application Status Report (21/08/19 - Item 11.02)	DSG	Biannual	Feb, Aug	
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug	
Digital Technology Project Status (16/08/17 - Item 09.18)	DCP	Biannual	Feb, Aug	
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep	
Update on Site Specific Planning Proposal Requests	DDE	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	20-May
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov	20-May
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov	6-May
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	
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	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
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	6-May
Code of Conduct Complaints Annual Report	DCP	Annually	Dec	

Attachments

Nil

Item: 10.03

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

- 1. Group Manager Environment and Regulatory Services.**
- 2. Group Manager Strategy.**
- 3. Group Manager Governance.**
- 4. Group Manager Customer Experience and Communications.**
- 5. Waste Manager.**

Executive Summary

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

Discussion

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

1. Group Manager Environment and Regulatory Services.
2. Group Manager Strategy.
3. Group Manager Governance.
4. Group Manager Customer Experience and Communications.
5. Waste Manager.

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

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

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

Options

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

Community Engagement and Internal Consultation

Internal Consultation

- Group Manager Governance.
- General Manager.
- Group Manager Environment and Regulatory Services.
- Group Manager Strategy.
- Group Manager Customer Experience and Communications.
- Waste Manager.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.04

Subject: LEGAL FEES

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Legal Fees report.

Executive Summary

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

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

Attached is a confidential file that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2019/2020 financial year to date as at the end of March 2020.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

That Council:

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

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

That Council:

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

Attached is a confidential file that provides the information that relates to point 4 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2019/2020 financial year to date as at the end of March 2020.

The attachment titled "Legal matters greater than \$10,000 2019/2020 Financial Year" is confidential as it contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Options

Council can resolve to request further information.

Community Engagement & Internal Consultation

Internal Consultation

- General Manager
- Director Corporate Performance
- Director Development & Environment

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

1. Confidential - Legal matters greater than \$10,000 2019/2020 Financial Year (Confidential)

Item: 10.05

Subject: BUSHFIRE DISASTER RECOVERY FUNDING

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Bushfire Disaster Recovery Funding Report, providing an update on allocation, monitoring and delivery of funded projects.

Executive Summary

Bushfire Recovery funding from State and Federal Government will support the delivery of a range of Council, business and community services and infrastructure projects focused on bushfire preparedness and recovery across our Local Government Area (LGA).

This report follows the 19 February 2020 Ordinary Council report on bushfire recovery activity and funding and presents information on the projects and programs that will be undertaken with the funding received by Council from the Federal and State Governments. A further update report will be presented to the August 2020 Ordinary Council meeting.

Discussion

At the 19 February 2020 Ordinary Council Meeting it was resolved:

10.21 BUSHFIRE RECOVERY - RECENT ACTIVITY AND FUNDING

RESOLVED: Pinson/Hawkins

That Council:

- 1. Note the recent activities undertaken by Council in support of bushfire recovery across our community, including the business community.*
- 2. Note the receipt in January 2020, of a \$1million Federal Government grant announced by Member for Lyne, Dr David Gillespie, for the purpose of supporting the local community and businesses in their recovery from the recent bushfires.*
- 3. Note the recent funding announcement from the NSW Government of a grant of \$250,000 for the purpose of supporting the local community and businesses in their recovery from the recent bushfires.*

4. *Note the recent funding announcement from Member for Cowper Pat Conaghan of a grant of \$416,667 for further Bushfire recovery assistance via the National Bushfire Recovery Agency.*
5. *Note that Council staff are currently in the process of engaging with bushfire impacted parts of our community on how best to utilise the current Federal and State Government funding mentioned in 2 and 3 above.*
6. *Note that an action plan on how Council intends to expend the \$1million Federal Government grant is required to be provided to the NSW Office of Local Government within three months of receipt of the grant funding, with expenditure to take place within 12 months of receipt of the funding.*
7. *Request the General Manager keep Councillors informed of proposed projects to be included in the action plan via Councillor briefings as required.*
8. *Request the General Manager table a report at the May 2020 and August 2020 Council meetings, detailing the projects that have been funded under the grant funds mentioned in 2 and 3 above.*

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

This report responds to point 8 above and specifically details the projects that have been funded under the Commonwealth and State funding programmes to Port Macquarie-Hastings Council:

- \$250,000 NSW State Government Bushfire Community Resilience and Economic Recovery Fund Phase 1. Funded projects to be completed by 30 June 2020 (likely extensions can be discussed). The key focus needs to be on initiatives related to: Economic Recovery - events or initiatives to support local business and industry recovery; and Community resilience - events or initiatives to support community recovery and wellbeing.
- \$1,416,667 Commonwealth Bushfire Disaster Recovery Funding provision to Council. Funded projects to be completed by 30 December 2020 and to support recovery from the Black Summer bushfire season.

As a community in recovery after the unprecedented bushfires in November 2019, the funding received will represent an important investment in our LGA. It will help support our residents and businesses, and improve community assets for future bushfire prepared-ness in a very difficult climate noting the situation with COVID-19.

In recent months, Council has undertaken a considerable number of recovery conversations with affected communities and business including, community recovery meetings, community barbeques and get togethers, as well as regular meetings and feedback sessions. We received an extensive range of potential recovery and resilience building projects via these conversations and other correspondence, and have now finalised funding allocations and commenced distribution to recipients. These projects are detailed in Attachments 1 (Commonwealth funded projects) and Attachment 2 (NSW Government funded). you There is a broad spread across the LGA with a mix of Council managed projects and community-led projects.

A monitoring and acquittal process has been implemented to track the deliverables of the 42 projects and ensure data is being gathered about the required outputs and outcomes. The implementation timeframes for some projects may be affected by

COVID-19 and we will continue to liaise with project delivery and funding partners and keep Council informed of progress via a report to the August 2020 meeting.

Options

1. That Council notes the information contained in the “Bushfire Recovery - Grant Funded Projects” Report and; or
2. That Council requests additional information.

Community Engagement and Internal Consultation

External Consultation was undertaken with the following groups:

- Wauchope Chamber of Commerce;
- Camden Haven Chamber of Commerce;
- Port Macquarie Chamber of Commerce;
- Wauchope Show Society / Wauchope Showground;
- Camden Haven Show Society / Kendall Showground;
- Wauchope BlazeAid Meeting;
- Community-Council Action Teams (CCATs) Bonny Hills, Camden Haven, Kew, Kendall, herons Creek, Lorne, Comboyne and Byabarra, Lake Cathie, Telegraph Point, Pappinbarra, Rollands Plains, Wauchope, Hastings Hinterland, Beechwood and Pembroke;
- Comboyne Community Association;
- Members of the Village Sewerage Scheme Steering Group;
- Community meeting at Long Flat (including Beechwood and Bellangry); and
- Rural Halls Network including Hollisdale/Pappinbarra, Telegraph Point, Comboyne War Memorial Hall.

Internal Consultation

The list of nominated projects has been reviewed by relevant Group Managers and their teams, prior to being considered further by the Director Strategy & Growth and the General Manager.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. It is noted, however, that the timing of funding received, prioritisation of the identified projects and short timeframes for project implementation/delivery can have implications for Council’s Operational Program delivery.

Financial and Economic Implications

Council has received the \$1.4m Commonwealth funding and the \$250k State funding. It is intended that the projects being delivered as a result of this funding will support community and economic recovery across our region.

As is noted, the program includes a new temporary position within Council, that of Community Recovery Officer (10-12 months). This person will take a ‘boots on the ground’ liaison role with the community. There will also be a requirement for project management and liaison provided by staff who have remit of identified projects. These costs will be covered within existing Council salary allocations.

Attachments

1. [Commonwealth Bushfire Disaster Recovery Funding \\$1.4m allocation](#)
2. [NSW Bushfire Community Resilience and Economic Recovery Funds \\$250k allocation](#)

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - MARCH 2020

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

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

1. Phoebe Bentley receive \$350.00 to assist with the expenses she will have incurred travelling to and competing at the NSW State Open Swimming Championships held at Sydney Aquatic Centre, Sydney from 13 March 2020 - 15 March 2020 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on Thursday 19 March 2020, reached consensus on Item 08 (attached), and submits the above recommendation for Council's approval.

Attachments

- 1 [🔗](#) Extract from MSF Meeting Minutes - 19032020

Item: 11.02

Subject: COMMUNITY INCLUSION PLAN - POST EXHIBITION

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

- 1. Note the feedback received from the community on the Draft Community Inclusion Plan during the exhibition period.**
- 2. Note the resulting changes to the Draft Community Inclusion Plan.**
- 3. Adopt the Community Inclusion Plan for implementation.**

Executive Summary

Council is creating our first Community Inclusion Plan (CIP) which sets out Council's vision, principles and proposed plan of action to help develop a socially just, resilient, connected, inclusive, livable and engaged community.

The CIP has a focus on young people, seniors, Aboriginal & Torres Strait Islander people, volunteers, those with a disability and people from diverse backgrounds and cultures.

The draft CIP was placed on exhibition from 25 November 2019 to 14 February 2020. Feedback from the community has been considered and the Community Inclusion Plan finalised.

Discussion

Council has a key role in promoting and facilitating active community participation and working with other levels of government and community organisations to help reduce disadvantage, strengthen community well-being and celebrate diversity in our community.

In recent years, Council has embarked on a range of community development activities to strengthen the social wellbeing and inclusiveness of our community. In particular, we have supported our youth, people living with a disability, our seniors and Aboriginal & Torres Strait Islander community members as well as developing and supporting a strong culture of volunteering.

To better understand and facilitate stronger connections within and across our community, Council has for the first time developed a Draft Community Inclusion Plan, which sets the parameters for inclusive community development in the Port-Macquarie-Hastings LGA for the next 2 years.

The Draft CIP (Attachment 1) does not exist in isolation but within the context of other plans and strategies at local, regional, state and national levels. Understanding these linkages is key to ensuring that duplication of effort is avoided and partnerships across the full range of communities, businesses and government bodies are developed to maximise the outcomes from limited resources.

To stimulate discussion and gather input from the community in order to develop the Draft CIP, Council developed a draft framework of four pillars:

1. Connected Community;
2. Diverse Community;
3. Liveable Community; and
4. Resilient Community.

The community were invited to identify their needs and aspirations, develop a vision for an inclusive community and then develop actions that would lead to achieving this vision.

The vision and associated actions are key elements in the Draft Community Inclusion Plan which was placed on exhibition.

11.03 DRAFT COMMUNITY INCLUSION PLAN

RESOLVED: Intemann/Dixon

That Council:

1. *Place the Draft Community Inclusion Plan 2019-2021 on public exhibition from 25 November 2019 to 31 January 2020.*
2. *Request the General Manager table a further report following the completion of the exhibition period.*

CARRIED: 8/0

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

AGAINST: Nil

Options

Council may:

1. Adopt the Community Inclusion Plan as attached OR
2. Request further work be undertaken on the Community Inclusion Plan.

Community Engagement and Internal Consultation

Significant community input was drawn on for the development of the Draft Community Inclusion Plan as identified in a previous report to Council (November, 2019).

The Draft Community Inclusion Plan was placed on public exhibition from 25 November 2019 to 14 February 2020 (a longer than usual exhibition period due to the holiday period during December and January).

As part of the exhibition, community engagement was promoted through:

- Information on Council's online community engagement hub - *Have Your Say*
- Public Exhibition Notice in local newspapers
- Hard copies of exhibition material and information on how to comment were made available at Council's Laurieton, Port Macquarie and Wauchope Customer Service Centres
- The Draft Plan was also forwarded to stakeholder groups who participated in the initial engagement for the development of the Plan.

Engagement statistics and full details of the submissions received are detailed in the Submissions Report - see Attachment 2. A full summary of all the engagement undertaken in the Engagement Report - see Attachment 3

Engagement Themes

Feedback on the draft Inclusion Plan was encouraging, with submissions showing support for Council playing a key role in strengthening wellbeing for all sectors of our community. A number of the submissions talked to the continuing need to improve the accessibility of our facilities for those living with disability and the need to work with external agencies to improve health and wellbeing across our community (particularly mental health amongst our youth). The ongoing need to ensure that we are working closely with young people to help them voice their needs was also raised. Working more closely with our Aboriginal community, homeless and growing ageing population were also elements of the Plan that were reinforced as being key to achieving greater social equity in our community. Submissions also recognised the importance of volunteering and the need to support and grow volunteering networks to ensure sustainability of community organisation as our volunteering membership ages.

Changes to the Plan

Changes that have been made to the Draft Inclusion Plan as a result of reviewing the Plan are shown below in page order with wording changes highlighted in italics where appropriate:

- Page 1: Restyling of the page to allow the Acknowledgement of Country to have greater prominence.
- Page 9: Amended Action 1.1.2 Refine Council's Community Grants program to better reflect the *diversity of residents, community groups, events, and programs in our Local Government Area*.
- Amended Action 1.1.4 "Support Council and non-Council owned hall network *and community-owned infrastructure to encourage regular usage by a wide range of community groups*.
- Amended Action 1.2 Develop a Thriving & Sustainable *Council* Volunteer Program.
- Amended Action 1.2.1 Develop volunteer partnerships with community organisations *including working together to encourage youth volunteering to ensure ongoing sustainability of these organisations*.

Page 11: Actions 2.1.1 and 2.1.2 have been combined. Amended Action 1.1.1 *Support and promote programs and events which enable Seniors to be well-connected and lead a full and valued life (e.g. Seniors Festival, dementia-friendly programs).*

Amended Action 2.1.2 Develop and implement an integrated youth *voice* and leadership model.

Amended Action 2.1.3 Support *youth* programs and activities including Youth Week.

Action 2.1.5 is now 2.1.4 and has been amended - *In collaboration with our local Aboriginal and multicultural communities, support, promote and facilitate programs, events and dates of significance that support, recognise and celebrate the cultural diversity of our region (e.g. NAIDOC Week, Harmony Day).*”

Additional Action 2.2.5 “Review and re-affirm Council's Statement to make the area a Refugee Welcome Zone.”

Page 13: Amended Action 3.1.1 *Promote and support community events and programs that build community resilience e.g. Neighbour Day, grass-roots community events; R U Ok Day; Reclaim the Night, Mental Health Month*”.

Amended Action 3.1.2 Work collaboratively with relevant organisations to develop improved services for *marginalised and lower socio-economic groups in our community.*

Additional action under 3.1 Build Community Capacity: 3.1.4 Work collaboratively with relevant organisations to raise awareness of and help address societal issues (e.g. mental health and domestic and family violence).

Page 14: Final bullet point amended to read: features vibrant, engaging centres and distinctive local neighbourhoods, offering a great range of facilities, services *and experiences.*

Page 15: Amended Action 4.1.1 Design and deliver intergenerational and inclusive *public spaces and precincts.*

Amended Action 4.2.2 *Work collaboratively with Mid North Coast Local Health District (MNCLHD) to build capacity and increase knowledge of healthy built environments that promote HEAL principles.*

Amended Action 4.2.4 *Progressively audit built environments to identify improvements to amenability (well-lit areas, undercover*

spaces, clean and usable facilities) to increase the probability of physical and social activity in community spaces.

Additional Action 4.2.5 Collaborate with local service providers and agencies to promote health and wellbeing initiatives and programs within our communities.

A summary of the submissions and a response to the issues raised is provided as Attachment 2.

Internal engagement included:

- Recreation, Property and Building Services
- Access Committee
- Human Resources

Planning and Policy Implications

Plans and frameworks which have been taken into account in the development of the Draft CIP include:

- PMHC's Towards 2030 Community Strategic Plan;
- PMHC Delivery Program (2016-2020);
- PMHC Annual Operational Plan;
- PMHC Cultural Plan (2018-2021);
- Collaborate NSW Local Government and Aboriginal communities working together;
- MNC Childhood Obesity Prevention and Management Action Plan July 2018 - June 2023
- MOU between LGNSW and NSW Reconciliation Council;
- The CIP incorporates elements of The Aboriginal Awareness and Understanding Strategy 2013-2017; and
- The CIP incorporates elements of the PMHC 2017-2021 Disability Inclusion Action Plan – which remains a stand-alone document as per the NSW Disability Inclusion Act (DIA) 2014.

The adoption and implementation of a Community Inclusion Plan was identified and required as part of Council's 2019/2020 Operational Plan - OP Item 2.2.1.7

Financial and Economic Implications

Should the CIP be adopted, the actions within the Community Inclusion Plan are proposed to be funded through existing operational funds and resources within the Community Engagement Section of Council.

Council will need to give further consideration of the future funding over the duration of the Plan, to support the relevant actions.

Attachments

1. [Community Inclusion Plan - Final](#)
2. [Summary of Submissions and Responses - Community Inclusion Plan](#)
3. [Community Inclusion Plan Engagement Report](#)

Item: 11.03

Subject: 2019-2020 ROUND 2 COMMUNITY GRANT PROGRAM FOR
ENDORSEMENT

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2019-2020 Round 2 for the total amount of \$76,464 according to the following:

Organisation Name	Project	Funding
General Community Grants		
Riding for the Disabled (PM and Wauchope)	Water tanks	\$5000
West Port Macquarie Tennis Club	Online Booking System	\$7734
Long Flat Crafter and Quilters	Regional Craft Event	\$755
Cerebral Palsy Alliance	Communication Equip	\$7495
Wauchope Anglicans	Kitchen Upgrade	\$7059
Marine Rescue Port Macquarie	UHF Radios	\$6280
Wauchope Patchwork Quilters	Quilting Expo	\$5968
Wauchope Men's Shed	Fire Safety Equipment	\$3266
Wauchope Community Arts Council	New Lighting	\$3047
Port Macquarie Arts and Craft Centre	Pottery Equipment	\$4895
Comboyne Community Association	Internal Paint	\$10,000
Pappinbarra Progress Association	Post Fire Art Exhibition	\$1158
Port Macquarie U3a	First Aid Training	\$800
Laurieton Men's Shed	Solar Equipment	\$7691
Camden Haven Camber of Commerce	Hub Equipment	\$2221
Wauchope Poultry Club	Defibrillator	\$3095
Total		\$76,464

Executive Summary

The second round of the annual community grants process was once again very competitive. Twenty six applications were submitted across all categories of the grant round. Of these, sixteen organisations as recommended above, were endorsed by Council staff as having successfully met the Community Grants Criteria.

Discussion

Annually Port Macquarie-Hastings Council provides up to \$200,000 for our community with the objectives being to:

- provide opportunities for residents of Port Macquarie-Hastings to participate in a broad range of arts, culture, or local history activities that benefit the quality and cultural heritage of their lives;
- provide opportunities for residents to participate in special community events with the aim of celebrating and enriching the community's lifestyle;
- foster initiative and self-help among residents;
- encourage the participation of people in activities who have limited opportunities to participate due to low income, geographic or social isolation, cultural background or disability; or
- strengthen community skills and capacity.

Applications opened on 10 February 2020 and closed on 6 March 2020. A total of twenty six applications were received of which twenty four were in the General category and two in the Place Making category. No applications were received in the Non-Council Owned Hall category. All applications received are contained within confidential **Attachment 1**.

Assessment of applications was undertaken in two stages. Stage 1 was a check against eligibility criteria, restrictions and supplementary information and Stage 2 was an assessment of projects against the criteria as published in the *Community Grant Guidelines*.

Information sessions were held in Port Macquarie (x2), Laurieton and Wauchope in February, 2020.

Assessment of applications was undertaken in two stages. Stage 1 was a check against eligibility criteria, restrictions and supplementary information and Stage 2 was an assessment of projects against the criteria as published in the *Community Grant Guidelines*.

In March 2020 following Stage 1 and Stage 2 of the preliminary assessments, applications were considered by the Group Manager, Community Place and the Director for Strategy and Growth, with the above applications forwarded to the Executive Team for review and approval before being presented to the 06 May 2020 Council Meeting

Community Grants

A total of \$76,464 is recommended for allocation in 2019-2020 Round 2 for the Community Grants program

There is a total of \$64,733 available in the 2019/20 Grant fund. As there are a number of key projects that align with the Community Plans being developed, the proposal is to fund the shortfall of \$12,181 from the Community Activation fund as follows:

- General Grants for a range of innovative projects which align with the *Port Macquarie-Hastings Towards 2030 Community Strategic Plan* (\$64,733);
- Community Plan Grants - The remaining \$12,181 will be made available through the fund to support the Wauchope Community Arts Council, Camden Haven Chamber of Commerce, Comboyne Community Centre (\$5000) and Long Flat Crafters and Quilters, as these projects align with the Community Planning

undertaken in these communities and their proposed projects are building community resilience and are supporting their activation.

Distribution by community:

Port Macquarie	36%
Wauchope	36%
Camden Haven	13%
Comboyne	13%
Pappinbarra	1%
Long Flat	1%

Notification will be forwarded to the successful and unsuccessful applicants.

Successful applicants will also be contacted by telephone. As always, unsuccessful applicants are given the opportunity to request feedback on their application.

Due to COVID 19 social distancing restrictions, no formal celebration will be held. Instead, successful applicants will be sent their cheques via mail with a congratulatory letter from the Mayor.

Descriptions of the unsuccessful projects are detailed in confidential **Attachment 2**.

Options

Council rejects the proposed funding distribution and requests an alternative distribution.

Community Engagement & Internal Consultation

Internal consultation:

- Director, Strategy and Growth
- Acting Director Strategy and Growth
- Group Manager, Community Place
- Community Participation Manager
- Sports and Recreation Officer, Recreation and Buildings
- Executive Team

External consultation: none.

Planning & Policy Implications

The grant process is consistent with *Council's Funding and Support provided to the Community Policy (July 2013)*.

Financial & Economic Implications

Funding for Community Grants was adopted as part of the operational budget in June 2019. \$200,000 is available for distribution with a further \$12,181 from the Community activation fund.

Attachments

1. Confidential: 2019 - 2020 Community Grant Assessment Round 2
(Confidential)
2. Confidential: 2019 - 2020 Round Two Unsuccessful Applications
(Confidential)

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities.

RECOMMENDATION

That Council note:

- 1. The six-monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy;**
- 2. Consideration of short and medium term economic development priorities will be informed through consultation with the COVID-19 Recovery Working Group and the Economic Development Steering Group, prior to a formal review and update of the Economic Development Strategy in 2021.**

Executive Summary

The implementation of actions under Council's 2017-2021 Economic Development Strategy continues the work delivered under the 2013-2016 Strategy to enhance the economic future for our region. Delivery of a diverse range of projects is underway, with progress being achieved through collaboration between Council, local business and industry groups. Priorities and progress of the Strategy's implementation continues to be overseen by Council's Economic Development Steering Group (EDSG). This report provides an update on the Strategy Implementation over the last 6 months.

A new Port Macquarie-Hastings Economic Development Strategy is due to be developed in 2021, however, it is acknowledged that the events of the past 6 months require an urgent focus on priorities that will support economic recovery from the 2019 bushfires and the impact of COVID-19 on our local business and economy. This work will be informed by consultation with the COVID-19 Recovery Working Group and the Economic Development Steering Group.

Discussion

In adopting the 2017-2021 Economic Development Strategy, Council resolved to monitor implementation by way of a six monthly report on progress against actions. The Strategy was considered to be a renewal rather than a totally new strategy and continued with the following five key outcomes:

1. Embracing business and a strong economy.

2. Providing the foundations.
3. Creating vibrant and desirable place.
4. Driving opportunity.
5. Partnering for success.

In the past six months, progress has continued under the above themes. Attachment 1 provides an overview of the range of actions and initiatives that have been completed or progressed in the period November 2019 to April 2020.

Some key advances in strategy implementation over the past six months include:

- Completion of the Port Macquarie Airport Terminal upgrade;
- Drafting of the Destination Management Plan;
- Adoption of Community Plans for Bonny Hills, Camden Haven/ Kew/ Kendall/ Lorne/ Herons Creek and Comboyne/Byabarra;
- Significant growth of The Hub Business and Co-working Centre trial; and,
- Implementation of the 2019-2024 Events Plan.

Unfortunately, local trading conditions have been extremely difficult over the last six months for many local businesses, with the region suffering from drought and unprecedented bushfires and air quality issues. Now, the COVID-19 pandemic has greatly dampened the previously held optimism in the local economy going forward. In particular, important local industries are being impacted heavily, including the Tourism, Accommodation & Food Services, Retail Trade, and Education & Training industries. Amongst the difficult circumstances, many local businesses and their employees have demonstrated a high level of agility and resilience, with many doing what they can to respond to extreme regulatory changes through a variety of innovations, including new home-delivery services and online ordering platforms, and new cooperative arrangements within and between industries.

It is acknowledged that the impact is not 'across the board' and some industries are experiencing improved or continuing strong performance. The Agriculture industry has started emerging from drought conditions over recent months, and although volatility has grown in commodity markets, business confidence appears likely to improve. Food businesses and value-add businesses in the Food Manufacturing industry that feature locally-sourced product are valuing a heightened loyalty to the *support local* movement in the local population. Going forward, there is little question the Health Care & Social Assistance industry will continue experiencing strong growth in the region.

That being said, there is little doubt that there has and will continue to be a significant downturn in business confidence and performance locally for a significant period to come. As a result, Council too will need to continue to review its approach to supporting local business and our economy. This commenced with the April 2020 Council resolutions relating to a range of measures to support local businesses and our community through the extremely difficult period currently being experienced. Further, it is acknowledged that future measures to support recovery will be considered in coming months by the General Manager, in consultation with the COVID-19 Working Group and our Economic Development Strategy will be reviewed more broadly in 2021.

Options

Council may note the report or choose to ask for further information.

Community Engagement & Internal Consultation

Community Engagement

The Strategy implementation is undertaken by working with local business and industry, other levels of Government and relevant stakeholders and with oversight by the Port Macquarie-Hastings Economic Development Steering Group.

Internal Consultation

Strategy action implementation has been undertaken by/in collaboration with a wide range of Council staff.

Planning & Policy Implications

There are no planning or policy implications arising from this update report specifically, although it is acknowledged that current and future Council policy can impact on local economic performance.

Financial & Economic Implications

It should be recognised that there is the potential for significant economic benefits to the Local Government Area if the outcomes identified in the adopted Strategy are achieved.

Attachments

1. [Economic Development Strategy Update May 2020](#)

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 13.01

Subject: ROADSIDE VEGETATION MANAGEMENT POLICY

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.2 Develop and implement annual maintenance and renewal programs for transport assets.

RECOMMENDATION

That Council:

- 1. Place the Roadside Vegetation Management Policy on public exhibition commencing from 13 May 2020 for a minimum of 28 days.**
- 2. Note that a further report will be tabled at the 15 July 2020 meeting of Council, detailed the submissions received from the public during this exhibition period.**
- 3. Note the report on the Roadside Vegetation Management Policy and current work practices completed by Australian Road Research Board (ARRB).**
- 4. Give consideration to the recommendations from ARRB in respect to funding and resources for vegetation management during the development of future year Operational Plans.**

Executive Summary

Council regularly receives customer queries and requests regarding vegetation management. To assist both customers and staff, Council has developed a Draft Roadside Vegetation Management Policy, which transparently sets out the principles by which Council manages roadside and associated stormwater management systems, vegetation throughout the Local Government Area (LGA).

The purpose of this report is to seek Council resolution to place the draft policy on public exhibition for a period of 28 days in accordance with Council's policy making requirements.

In parallel to this, Australian Road Research Board (ARRB) have recently completed a review of Council's current Vegetation Management practices in conjunction with a review of the Unsealed Roads maintenance practices.

This report will also provide an update on the outcomes of this review.

Discussion

The management of vegetation across the LGA is a complex and at times there can be differing views from various members of the community on the best approach. Vegetation is currently managed using a combination of standard work practices and

legal requirements, balanced against community expectations and the availability of resourcing and funding. The intention of the Draft Roadside Vegetation Management Policy is to provide Council's position on matters that concern vegetation management. This Policy applies to all vegetation within the sealed and unsealed road network, including the associated stormwater management systems, throughout the LGA.

For rural communities the frequency of vegetation management is an area of concern and this Policy aims to clearly set out the quantum of work and the level of service that Council can reasonably provide in managing vegetation within current financial and resourcing constraints. This Policy has been developed to provide transparency on Council's approach to managing vegetation, thereby providing greater awareness and understanding of this for our impacted community.

The main elements of the Draft Roadside Vegetation Management Policy, as attached, relate to the:

- Scope and Asset Classifications
- Management Principles
- Level of Service
- Responsibilities and Authorities

Council currently maintains over 1350km of urban and rural roads. The vegetation along this road network is routinely maintained by Council with intervention works conducted as per the adopted routine works programme and reactive risk procedures:

- Rural Outreach Mowing Programme
- Rural Roadside Slashing Programme
- Urban Mowing Programme
- Roadside Weed Spraying Programme
- Public Safety Risk Management Procedure

Council regularly receives requests from the public to increase the level of service in relation to:

- Increased frequency of slashing/mowing to reduce grass volume (bushfires, wildlife and general untidiness)
- Increased frequency of outreach mowing to treat overhanging vegetation into road travel lanes
- Increased removal of dangerous or problem trees or trees located close to the road shoulders
- Increased weed spraying (to reduce noxious weeds encroaching onto adjoining properties)

The issue of vegetation management and the level of service provided is a difficult area to manage at times. In some cases, an expectation exists for Council to more regularly maintain every unsealed road to each ratepayer's property or other accesses such as Forestry areas and National Parks. This proposed Policy identifies the process by which vegetation is managed and maintained in these and all other circumstances. The Policy is intended to provide transparent rules that outline where

and when Council can reasonably intervene in relation to managing roadside vegetation, particularly in relation to:

- crown roads,
- access tracks,
- unformed (“paper”) roads, and
- private roads.

In May 2019, Council engaged ARRB to review and provide recommendations on the following:

- a) Current work practices performed by Council during vegetation management activities.
- b) The suitability and application of the Draft Roadside Vegetation Management Policy with regard to the limitations of Council’s funding and resources.

A copy of the ARRB Vegetation Management review is included as Attachment 1 of this report.

Key findings of the vegetation management review include:

- Environmental assessment and approvals processes were identified as the area of most concern in terms of impact on time and resources.
- Resourcing of vegetation control on the road network was able to meet service levels however; resources may be under more pressure in public reserves and park spaces.
- Vegetation management with respect to unsealed road surfaces and road edges is effective; however, new principles were suggested for inclusion in the Draft Roadside Vegetation Management Policy related to environmental legislation and approvals. These principles are listed within the “Planning and Policy Implications” section of this report.

Key recommendations from this review included:

- Introduce a more deliberate environmental risk assessment and documentation for routine maintenance tasks
- Undertake additional environmental awareness training
- Engagement with National Parks and Wildlife Service (NPWS) to resolve current land tenure issues for Council assets located on NPWS managed land;
- Additional resourcing for the development of Environmental Approvals for routine maintenance works (estimated by Council at up to \$100,000 per annum)
- Consideration of resourcing pressures on public reserves and parks (estimated increase by Council up to \$200,000 per annum)

The content of the ARRB report will inform community consultation originally planned for the first half of 2020 in relation to unsealed roads maintenance (gravel and grading), vegetation management and the respective levels of service and the required budget allocations to achieve the levels of service. With the current restrictions created by COVID-19, this community consultation is likely to occur in late 2020.

Options

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

Community Engagement and Internal Consultation

Internal Consultation has occurred with the following:

- General Manager and Executive Group
- Director Infrastructure
- Group Manager Infrastructure Planning
- Group Manager Infrastructure Operations
- Group Manager Recreation, Property & Buildings
- Environmental Services Natural Resources Manager
- Transport and Stormwater Operations Manager
- Transport and Stormwater Operations Engineers

Planning and Policy Implications

The Draft Roadside Vegetation Management Policy represents current work practices, which upon review by ARRB, was considered effective for Council's current circumstances.

ARRB made a number of draft Roadside Vegetation Management Policy recommendations to assist in business improvement, which, if adopted will have a planning implication, including:

- Adding the Principle, that Council will follow environmental legislation and there will be minimum disturbance when working within the road reserve or near other sensitive environments.
- Adding the Principle, that Council will conduct a review of how each environmental approval (or permit) has been implemented to ensure that the works had been executed well and without adverse impacts.
- Adding the Principle, that as part of each review of the draft Roadside Vegetation Management Policy Council will check on relevant legislation changes.
- Providing a description of relevant environmental approval pathways.

These recommendations will be considered through the consultation period with the option to include these in the finalised Policy presented to Council for adoption.

Financial and Economic Implications

The current 2019-20 budget for the urban and rural roadside vegetation management is approximately \$1,600,000. The associated financial implications of adopting all of the ARRB recommendations in respect of vegetation management would require approximately an additional \$300,000 per annum.

Consideration should be given to funding these additional ARRB recommendations as part of Council's future year Operational Planning processes.

Attachments

1. [ARRB Report - Vegetation Management](#)
2. [DRAFT - Roadside Vegetation Management Policy](#)

Item: 13.02

Subject: TRANSFER OF COUNCIL LAND - PART LOT 34 DP 856163 AT
CASTLE COURT PORT MACQUARIE

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION

That Council delegate authority to the General Manager to sign and execute the necessary documents associated with the transfer of approximately 655m² of Council's land at Lot 34 DP 856163 Castle Court, Port Macquarie.

Executive Summary

Council has entered into a planning agreement in connection with development of land off Lincoln Road, Port Macquarie. The agreement provides for the transfer of approximately 655m² of Council owned land to the owner of the adjoining land. The subject land forms part of a stormwater drainage facility. This report recommends Council delegate authority to the General Manager to execute the necessary documents to facilitate the transfer.

Discussion

The Deed of Assumption and Variation Lincoln Road Planning Agreement was entered into between Council and the landowner, Town Beach Pty Ltd as trustee for Randale Pty Ltd Superannuation Fund, on 13 December 2019 in accordance with Council's resolution of 11 December 2019.

Key provisions of the Lincoln Road Planning Agreement include:

- Transfer of Council owned land to the new landowner being part Lot 34 DP856163 occupied by a stormwater facility
- Establishment, dedication to Council and management of environmentally sensitive land in conjunction with the subdivision of the land
- Improvements to and reallocation of stormwater infrastructure into Council ownership including improvements to an existing drainage swale at the eastern edge of the land.

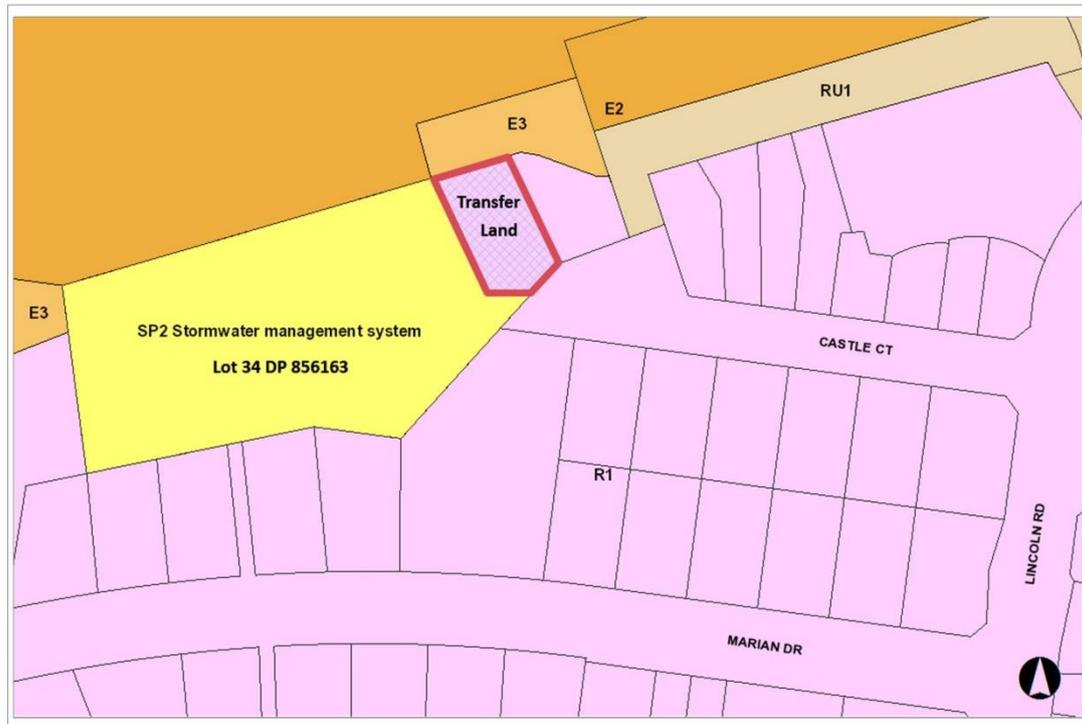
Land to be transferred to the new landowner was rezoned from SP2 Infrastructure (Stormwater Management System) to R1 General Residential as part of a planning proposal process.

The land proposed for transfer forms part of a Council drainage facility at Castle Court, Port Macquarie. The landowner has received development consent in connection with residential land to the east adjoining Lot 34 and it is anticipated that a subdivision certificate application will facilitate the transfer of the land to the adjoining landowner via a boundary adjustment.

The planning agreement provides for the dedication of approximately 30.4 hectares of environmentally sensitive land to Council and the construction of improved stormwater channel at the eastern end of the site. These outcomes are considered to provide broader community benefit.

Council’s stormwater facility land is classified as Operational Land in Council’s Land Register and as such there is no impediment to the transfer.

The approximate location of the transfer land is shown below. The area of transfer will be subject to final survey.



Options

Council has previously entered into the Planning Agreement and that agreement has been registered on the land title. The landowner is preparing to lodge a subdivision certificate for the first stage of subdivision that includes the transfer of Council land.

Council could determine to grant delegation to the General Manager to execute the necessary documents to complete the transfer or not grant delegation. Not granting delegation would delay the development.

Community Engagement and Internal Consultation

Public notification of the Deed of Assumption and Variation Lincoln Road Planning Agreements made from 30 October 2019 to 27 November 2019 and no submissions were received.

The Senior Stormwater Engineer, Group Manager Infrastructure Planning and Property Section have been consulted.

Planning and Policy Implications

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

Financial and Economic Implications

The adjoining landowner will bear costs associated with the subdivision certificate process, including legal, survey and plan registration costs.

Attachments

- 1 [Deed of Assumption and Variation Lincoln Road Planning Agreement](#)

Item: 13.03

Subject: PORT MACQUARIE HEALTH AND EDUCATION PRECINCT

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Acknowledge the importance of both private and public sector stakeholders in achieving the vision for the Port Macquarie Health and Education Precinct (HEP) as detailed within the adopted HEP Master Plan**
2. **In acknowledgment of the value of the HEP to the wider community, as detailed within this report, commence relevant strategic planning tasks, including the preparation of a Council initiated Planning Proposal, a precinct specific Development Control Plan and undertake development contributions investigations to support the implementation of the vision for the HEP as described within the adopted HEP Master Plan**
3. **Endorse the HEP Investigation Area for the Council initiated Planning Proposal as the area identified outlined in red hatching within Figure 2 of this report to assist in achieving the vision for the precinct as detailed within the adopted HEP Master Plan whilst also ensuring value for money and timely delivery of the project**
4. **Delegate authority to the General Manager to make amendments to the Planning Proposal boundary referenced in item 3 if required during the course of Planning Proposal investigations to achieve the vision for the precinct.**

Executive Summary

As detailed within the Port Macquarie Health and Education Precinct (HEP) Master Plan, the Port Macquarie region is experiencing strong growth in its population, with a predicted 9.3% growth in the local health sector. The education, health care and social assistance sectors are projected to have the highest rate of jobs growth for the Mid North Coast to 2022. As such, the HEP is a key part of Port Macquarie's future growth.

Following Council's adoption of the HEP Master Plan at its Ordinary Meeting of 18 September 2019, as the next step in the strategic planning process, a strategic planning assessment and the development of an associated strategic planning framework is required to assist in facilitating the implementation of the vision as described within the Master Plan. This process (including the progression of a Planning Proposal) is required as various aspects of the HEP Master Plan cannot be

achieved under the current Local Environmental Plan (LEP), Development Control Plan and development contributions framework which applies to the site.

In relation to the preparation of a Planning Proposal for the HEP, the precinct can be defined in relation to which areas are likely to require amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to facilitate the achievement of the vision for the HEP, and those that are unlikely to benefit significantly from this process and/or will contribute significantly to the time and cost associated with undertaking required background assessments. This investigation area definition is intended to ensure that targeted planning investigations can assist in facilitating the vision for the HEP, whilst also ensuring value for money and timely delivery of a Planning Proposal for the community.

Six options, as detailed within this report, have been considered in relation to the implementation of strategic planning investigations. Following initial project analysis and stakeholder consultation, this report recommends that Council commence relevant strategic planning tasks, including the preparation of a Council initiated Planning Proposal, a precinct specific Development Control Plan and undertake development contributions investigations to support the implementation of the vision for the HEP.

Council's initiation of the HEP strategic planning process will provide an important step in demonstrating Council's commitment to this important community project and in facilitating future phases of the delivery of the HEP Master Plan.

Discussion

As detailed within the Health and Education Precinct (HEP) Master Plan, the Port Macquarie region is experiencing strong growth in its population, with a predicted 9.3% growth in the local health sector. The education, health care and social assistance sectors are projected to have the highest rate of jobs growth for the Mid North Coast to 2022. As such, the HEP is a key part of Port Macquarie's future growth. The aim is to transform the precinct into to a centre of excellence for education, training and health. The precinct will help position Port Macquarie as an increasingly competitive destination for university students, health care professionals and the broader community. Key to success is encouraging appropriate development that will support and foster a range of learning models and health-related services within an accessible, high amenity and attractive public realm.

Planning for the future of the HEP is part of the wider vision for a thriving regional city. The growth of the health and education sectors presents an opportunity to increase the number of young people in the community, provide economic diversification, increase labour force participation and build on Port Macquarie's growing status as a regional city.

The Precinct will be a vibrant and innovative centre of excellence, connected locally and to the world. It will have the capacity to evolve and the flexibility to adapt as the region changes. This vibrant and well-connected health and education precinct will be integral to the long-term success of Port Macquarie and the community.

As detailed within Section 1.2.2 of the HEP Master Plan, the intent of the plan is to create a vision that goes hand in hand with Council's local and regional aspirations, a

vision that will enable the continuing success of the HEP. As such, the Master Plan represents an early phase in the precinct planning process.

In order to inform the above vision, Section 3 of the Master Plan provides a broad assessment of strategic planning considerations for the site. Based on the broad considerations within Section 3, the design principals are detailed within Section 5. From this, Section 6 details design drivers for the precinct. Section 6 then expands on these strategies to achieve the above design drivers.

Section 7 of the Master Plan looks at the tools available to help deliver the vision set out in earlier sections of the plan. It describes that change typically happens through a combination of planning controls, design guidelines, property acquisition and re-subdivision, planning agreements and contributions planning. In relation to the strategic planning of the Precinct, we are currently at the beginning of the process detailed within Section 7, undertaking initial planning investigations to inform future planning controls, design guidelines and associated strategic planning tasks.

In relation to the progression of the HEP Master Plan, at its Ordinary Meeting of 18 September 2019 Council resolved:

That Council:

- 1. Note the community engagement process and submissions received during the public exhibition period and subsequent workshops.*
- 2. Adopt the Health and Education Precinct Master Plan.*
- 3. Note the plans of stakeholders to establish a Consortium to assist in driving the development and implementation of a Health and Education Precinct.*

Following the above resolution which included adoption of the HEP Master Plan, as the next step in the strategic planning process a strategic planning assessment and the development of an associated planning framework is required to assist in facilitating the implementation of the vision as described within the HEP Master Plan. This process is required as various aspects of the HEP Master Plan cannot be achieved under the current Local Environmental Plan (LEP), Development Control Plan and development contributions framework which applies to the HEP as discussed within Section 7 of the HEP Master Plan.

In relation to the HEP study area as detailed within the HEP Master Plan, this area is loosely divided into five character areas. The boundaries are blurred, because current uses and the building types are changing. However, describing the character was a useful part of the enquiry by design process undertaken during the development of the HEP Master Plan to frame a discussion with participants about what they liked in the precinct, and what qualities they would like to see carrying forward. This in turn informed the vision statement for the HEP. Each of these precincts, along with the wider study area boundary are illustrated within Figure 1 below.

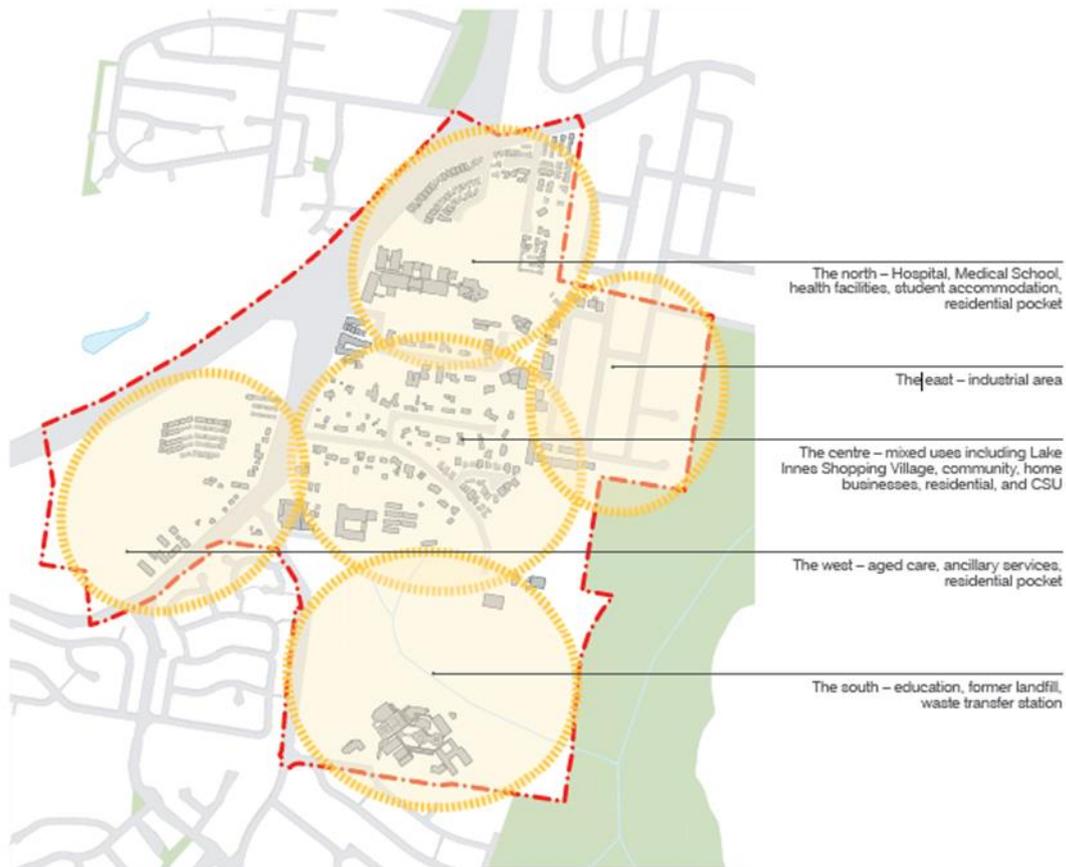


Figure 1 - HEP character areas (outlined in yellow hatching) and wider study area (outlined in red hatching)

In relation to the preparation of a Planning Proposal for the HEP, the precinct can be further defined in relation to which areas are likely to require amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to facilitate the achievement of the vision for the HEP as detailed within the HEP Master Plan, and those that are unlikely to benefit significantly from this process and/or will contribute significantly to the time and cost associated with undertaking required background assessments (for example ecology and flooding assessments). This definition of the Planning Proposal investigation area is intended to ensure that targeted investigations can assist in facilitating the vision for the precinct as detailed within the HEP Master Plan, whilst also ensuring value for money and timely delivery of a Planning Proposal for the community. This approach also demonstrates avoidance of mapped areas of potential high environmental value and / or risk in the first instance as part of the strategic planning process. The boundary for any associated Development Control Plan and / or development contributions investigation is proposed to remain generally consistent with boundary as defined within the HEP Master Plan, as these controls and investigations would apply to the wider HEP study area, rather than just areas subject to potential Local Environmental Plan amendments.

The wider HEP study area is illustrated in maroon hatching below. The proposed planning proposal investigation area is outlined in red hatching below.

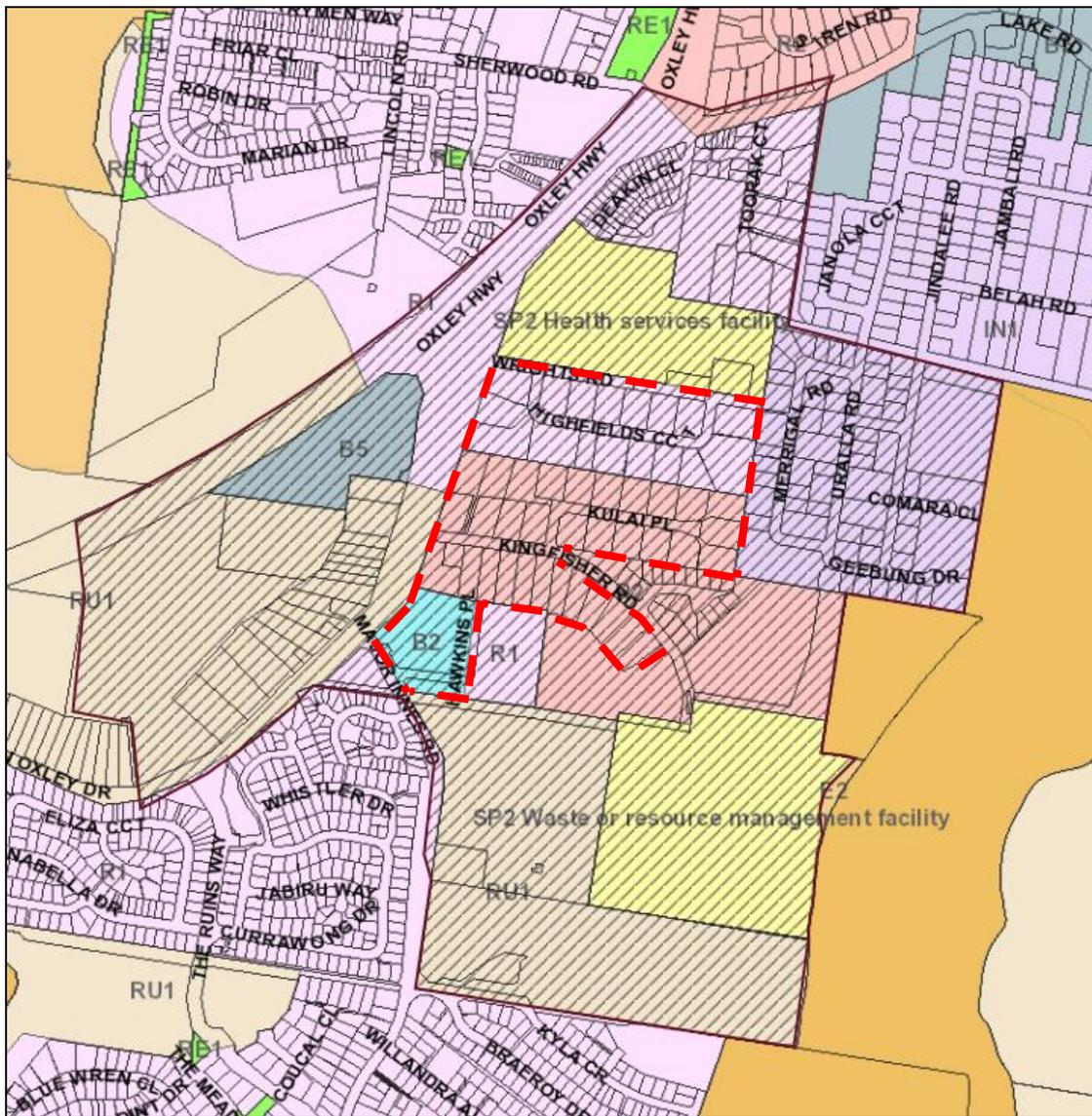


Figure 2 - Wider HEP study area (maroon hatching) and Planning Proposal investigation area (outlined in red hatching)

The justifications for the definition of the investigation area boundary when comparing the wider HEP study area and the planning proposal investigation area are provided below.

- The Port Macquarie Base Hospital and residential zoned area to the north of this site has been excluded from the planning proposal investigation area as no change to land use zones is proposed for this area within the HEP Master Plan. There are also no development or conservation outcomes envisaged by the Master Plan for this area that are likely to require amendments to Local Environmental Plan provisions.
- The area of the HEP to the west of John Oxley Drive and Major Innes Road has been excluded from the Planning Proposal investigation area as no change in

land use zones are proposed for this area within the HEP Master Plan. The majority of lots west of John Oxley Drive are also below the Flood Planning Level as detailed within the Port Macquarie-Hastings Local Environmental Plan 2011. As such, assessment of this area would substantially increase the cost and potentially the time for the progression of a planning proposal to the community due to the requirement to assess the potential flood impacts of the development of the site.

- The area to the south of Ellis Parade including Council's existing waste transfer station has been excluded, as existing use of the transfer station (and various potential future uses) and educational development has been and may continue to be undertaken within this area under current planning provisions without the requirement for amendments to the Port Macquarie-Hastings Local Environmental Plan 2011. As such, the rezoning of a substantial proportion of this area to general residential as illustrated within the HEP Master Plan is unlikely to contribute to achievement of the vision for the HEP as detailed within the HEP Master Plan. This area also contains various mapped potential contamination and environmental constraints including areas identified under *State Environmental Planning Policy (Coastal Management) 2018*. As such, potential high cost contamination and ecological assessment of this area for little or no outcome in relation achievement of the vision for the HEP as detailed within the HEP Master Plan is not considered a priority in relation to the subject progression of a Planning Proposal for the HEP.
- The existing Charles Sturt University Campus and student accommodation development to the east of the existing Lake Innes shopping centre has been excluded, as this area has already been developed with a university campus and student accommodation under the existing land use provisions applying to these sites. This area also contains various mapped potential environmental constraints including areas identified under *State Environmental Planning Policy (Coastal Management) 2018*. As such, potential high cost ecological assessment of this area for little or no outcome in relation achievement of the vision for the HEP as detailed within the HEP Master Plan is not considered a priority in relation to the subject progression of a Planning Proposal for the HEP.
- The existing industrial area to the east of the precinct has been excluded as the existing use of this area as an industrial precinct and some potential future uses of the area as detailed within the HEP Master Plan are unlikely to require amendments to the Port Macquarie-Hastings Local Environmental Plan 2011.

Given the above, the progression of a Planning Proposal within the proposed Planning Proposal investigation area will achieve the following:

- Avoidance of expenditure of public funds on the assessment of areas which are unlikely to significantly benefit from amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to achieve the vision for the HEP as detailed within the HEP Master Plan, based on current and future potential land use.
- Avoidance of areas below the Flood Planning Level as detailed within the Port Macquarie-Hastings Local Environmental Plan 2011. This will avoid expenditure of public funds on the assessment of mapped potential flood constrained areas, which are unlikely to significantly benefit from amendment to the Port Macquarie-

Hastings Local Environmental Plan 2011 to achieve the vision for the HEP as detailed within the HEP Master Plan.

- Avoidance of areas of mapped contamination and areas of mapped potential high environmental value as far as is practicable. This will avoid expenditure of public funds on the assessment of potentially constrained areas, which are unlikely to significantly benefit from amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to achieve the vision for the HEP as detailed within the HEP Master Plan.

The above refinements are likely to significantly reduce the cost and potential timeframe for the progression of a planning proposal for the area. It will also focus planning investigations on areas which are likely to benefit the most from amendments to the Port Macquarie-Hastings Local Environmental Plan 2011 to assist in achieving the vision for the HEP as detailed within the HEP Master Plan.

In relation to the timeframe to deliver the subject Planning Proposal and associated documents, this work would be undertaken over approximately 26 months and would include the following stages:

- Initial assessment (including specialist studies), preliminary consultation, internal referrals and site inspections.
- Preparation of a Planning Proposal Council Assessment Report (seeking Council to formally progress the Planning Proposal under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)).
- Council to forward the Planning Proposal to the Department of Planning, Industry and Environment (DoPIE) for Gateway Determination (under Section 3.34(1) of the EP&A Act).
- Gateway Determination under Section 3.34(2) of the EP&A Act issued by the Minister for Planning (or delegate).
- Consultation with Public Authorities under Section 3.34(2)(d) EP&A Act (60 days).
- Public exhibition under Section 3.34(2)(c) EP&A Act (28 days).
- Consideration of submissions and update to Planning Proposal documentation as required. A report is to be prepared for Council detailing public exhibition outcomes and any recommended changes to documentation.
- Drafting of Amending Local Environment Plan (LEP) and Legal Opinion under Section 3.36(1) of the EP&A Act.
- Making of the LEP under Section 3.36(2) of the EP&A Act (assumes Council has been granted delegation from DoPIE to make the LEP).
- Amending LEP published on the NSW Legislation Website.

- Development Control Plan and Development Contributions Plan preparation and delivery including:
 - Preparation of draft Development Control Plan and Development Contributions Plan based on information gained through the HEP Master Plan and the Planning Proposal processes as detailed above.
 - Reports to Council Ordinary Meetings seeking the implementation of formal community engagement processes and 28 day exhibition in accordance with Council's engagement strategy.
 - Consideration of submissions and update to plans as required.
 - A report to Council's Ordinary Meeting seeking adoption of the plans.

The above timeframes are dependent on factors such as third party (for example State Government) resourcing and the outcomes of the strategic planning investigation process, which may result in the requirement for additional studies to be undertaken and/or additional plans to be prepared.

Options

The following options have been considered in relation to strategic planning investigations to assist in achieving the vision for the HEP as detailed within the HEP Master Plan:

1. Do nothing option - This option would involve not undertaking strategic planning investigations to assist in achieving the vision as described within the HEP Master Plan. This option would likely result in site-specific Planning Proposals being lodged with Council by prospective developers on a site by site basis as market demand dictates. This option would require no initial investment from Council. However, this approach would likely result in an ad-hoc development outcome as Planning Proposals would be lodged and considered on a site by site basis rather than as a wider precinct. This option is likely to increase longer term burden on Council resources due to the assessment of multiple planning proposals within the HEP. This approach may also fail to strategically address larger precinct wide challenges such as traffic and transport. Consideration of these challenges as part of a consolidated strategic planning process to identify and recommend management strategies will deliver more efficient and sustainable management outcomes.
2. Applicant (or consortium) initiated precinct planning proposal - This approach would involve an applicant (or consortium) preparing a precinct Planning Proposal which is submitted to Council for assessment. This option is commonly implemented for site specific Planning Proposals. The potential benefits of this approach are that assessment, initial consultation and resourcing of a Planning Proposal can occur initially within the cost and control of the applicant. This approach may result in more timely delivery depending on the processes established by the applicant. While this approach may also be cost effective with multiple stakeholders, it can be complicated due to the competing interests of the individual stakeholders. To date, no prospective applicant has provided interest

in pursuing this approach on behalf of a precinct consortium. This may be due to factors such as:

- Restricted investment confidence due to potential development risks such as the resolution of traffic and transport challenges at the intersection of the Oxley Highway, Wrights Road and John Oxley Drive and the Oxley Highway and Lake Road intersection,
 - Restricted investment confidence pending the resolution of orbital road investigations,
 - Known allocation of Council resources to progressing HEP investigations and the potential for future allocation of resources, in addition to Council's lead role in this process to date; and / or
 - Competing commercial interests between some stakeholders.
3. Council administered precinct Planning Proposal - This approach would involve Council coordinating required assessments and progressing a precinct Planning Proposal with the use of Council and developer/landholder/consortium resources. This approach would be subject to Council governance and organisational processes. As such, timeframes may be longer than the option above. However, Council's existing governance structure could be used to progress the proposal. While interest has been expressed by individual stakeholders in this approach, no formal commitment has been provided by any stakeholder to pursue this option at this stage. This may be due to one or a number of factors listed under option 2 below.
4. Council initiated precinct Planning Proposal - This approach would be subject to Council's full suite of operating procedures and Council's resolutions in relation to allocation of resources. This model may be the most time and resource consuming due to administrative, governance and resource allocation factors. However, as with the above option, an existing governance structure can be used to progress the proposal and the process would be within the control of Council on behalf of the wider community. While individual stakeholders have expressed interest in option 3 above, without formal commitment to this option it is likely that option 4 is the only current available means of progressing strategic planning of the project to assist in achieving the intent of the HEP Master Plan. **The implementation of this option is recommended by this report.** It can be noted that implementation of this option at this stage does not preclude the evolution of this project into options 3 to 6 at a later stage subject to commitment from private and / or public sector stakeholders in pursuing these options.

In options 2 - 4 above, Council would ultimately be responsible for compiling the relevant assessments and forwarding the proposal to the State Government for gazettal, subject to the outcomes of the Planning Proposal assessment process and Council resolutions and Gateway Determinations to this effect. The following two options that have also been investigated involve State Government administration of the planning process.

5. State Significant Development Proposal - This option would involve progression of the proposal for the wider precinct as a State Significant Development, assessed by the State Government. Consultation has been undertaken with the regional office of the NSW Department of Planning, Industry and Environment to confirm if this proposal meets the required criteria for this type of assessment.

The Department has advised that while this cannot be ruled out as an option, it is unlikely that the wider precinct would be suitable for progression as a State Significant Development due to the nature of the proposal and referred to the Departments website for examples of projects that suit the required criteria.

6. Special Activation Precinct - The implementation of a Special Activation Precinct for the site would be subject to State Government priorities and organisational processes. Council staff are currently investigating this process which could result in potential 'streamlining' of the assessment process and State Government resourcing. However, the potential to engage in this process and subsequent timeframes are not clear at this stage and would be subject to State Government interest in pursuing this option.

Community Engagement and Internal Consultation

Internal Engagement

The following sections of Council were involved in the development of the HEP Master Plan:

- Executive Team,
- Strategic Land Use Planning,
- Water and Sewer,
- Transport, Stormwater Network,
- Recreation and Building,
- Development Assessment,
- Community Place,
- Economic Development,
- Commercial Business Unit – Airport,
- Environmental Services,
- Councillors; and
- Economic Development Steering Committee Group

An update on the current HEP proposal and activity to date, was also provided by staff at a Councillor briefing on 8 April 2020, with all Councillor's in attendance.

External Consultation

The following external stakeholders were represented in the development of the HEP Master Plan:

- Port Macquarie Base Hospital,
- St Columba Anglican School (who also hosted the event),
- Charles Sturt University (including staff as well as local and international students),
- Lake Innes Shopping Village,
- Roads and Maritime Services,
- Busways,
- University of Newcastle,
- Highfields Development Pty Ltd,
- Roads and Maritime Services,

- Local Residents; and
- Local Planners and Surveyors.

The draft HEP Master Plan was placed on public exhibition from the end of the November 2018 to the end of February 2019. The engagement included:

- Pop up engagement within the precinct,
- Have Your Say page,
- Plans available at libraries and customer service centres,
- Media story to encourage community input; and
- Resident letter box drop.

During the exhibition period, Council received a total of 47 submissions - 23 via Have your Say and 24 via email/letter. The Have Your Say site had a total of 1500 visits with 563 downloads of the Master Plan and 276 downloads of the posters.

At the conclusion of the public exhibition phase, an additional series of engagement workshops were held in March 2019 with a variety of key stakeholders including residents, local planners and surveyors, business groups and those involved in the Enquiry by Design process. All feedback was then collated and shared with Architectus (the consultant responsible for the development of the HEP Master Plan) to develop the final Master Plan.

Amendments were made to reflect the community feedback following the public exhibition of the Master Plan. This included a relocation of the pedestrian spine, review of the connectivity of roads and pathways, review of and suggested zoning options for the precinct and proposed implementation review. An illustration of a proposed Orbital Road corridor was also removed from the document pending the outcomes of a Strategic Business Case investigation which is being undertaken in relation to this matter.

Following Council's adoption of the HEP Master Plan at its September 2019 Ordinary Meeting, internal consultation has involved internal staff workshops between Council's strategic planning, development assessment, infrastructure planning, environmental, community engagement, recreation, property and buildings, open space, development contributions, recreation and facilities and environmental health teams.

External consultation following Council's adoption of the HEP Master Plan with government agencies has included consultation with Transport for New South Wales and the Department of Planning, Industry and Environment (including the Department of Biodiversity Conservation) to identify project challenges and to share knowledge to assist with the resolution of these challenges.

External consultation following Council's adoption of the HEP Master Plan with industry representatives has involved numerous meetings with industry stakeholders, a 'planners catchup' with local town planning consultants and three HEP Consortium meetings involving 35 individual stakeholders representing a variety of industries including health and education across both public and private sectors. The minutes of the 'planners catchup' and each of the HEP Consortium meetings are included as attachments to this report.

In parallel with the above internal and external consultation, a HEP 'gap analysis' was prepared. The purpose of this analysis was to broadly identify the information or 'gaps' required to progress planning investigations for the HEP, based on the information collated as part of the development of the Post Exhibition Master Plan for the HEP. This 'gap analysis' has assisted to inform early investigations associated with the strategic town planning of the HEP to assist in achieving the vision for the precinct as detailed within the HEP Master Plan. In addition, funding and governance models have also been extensively discussed with project stakeholders which has assisted to inform the recommendations of this report.

It is anticipated that the HEP Consortium will continue to be an important platform to share information between government and industry representatives and pursue opportunities associated with this important community project.

Planning and Policy Implications

The implementation of the HEP is included as Action 13 within Council's Urban Growth Management Strategy, Action 4.5.1.8 of Council's Operational Plan and is also included within the NSW Governments North Coast Regional Plan. As such, the delivery of this project will achieve actions set out by both Council and the NSW Government within their relevant strategic and operational strategies and plans.

In addition to the above, relevant Council policies such as Social Impact Assessment and Planning Agreements will be considered during the subject strategic planning process as applicable.

Financial and Economic Implications

The significant economic benefits of the delivery of the HEP project to the wider community has been detailed within this report under the heading 'Discussion'.

In addition to the above, in relation to the delivery of strategic planning tasks associated with the HEP, it can be noted that the critical risk to the delivery of the Project is the resourcing of specialist studies to support required strategic planning documents. Council has allocated \$120,000 within the 2019-2020 Operational Plan budget for this purpose. However, the project is unlikely to have sufficient dedicated funding in the 2019-2020 financial year to undertake more than two of the required studies (up to eight such studies may be required). This risk can be addressed through either external funding (e.g. from developers or landholders) or additional allocation of Local, State or Federal Government resources.

Notwithstanding the above, commitment of all current Council allocated funds (\$120,000) for this task in the current financial year and subsequent progression of the HEP strategic planning tasks will address Council's commitments in relation to the HEP as detailed within Council's Operational Plan. It will also provide an important first step in the HEP strategic planning process, demonstrating Council's commitment to this important community project and facilitating the future delivery of the remainder of the project upon securing the balance of required resources.

Attachments

1. Minutes - HEP Consortium Meeting - 19 November 2019
2. Minutes - HEP Consortium Meeting - 10 December 2019

AGENDA

ORDINARY COUNCIL
06/05/2020

- 3. Minutes - HEP Consortium Meeting - 11 February 2020
- 4. Minutes - HEP Planners Catchup - 24 January 2020

YOUR NATURAL AND
BUILT ENVIRONMENT

Item: 13.04

Subject: DA2019 - 676.1 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 1 DP 1211682, NO. 5 DREW CLOSE, PORT MACQUARIE

APPLICANT: WAYNE ELLIS ARCHITECT

OWNER: DREW CLOSE DEVELOPMENTS PTY LTD

Report Author: Director Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2019 - 676.1 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 1, DP 1211682, No. 5 Drew Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, one (1) submission was received.

The application includes a variation to the building height development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10%. The application is therefore 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 8 April 2020 and consensus was not reached by the members. The detailed assessment report considered is provided attached as **Attachment 1**.

This report recommends that the development application and clause 4.3 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 8 April 2020, the DAP was unable to reach consensus as follows:

Paul Drake moved the following motion:

'That it be recommended to Council that DA 2019 - 676.1 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 1, DP 1211682, No. 5 Drew Close, Port Macquarie, be determined by granting consent subject to the recommended conditions with the following amendment:

- *Condition B2 be amended to include point 11 stating: 'If warranted by Council, a give way sign is to be installed at the intersection drew Close and Warlters St.'*

For: Paul Drake and Dan Croft

Against: Robert Hussey

The dissenting recommendation from Robert Hussey was:

'That it be recommended to Council that DA 2019 - 676.1 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 1, DP 1211682, No. 5 Drew Close, Port Macquarie, be determined by refusing consent for the following reasons:

- 1 *That the application does not adequately satisfy the design guidelines in SEPP 65 and the ADG, where the provisions of Section 3H – Vehicle access, requires such access to achieve safety and minimise conflicts between pedestrians and vehicles ...*
- 2 *The designated main pedestrian access on the 1st floor passes very close to the entry to Unit 101, then past the garage openings for garages 22 and 23, turning a blind corner to the lift lobby area, where a number of residents/ visitors could be waiting.*
- 3 *This waiting area is also on the entry/exit path for garages 24 and 24A, which are in tandem configuration that generally involves more manoeuvring space. And it will pass over part of the lift lobby area and conflicts with garages 22 and 23 manoeuvring.*
- 4 *Consequently, the lift waiting area is not safe with the anticipated level of conflicting car movements in close proximity to pedestrians waiting and exiting the lift. Those exiting pedestrians, both residents and visitors then have to traverse the path via a blind corner walking past the garage openings for Spaces 23 and 22 to safely exit the building.*

- 5 *Also, the proposal does not adequately satisfy the 3 D Communal Open Space and associated Principle 6 guidelines for amenity for residents. In particular, the side wall of Unit 203 is adjacent to the swimming pool and it has screened window opening along the common wall. The acoustic and privacy amenity will not achieve a satisfactory outcome for this unit.'*

This report recommends that the development application be determined by granting consent subject to the attached conditions (**Attachment 2**). An amendment has been made to condition B2 to include a point 11 stating: 'If warranted by Council, a give way sign is to be installed at the intersection Drew Close and Warlters Street'.

In response to the motion for refusal, the Applicant subsequently lodged amended plans on 14 April 2020. The amendments made are as follows:

- Changes to internal surface treatments, lighting, screens, planters, ceiling changes and grilles to parking spaces. These minor changes are to the ground and first floors plans only. There is no change to the floor plan or parking layout. The changes are illustrated on the amended first floor plan and the additional pedestrian entry perspectives.
- Addition of an external stair access to the rear of unit 101 from the ground floor for Building Code Australia (BCA) compliance.
- Highlighting of the communal open space area available on the second floor. There is no change to the second floor plan layout. The amended plan illustrates a total communal open space area available on the second floor of approximately 520m², representing 31% of the site area.

Amendment to the table in consent condition A1 has been made to reflect the amended plans received.

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

- The building is for permanent residential occupation. No public entry is proposed and the occupants will be familiar with the parking and pedestrian entry points.
- The parking areas will be a very low speed environment and the design achieves compliance with Australian Standard 2890 for off-street parking.
- Consistent with the Apartment Design Guide (ADG) the plan amendments incorporate additional design solutions (changes to surface materials, landscaping and grilles to parking spaces) that further assist in distinguishing between the vehicle and pedestrian areas as to minimise conflict.
- Objectives provided for in section 3H (vehicle access) of the ADG are considered to be achieved and refusal of the application on these grounds is unjustified.
- The communal open space area as highlighted on the amended plans on the second floor satisfies the numerical provisions of minimum 25% of the site area. Specifically, 31% of the site area is available.
- The privacy screening proposed to the window facing the swimming pool of unit 203, in addition to the landscaping measure alongside its wall, are considered acceptable means of protecting privacy to that unit from the pool area.
- The swimming pool will typically be used during the day by residents of the building. The wall and window (when closed) will provide an acceptable level of acoustic amenity to the occupants of unit 203. The Body Corporate will

additionally have a role in ensuring activities on communal areas are compatible with residential living.

- The proposal adequately satisfies the objectives and guidelines provided for in section 3D of the ADG and refusal of the application on these grounds is unjustified.

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 (**Attachment 2**).
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, one (1) submission was received. The assessment report has given due consideration to the issues identified in the submission.

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

Planning and Policy Implications

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

The application includes a variation to the building height development standard of the Port Macquarie-Hastings Local Environmental Plan 2011. In this instance, the building height 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. [DA2019 - 676.1 Development Assessment Panel Report 8 April 2020](#)
2. [DA2019 - 676.1 Recommended Conditions for Council Report](#)
3. [DA2019 - 676.1 Amended Plans](#)

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**
 - Item 15.01 T-19-60 Beach to Beach Detailed Design & EIS - outcome of procurement strategy**

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 15.02 T-20-06 Operation of Port Macquarie Vehicular Ferry Services**

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