



Extraordinary Council

Business Paper

date of meeting: Wednesday 30 September 2020

location: via Skype

time: 1:00pm

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

Extraordinary Council Meeting

Wednesday, 30 September 2020

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03
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

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: 04.01

Subject: DRAFT LOCAL STRATEGIC PLANNING STATEMENT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

1. Note that the Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings - "Shaping Our Future 2040" together with the Community Strategic Plan - "Towards 2030" set the direction for our community's environmental, social and economic needs into the future.
 2. Note that submissions received during the exhibition period commend Council on the preparation of the first Local Strategic Planning Statement for Port Macquarie-Hastings. The majority of submissions are strongly supportive of the strategic intent of the Local Strategic Planning Statement and the content, including the vision, strategic planning principles, themes and planning priorities.
 3. Adopt "Shaping Our Future 2040" - Council's Local Strategic Planning Statement as exhibited to meet the NSW Government's timeline for completion of regional Local Strategic Planning Statements by 30 September 2020.
 4. Note that "Shaping Our Future 2040" will be uploaded and published on the NSW Planning Portal following the meeting and as required by section 3.9 of the Environmental Planning and Assessment Act, 1979 (NSW).
 5. Request the Acting General Manager present a further report to the November 2020 Ordinary Council meeting, following full due consideration of submissions received during the exhibition period including any revision to the Local Strategic Planning Statement.
-

Executive Summary

On 15 July 2020, Council resolved to:

1. Endorse preparation of a draft Local Strategic Planning Statement (LSPS) consistent with advice in this report and that it be placed on public exhibition for a period of not less than 28 days, as early as possible in 2020.
2. Request the Acting General Manager provide Councillors, prior to public exhibition, an exhibition-ready version of the draft LSPS.
3. Request the Acting General Manager provide a further report at the earliest time, following public exhibition, detailing and responding to feedback received during the exhibition and any changes to the draft LSPS.

4. Forward the “*Shaping Our Future - Our Local Strategic Planning Statement for Port Macquarie-Hastings*” to the Department of Planning, Industry and Environment to be finalised for publishing on the NSW Planning Portal, as required by section 3.9 of the *Environmental Planning and Assessment Act, 1979 (NSW)*.

Public exhibition of the draft Statement was undertaken from 24 August 2020 to 22 September 2020 in accordance with Item 1 of the resolution. A number of submissions were received during the exhibition period.

Council staff are currently reviewing the submissions received. In order to meet the NSW Government deadline for completion of the Local Strategic Planning Statement by 30 September 2020 and in light of the significant support expressed in submissions by both the community and relevant State Agencies, this report recommends that the exhibited Local Strategic Planning Statement “*Shaping Our Future 2040*” is endorsed and uploaded to the NSW Planning Portal as required by section 3.9 of the *Environmental Planning and Assessment Act, 1979 (NSW)*.

Only two submissions received during the exhibition period raised an issue with the strategic direction of the LSPS. The majority of the submissions congratulated Council on the document and provided input to clarify and strengthen the themes, planning priorities and actions.

This input along with administrative updates will be included in the LSPS to be presented to Council at the November 2020 Ordinary Council meeting. Initial review of the submissions indicates that there will be no material or substantive changes to the exhibited document. Any changes made will be:

- in line with State agency recommendations and/or;
- to improve clarity, readability and/or;
- to strengthen endorsed content and the implementation of actions

Discussion

As a result of amendments made in March 2018 to the *Environmental Planning and Assessment (EP&A) Act 1979*, the NSW planning system has shifted its focus to up-front strategic planning. This new structure establishes line of-sight alignment between key planning priorities identified at the State and regional scale with finer-grained planning at the local level. As part of the structure, all regional Councils are required to make a Local Strategic Planning Statement (LSPS).

Importantly, the LSPS acts as a mechanism to introduce change in the LGA and integrate planning across the EP&A Act and the Local Government Act.

The Local Strategic Planning Statement must set out:

- the 20-year vision for land use in the local area;
- the shared community values that are to be maintained and enhanced;
- how development and change will be managed in the future and
- the special values and characteristics which contribute to local identity.

During the preparation of *Shaping Our Future 2040*, Council has been guided by analysis of community feedback on community projects, plans and strategies, key informing state and regional strategies such as the North Coast Regional Plan 2036 and advice from NSW state agencies.

Council's draft LSPS "Shaping Our Future 2040" was provided to Councillors prior to public exhibition in accordance with item 2 of the July 23 Council resolution.

The LSPS was exhibited for a period of 28 days in line with Council's Public Participation Policy.

At the conclusion of the public exhibition period, eleven Government agency submissions and thirty-five public submissions were received by Council. A number of residents also completed a survey on Council's online platform (Have Your Say).

A summary of the issues raised by submissions is provided as follows:

Government Submissions

Submissions were received from the following Government agencies:

- NSW Planning, Industry and Environment, Local and Regional Planning;
- NSW Planning, Industry and Environment, Resilience Planning, Green and Resilient Places;
- NSW Planning, Industry and Environment, Environment Energy and Science Group, Biodiversity and Conservation Division;
- NSW Premier and Cabinet, Heritage NSW;
- Cancer Institute NSW;
- NSW Department of Primary Industries, DPI Fisheries;
- NSW Planning, Industry and Environment, Public Spaces;
- NSW Department of Primary Industries, Agricultural Land Use Planning;
- NSW Planning, Industry and Environment, Crown Lands;
- School Infrastructure for NSW; and
- MNC Local Health District

None of the Government agency submissions oppose the strategic intent of the Statement and each government agency identified issues relevant to its own department's requirements, responsibilities or directions. A summary of the issues raised by Government agency submissions in relation to the Statement is provided as follows:

Consistency with NCRP 2036

Submissions support the holistic approach being undertaken within the Local Strategic Planning Statement to meet environmental, economic, community and housing priorities which align with the North Coast Regional Plan 2036 goals. Submission recommendations about additional detail regarding how the 19 planning priorities will address specific directions of the Regional Plan will be updated within the LSPS to be presented to the November Council meeting.

Alignment with state government directions and actions

Submissions commended and acknowledged that the draft LSPS has incorporated many of the recommended actions from relevant Council, state and regional strategic documents and priorities. The submissions raised suggestions to add value specific to various NSW government departmental requirements, responsibilities or directions. This includes climate change, resilience, health outcomes, environment and heritage

protection, biodiversity, crown lands, and public spaces. The content of these actions has been noted and will be incorporated where appropriate in the LSPS.

Public Submissions

Public submissions also supported the strategic intent of the LSPS and many submissions were highly congratulatory of the approach and strategic direction taken by Council in the LSPS. Submissions raised some matters similar to those raised by Government agencies in relation to the importance of managing growth to protect the environment and our local character, our biodiversity (particularly in relation to our koala population), resilience (including food and water security), our heritage and culture, wellbeing and active living, housing affordability and our public spaces.

Initial review of the submissions indicates that no substantive changes will be recommended to the exhibited document. At this stage it is considered that any changes proposed will be:

- in line with State agency recommendations and/or;
- to improve clarity, readability and/or;
- to strengthen endorsed content and the implementation of actions

A number of public submissions involved requests for the rezoning of land for future urban development which is outside the strategic scope of the LSPS and inconsistent with the North Coast Regional Plan 2036 and Council's Planning Proposal Policy.

Options:

In summary, the draft LSPS *Shaping Our Future 2040* meets its legislative requirements, is in alignment with both the North Coast Regional Plan 2036, State agency recommendations and guidelines and community representations. Council can:

1. Accept the recommendations of this report including to endorse the Port Macquarie-Hastings Local Strategic Planning Statement as exhibited and upload it to the NSW Department of Planning, Industry and Environment Portal or;
2. Reject the recommendations provided in this report.

This report recommends that Council undertake Option 1.

Community Engagement and Internal Consultation

Extensive community consultation has been held with the community in recent years during the preparation of various plans, strategies and projects.

The draft LSPS was placed on public exhibition from 24 August to 22 September 2020 on Council's Have Your Say website and promoted on Council social media channels. A public webinar was also available to community to attend.

Consultation has been undertaken in accordance with Council's Community Participation Plan 2019.

During the preparation of the LSPS and through the exhibition period, wide consultation was undertaken within all divisions of Council.

Planning and Policy Implications

The LSPS has statutory recognition.

It translates strategic planning work into local priorities and actions that inform the review and development of future strategic plans at both the local and the regional level. This feedback cycle from local to regional planning ensures that the line of-sight between the different levels of spatial planning works both ways.

Council has been commended by the Northern Region's Office of the Department of Planning, Industry & Environment in the development of the draft LSPS and for the collaborative approach that has been taken. DPIE also recognised that Council's LSPS includes a number of important initiatives, which demonstrate Council's commitment to land use planning and the future of the Port Macquarie-Hastings local government area.

The LSPS also identifies the basis on which Council will monitor and report on the implementation of strategic planning priorities and actions.

All Local Strategic Planning Statements must be published on the NSW Planning Portal, and consistent with section 11A of the *Environment Planning & Assessment (Savings and Transition and Other Provisions) Regulation 2017*. All regional councils are required to make their first LSPS before the extended deadline of 30 September 2020.

Following adoption of the LSPS, a comprehensive review of Council's key strategies will be required to ensure any changes in strategic direction, priorities and/or actions are incorporated.

Financial & Economic Implications

The LSPS identifies important actions that will identify Council's commitments to the community over the short, medium and long term. Each of these actions will need to be appropriately prioritised, funded and incorporated into Council's future work programs.

On 5 August 2020, the NSW Government announced the launch of a \$250 million NSW Public Spaces Legacy Program as part of ongoing work to protect the health of the community, provide economic and jobs stimulus in response to the COVID-19 pandemic and deliver a legacy of safe, quality public and open space. Port Macquarie-Hastings Council is one of a number of regional City Councils eligible for up to \$3 million of this funding subject to meeting prescribed criteria including completion of their LSPS by 30 September 2020.

Attachments

1.  Draft Local Strategic Planning Statement