

# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 17 February 2021

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

**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 17 February 2021

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15.02 T-20-35 Port Macquarie-Hastings Council Managed Print Services

15.03 T-21-12 IT Hardware Replacement Project

15.04 RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project

15.05 T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction

15.06 T-20-36 Maria River Road Upgrade - Design and Environmental Approvals

15.07 T-20-37 Construction of Gordon Street Rehabilitation

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 9 December 2020 be confirmed.

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**PRESENT**

**Members:**

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

**Other Attendees:**

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

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The meeting opened at 5:31pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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

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**03 APOLOGIES**

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The General Manager noted that Councillor L Dixon was on leave of absence, however would be joining the meeting for Item 15.04 - Recruitment of the Chief Executive Officer.

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#### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Intemann/Turner*

1. That the Minutes of the Ordinary Council Meeting held on 18 November 2020 be confirmed.
2. That the unconfirmed Minutes of the Extraordinary Council Meeting held on 4 December 2020 be amended so that the sentence identifying Cr Alley's departure from the Extraordinary Council Meeting at 8.18am, which occurred during discussion on Item 08.02, be recorded after the title of Item 08.02 and not before, so as to more accurately reflect events at the meeting.
3. That the Minutes of the Extraordinary Council Meeting held on 4 December 2020 be confirmed with the amendment noted in clause 2, above.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **05 DISCLOSURES OF INTEREST**

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Councillor Griffiths declared a Pecuniary Interest in Item 15.01 - T-19-09 Supply and Delivery of Ready Mix Concrete, the reason being that Councillor Griffiths' business has a customer who is a tenderer.

Later in the meeting, during Item 13.07 - DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP 1219811, No 91 The Ruins Way, Port Macquarie, Councillor Hawkins identified an interest and declared a Non-Pecuniary, Less Than Significant Interest, the reason being that Councillor Hawkins and his wife know Rob Beaukers of BR Consulting (the applicant) as he has done work for them in the past.

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#### **06.01 TRIAL EXTENSION OF HIBBARD FERRY HOURS**

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##### **MOTION**

*MOVED: Pinson*

That Council:

1. Conduct a six week trial, extending the Hibbard Ferry hours of operation to 6.30am to 6.50pm Monday to Friday following the Out of Water Slipping of the ferry in February 2021.
  2. Fund this trial from the Ferry Reserve.
  3. Request the General Manager provide a report to the June 2021 Ordinary Council meeting, outlining the statistics and observations from the six week trial in comparison to the six weeks commencing 19 October 2020.
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**AMENDMENT**

*MOVED: Alley/Turner*

That Council request the General Manager to provide a briefing in February 2021, in time for the February 2021 Council Meeting, on options for extending the Hibbard Ferry service for a trial.

**THE AMENDMENT WAS PUT AND CARRIED**

*CARRIED: 4/2*  
*FOR: Alley, Hawkins, Intemann and Turner*  
*AGAINST: Griffiths and Pinson*

**THE AMENDMENT, WITH A CHANGE, BECAME THE MOTION AND WAS PUT:**

*RESOLVED: Alley/Turner*

That Council:

1. Request the General Manager to provide a briefing in February 2021, in time for a report to be considered at the February 2021 Council Meeting, on options for extending the Hibbard Ferry service for a trial.
2. Request that the briefing also cover progress regarding upgrade of the Maria River Road and the possibility of State Government funding of the ferry services.

*CARRIED: 4/2*  
*FOR: Alley, Hawkins, Intemann and Turner*  
*AGAINST: Griffiths and Pinson*

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

Nil.

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

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

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

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Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda were not 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.

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Turner*

That Standing Orders be suspended to allow items 10.03, 10.06, 10.07, 10.09, 12.01, 12.02, 13.01, 13.02, 13.03, 13.06, 13.07, 13.09 not in the block to be brought forward and considered next.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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## **10.03 REVIEW OF THE MID NORTH COAST JOINT ORGANISATION**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Note the information contained in this Review of the Mid North Coast Joint Organisation report.
2. Request the General Manager provide a detailed briefing to Councillors early in 2021, including financial data of the Joint Organisation and any government initiatives currently underway.
3. Request the General Manager provide a further report to the March 2021 Council Meeting on the performance of the Joint Organisation.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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## 10.06 CODE OF CONDUCT COMPLAINT STATISTICS

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### MOTION

*MOVED: Intemann/Turner*

That Council:

1. Note the Code of Conduct Complaint statistics for the period 1 September 2019 to 31 August 2020.
2. Request the General Manager facilitate a briefing for Councillors to discuss options for better analysis of conduct complaint statistics, including the possibility of de-identified consideration of issues raised in complaints and any useful corrective or educative action that could be taken.

### AMENDMENT

*MOVED: Griffiths/Pinson*

That Council note the Code of Conduct Complaint statistics for the period 1 September 2019 to 31 August 2020.

### THE AMENDMENT WAS PUT AND LOST

*LOST: 2/4*  
*FOR: Griffiths and Pinson*  
*AGAINST: Alley, Hawkins, Intemann and Turner*

### THE MOTION WAS PUT AND CARRIED

*RESOLVED: Intemann/Turner*

That Council:

1. Note the Code of Conduct Complaint statistics for the period 1 September 2019 to 31 August 2020.
2. Request the General Manager facilitate a briefing for Councillors to discuss options for better analysis of conduct complaint statistics, including the possibility of de-identified consideration of issues raised in complaints and any useful corrective or educative action that could be taken.

*CARRIED: 5/1*  
*FOR: Alley, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Griffiths*

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## 10.07 MONTHLY BUDGET REVIEW - NOVEMBER 2020

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Adopt the adjustments in the “November 2020 Adjustments” section of the Monthly Budget Review – November 2020 report.
2. Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.
3. Request the General Manager to review the format of this monthly report and attachments so as to improve clarity and therefore transparency of any budget adjustments.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## 10.09 CUSTOMER EXPERIENCE POLICY FRAMEWORK - POST EXHIBITION

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*RESOLVED: Turner/Griffiths*

That Council:

1. Adopt the draft Customer Experience Policy.
2. Adopt the draft Customer Complaints Policy.
3. Rescind the following policy documents:
  - a) Action Requests / Complaints Policy.
  - b) Complaints and Compliments in Favour of Staff Policy.
  - c) Customer Service Policy.
  - d) Customer Experience Charter.
  - e) Complaints Handling Procedure.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## 12.01 ARTWALK 2020 EVENT REPORT

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*RESOLVED: Turner/Griffiths*

That Council:

1. Note the success of ArtWalk 2020.
2. Note that based on feedback and lessons learned, ArtWalk 2021 will be held over the October long weekend and school holidays, with a 3 day main event focus and a program that supports creative activations across our Local Government Area.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.02 MARKETS POLICY REVIEW**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the review of the Port Macquarie-Hastings Markets Policy, which has now been in place for two years.
2. Note the information relating to exception to the Markets Policy adopted by Council from December 2019 as detailed in this report.
3. Place the draft amended Markets Policy on public exhibition from 14 December 2020 to 29 January 2021, removing the operating hour restrictions for CBD markets, but with no new increase in number of permissible days for CBD markets.
4. Confirm that any application that constitutes an exception to the Market Policy be brought to Council for consideration.
5. Note that a further report will be tabled at the February 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **13.01 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST, PORT MACQUARIE**

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*RESOLVED: Pinson/Hawkins*

That Council:

1. Note the information contained in the William Street/Munster Street intersection Community Engagement Report.
2. Note the safety concerns associated with the above intersection.
3. Request the General Manager write to the Federal Member for Cowper Pat Conaghan and Chair of The Joint Select Committee on Road Safety, seeking his support of urgent funding for road safety improvements to the William and Munster Streets intersection.
4. Request the General Manager to bring back a report to the February 2021 Council meeting on the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection.
5. Undertake an immediate audit of vegetation around the William Street/Munster Street intersection with regard to potential improvement in sight distance and visibility.
6. Continue regular road maintenance and vegetation management works at the intersection.

7. Commence targeted communications to local businesses and tourism operators to assist in the education of visiting motorists who may use this intersection as the shortest route to their destination.
8. Request the General Manager arrange a Councillor Briefing prior to April 2021, outlining the forward works program for Transport, including any intersection upgrade projects, and the indicative budget to support this works program.
9. Request the General Manager report back to the April 2021 Ordinary Council Meeting outlining the key intersections for upgrade, their indicative costs and prioritisation.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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### **13.02 BI-ANNUAL REPORT - UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS**

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*RESOLVED: Intemann/Turner*

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Note that three site specific planning proposals have been identified by the NSW Government for finalisation by 30 June 2021 and the proponents have been advised accordingly.
3. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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### **13.03 DREDGING OF LAKE CATHIE FOR BEACH SAND NOURISHMENT ADJACENT TO ILLAROO ROAD**

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*RESOLVED: Pinson/Griffiths*

That Council:

1. Note the sand loss on the fore-dunes adjacent to Illaroo Road, Lake Cathie over the past months.
2. Acknowledge that beach nourishment would benefit the fore-dunes via dredging the Lagoon of Lake Cathie.
3. Note the significant current environmental conditions of Lake Cathie.
4. Note the cost involved in any potential future dredging of the Lagoon.
5. Request the General Manager seek formal written expert advice through the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conservation Department as to any further adverse environmental implications should the Lagoon be dredged, and any received information be provided to Councillors.

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6. Request the General Manager write to The Hon. Leslie Williams, Member for Port Macquarie, advising of Council's actions in relation to dredging.
  7. Request assistance of full funding through The Hon. Leslie Williams, Member for Port Macquarie, for future dredging should expert advice suggest it to be possible and not detrimental to Lake Cathie.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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### **13.06 CLIMATE CHANGE RISK ASSESSMENT**

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*RESOLVED: Turner/Alley*

That Council:

1. Note the Climate Change Risk Assessment as provided as Attachment 1 to this report.
2. Note that this report relies on data from 2014.
3. Seek updated regional data from NSW Government for the development of Council's management and mitigation initiatives and Sustainability and Climate Change Strategy.
4. Note that a further report will be presented to Council addressing adaptation initiatives with the development of the Sustainability and Climate Change Strategy.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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### **13.07 DA2020 - 457.1 MULTI DWELLING HOUSING AND STRATA SUBDIVISION AT LOT 14 DP 1219811, NO 91 THE RUINS WAY, PORT MACQUARIE**

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

#### **MOTION**

*MOVED: Pinson/Turner*

That Council:

1. Note the report and the motion put to Development and Assessment Panel Meeting on 25 November 2020 from Mr Drake and Mr Hussey regarding DA2020 – 457.1 for a multi dwelling housing development and strata subdivision at Lot 14 DP 1219811, No. 91 The Ruins Way, Port Macquarie.
2. Note the submissions received in opposition to the abovementioned multi dwelling housing development and strata subdivision at 91 The Ruins Way, Port Macquarie, with complaints regarding loss of amenity, loss of privacy

and concerns about the incompatibility of this proposal with the existing neighbourhood.

3. Refuse consent for Development Application DA2020 – 457.1 for multi dwelling housing and strata subdivision at Lot 14 DP 1219811, No. 91 The Ruins Way, Port Macquarie for the following reasons:
  - (a) The development does not meet the minimum setback requirements contained in the Port Macquarie-Hastings Council Development Control Plan (DCP).
  - (b) The development is likely to compromise the endorsed Koala Plan of Management applying to the site.
  - (c) The extent of variation to the DCP for the subject development proposal is not considered to be in the interest of the community.
  - (d) The proposed development is not considered to be in keeping with the existing neighbourhood.

#### **AMENDMENT**

*MOVED: Griffiths/Hawkins*

1. That DA 2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be deferred to enable the applicant to amend the proposal and respond to all the issues raised by the members of the Development Assessment Panel on 25 November 2020, and the issues raised by members of the community.
2. That Council request the General Manager to facilitate an on-site inspection and briefing for Councillors on the issues once the additional information has been received from the applicant and assessed by staff.

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

*CARRIED: 4/2*

*FOR: Alley, Griffiths, Hawkins and Intemann*

*AGAINST: Pinson and Turner*

#### **THE AMENDMENT BECOMES THE MOTION AND WAS PUT**

*RESOLVED: Griffiths/Hawkins*

1. That DA 2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be deferred to enable the applicant to amend the proposal and respond to all the issues raised by the members of the Development Assessment Panel on 25 November 2020, and the issues raised by members of the community.
2. That Council request the General Manager to facilitate an on-site inspection and briefing for Councillors on the issues once the additional information has been received from the applicant and assessed by staff.

*CARRIED: 5/1*

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

*AGAINST: Pinson*

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### 13.09 NOTICE OF MOTION - LAKE CATHIE / LAKE INNES

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*RESOLVED: Intemann/Alley*

That Council request the General Manager to:

1. Develop and deliver a communications plan for urgent commencement and progressive delivery over at least the next six months, informing the community that and why Council's first priority for the Lake Cathie / Lake Innes system is the relevant Stage of the Coastal Management Plan.
2. Ensure that the communications plan clearly identifies the roles and responsibilities of Council and the various state government departments in the estuarine system, including a simple summary of land/water ownership and responsibilities.
3. Consider for inclusion in the draft 2021-2022 Operational Plan, works to avoid flooding effects on footpaths and other public assets and infrastructure, from water levels below the 1.6m AHD flood trigger level for opening Lake Cathie lagoon.
4. Brief Councillors on the current status of the Lake Cathie Entrance Opening Policy, including regarding low water level openings in drought.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 14 ITEMS TO BE DEALT WITH BY EXCEPTION

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*RESOLVED: Hawkins/Turner*

That Items 10.01, 10.02, 10.04, 10.05, 10.08, 10.10, 10.11, 11.01, 11.02, 13.04, 13.05, 13.08, 13.10 be considered as a block resolution.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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*RESOLVED: Turner/Alley*

That all recommendations listed in the block resolution be adopted by Council.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

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*BLOCK RESOLVED: Turner/Alley*

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

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**10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 5 TO 25  
NOVEMBER 2020**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Mayoral Discretionary Fund allocations for the period 5 to 25 November 2020 inclusive.

Item 10.03 Review of the Mid North Coast Joint Organisation, has been addressed previously within the meeting.

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**10.04 DISCLOSURES REGISTER - ANNUAL RETURNS 2019-2020 -  
OUTSTANDING RETURNS**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Annual Disclosure Returns for the following positions:

1. Sport and Recreation Officer.
2. Water and Sewer Planning Engineer.

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**10.05 DRAFT UNREASONABLE CUSTOMER CONDUCT POLICY**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the submission received and thank that member of the public for their submission.
2. Adopt the draft Unreasonable Customer Conduct Policy as attached to this report as Attachment 1.

Item 10.06 Code of Conduct Complaint Statistics, has been addressed previously within the meeting.

Item 10.07 Monthly Budget Review - November 2020, has been addressed previously within the meeting.

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**10.08 LOCAL EMERGENCY MANAGEMENT COMMITTEE - CHARTER REVIEW**

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*BLOCK RESOLVED: Turner/Alley*

That Council ratify the Local Emergency Management Committee Charter as endorsed by the Local Emergency Management Committee at its 12 November 2020 meeting.

Item 10.09 Customer Experience Policy Framework - Post Exhibition, has been addressed previously within the meeting.

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**10.10 PURCHASE OF FORESTRY CORPORATION SHARE OF PLANTATION JOINT VENTURE AGREEMENT AT 5130 PACIFIC HIGHWAY HERONS CREEK**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Accept the Buyout Proposal for Forestry Corporation's share of the Plantation Joint Venture Agreement for the value of \$143,544.
  2. Affix the seal of Council to the necessary document.
- 

**10.11 INVESTMENTS - NOVEMBER 2020**

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*BLOCK RESOLVED: Turner/Alley*

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

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**11.01 HASTINGS HINTERLAND, CAMDEN HAVEN, BEECHWOOD & PEMBROOKE COMMUNITY PLANS**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Endorse the Community Plans for:
    - a) Hastings Hinterland
    - b) Camden Haven
    - c) Beechwood & Pembroke
  2. Note the extensive engagement, which has taken place with these communities and their Community-Council Action Teams to finalise the Plans.
-

- 
3. Note the goals and actions identified for each of the communities as outlined in the Community Plans, for consideration in future Council Operational Plans.
  4. Thank all those community members who contributed to the development of the plans and those that made a submission during the engagement process and advise them of the outcome.
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## **11.02 BONNY HILLS RESERVES DRAFT MASTER PLAN**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the information in the Community Engagement Report - Bonny Hills Reserves Master Plan - November 2020.
2. Thank the key stakeholders who made submissions during the engagement process and requested to be kept informed and advise them of the outcome.
3. Place the Bonny Hills Reserves Draft Master Plan (Rev 1) on public exhibition from 10 December 2020 to 11 February 2021.
4. Request the General Manager provide a report to the April 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

Item 12.01 ArtWalk 2020 Event Report, has been addressed previously within the meeting.

Item 12.02 Markets Policy Review, has been addressed previously within the meeting.

Item 13.01 Recommended Item from Local Traffic Committee - Intersection Improvements - William St/Munster St, Port Macquarie, has been addressed previously within the meeting.

Item 13.02 Bi-Annual Report - Update on Site Specific Planning Proposal Requests, has been addressed previously within the meeting.

Item 13.03 Dredging of Lake Cathie for Beach Sand Nourishment Adjacent to Illaroo Road, has been addressed previously within the meeting.

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#### **13.04 CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL**

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*BLOCK RESOLVED: Turner/Alley*

That Lot 1 Deposited Plan 1267234 (land near The Boulevard at Dunbogan) be classified as operational land.

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#### **13.05 ACQUISITION OF EASEMENT FOR WATER SUPPLY - FOX CRESCENT, WAUCHOPE**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Pay compensation in the amount of \$21,449 (GST Exclusive) to the owners of Lot 1685 Deposited Plan 1105357, Wauchope Country Club, for the acquisition of an easement for water supply 6 metres wide shown as (A) in plan of acquisition Deposited Plan 1268252.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

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

Item 13.07 DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP 1219811, No 91 The Ruins Way, Port Macquarie, has been addressed previously within the meeting.

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#### **13.08 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY DEVELOPMENT UPDATE**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the update report on development of the Integrated Water Cycle Management Strategy.

Item 13.09 Notice of Motion - Lake Cathie / Lake Innes, has been addressed previously within the meeting.

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**13.10 DA2020 - 657.1 ALTERATIONS AND ADDITIONS TO A DWELLING INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 346 DP 236950, 14 VENDUL CRESCENT, PORT MACQUARIE**

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*BLOCK RESOLVED: Turner/Alley*

That DA 2020 - 657.1 for alterations and additions to a dwelling including a Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 346, DP 236950, No. 14 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

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**CONFIDENTIAL SESSION**

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*MOVED: Alley/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 T-19-09 Supply and Delivery of Ready Mix Concrete  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 15.02 Community Inclusion Committee  
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

Item 15.03 RFQ-20-30 Construction Quality Assurance Engineer for the Cairncross Landfill Expansion Project  
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 15.04 Recruitment of the Chief Executive Officer

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

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: 6/0*

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

*AGAINST: Nil*

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### **15.01 T-19-09 SUPPLY AND DELIVERY OF READY MIX CONCRETE**

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

*RESOLVED: Intemann/Turner*

That Council:

1. Accept the revised schedule of rates tenders from the following suppliers to be appointed to a panel arrangement for the Supply and Delivery of Ready Mix Concrete for a two-year period commencing 1 January 2021:
  - a) Boral Resources (Country) Pty Ltd;
  - b) Hanson Construction Materials Pty Ltd;
  - c) Holcim (Australia) Pty Ltd; and
  - d) Hurd Haulage Pty Ltd.with two options to extend for a period of one year each, such option(s) to be for the benefit of the Council and may be exercised only at the sole discretion of Council.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-19-09.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Griffiths returned to the meeting, the time being 08:27pm.

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## 15.02 COMMUNITY INCLUSION COMMITTEE

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*RESOLVED: Intemann/Alley*

That Council:

1. Appoint the following people as independent members of the Community Inclusion Committee for a four (4) year term:
  - (a) Shalise Leesfield (Youth)
  - (b) Trish Davis (Senior)
  - (c) Moses Costigan (Disability)
  - (d) Jenny Edmunds (General Community)
  - (e) Matthew Doeland (Health Organisation)
  - (f) Leesa-rae Harrison for Hastings Neighbourhood Services (Charity Organisation)
  - (g) Kelly Lamb for Liberty (Homelessness Network)
  - (h) Beth Flynn (Refugee Network)
2. Commence the appointments by inviting the new members to the first Community Inclusion Committee meeting at a date to be confirmed in February 2021.
3. Thank members of the community who made submissions via the Expression of Interest process and advise the outcome.
4. Call for further Expressions of Interest for the remaining three vacant Committee positions in February 2021 (Aboriginal / Torres Strait Islander, LGBTQI+ and Culturally & Linguistically Diverse (CALD) representatives).
5. Note the final meeting of the Port Macquarie-Hastings Access Sub-Committee will be held in February 2021 meeting.
6. Agree that existing members of the Access Sub-Committee be invited to transition to the Community Inclusion Committee's Access Working Group.
7. Agreed that the Access Sub-Committee be dissolved following its February 2021 meeting.
8. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-20-05.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **15.03 RFQ-20-30 CONSTRUCTION QUALITY ASSURANCE ENGINEER FOR THE CAIRCROSS LANDFILL EXPANSION PROJECT**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the requirements for a Construction Quality Assurance Engineer for the Cairncross Landfill Expansion project.
2. Pursuant to Section 55(3)(i) of the Local Government Act 1993, resolve to not invite tenders for the engagement of a consultant to undertake the function of Construction Quality Assurance Engineer for the Cairncross Landfill Expansion project due to extenuating circumstances as the project is time critical and that a satisfactory result would not be achieved by inviting tenders as detailed in this report.
3. Note the General Manager will exercise the delegation to accept a quote pursuant to the Request for Quotation process undertaken for the Construction Quality Assurance Engineer for the Cairncross Landfill Expansion project.
4. Note that a further report will be considered by Council (for information only) detailing the outcomes of the Request for Quotation for the Construction Quality Assurance Engineer for the Cairncross Landfill Expansion project
5. Affix the seal of Council to the necessary document.
6. Maintain the confidentiality of the documents and consideration in respect of Request for Quotation RFQ-20-30.

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Griffiths left the meeting, the time being 8:29pm and did not return.

All staff except the Group Manager Governance left the meeting, the time being 8:29pm.

Councillor Dixon joined the meeting, the time being 8:30pm.

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#### **15.04 RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER**

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*RESOLVED: Pinson/Intemann*

1. That the Report by the Recruitment Consultant, Stephen Blackadder, on the recruitment and selection of a new Chief Executive Officer for Port Macquarie Hastings Council be received and noted.
2. That the preferred candidate identified in the Recruitment Consultant's report be offered the position of Chief Executive Officer of Port Macquarie Hastings Council and the Mayor and Deputy Mayor, in consultation with Recruitment Consultant, be authorised to negotiate and finalise the appointment based on the following terms and conditions:
  - a) A five (5) year performance based contract in accordance with the standard contract of employment for General Managers in NSW.
  - b) A total remuneration package as detailed in the recruitment consultant's report, being the total value of all components of remuneration offered, including salary, superannuation, the private use value of the Council provided motor vehicle under a novated lease or leaseback arrangement and any other benefits negotiated with the successful candidate.
  - c) If applicable, a relocation allowance be offered up to a limit of \$10,000 to cover the cost of relocating household and other items, subject to 50% of the reimbursement be paid on relocation and the remaining 50% after 12 months satisfactory service as assessed by the Performance Review Panel.
  - d) The policies of the Council which grant an entitlement to the employee relating to the private use of the Council motor vehicle and the incidental private use of the Council provided mobile phone and laptop computer.
3. That no public announcement of the name of the successful candidate be made until such time as the Mayor has obtained a written acceptance of the offer from the preferred candidate.
4. That should the preferred candidate for whatever reason decline the offer the next steps be referred to Council for further consideration.
5. That Council maintain the confidentiality of the documents and considerations in respect of the Chief Executive Officer/General Manager recruitment process.

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Dixon left the meeting, the time being 8:30pm.

*RESOLVED: Alley/Turner*

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

*CARRIED: 5/0*

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

*AGAINST: Nil*

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

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The meeting closed at 8.43pm.

.....  
Peta Pinson  
Mayor

UNCONFIRMED

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**Item: 05**  
**Subject: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

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

**Pecuniary Interest**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- 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 Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

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

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

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

*This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 07**

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

**Presented by: Chief Executive Officer, Dr Clare Allen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council determine that the attachment to Item Number 10.09 and 10.10 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:** 10.09  
**Subject:** Legal Fees  
**Attachment Description:** Legal Matters Greater Than \$10,000 2020/2021 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:** 10.10  
**Subject:** Quarterly Budget Review Statement - December 2020  
**Attachment Description:** Consultancy and Legals December 2020  
**Confidential Reason:** Provides information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).

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**Item: 08**

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

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

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

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

However, residents may provide information in relation to matters on the agenda to Councillors by emailing [councilmeeting@pmhc.nsw.gov.au](mailto: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

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**Item:** 10.01

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

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft Coastal Management Program Scoping Plan - post exhibition	20/05/2020 Item 13.07	Still considering submissions	DDE	Jul-20 Aug-20 Sep-20 Oct-20	Feb-21
COVID-19 Recovery and Stimulus Projects - Progress Report	12/08/2020 Item 10.04		CEO		Feb-21
Bushfire Disaster Recovery Funding - Update Report	12/08/2020 Item 10.18		DSG		Feb-21
Relief Measures for the Impacts of COVID-19 - Update	23/09/20 Item 10.14		DCP		Feb-21
Request for Quotation for Design and Environmental Approvals for the Maria River Road Upgrade	21/10/2020 Item 13.02		DI		Feb-21

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction - post negotiation	18/11/2020 Item 15.04	Negotiations currently underway	DI		Feb-21
Hibbard Ferry Service	09/12/2020 Item 06.01		DI		Feb-21
Markets Policy - post exhibition	09/12/2020 Item 12.02		DSG		Feb-21
William / Munster Streets Intersection - options to trial temporary closure of median strip	09/12/2020 Item 13.01		DI		Feb-21
RFQ-20-30 Construction Quality Assurance Engineer for the Cairncross Landfill Expansion Project - information on outcomes	09/12/2020 Item 15.03		DI		Feb-21
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 Nov-20 Apr-20 Jul-20 Sep-20	Mar-21
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	On hold as per CEO advice	SG	Mar-20 Nov-20	Mar-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	SG	Dec-19 Feb-20 Sep-20	Mar-21
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02	Awaiting confirmation of financial data	DCP	Feb-21	Mar-21
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. Under negotiation	DDE	Nov-20	Mar-21
Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition	20/11/19 Item 13.13	Awaiting advice from Crown Lands	DDE	Feb-20 Aug-20 Oct-20 Feb-21	Mar-21
Planning Proposal (PP2016-10.1) Beach Street, Bonny Hills	17/06/2020 Item 13.03	PP to be revised and change of proponent	DDE	Sep-20 Oct-20 Nov-20	Mar-21
Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew	17/06/2020 Item 13.03	Revised PP lodged	DDE	Sep-20 Oct-20	Mar-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Naming of Roads in Laurieton	15/07/2020 Item 11.02	Pending further consideration of alternative road name and community consultation	DDE	Sep-20 Nov-20	Mar-21
Lake Cathie - Illaroo Road Revetment Wall - Report on community engagement outcomes and future recommended steps	12/08/2020 Item 15.03		DDE		Mar-21
Land acquisition for future parallel taxiway at Port Macquarie Airport - post exhibition	12/08/2020 Item 12.05	Report date depending on finalisation of land acquisition.	DDE	Dec-20	Mar-21
Land classification - Lot 1 DP 545926 1 Commerce Street, Wauchope - post exhibition	23/09/2020 Item 15.03	Sale not yet finalised	DSG		Mar-21
Draft Code of Meeting Practice	23/09/2020 Item 10.11	Waiting Councillor workshop on the Code of Meeting Practice prior to the final consideration of Council	DGP	Feb-21	Mar-21
Draft Roadside Vegetation Management Policy	23/09/2020 Item 13.05	Awaiting outcome from Councillor briefing	DI	Nov-20 Feb-21	Mar-21
Significant Road Safety Upgrade to Pacific Highway /	23/09/20 13.01	Awaiting response	CEO	Dec-20 Feb-21	Mar-21

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Houston Mitchell Drive Intersection - response from Hon Leslie Williams MP					
Declaration of a Climate Emergency - Actions	21/10/2020 Item 13.01		DDE		Mar-21
Draft Bain Park Master Plan - Post Exhibition Community Engagement	18/11/2020 Item 11.02		DDE		Mar-21
PMHC Sustainability Advisory Sub-Committee - Membership	18/11/2020 Item 10.17		DDE		Mar-21
Mid North Coast Joint Organisation	09/12/2020 Item 10.03		CEO		Mar-21
Key intersections for upgrade - costs and prioritisations	09/12/2020 Item 13.01		DI		Apr-21
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02		DDE		Apr-21
Developments , Public Place & Events Waste Minimisation and Management Policy - impacts, fees, feedback	03/06/2020 Item 13.01		DCP		May-21
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Awaiting consultant's report.	DDE	Mar-21	May-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals - current occupations October 2021.	DSG	Aug-20	Jun-21
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	The development of a new Contributions Plan will be incorporated in the program for review of Council developer contributions framework.	DDE	Dec-20	Jun-21
Footpaving of Roads Policy - Review	01/07/2020 Item 13.01	To be considered in conjunction with development of the Regional Integrated Transport Strategy (RITS)	DDE	Dec-20	Jun-21
Establishment of a "Fly Neighbourly Agreement"	21/10/2020 Item 12.01	Stakeholder engagement continuing, including local aircraft operators and statutory authorities (eg CASA)	DCP	Feb-21	Apr-21
Sustainability and Climate Change Strategy - adaptation initiatives	09/12/2020 Item 13.06		DDE		Jun-21
Biodiversity Certification Assessment and Strategy - Port Macquarie	10/08/16 Item 12.01		DDE		2021 (estimate)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.					
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DCP	Monthly	Every (except July)		
Investments	DCP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	Mar-21	MSF suspended until 2021.
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb		
Port Macquarie Health and Education Precinct - Update Report (06/05/2020 - Item 13.03)	DSG	Quarterly	Aug, Nov, Feb, May	No Feb or May update report	As per resolution 18/11/20 Item 13.01

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, May (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DSG	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug		
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep		
Update on Site Specific Planning Proposal Requests	DDE	Biannual	Apr, Oct		
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov		
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov		
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	May-21	Awaiting CSP feedback and adoption
Mayoral and Councillor Fees (Setting of)	DCP	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DSG	Annually	Jun		
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)	DDE	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	DCP	Annually	Sep		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Creation of Office - Deputy Mayor	DCP	Annually	Sep		
Audit Committee Annual Report	DCP	Annually	Sep		
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep		
Legislative Compliance Register	DCP	Annually	Sep		
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DDE	Annually	Sep		
Annual Disclosure of Interest Returns	DCP	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 (20/11/19 - Item 10.17)	DDE	Annually	Nov		
Code of Conduct Complaints Annual Report	DCP	Annually	Dec		

**Attachments**

Nil

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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 26  
NOVEMBER 2020 TO 3 FEBRUARY 2021**

**Presented by: Chief Executive Officer, Dr Clare Allen**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Mayoral Discretionary Fund allocations for the period 26 November 2020 to 3 February 2021 inclusive.**

### **Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 26 November 2020 to 3 February 2021.

### **Discussion**

The following allocations have been made by the Mayor from the Mayoral Discretionary Fund during this reporting period:

Donation to Walk in White Against Domestic & Family Violence	\$250.00
Donation of Glasshouse Vouchers to Youth Inclusion Plus Fundraiser for YP Space	\$200.00
Donation to Port Macquarie Park Run	\$126.00
Donation to Wauchope Park Run	\$126.00
Donation to Queenslake Park Run	\$126.00
Floral Bouquet for Murette Pearson on passing of former Councillor Jim Pearson Snr	\$96.95
	<b>\$924.95</b>

### **Options**

This report is for noting only.

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

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

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no economic implications in relation to this report.

The allocations made during this reporting period are funded from the Mayoral Discretionary Fund as included in the 2020-2021 Operational budget.

**Attachments**

Nil

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**Item: 10.03**

**Subject: NOTICE OF MOTION - RECOGNITION OF THE LATE JIM PEARSON SENIOR**

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

### **RECOMMENDATION**

**That Council formally recognise the contribution to the local community and the transport industry of the late Jim Pearson Senior.**

### **Comments by Mayor Pinson**

On 15 January 2021, Jim Pearson Senior, former Councillor and well known and respected transport industry identity, lost his battle with pulmonary fibrosis.

Mr Pearson was the founder of local truck transportation business, Jim Pearson Transport which he ran with his son, Jim Junior, until his retirement in 2002. Today the business is recognised as a leader in the industry, employing more than 350 people, with a huge fleet of prime-movers and B-Double trailers.

Mr Pearson was elected to Council for a four year term in 1999 and was Deputy Mayor to Wayne Richards during his term on Council.

Our condolences are extended to Jim's wife Murette; his children Luise, Jim Jnr, Melanie and Belinda; grandchildren, great-grandchildren, family, friends and the Jim Pearson Transport family.

### **Attachments**

Nil

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Item: 10.04

Subject: NOTICE OF MOTION - COMMUNITY POLL - FLUORIDE

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

### RECOMMENDATION

That Council:

1. Note the resolution from 15 July 2020 Ordinary Council Meeting for Council to conduct a community poll in conjunction with the next Local Government elections scheduled for 4 September 2021 to read: "Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"
2. Note that the proposed community poll is expected to cost the community in the order of \$60,000
3. Further note that participation in the proposed poll is voluntary only, its result is non-binding, and it excludes members of our community who are not on the electoral roll.
4. Not proceed with any community poll in conjunction with the next Local Government elections scheduled for 4 September 2021.
5. Request the Chief Executive Officer brief Councillors on costed options for obtaining feedback from the whole community on fluoridation of the public water supply, that is both fact and evidence-based.
6. Note that the NSW Department of Health has issued a directive making it compulsory for Councils and other Water Authorities to fluoridate public water supplies in NSW.
7. Note that the New South Wales Code of Practice for Fluoridation of Public Water Supplies states that "fluoridation of drinking water at optimal levels remains the most significant dental public health program in Australia."
8. Note that fluoridation of public water supplies in Australia is strongly supported by the Australian Dental Association, the Australian Medical Association and the National Health and Medical Research Council of Australia.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

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Item: 10.05

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

1. Water and Sewer Process Planning Engineer.
2. Contracts Administrator.
3. Development Assessment Planner.
4. Engineering Planning Manager.
5. Water and Sewer Engineering Planning Manager.
6. Water and Sewer Planning Engineer.
7. Administration Officer.
8. Administration Officer.
9. Parks Management Officer.
10. Recreation and Facilities Manager.
11. Project Officer.
12. Project Officer.
13. Project Officer.
14. Landscape Architect.
15. Landscape Architect.
16. Facilities Co-ordinator.
17. Senior Landscape Architect.
18. Natural Resources Manager.
19. Bushfire Management Officer.
20. Biosecurity Officer Weeds.
21. Team Leader Invasive Weeds.
22. Development Assessment Administration Co-ordinator.
23. Contributions Development Officer.
24. Members of the Coast, Estuary and Floodplain Sub-Committee.
25. New members of the Town Centre Master Plan Sub-Committee.

### Executive Summary

This report informs Council of the lodgement of a return disclosing the interests of a designated person which are required under Clause 4.21 of Council's Code of Conduct.

### Discussion

Clause 4.21 of Council's Code of Conduct, requires Designated Persons to prepare and submit written returns of interests. The following positions are designated person under the Local Government Act:

1. Water and Sewer Process Planning Engineer.
2. Contracts Administrator.
3. Development Assessment Planner.
4. Engineering Planning Manager.
5. Water and Sewer Engineering Planning Manager.
6. Water and Sewer Planning Engineer.
7. Administration Officer.
8. Administration Officer.
9. Parks Management Officer.
10. Recreation and Facilities Manager.
11. Project Officer.
12. Project Officer.
13. Project Officer.
14. Landscape Architect.
15. Landscape Architect.
16. Facilities Co-ordinator.
17. Senior Landscape Architect.
18. Natural Resources Manager.
19. Bushfire Management Officer.
20. Biosecurity Officer Weeds.
21. Team Leader Invasive Weeds.
22. Development Assessment Administration Co-ordinator.
23. Contributions Development Officer.
24. Members of the Coast, Estuary and Floodplain Sub-Committee.
25. New members of the Town Centre Master Plan Sub-Committee.

Clause 4.24 requires the General Manager to keep a Register of the Returns and Clause 4.25 requires the returns must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

The disclosure returns will be held in the Disclosure Register in the Governance Section of Council and, as required by Section 6 of the *Government Information (Public Access) Act 2009*, they are available for public inspection by appointment or they are available on Council's website noting residential addresses of staff may be redacted in accordance with the Local Government Act.

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 Clause 4.21 of Council's Code of Conduct.

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

#### Internal Consultation

- Group Manager Governance.
- General Manager.

## AGENDA

ORDINARY COUNCIL  
17/02/2021

### **Planning and Policy Implications**

There are no planning or policy implications.

### **Financial and Economic Implications**

There are no financial or economic implications.

### **Attachments**

Nil

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Item: 10.06

Subject: DRAFT CODE OF CONDUCT AND DRAFT PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.4.3 Build trust and improve Council's public reputation through transparency and accountability.

### RECOMMENDATION

That Council:

1. Pursuant to Section 440 of the Local Government Act 1993, adopt the draft Code of Conduct.
2. Pursuant to Section 440AA of the Local Government Act 1993, adopt the draft Procedures for the Administration of the Model Code of Conduct.

### Executive Summary

The 2020 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 7 August 2019.

Councils must adopt the new Model Code of Conduct and Model Procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.

It is proposed that the:

- Draft Code of Conduct be adopted pursuant to section 440 of the *Local Government Act 1993*.
- Draft Procedures for the Administration of the Model Code of Conduct be adopted pursuant to section 440AA of the *Local Government Act 1993*.

The Code of Conduct and Procedures have not been placed on public exhibition as they are not required to be, unlike the Code of Meeting Practice.

### Discussion

#### Code

A model Code of Conduct for Local Councils in NSW ("the Code") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

The current Code was last adopted at the May 2019 Ordinary Meeting of Council.

The new (draft) Code is being proposed and is provided as Attachment 1.

Key changes to the Code include:

- remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
- update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
- include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government election.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
  - clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
  - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100. It is recommended that the value of \$100 be adopted in line with the model code of conduct.

There have been no supplementary clauses specific to Port Macquarie-Hastings Council added to the draft.

### Procedures

A model Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (“the Procedures”) is made for the purposes of section 440AA of the Act. Section 440AA of the Act requires every council to adopt a code of conduct that incorporates the provisions of the model procedure.

The current procedures were last adopted at the May 2019 Ordinary Meeting of Council.

The procedures provide the framework as to how Code of Conduct complaints are dealt with.

Key changes to the Procedures include:

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a Councillor be formally censured for the breach under section 440G of the Act, or
  - that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Note that the documents may be reformatted by internal resources post adoption.

### Options

If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).

**Community Engagement and Consultation**

The Code of Conduct and Procedures have not been placed on public exhibition as they are not required to be, unlike the Code of Meeting Practice.

**Internal Consultation**

- General Manager
- Executive Team
- Group Manager Governance

**Planning & Policy Implications**

It is proposed that the draft Code of Conduct replace the current Code of Conduct. The proposed draft Code is provided as Attachment 1.

It is proposed that the draft Procedures for the Administration of the Model Code of Conduct replace the current procedure. The proposed draft procedure is provided as Attachment 2.

**Financial & Economic Implications**

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

**Attachments**

1.  Draft Code of Conduct
2.  Draft Procedures for the Administration of the Model Code of Conduct

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Item: 10.07

Subject: DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.4.3 Build trust and improve Council's public reputation through transparency and accountability.

### RECOMMENDATION

#### That Council:

1. Revoke all previous delegations of functions to the General Manager.
2. Delegate to the Chief Executive Officer of Port Macquarie-Hastings Council the Functions in accordance with the Instrument of Delegation to the General Manager, attached to this report as Attachment 1.
3. Appoint the Director Strategy and Growth, Jeffery Sharp, to act as Chief Executive Officer in any instance where an Acting Chief Executive Officer has not otherwise been determined by Council while the Chief Executive Officer is absent from work on leave.
4. Delegate to any person acting as Chief Executive Officer pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.
5. Pursuant to clause 213 of the *Local Government (General) Regulation 2005*, delegate to the General Manager the authority to approve the abandonment of debts up to the amount of \$2,500.
6. Note that the role of General Manager applies to the position of Chief Executive Officer and all references to General Manager refer to the position of Chief Executive Officer.

### Executive Summary

A Council may delegate to the General Manager any of its functions other than those functions specifically detailed in section 377 of the *Local Government Act 1993 (the Act)*. In the recent recruitment process undertaken to fill the vacant role of General Manager, Council has chosen to rename this position to Chief Executive Officer. Accordingly, all references to the role of General Manager in this report apply to the position of Chief Executive Officer.

Section 380 of the Act requires that each Council must review its delegations during the first twelve (12) months of each term of office. Council undertook this review and it was adopted by Council at its August 2017 Ordinary Council meeting. With the recent appointment of Dr Clare Allen as Council's Chief Executive Officer, it is appropriate for Council to review and reaffirm these delegations. The proposed delegations to the General Manager are attached to this report as Attachment 1.

## Discussion

Section 377 of the *Local Government Act 1993 (the Act)* enables Council to delegate the functions of Council to the General Manager. This section also specifies various functions such as making of a rate, fixing of a fee, borrowing of money, voting of money for expenditure and the acquisition or disposal of land or property that cannot be delegated and require a Council resolution to act on these functions.

The delegation of functions to the General Manager enables the organisation to meet the needs of residents and other stakeholders in an effective and efficient manner. It allows decisions that reflect Council's Policies, codes and other plans to be made at appropriate levels within the organisation. It also enables staff to be authorised to undertake functions under other legislation. This also has the added benefit of reducing the amount of administrative matters that must be considered by Council as staff have been delegated certain decision making capabilities.

Section 380 of the Act provides that each Council must review its delegations during the first 12 months of each term of office. Council undertook this review in 2017 and it was adopted by Council at its August 2017 Ordinary Council meeting. With the appointment of Dr Clare Allen as Council's Chief Executive Officer, it is appropriate for Council to review and reaffirm these delegations.

Council previously delegated functions to the former General Manager, Craig Swift-McNair, by exception. This provided that all functions that could be delegated to the General Manager under the Act be delegated, excluding only those functions specifically identified and listed under section 377(1) of the Act as functions that cannot be delegated.

This is a far better approach with benefits being:

1. Increased efficiency - rather than having a lengthy and detailed list of functions that have been delegated to the General Manager, the delegations state what functions can't be undertaken by the General Manager;
2. Reduce the risk of inadvertent noncompliance - there may be (in the future) a difference of opinion between the elected Council and the General Manager in relation to the interpretation of some delegations;
3. Increase the degree of completeness - a list of delegations containing all functions delegated to the General Manager may not be complete and is difficult to maintain. Case law indicates that if a delegation is not passed effectively from Council to the General Manager, any authority an officer may have (sub delegated from the General Manager) is not current; and
4. Future proofing - if Council undertakes additional functions following the instrument of delegation being adopted, an amendment through a Council resolution will have to be added to the instrument to ensure the General Manager is delegated the additional functions.

Section 378 of the Act states that the General Manager may in turn delegate all functions, except for the power of delegation where it provides:

*(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*

*(2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*

This is undertaken through sub-delegations to Directors and staff. The General Manager practically does not delegate all the delegations of authority and in a number of cases limits the delegation when sub-delegated.

Organisational sub-delegations will be reviewed by Governance staff, the Chief Executive Officer and Directors once the delegations to the General Manager are adopted by Council.

#### Acting Chief Executive Officer

Section 351 of the Act relates to temporary appointments within the organisation and states:

*If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent:*

*(a) the council, in the case of the general manager's position, or  
(b) the general manager, in the case of any other position, may appoint a person to the position temporarily.*

If the Chief Executive Officer is absent for any reason and Council has not appointed someone to act in the role of Chief Executive Officer, the Director Strategy and Growth shall act in the capacity of the Chief Executive Officer. It is expected that all planned absences of the Chief Executive Officer will be filled by Directors on a rotational basis being considered by Council resolution on a case by case basis.

The recommendation contained in this report provides the temporary holder of this position with the appropriate delegations to perform the role.

#### Write off debts

Further legal advice stated that to provide the Chief Executive Officer the authority to write off debts would need to be done through a separate delegation and not within the delegations.

The resolution relating to writing off debts reflects the current delegated authority the Chief Executive Officer has, which is the authority to write off debts up to \$2,500.

#### **Options**

Council could choose to delegate/sub-delegate functions other than in the form proposed in Attachment 1.

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

##### Community Engagement

No community engagement has been sort.

Internal Consultation

- Chief Executive Officer
- Directors
- Group Manager Governance

**Planning & Policy Implications**

There are no planning or policy implications.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

1.  Proposed Instrument of Delegation to General Manager

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**Item: 10.08**

**Subject: MARCH 2021 ORDINARY COUNCIL MEETING - WAUCHOPE**

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

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### **Alignment with Delivery Program**

1.1.6 Continue to promote access by the community to Councillors.

### **RECOMMENDATION**

#### **That Council:**

- 1. Conduct the March 2021 Ordinary Council meeting in the Port Macquarie Administration Building Council Chamber, hosted face to face in accordance with Section 747A of the Local Government Act 1993 and COVID-19 health orders.**
- 2. Advise the public through appropriate communications that the venue for the March 2021 Ordinary Council meeting will not be held in Wauchope.**

### **Executive Summary**

At its Ordinary Council meeting held 23 September 2020, Council resolved the dates and locations of each of its Council meetings for 2021. It was resolved that Council's March 2021 Ordinary meeting would be held on 17 March 2021 in Wauchope as part of the Taking the Council to the Community program. Due to the current restrictions of the COVID-19 health situation, it is recommended that the meeting be held/hosted in the Port Macquarie Administration Building Council Chamber in accordance with COVID-19 health orders and restrictions.

### **Discussion**

As mentioned above, Council resolved in September 2020 that its March 2021 Ordinary Council meeting is to be held in Wauchope. As a result of the current COVID-19 restrictions Council is currently holding the Ordinary Council meetings without the attendance of the public in accordance with the temporary amendment of section 747A of the Local Government Act 1993 (the Act). The Act specifies that webcasting of the meeting satisfies the requirements for the meeting to be open to the public. Council is currently live streaming its meetings from the Port Macquarie Council Chamber which satisfies this requirement. This temporary amendment expires on 25 March 2021 unless it is extended by the NSW Government.

It is proposed that the March 2021 Council meeting be hosted in the Port Macquarie Administration Building Council chamber. All required technology for the hosting of virtual meetings and live streaming of that meeting is located at the Port Macquarie Administration Building Council Chamber and is not transportable. It is recommended that a face-to-face meeting be held in the Port Macquarie Administration Building Council Chamber without members of the public attending due to COVID-19 concerns.

**Options**

Council may resolve to:

- Conduct the meeting face-to-face hosted in the Port Macquarie Administration Building Council Chamber without the attendance of the public and provide web streaming capabilities
- Conduct the meeting face-to-face in Wauchope without the attendance of the public and provide basic web streaming capabilities
- Conduct the meeting face-to-face in Wauchope with the public in attendance, to observe only, within COVID-19 restrictions.

It is noted that the web streaming facilities in Wauchope would be very basic and conducting the meeting from the Port Macquarie Council Chamber would provide a much better viewing experience for members of the public unable to attend the meeting in person.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 10.09**

**Subject: LEGAL FEES**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information in the Legal Fees report.**

#### **Executive Summary**

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

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

Attached is a confidential 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 2020-2021 financial year as at the end of December 2020.

#### **Discussion**

At the July 2018 Ordinary Council meeting, Council resolved:

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

***RESOLVED: Turner/Intemann***

***That Council:***

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

***CARRIED: 9/0***

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

*AGAINST: Nil*

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

#### **09.16 LEGAL FEES**

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

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

*RESOLUTION: Alley/Turner*

*That Council:*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

Attached is a confidential file that provides the information that relates to point 2 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 2020-2021 financial year as at the end of December 2020.

It is noted that no report was provided for the first quarter of the current financial year as there were no legal matters that had exceeded costs of \$10,000 as at the end of September 2020.

The attachment titled "Legal matters greater than \$10,000 2020/2021 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 and Internal Consultation**

#### Internal Consultation

- Chief Executive Officer
- Director Corporate Performance
- Director Development and Environment

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

**Attachments**

1. Confidential - Legal matters greater than \$10,000 2020/2021 Financial Year  
(Confidential)

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**Item: 10.10**

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2020**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Quarterly Budget Review Statement for the December 2020 Quarter.**

### **Executive Summary**

This report will detail Council's progress against the original and revised 2020-2021 budget as at the end of the second quarter being 31 December 2020.

### **Discussion**

The Quarterly Budget Review Statement (QBRS) is a statutory report prepared in accordance with sections 202 and 203 of the *Local Government (General) Regulation 2005* ('Regulations').

The QBRS presents a summary of Council's financial position at the end of the first, second and third quarter of the financial year. It is a mechanism whereby the Councillors and the community are informed of Council's progress against its current adopted budget.

Whilst the Regulations require the Council, as a minimum, to prepare quarterly revised estimates of income and expenditure through the QBRS, Port Macquarie-Hastings Council adopts budget variations on a monthly basis.

Attached to this report (Attachment 1) are the mandated components of the QBRS as prescribed in the 'NSW Local Government Code of Accounting Practice and Financial Reporting'. Those components include:

1. Budget Review Income and Expenditure (Consolidated);
2. Budget Review Capital Budget;
3. Budget Review Cash and Investment;
4. Budget Review Key Performance Indicators;
5. Budget Review Contracts and Other expenses; and
6. Statement by the Responsible Accounting Officer.

Also attached is a confidential attachment (Attachment 2) on consultancy engagements as resolved by Council under Item 09.09 Supply of Services to Council on 21 October 2015. This resolution resolved:

1. *To Adopt Option 2 to expand the existing reporting format of the Quarterly Budget Review Statement to include additional categories of consultancy engagements including accounting, audit, legal, planning, architectural, surveying, environmental, IT and HR with individual consultant data to be provided in a confidential attachment.*
2. *Commence the reporting regime from the next Quarterly Budget Review Statement.*

CARRIED: 8/0

FOR: *Besseling, Cusato, Hawkins, Intemann, Roberts, Sargeant and Turner*

AGAINST: Nil

*Confidential Attachment 2 titled "December 2020 Quarterly Budget Review - Consultancy Engagements" provides information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).*

**Budget Progress Commentary**

The variances listed below should be read in conjunction with **Attachment 1** (December 2020 Quarterly Budget Review Statement).

Income and Expenses – QBRS Page 1  
Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$99.950m	\$100.004m	+\$0.054m	100.1%
<i>Rates and Annual Charges are in line with budget.</i>			

User Fees and Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$18.150m	\$14.583m	-\$3.567m	80.3%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> <li>- <i>Water User Charges: - \$3.187m</i></li> <li>- <i>Water Meter Installations - \$0.541m</i></li> <li>- <i>Planning Fees + \$0.258m</i></li> </ul> <p><i>The Water User Charges and Meter Installations budgets are heavily weighted to the first half of the year. These are to be rephased to more accurately reflect how these charges are levied. Across the full year, these charges appear in line with budget.</i></p> <p><i>Planning fees are higher than budgeted due to the level of development drop off associated with COVID-19 being less than expected. This will continue to be assessed and a budget adjustment included in the next monthly report if required.</i></p>			

Interest and Investment Income

YTD Budget	YTD Actual	Budget Variance	% Received
\$3.441m	\$3.391m	-\$0.050m	98.5%
<i>Interest and Investment Income is in line with budget.</i>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.022m	\$2.364m	+\$0.342m	116.9%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> <li>- Rental of Council Facilities + \$0.169M</li> <li>- Diesel Fuel Rebate + \$0.102M</li> </ul> <p><i>Due to the level of uncertainty around COVID-19 impacts at the time of budgeting, an assumption was made that limited rental income of Council facilities would be forthcoming. Rental income in excess of that budgeted has been received and a budget adjustment taken up in the current Monthly Budget Report.</i></p> <p><i>A budget adjustment has been included in the currently Monthly Budget Report to bring the Diesel Fuel Rebate to account.</i></p>			

Operating Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$7.139m	\$6.973m	-\$0.166m	97.7%
<i>Operating Grants &amp; Contributions are in line with budget.</i>			

Capital Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$11.697m	\$15.534m	+\$3.837m	132.8%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> <li>- Developer Contributions: +\$1.864m</li> <li>- Parks &amp; Recreation Grants: +\$0.450m</li> <li>- Aerodrome: +\$0.700</li> <li>- Roads &amp; Bridges: + \$1.173m</li> <li>- Bushfires: - \$0.350m</li> </ul> <p><i>Developer contributions are above budget due to a higher level of activity in the development environment. This activity will continue to be monitored and if required a budget adjustment will be recommended.</i></p> <p><i>Grants for the Town Green West Upgrade were received earlier than budgeted.</i></p> <p><i>A grant has been received in advance for the Parallel Taxiway at the Aerodrome.</i></p> <p><i>Grants have been received in advance for Highfield Circuit, Pembroke Rd and Bago Rd.</i></p> <p><i>These are partially offset by the delay in receipt of the Bushfire Tanker.</i></p>			

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$28.077m	\$24.700m	-\$3.377m	88.0%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> <li>- Salaries &amp; Wages: -\$2.759m</li> <li>- Travelling: -\$0.130m</li> <li>- Overtime: -\$0.487m</li> <li>- Training: -\$0.175m</li> </ul> <p><i>The favourable variation is due largely to the timing of employee on-cost related journals which are processed at year end, as well as the timing of employees taking leave. Salaries &amp; Wages budget adjustments have been taken up in the current monthly report in the Library and Glasshouse. These underspends have arisen due to COVID-19 impacted opening hours and demand.</i></p> <p><i>Overtime is below budget due to a focus on reviewing and limiting overtime costs where appropriate.</i></p> <p><i>Employee costs also contains an element of training and travel, which in Q2 is below budget due to COVID-19 limitations on such activities. This will continue to be monitored.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$0.992m	\$1.065m	+\$0.073m	107.3%
<p><i>Borrowing costs are in line with budget.</i></p>			

Materials & Contracts

YTD Budget	YTD Actual	Budget Variance	% Expended
\$21.768m	\$18.327m	-\$3.441m	84.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> <li>- Waste Management: -\$0.687m</li> <li>- Fleet Management: -\$0.686m</li> <li>- Ferry Management: -\$0.663m</li> <li>- Natural Resources: -\$0.378m</li> <li>- Landuse Planning: -\$0.262m</li> </ul> <p><i>The major variance is in Waste Management and is due to the timing of contractor invoicing for Organics, Recycling and Domestic &amp; Commercial Waste.</i></p> <p><i>The variance in Fleet Management is due to Plant Recoveries being higher than budgeted and timing of depot maintenance, in addition to fuel, scheduled maintenance and registration and insurance being less than budgeted. This will continue to be monitored.</i></p> <p><i>The major variance in Ferry Management is due to the slipping of the Hibbard Ferry.</i></p>			

*The variances in Natural Resources is due to timing on various operational projects.*

*As with Natural Resources, the variance in Landuse Planning is due to timing on various operational projects.*

*Other small variances exist in Materials and Contracts throughout areas of Council.*

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$24.589m	\$24.268m	-\$0.321m	98.7%
<i>Depreciation is in line with budget.</i>			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$7.344m	\$6.783m	-\$0.561m	92.4%
<i>Major budget variances include:</i>			
<ul style="list-style-type: none"> <li>- Electricity: -\$0.294m</li> <li>- Waste Levy -\$0.215m:</li> </ul>			
<i>The variances in Electricity and Waste Levy are timing only.</i>			

Asset Disposal

YTD Budget	YTD Actual	Budget Variance	% Expended
\$0.0m	\$0.0m	+\$0.0m	
<i>There is no variance to budget.</i>			

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$21.106m	\$17.519m	-\$3.587m	83.0%
<i>An initial review of capital projects was undertaken in November and a rephasing exercise undertaken. A further review is presently in progress. The projects showing timing related variances at the end of December are listed below.</i>			
<i>Many projects were impacted by wet weather at the end of December.</i>			
<ul style="list-style-type: none"> <li>- Sewer Annual Allocations: -\$0.725m                             <ul style="list-style-type: none"> <li>- Timing of site security upgrades, membrane replacements and odour control all now being scheduled to be complete in the 2<sup>nd</sup> half of the year.</li> </ul> </li> <li>- Port Macquarie Aquatic Centre: -\$0.474m                             <ul style="list-style-type: none"> <li>- Timing only. On target against revised milestones. Project rephased in January 2021.</li> </ul> </li> <li>- Stormwater Renewal Program: -\$0.281m                             <ul style="list-style-type: none"> <li>- Timing only. Currently in the planning and procurement phase.</li> </ul> </li> </ul>			

- *Wauchope Water Treatment Plant Expansion: -\$0.248*
  - *Timing only. Construction has now commenced using internal and external resources. Construction completion due by the end of 2020.*
- *Footpath, Cycleway & Pedestrian Works: -\$0.296m*
  - *Timing. A number of sections of path complete, with the remainder to be complete in the 2<sup>nd</sup> half of the year.*
- *Plant Purchases: - \$0.226m*
  - *Timing of capital plant purchases.*
- *Pembroke Rd - Stoney Creek Bridge Upgrade: - \$0.198m*
  - *Behind schedule due to the complexity of design.*
- *Marbuk Motorised Valve Replacement: -\$0.175m*
  - *Variance is timing, project charter complete and quotes received.*
- *Port Macquarie SPS #13 Catchment Reline: -\$0.168m*
  - *Variance is timing, on target.*
- *Captain Cook Bicentennial Drive Rehab: -\$0.125m*
  - *Timing only - site constraints delaying finalisation of construction planning.*

*It is noted that the actual expenditure does not necessarily reflect the amount of funds that have been committed to particular projects through the raising of purchase orders. For capital projects, progress against their budgets may not necessarily reflect their progress in relation to physical completion.*

*Progress details for particular capital projects can be found in the report "2020-2021 Operational Plan Quarterly Progress Report as at 31 December 2020" which is also on the agenda of the Ordinary Council Meeting for February 2021 and contained within the business paper.*

*It should be noted that YTD Actuals when compared to the Revised Annual Budget are indicating that some projects will need to be carried over to the 21/22 financial year. Work is currently underway reviewing all current year projects in conjunction with the development of the draft 21/22 Operational Plan.*

#### Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 31 December 2020 was 2.19% which was 2.10% above the benchmark of 0.09%.

#### Key Performance Ratios – QBRs Page 4

The budget variations and carry-overs that have been adopted throughout the financial year have not had a material impact on a number of the forecasted T-Corp ratios set out in the adopted original budget.

The Building and Infrastructure Renewals Ratio has significantly improved as a result of the adoption of the carry overs which are significant.

Contracts and Other Expenses – QBRS Page 5-7

There were no unbudgeted contracts entered into during the second quarter of the financial year. There was no expenditure incurred for consultancy or legal expenses that was not budgeted for during this quarter.

Statement by Responsible Accounting Officer

Below is a statement made by Council's Responsible Accounting Officer made in pursuant to section 203(2) of the Regulations:

**Responsible Accounting Officer Statement**

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 31 December 2020 indicates that Council's projected financial position at 30 June 21 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

At the end of each quarter this financial year budget review meetings will be undertaken with all Managers to ensure any budget deficit is addressed.



**Nicole Spencer** December 31, 2020  
Responsible Accounting Officer - Port Macquarie-Hastings Council

**Options**

Council may adopt the recommendation or amend as required.

**Community Engagement & Internal Consultation**

Not applicable

**Planning & Policy Implications**

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

**Financial & Economic Implications**

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 30 June 2021, is a surplus of \$0.032m and this result is satisfactory. However, there continues to be a budget deficit for the 2020/21 financial year which will need to be remedied during the remainder of the year through favourable budget variations.

**Attachments**

1.  December 2020 Quarterly Review Statement
2. Confidential - Consultancy & Legals December 2020 (Confidential)

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**Item: 10.11**

**Subject: MONTHLY BUDGET REVIEW - JANUARY 2021**

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Adopt the adjustments in the "January 2021 Adjustments" section of the Monthly Budget Review – January 2021 report and associated attachment.**
2. **Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.**

#### Executive Summary

This report details monthly budget adjustments recommended to be made for the month of January 2021.

The Council adopted 2020-2021 budget position at the commencement of the financial year was a shortfall of \$676,730. The budget adjustments contained in this report reduce the budget shortfall position at the end of January 2021 to \$345,133 as outlined in the below table.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2020</b>	<b>Shortfall</b>	<b>(\$676,730)</b>
Plus adjustments:		
July Review	Balanced	\$0
August Review	Surplus	\$151,102
September Review	Surplus	\$63,165
October Review	Balanced	\$0
November Review	Balanced	\$0
January Review	Surplus	\$117,330
<b>Forecast Budget Position for 30 June 2021</b>	<b>Shortfall</b>	<b>(\$345,133)</b>

#### Discussion

At the 9 December 2020 Ordinary Council meeting, Council resolved as below and the format of this report has been amended in accordance with resolution 3:

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**10.07 MONTHLY BUDGET REVIEW - NOVEMBER 2020**

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*RESOLVED: Intemann/Griffiths*

*That Council:*

- 1. Adopt the adjustments in the "November 2020 Adjustments" section of the Monthly Budget Review – November 2020 report.*
- 2. Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.*
- 3. Request the General Manager to review the format of this monthly report and attachments so as to improve clarity and therefore transparency of any budget adjustments.*

*CARRIED: 6/0*

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

*AGAINST: Nil*

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2020-2021 budget position along with the proposed movement of funds to accommodate any changes.

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

#### January 2021 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2021" on page 3 of this report. Further details on individual transactions are provided in Attachment "January 2021 Budget Review".

Council was awarded Grants and Contributions totalling \$1.143M during the period 1 December 2020 to 31 January 2021. This amount comprised grant Income of \$1.037M in the areas of Roads, Airport, Libraries, Bushfire Control and Events and a contribution from Council's insurer for the repairs to Woodlands Reserve Tennis Club of \$106,000.

A review of Council's operations was undertaken in December to measure actual COVID-19 impacts as compared to original budget. Income from the rent of Council Reserves and Facilities has taken less of a downturn than had originally been anticipated. This has resulted in a favourable impact on Council's budget position of \$117,000.

Income from Diesel Fuel Rebates and Four Wheel Drive Beach Access Permits is higher than budgeted resulting in a transfer to reserves, this has been partially offset by a Budget Variance utilising funding to complete works on the Bitumen Emulsion Tank at the Wauchope Depot and funding requirements of a specific Voluntary Planning Agreement, resulting in a transfer to reserve of \$68,000.

Further entries outlined in the attachment are accounting entries only and relate to the consolidation of budget lines and transfers between general ledger accounts. They have no impact on Council's budget position or accounts.

Forecast Budget Statement for the Year Ended 30 June 2021

	2020-21 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	2020-21 Full Year Forecast '\$000
<b>Operating Activities Movements</b>						
<b>Income from continuing operations</b>						
Rates and Annual Charges	105,087			105,087		105,087
User Charges and Fees	36,935		(879)	36,056		36,056
Interest Received	6,490			6,490		6,490
Grants and Contributions	44,517	2,897	6,800	54,214	1,143	55,357
Other Operating Receipts	4,109		75	4,184	332	4,516
<b>Expenses from continuing operations</b>						
Employee Costs	(54,590)		(58)	(54,648)		(54,648)
Materials and Contracts	(42,330)	(3,244)	(1,104)	(46,677)	(439)	(47,116)
Depreciation	(49,177)			(49,177)		(49,177)
Interest Paid	(2,512)			(2,512)		(2,512)
Other Operating Payments	(15,075)		(63)	(15,138)		(15,138)
Loss on Disposal of Assets	(3,000)		1,500	(1,500)		(1,500)
<b>Operating result from continuing operations</b>	<b>30,454</b>	<b>(347)</b>	<b>6,271</b>	<b>36,379</b>	<b>1,036</b>	<b>37,415</b>

<b>Restricted Asset Movements</b>						
Transfer from Restricted Assets	68,784	8,411	5,068	82,263	148	82,411
Transfer to Restricted Assets	(52,930)		(6,289)	(59,219)	(216)	(59,435)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>15,854</b>	<b>8,411</b>	<b>(1,221)</b>	<b>23,044</b>	<b>(68)</b>	<b>22,976</b>
<b>Property, Plant and Equipment Movements</b>						
Purchase of Assets	(84,892)	(8,064)	(4,836)	(97,792)	(851)	(98,643)
Developer Provided Assets	(6,500)			(6,500)		(6,500)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(91,392)</b>	<b>(8,064)</b>	<b>(4,836)</b>	<b>(104,292)</b>	<b>(851)</b>	<b>(105,143)</b>
<b>Financing Activities Movements</b>						
Proceeds from Borrowings and Advances	2,700			2,700		2,700
Repayments of Borrowings and Advances	(10,470)			(10,470)		(10,470)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>(7,770)</b>	<b>-</b>	<b>-</b>	<b>(7,770)</b>	<b>-</b>	<b>(7,770)</b>
<b>Net Result (Incl Depreciation)</b>	<b>(52,854)</b>	<b>-</b>	<b>-</b>	<b>(52,639)</b>	<b>-</b>	<b>(52,522)</b>
Add Back: Non Cash Items	52,177			52,177		52,177
<b>Budget Surplus/(Shortfall)</b>	<b>(677)</b>	<b>-</b>	<b>214</b>	<b>(462)</b>	<b>117</b>	<b>(345)</b>

### Options

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

### Community Engagement and Internal Consultation

Not applicable.

### Planning and Policy Implications

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

### Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report reduces the budget position to a shortfall of \$345,133.

### Statement by Responsible Accounting Officer

*"The adopted original budget result for 2020-2021 was a shortfall of \$676,730. As at 31 January 2021, this shortfall position has decreased to \$345,133. Although an improved position when compared to the original budget, this position is still considered an unsatisfactory result for the year. As such, all budgets will need to be closely monitored with the view to reducing this shortfall position during the second half of the financial year".*

## AGENDA

ORDINARY COUNCIL  
17/02/2021

### Attachments

1.  January 2021 Budget Review

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**Item: 10.12**

**Subject: INVESTMENTS - DECEMBER 2020**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

#### **Executive Summary**

- Total funds invested as at 31 December 2020 is \$338,089,104.
- Interest for the month of December was \$557,725.
- The year-to-date investment income of \$3,390,502 represents 54% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 2.10% above the benchmark (2.19% against 0.09%), benchmark being the Bank Bill reference rate as at 31 December 2020.

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

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Over the past 12 months, the portfolio has returned +2.38% p.a., outperforming bank bills by 2.02% p.a. and around 6 times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA's official cash rate was cut to record lows in November 2020 to 0.10% and will remain unchanged from this emergency level until its objectives of full employment and inflation are reached, with rates to be low for a very long period of time. The RBA Board is "not expecting to increase the cash rate for at least three years".
- The RBA also noted that there have not been any signs of stress in the financial system from the COVID-19 crisis because, unlike during the Global Financial Crisis, the banks have cash and are well capitalised.
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income as interest rates drop significantly, as opposed to loss of capital.
- With the RBA cutting interest rates in November, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available.

- It is recommended to consider increasing the allocation to liquid senior floating rate notes.
- Council's exposure to institutions that fund fossil fuels is 59% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, more than \$2m in additional interest income compared to its peers.

**Discussion**

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio (Attachment 2) provides detailed information on the performance of Council's investment portfolio.

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services
- Waste services
- Port Macquarie Airport
- Cemeteries
- Roads and Bridges
- Various Recreation and Cultural facilities

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council’s website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cdbad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

Current Investments

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

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

As at 31 December 2020, the investments held by Council totalled \$338,089,104 and were attributed to the following funds:

General Fund	149,638,238
Waste Fund	19,386,029
Water Fund	115,443,906
Sewer Fund	52,157,006
Sanctuary Springs Fund	47,332
Broadwater	1,416,593
	<hr/>
	<b>338,089,104</b>
	<hr/>

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

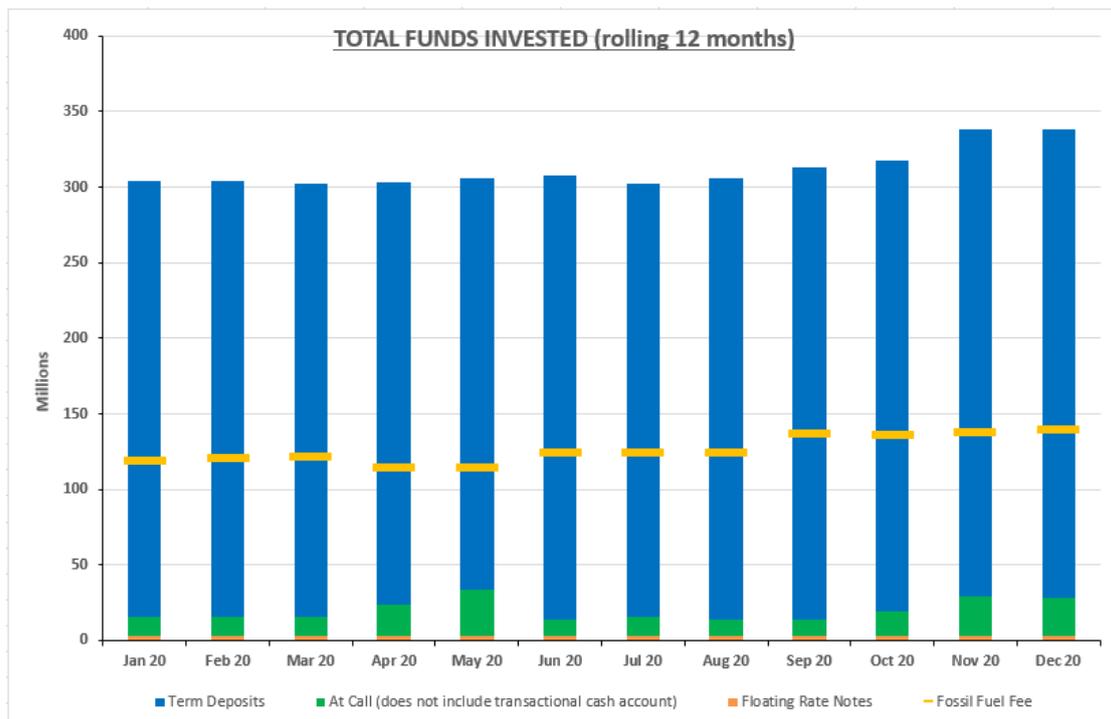
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$338,089,104), and total investments held as per Imperium’s attached monthly report (\$338,148,906). This is due to the fact that Council’s accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium’s report.

In relation to Council’s exposure to financial institutions that fund fossil fuels, the following provides a summary:

Financial institutions funding fossil fuels	Purchases since 01/07/20 (\$)	Purchases since 01/07/20 (%)	Amount invested at 30/11/20 (\$)	Amount invested at 30/11/20 (%)
Yes	33,500,000	49.26%	198,589,104	58.74%
No	34,500,000	50.74%	139,500,000	41.26%
	<b>68,000,000</b>		<b>338,089,104</b>	

The following graph shows total investments on a rolling 12-month basis:



During the month of December, total investments remained consistent, with an increase of \$50,000 made up of a number of individual increases and decreases.

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were term deposits. Council obtains regular updates regarding market activities positions from various institutions.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for the financial year to date is 2.10% above the benchmark (2.19% against 0.09%) and year to-date income is 54% of the total annual budget.

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

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

**Certification**

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

*Nicole Spencer*  
*Responsible Accounting Officer*

**Attachments**

1.  Port Macquarie-Hastings Council Monthly Report - December 2020
2.  Port Macquarie-Hastings Council Portfolio as at 31 December 2020

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**Item: 10.13**

**Subject: INVESTMENTS - JANUARY 2021**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Investment Report for the month of January 2021.**

#### **Executive Summary**

- Total funds invested as at 31 January 2021 equals \$334,096,070.
- Interest for the month of January was \$530,901.
- The year-to-date investment income of \$3,921,403 represents 62% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 2.08% above the benchmark (2.16% against 0.08%), benchmark being the Bank Bill reference rate as at 31 January 2021.

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

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Over the past 12 months, the portfolio has returned +2.33% p.a., outperforming bank bills by 2.04% p.a. and around 7 times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached, with rates to be low for a very long period of time. The RBA Board is "not expecting to increase the cash rate for at least three years".
- The RBA also noted that there have not been any signs of stress in the financial system from the COVID-19 crisis because, unlike during the Global Financial Crisis, the banks have cash and are well capitalised.
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income as interest rates drop significantly, as opposed to loss of capital.
- With the RBA cutting interest rates in November, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available.
- It is recommended to consider increasing the allocation to liquid senior floating rate notes.

- Council's exposure to institutions that fund fossil fuels is 58% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, more than \$2M in additional interest income compared to its peers.

**Discussion**

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio (Attachment 2) provides detailed information on the performance of Council's investment portfolio.

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services
- Waste services
- Port Macquarie Airport
- Cemeteries
- Roads and Bridges
- Various Recreation and Cultural facilities

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council's website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cdbad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

### Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 January 2021, comply with this Act.

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

As at 31 January 2021, the investments held by Council totalled \$334,096,070 and were attributed to the following funds:

General Fund	146,834,413
Waste Fund	19,358,322
Water Fund	114,785,337
Sewer Fund	51,650,292
Sanctuary Springs Fund	45,227
Broadwater	1,422,479
	<b>334,096,070</b>

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

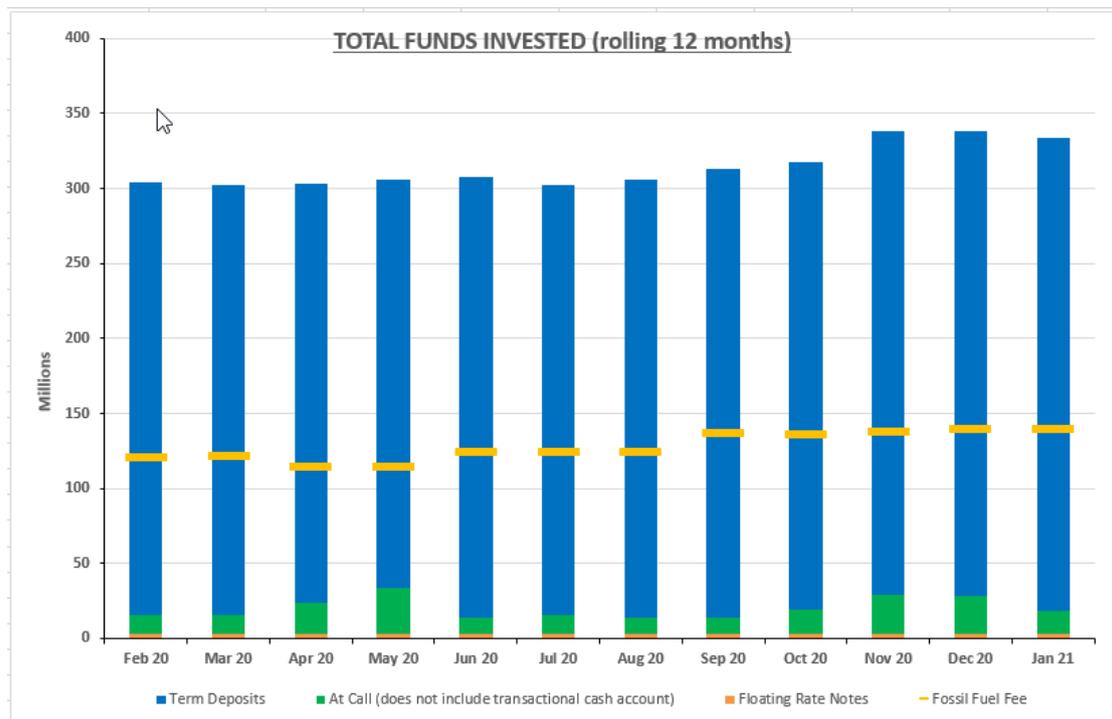
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$334,096,070), and total investments held as per Imperium's attached monthly report (\$334,155,992). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report.

In relation to Council's exposure to financial institutions that fund fossil fuels, the following provides a summary:

Financial institutions funding fossil fuels	Purchases since 01/07/20 (\$)	Purchases since 01/07/20 (%)	Amount invested at 31/01/21 (\$)	Amount invested at 31/01/21 (%)
Yes	41,500,000	54.61%	194,596,070	58.25%
No	34,500,000	45.39%	139,500,000	41.75%
	<b>76,000,000</b>		<b>334,096,070</b>	

The following graph shows total investments on a rolling 12-month basis:



During the month of January, total investments decreased by \$4M as compared to December 2020. This movement comprised a number of individual increases and decreases, however was largely due to the following:

- \$708,000 contract payment for the Small Towns Sewerage Scheme
- \$555,000 contract payment for Bago Road Stage 3
- \$611,000 contract Payment for Ice Pigging
- \$500,000 for quarterly superannuation

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were term deposits. Council obtains regular updates regarding market activities positions from various institutions.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for the financial year to date is 2.08% above the benchmark (2.16% against 0.08%) and year to-date income is 62% of the total annual budget.

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

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

**Certification**

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

*Nicole Spencer*  
*Responsible Accounting Officer*

**Attachments**

1.  Port Macquarie-Hastings Council Monthly Report - January 2021
2.  Port Macquarie-Hastings Council Portfolio - January 2021

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Item: 10.14

Subject: RELIEF MEASURES FOR THE IMPACTS OF COVID-19 AND FOR BUSHFIRE IMPACTED RESIDENTS

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

### RECOMMENDATION

That Council:

1. Note the significant impacts on the local community of the COVID-19 Pandemic and Bushfire Emergency, and the significant financial assistance provided by Council, via relief measures, to those affected members of the community;
2. Waive Fees for outdoor dining and footpath displays for a further period of six months up to 31 August 2021;
3. Retain the provisions in the Rates and Charges Hardship Assistance Policy for property owners who have had a house, facility or outbuilding determined to be destroyed or damaged by the responsible government agency as a result of a natural disaster; and
4. Note that members of the community can seek assistance in times of hardship under the provisions of Council's pre-COVID-19 Rates and Charges Hardship Assistance Policy.

### Executive Summary

The Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented bushfire activity in the latter part of 2019, with a significant impact on our community during the emergency and subsequent recovery periods.

Subsequent to this and as of 11 March 2020, COVID-19 was declared a worldwide pandemic. COVID-19 has had a major impact on the Australian economy and local government is not immune, with many services having been impacted and facilities closed during the last year, which has seen a reduction in revenue to Council.

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

At the same time, Council has supported its local economy and community by implementing a range of relief measures to support the community during the

pandemic. In April 2020, Council endorsed a number of local relief measures, both financial and non-financial, to support members of the community and local businesses who were being severely impacted by COVID-19 and to assist in minimising their financial burden. These local relief measures were proposed with a focus on working with affected businesses and individuals on a case by case basis to formulate the most appropriate solution for their particular needs, whilst making the process as easy and accessible as possible in these difficult times. In September 2020, Council extended these provisions for a further period of 6 months.

The purpose of this report is to provide an update on the impact of the relief measures implemented and seek recommendation in relation to the following period.

### Discussion

In relation to the Bushfire Emergency and at the 11 December 2019 Ordinary Council meeting, Council resolved as follows:

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#### **10.07 RELIEF MEASURES FOR BUSHFIRE IMPACTED RESIDENTS**

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*RESOLVED: Intemann/Griffiths*

*That Council:*

1. *Waive the fees and charges detailed in this report, in relation to owners of properties which have been damaged or destroyed in the 2019 Bushfires. These fees and charges include:*
  - a) *Interest on rates and charges*
  - b) *Water and sewerage charges*
  - c) *Waste management and tipping fees*
  - d) *Relevant fees and charges associated with building / construction*
2. *Delegate approval 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 the owner of a property which has been damaged or destroyed in the 2019 Bushfires, as identified by the NSW Rural Fire Service.*
3. *Amend the Rates and Charges Hardship Assistance Policy to include provisions for property owners who have had a house, facility or outbuilding determined to be destroyed or damaged by the responsible government agency as a result of a natural disaster.*
4. *Determine that the fees to be waived in accordance with point 1(d) above relating to fees and charges associated with building /construction applications be available for a period of 12 months until 28 January 2021.*
5. *Request the General Manager to raise the issue of regulated/statutory fees that may be applicable for payment in respect of development applications for fire impacted developments/building works at the Regional Recovery Meetings with a request that these state government fees also be waived for bushfire impacted properties as detailed in the report.*
6. *Request the General Manager to raise with the State Government the waiving of State Government fees listed in the first paragraph of page 63, namely:*
  - a) *the Plan First Levy / Planning Reform Fee.*
  - b) *the NSW Long Service Levy.*

c) *the Integrated Authority Referral Fee.*

CARRIED: 7/0

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

AGAINST: Nil

In relation to the COVID-19 pandemic and at the 15 April 2020 Ordinary Council meeting, Council resolved as follows:

**10.03 RELIEF MEASURES FOR THE IMPACTS OF COVID-19**

RESOLVED: 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:*

	<b>Fee / Charge</b>	<b>Timeline of waiver / deferral</b>	<b>Conditions of waiver / deferral</b>
a)	<i>Waive Interest on rates and charges</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.</i>
b)	<i>Waive Direct debit dishonour fees</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>N/A</i>
c)	<i>Rent for Council owned cafes and facilities</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>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.</i>
d)	<i>Waive Interest on outstanding rental fees</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>For applicants where rent is deferred in accordance with c) above.</i>
e)	<i>Waive Fees for outdoor dining and footpath displays</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>N/A</i>
f)	<i>Glasshouse venue hire and associated fees, including provisions for tickets to patrons</i>	<i>Up to 6 months commencing 16/04/2020</i>	<i>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.</i>

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	Up to 12 months from date invoice provided to	For applicants who are approved to enter into a payment arrangement in line with provisions

	Sewerage Scheme	Council, prior to 31/12/2020.	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

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.*

carried: 7/0

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

Against: Nil

At the 23 September 2020, Ordinary Council meeting, Council further resolved as follows:

**10.14 RELIEF MEASURES FOR THE IMPACTS OF COVID-19**

RESOLVED: *Hawkins/Pinson*

That Council:

1. Note the information contained in the report *Relief Measures for the impacts of COVID-19*.
2. Waive or defer the payment of fees and charges as detailed in resolution 1 (points a) to s)) of item 10.03 from 15 April 2020 Ordinary Meeting of Council, in relation to community members and local businesses impacted by the COVID-19 virus, for a further period up to 28 February 2021 and in accordance with the conditions of waiver / deferral as detailed in that resolution.
3. Extend the provisions of point 1 q) in the above resolution in relation to Payment Plans for Connection to Telegraph Point Sewerage Scheme to Comboyne and Long Flat.
4. Waive all hiring fees for Community Halls up to 28 February 2021.
5. Extend to 28 February 2021 the delegated 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.
6. Extend to 28 February 2021 the provisions of the amended Rates and Charges Hardship Assistance Policy to include non-residential property owners.
7. Continue to issue reminder notices on outstanding accounts, with details of assistance options provided, however extend the suspension of formal debt recovery actions for outstanding accounts up to 28 February 2021.
8. Extend the Tendering Local Preference Policy increased notional price offset from 5% to 20%, and the increased cap from \$25,000 to \$50,000 for all Request for Tenders advertised up to 28 February 2021.
9. Request that the General Manager provide a report to the February 2021 Ordinary Meeting of Council with an update on the endorsed relief measures.

CARRIED: 7/0

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

AGAINST: Nil

As a result of the above relief measures, Council has provided in excess of \$600,000 of direct financial assistance to affected members of the local community.

In addition to this, a number of requests for hardship assistance for Rates and Charges, as well as other areas, have been received, with approximately 480 payment arrangements entered into and interest on outstanding amounts waived.

The Rates and Charges Hardship Assistance Policy was updated to include provisions for non-residential property owners and all formal debt recovery action put on hold.

With the easing of Government restrictions, it is now recommended to revert back to the pre-COVID-19 status in relation to the fees and charges, and other financial measures, amended as part of the suite of relief measures. This is with the exception of fees for outdoor dining and footpath displays which are recommended to be extended for a further period of 6 months.

It is further recommended to retain the provisions in the Rates and Charges Hardship Assistance Policy for property owners who have had a house, facility or outbuilding determined to be destroyed or damaged by the responsible government agency as a result of a natural disaster. It is also noted that members of the community can still seek assistance in times of hardship under the provisions of Council's pre-COVID-19 Rates and Charges Hardship Assistance Policy.

Council will also be required to follow any Government legislation, such as national Cabinet Mandatory Code of Conduct - SME Commercial Leasing principles during COVID-19 for as long as they apply.

**Options**

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

**Community Engagement and Internal Consultation**

Consultation has occurred with the Chief Executive Officer, Director Corporate Performance, Director Development and Environment, Director Infrastructure, Director Strategy and Growth, Rates and Revenue Coordinator and Strategic Procurement Manager.

A briefing with the Mayor and Councillors to provide an update of the status of relief measures was provided on 3<sup>rd</sup> February 2021.

**Planning and Policy Implications**

Council's Rates and Charges Hardship Assistance Policy will be amended to pre-COVID status. Provisions in relation to natural disasters introduced as part of the Bushfire Emergency Relief Measures will be retained. There are no further Planning and Policy Implications.

**Financial and Economic Implications**

The above recommendations will have minimal impact on Council's financial position.

It is noted that there is still some uncertainty in relation to the pandemic and assessment of impacts is ongoing, with continuing re-assessment performed in the event of any changes in circumstances.

Should there be any further adjustments required to the budget, these will be dealt with through the Monthly Financial Update reports to Council.

**Attachments**

Nil

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**Item:** 10.15

**Subject:** 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN - PROGRESS REPORT AS AT 31 DECEMBER 2020

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

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### Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

### RECOMMENDATION

**That Council note the 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 December 2020.**

### Executive Summary

The 2020-2021 Operational Plan is a sub-plan of the adopted 2017-2022 Delivery Program. The Delivery Program is designed as the single point of reference for all key activities to be undertaken during a term of Council. The Operational Plan details the individual actions, projects and activities Council will undertake in the financial year to meet the commitments made in the Delivery Program.

Progress reports to Council and the community provide a central point of information on the progress of all actions set out in the 2020-2021 Operational Plan. The overview section in this report provides an overall statistical snapshot of the 2020-2021 Operational Plan performance by Community Theme.

Six monthly progress reports on the Delivery Program are a legislated requirement of the NSW Government's Integrated Planning and Reporting Framework. Meeting targets in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the 2017-2022 Delivery Program.

**Attachment A** to this report details each Operational Plan action, activity or project that is currently experiencing delays and is reported as behind.

**Attachment B** to this report, provides full details on all Operational Plan line items with concise and accurate commentary on progress and status for each. It also outlines the links from the Community Strategic Plan, Delivery Program Objective and Operational Plan action, activity and/or project that is being delivered.

All capital works projects are incorporated into the body of the Operational Plan and linked directly to a Delivery Program objective and as such, progress updates of each item are reported on individually. A number of projects may have design and construction elements and therefore can span across multiple years for delivery.

At the 12 August 2020 Ordinary Council Meeting, Council adopted a number of projects in addition to the 2020-2021 Operational Plan as part of the COVID-19

*Recovery and Stimulus Project.* This document was an addendum to the 2020-2021 Operational Plan and Budget which was adopted in June 2020. These projects were identified as key to supporting the region in its recovery and helping to stimulate the economy. The funding of these projects was a combination of Federal Government funding, *Local Roads and Community Infrastructure Program* and also Councils *COVID-19 Relief Reserve funding*.

COVID-19 Recovery and Stimulus Projects were informed by engagement with Council's COVID-19 Recovery Working Group, priorities identified in recently developed Community Plans and priorities identified via other recent community engagement and feedback.

Projects that were incorporated as part of the addendum to the 2020-2021 Operational Plan will have progress of delivery detailed in this report, which supports the Integrated Planning and Reporting process currently in place.

Each COVID-19 Recovery project, is detailed in the attachment to this report, outlining commentary on progress and status. This report provides a central point of reference for Councillors and the community to view progress of these projects.

### Discussion

(a) *Overview - 2017-2022 Delivery Program and 2020-2021 Operational Plan – Progress Report as at 31 December 2020*

The Operational Plan details the actions, activities and projects that will be undertaken in a financial year to deliver the overall objectives set out in the Delivery Program. Each Operational Plan action, enables the objectives to be achieved and supports delivery of the vision and goals outlined in the Community Strategic Plan.

The 2020-2021 Operational Plan contains 527 performance measures and are associated directly to Operational Plan actions, which now also includes all COVID-19 Recovery Projects. As at 31 December 2020, 96% (505) are on target for delivery and 4% (22) are reported as behind. The table below provides a summary of the total number of performance measures and status by Community Theme and COVID Recovery Projects.

<b>2020-2021 Operational Plan Summary of Performance Measures by Theme</b>				
<b>Community Theme</b>	<b>Total No.</b>	<b>On target/ Achieved</b>	<b>Behind</b>	<b>Overall Delivery (%)</b>
<b>Leadership and Governance</b>	93	90	3	<b>97%</b>
<b>Your Community</b>	113	110	3	<b>97%</b>
<b>Your Business and Industry</b>	21	20	1	<b>95%</b>
<b>Your Natural and Built Environment</b>	251	236	15	<b>94%</b>
<b>COVID Recovery Projects - Addendum to the 2020-2021 Operational Plan</b>	49	49	0	<b>100%</b>

<b>Total</b>	<b>527</b>	<b>505</b>	<b>22</b>	<b>96%</b>
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The table below is comparative data of historical Operational Plan performance and provides information outlining year on year progress against the adopted 2020-2021 Operational Plan.

Historical Comparative Review of Operational Plan Performance Measures																
	TOTAL				ON TARGET/ ACHIEVED				BEHIND				OVERALL DELIVERY Percentage (%)			
	17/18	18/19	19/20	20/21	17/18	18/19	19/20	20/21	17/18	18/19	19/20	20/21	17/18	18/19	19/20	20/21
1Q - July - Sept	318	337	375	521	301	321	329	492	17	16	46	29	95%	95%	88%	94%
2Q - Oct - Dec	320	345	375	527	293	321	329	505	27	24	46	22	92%	93%	88%	96%
3Q - Jan - Mar	320	350	375		282	279	321		38	42	54		88%	88%	86%	
4Q - Apr - Jun	320	350	375		279	296	300		41	54	75		87%	85%	80%	
<b>Total</b>	<b>320</b>	<b>350</b>	<b>375</b>	<b>527</b>	<b>279</b>	<b>296</b>	<b>300</b>	<b>505</b>	<b>41</b>	<b>54</b>	<b>75</b>	<b>22</b>	<b>87%</b>	<b>85%</b>	<b>80%</b>	<b>96%</b>

(b) Delivery Program 2017-2022 and 2020-2021 Operational Plan - Progress Report as at 31 December 2020

The Delivery Program outlines the Councillors' commitment to the Port Macquarie-Hastings community during their four-year term of office. In response to the COVID-19 pandemic, the Office of Local Government provided NSW councils flexibility to adjust to the rapidly shifting circumstances.

A number of statutory deadlines were modified as per the *Office of Local Government Circular A700190* dated 1 May 2020 indicating that existing four-year Delivery Programs will apply for a further 12 months, maintaining the key themes and any activities not yet completed. Thus, the Delivery Program that was adopted in June 2020, was amended to a five-year Delivery Program 2017-2022 (revised 2020).

Objectives in the Delivery Program represent what the Council aims to deliver and serves as a guide for Council's Executive and staff when developing the annual Operational Plan.

In a broad context, the Delivery Program enables Council to deliver the community's aspirations for the future, as described in the Towards 2030 Community Strategic Plan. The Delivery Program objectives appear in each of the four Community Themes outlined below

- Community Theme 1 – Leadership and Governance
- Community Theme 2 – Your Community Life
- Community Theme 3 – Your Business and Industry
- Community Theme 4 – Your Natural and Built Environment

Each of the themes in the Delivery Program describes what the expected result will be if the overall objectives are achieved and intended outcome.

A snapshot of progress on various projects across the region is provided below

Laurieton/Camden Haven/surrounds

- Vince Inmon Sporting Fields Sports Facility upgrade - has planning commenced with designs to commence in the third quarter
- Vince Inmon Sporting Fields Amenities upgrade - has construction of amenities ongoing with works scheduled for completion in February 2021
- Playground replacement - Bonny Hills Community Hall Reserve has planning, engagement and concept plan commenced and construction scheduled for the fourth quarter
- Lake Cathie Foreshore Reserve - Master plan implementation - Construction of Skate Facility has designs complete and construction commenced November 2020 with completion programmed for March 2021
- Rainbow Beach Sports Fields has design of sports fields underway with designs expected to be complete in early 2021 and construction commencing mid 2021
- Rainbow Beach Reserve - Reserve upgrade has project planning commenced with scope to be defined. Works to be completed in last quarter of 2020-2021
- Completion of Aboriginal Archaeological investigations to undertake preparatory work for the new stormwater system at Illaroo Road has Aboriginal Heritage works complete. Removal of Asbestos from the site is pending agreement with Crown Lands
- Design and construction for Black Swan Terrace stormwater detention facility - has project plans endorsed and design engagement awarded. This will be a multi-year project due to land acquisition requirements
- Kew Sewer Treatment Plant (STP) upgrades has progressed to the detailed designs and investigation phase
- Camden Haven waste water treatment membrane Replacements has project plan approved, tender scope and project management engagement and request for quote being developed
- Beach to Beach shared path project at Camden Haven has the D9 section complete
- Lorne Road Sealing investigations and concept design - has project planning ongoing. Strategic designs commenced November 2020 with completion expected by end of 2020-2021 financial year
- School to Schools share pathway project for detailed design and planning approvals for highest priority sections has project planning commenced
- Kew Main Street upgrade has the detailed design phase nearing completion, with multiply rounds of community engagement undertaken. Construction works expected to commence in April 2021 and completion expected in the first quarter of 2021-2022

Port Macquarie

- Amendments to the Local Environment Plan (LEP), enabling development of a business park near the Port Macquarie Airport was published on the NSW Legislation website on 10 September 2020. Development Control Plan provisions commenced the same date as publication of the LEP amendment
- Undertaking the Public Amenities program has included completion of Pilot Beach amenities in December 2020 and Blair Park amenities has installation programmed for March 2021 after consultation has been undertaken

- Port Macquarie Regional Sports Stadium upgrade has planning commenced
- Playground equipment replacement program including John Dick Reserve, Port Macquarie has planning commenced with engagement and concept plan scheduled for the third quarter
- The recreational walkway replacement program is underway across the local government area as follows:
  - Town Beach to Town Beach North has project planning and environmental approvals commenced;
  - Kooloonbung Creek boardwalk replacement has planning, environmental approvals and procurement complete and works to be completed in the fourth quarter;
  - North Haven to Bonny Hills walkway project planning and environmental approvals commenced;
  - Sandhurst reserve has project planning, environmental approvals and procurement complete with works to be completed in the third quarter;
  - Blair reserve works complete; and
  - Harry's Lookout works complete.
- Town Green West Reserve upgrade has construction progressing with works on target for completion in December 2020
- Port Macquarie Pool design finalisation has a contract for the first design stage awarded to architectural consultants in December 2020
- Port Macquarie Airport Parallel Taxiway Stage 1 and General Aviation (GA) pavement renewal to finalise the detailed design is continuing. Environmental impact assessment and Development Application is due to be submitted in the third quarter
- Operating and maintaining Port Macquarie Airport in accordance with regulatory, safety and security requirements is ongoing. New passenger security screening equipment is due to be installed in February 2021
- Thrumster reclaimed water interim supply - Rising Main to Thrumster Reservoir - Booster Pumping Station and Interim Reservoir has construction underway and continuing
- Inlet replacement work for Port Macquarie Sewerage Treatment Plant is ongoing
- Port Macquarie Sewer rising main construction was completed December 2021
- Preconstruction works for the upgrade of Lake Innes Sewerage Pump Station #71 has project initiation and planning commenced. Design phase is ongoing
- Pedestrian Refuge - Horton Street - Clarence Street and William Street - requires community and Town Centre Master Plan committee engagement undertaken prior to completion of the detailed design
- Gordon Street upgrade, road resurfacing, stormwater flood mitigation and water main renewal works has construction planning underway with construction expected to commence in March 2021
- Boundary Street upgrade - Detailed design contract awarded, with design works progressing
- Ocean Drive duplication - Matthew Flinders Drive to Greenmeadows will have the project steering group, which includes Transport for NSW as co project sponsor, focusing on the initial development of the construction tender documentation
- Thrumster Sports Fields detailed design and approvals has the tender awarded and detailed design engagement continuing into 2020-2021

Wauchope/Rural/surrounds

- Lank Bain Sports Ground upgrade has planning commenced
- Playground replacement at Narran Park, King Creek has planning, engagement and concept planning commenced
- Hastings Regional Sporting Complex has detailed design complete under review. Construction planning and associated phasing are under development
- Cairncross Waste Management Facility (WMF) Expansion / Improvements has detailed designs complete and construction tender awarded in December 2020
- Cairncross Recycling Industrial Zone Improvements - Concrete Processing Facility Establishment Stage 1 has seen the project re-prioritised and removed from the 2020-2021 Operational Plan
- Construction of a water main between Sancrox Reservoir and Wauchope was completed in November 2020
- Bago Road Rehabilitation Stage 2 (Milligan's Road to Bluewater Crescent) works complete
- Pembroke Road, Stoney Creek Bridge detailed design upgrade has project scope of works finalised and design project planning commenced
- Scrubby Creek Bridge Replacement has construction contract awarded and works commenced October 2020
- Kindee Bridge Structural Repair work - Stage 2 were completed in October 2020. Bridge replacement optioneering complete. Planning underway for Stage 3 works. Community consultation will commence in February 2021 regarding future replacement options
- Kindee Bridge upgrade detailed design has project initiation expected in the last quarter of 2020-2021 due to Kindee Bridge maintenance and repair works
- Bago Road Rehabilitation of Stage 3 - Bluewater Crescent to Cameron Street has detailed designs complete and construction commenced in December 2020
- Brill Road Sealing investigations and concept design has project planning delayed due to COVID and other grant funded priority projects
- Design and construction of the Pappinbarra Bridge Replacement has project initiation and design planning complete. Tender for the detailed design awarded in November 2020. Design phase is continuing

The information below demonstrates Council's achievements to date and highlights *'how we know we are progressing'* against the set objectives outlined in the Delivery Program 2017-2022.

Summary of highlights are outlined below by Community Theme, Delivery Program Objective and Council Service

COMMUNITY THEME: LEADERSHIP AND GOVERNANCE

2020-2021 Operational Plan - Summary of Performance Measures				
2020-2021	Total No.	On target/Achieved	Behind	Overall %
1Q - July – Sept 2020	93	89	4	96%
2Q - Oct – Dec 2020	93	90	3	97%
3Q - Jan – Mar 2021				
4Q - Apr – Jun 2021				

*What are we trying to achieve*

A collaborative community that works together and uses opportunities for community participation in decision making that is defined as ethically, socially and environmentally responsible

*What the result will be*

- 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 do we know we are progressing*

- Improving levels of community participation at community engagement activities
- Ongoing Council participation in regional Local Government initiatives
- Council financial management that is communicated to the community

Highlights by Council Service and Delivery Program Objective

**Council Service: Community**

*Delivery Program Objective: 1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive*

- A number of engagement activities on a range of topics have been undertaken and a summary is as follows:
  - Pop-ups: 85 participants. Town Green Playground Pop-ups: 27 Nov, 28 Nov, 2 Dec 2020. Bain Park Master Plan: 4 and 12 Dec 2020;
  - Zoom Meeting attendees: 213. Bonny Hills Reserves Master Plan: 13 Oct 2020, Beach to Beach 19 Oct, 1 Dec, 3 Dec and 15 Dec; Community Strategic Plan: 29 Oct and 28 Nov. Lake Cathie Mural meeting: 24 Nov. Fernbank and Sancrox: 30 Nov. Kooloonbung Creek Fly Fox: 4 Dec;
  - Community Council Action Team meetings (CCAT): 14 participants. Beechwood and Camden Haven;
  - Face-to-face meetings: 94. Gordon Street: 9. Laurieton Town Centre Master Plan: 85 online participants and 17 at the enquiry by design;

- Facebook Live: Reach 9,600, Engagement: 145;
- EngagePMH (Facebook group): 581 members; and
- ConnectPMH (Instagram): 1,052.
- 181 new registrations on Council's 'Have Your Say' online engagement portal
- Over 340 media releases, statements, alerts and announcements and reactive responses have been issued using a variety of methods including newspapers, TV, radio and digital media
- A Draft Education Framework has been formed

**Council Service: Community**

*Delivery Program Objective: 1.1.2 Support community involvement in decision making through education around Council matters and services*

- Engagement on the Community Strategic Plan is progressing. Round Table sessions held in October and November 2020, with further engagement planned to recommence in January 2021
- Community Plans endorsed at the December 2020 Ordinary Council Meeting include:
  - Camden Haven;
  - Hastings Hinterland;
  - Kew/Kendall/Herons Creek and Lorne; and
  - Wauchope and North Shore Plans are currently in draft.
- Priority actions from Community plans are under consideration as part of the annual Operational Plan planning process

**Council Service: Strategy**

*Delivery Program Objective: 1.1.2 Support community involvement in decision making through education around Council matters and services*

- The Local Strategic Planning Statement was endorsed by Council

**Council Service: Community**

*Delivery Program Objective: 1.1.3 Engage with the community on impacts and changes to services*

- Development of the Community Engagement Program has work continuing, with a policy review scheduled for March 2021

**Council Service: People, Safety and Performance**

*Delivery Program Objective: 1.1.4 Provide easy to understand and accessible community reporting*

- An easy to read Community Report Card, highlighting Council's achievements in delivering outcomes to the community for the 2019-2020 financial year, was presented to the November 2020 Ordinary Council Meeting with the Annual Report
- The 2019-2020 Annual Report was presented to the November 2020 Ordinary Council Meeting in line with legislation
- The six monthly Delivery Program and Operational Plan progress report as at 30 June 2020 was presented to the September 2020 Ordinary Council Meeting in line with legislation. This report is six monthly progress report as at 31 December 2020
- The planning phase for the 2021-2022 Operational Plan and budget is ongoing. The draft 2021-2022 Operational Plan and associated documents is scheduled to be presented to Ordinary Council Meeting in March 2021

**Council Service: Customer Experience and Communications**

*Delivery Program Objective: 1.1.5 Develop an effective and coordinated community focused Communications Strategy*

- Regular targeted and broader awareness communications have been undertaken using a wide range of methods including, social media, rates newsletters, outdoor billboards, bus shelters, town flags, banners, radio, newspapers, TV, YouTube and project signage helping keep the community informed of Council initiatives, activities and projects
- Likes for the corporate Facebook page increased from 11,690 as at 30 September 2020 to 13,858 as at 31 December 2020
- Total number of page views on Council's website increased by 17.58%

**Council Service: Governance**

*Delivery Program Objective: 1.1.6 Continue to promote access by the community to Councillors*

- The Councillor Development program is being managed as needs are identified in line with the adopted policy
- The Take the Council to the Community program had the October 2020 Council Meeting scheduled to be held in Laurieton however was not able to be held there due to COVID-19 restrictions. The March 2021 Ordinary Council Meeting is scheduled to be held in Wauchope

**Council Service: General Manager's Office**

*Delivery Program Objective: 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*

- Local Business Chamber Meetings for 2021 with the Mayor and Senior Staff have been scheduled
- Meetings convened for Mayor and Senior Staff with State and Federal Members. The acting General Manager and Director Development and Environment meet with Leslie Williams and Minister Stokes in November 2020. The Mayor and Acting General Manager also meet with Leslie Williams in November 2020

**Council Service: Economic Development**

*Delivery Program Objective: 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*

- Proactively seeking grant funding from other levels of government and seen 36 grant applications submitted, requesting approx. \$36M in grant funding. Applications range from Fixing Local Roads, Fixing Country Bridges, COVID-friendly Australia Day and Bushfire Resilience and Recovery Community Programs

**Council Service: General Manager's Office**

*Delivery Program Objective: 1.3.1 Provide effective leadership and equity*

- The Mayor and Acting General Manager attended the Mid North Coast Joint Organisation (MNCJO) board meeting held December 2020
- The Mayor and Acting General Manager attended the Regional Cities Meeting held November 2020

**Council Service: Governance**

*Delivery Program Objective: 1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values*

- The 2019-2020 Legislative Compliance Register review was presented to the Audit, Risk and Improvement Committee in August 2020 and then adopted at the September 2020 Ordinary Council Meeting
- The annual report on Code of Conduct complaints was adopted by Council at the December 2020 Ordinary Meeting and submitted to the Office of Local Government
- The 2019-2020 Government Information Public Access (GIPA) annual report was provided to the Information Privacy Commission (IPC) in line with required timeframes
- The annual Disclosure of Interest Returns was presented to the October 2020 Ordinary Council Meeting, with subsequent reports also presented to November and December 2020 Ordinary Council Meetings
- Biannual Public Interest Disclosure reporting for January to June 2020 period was submitted to the NSW Ombudsman in line with legislative requirements
- The 2019-2020 Public Interest Disclosure Annual Report was submitted to the NSW Ombudsman's Office in line with required timeframes

**Council Service: Governance**

*Delivery Program Objective: 1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community*

- The 2020-2021 Insurance Risk Management Action Plan has been developed and is reported on a quarterly basis
- The Risk Management Framework has had a review of the Risk Culture for Councils insurers completed and a safety audit conducted with outcomes currently under review
- A review of Director delegations has been undertaken in line with the Delegations Framework
- Formal Government Information (Public Access) Act (GIPA) requests for the period have been managed and responded to within the legislative timeframes
- Coordination of requirements for 4 September 2021 Local Government Elections has pre-planning scheduled to commence in February 2021

**Council Service: People and Culture**

*Delivery Program Objective: 1.3.4 Manage our workforce to deliver community outcomes*

- Workforce Management Strategy actions including engagement, attraction, retention and Equity and Diversity actions are progressing. The workforce planning pilot commenced in quarter two, with a review of the pilot to be undertaken in the third quarter. A review of organisational workforce reporting lines also commenced in quarter two and an enhanced establishment structure will be set up in quarter three
- A Work, Health and Safety Strategy framework was developed. Policy and procedures review and update is progressing in response to the 2019 audit. Rollout of the Vault system to capture incident, injury and hazards across Council is continuing
- The Learning and Development Strategy actions are progressing. The annual training calendar is progressing and external face to face courses are now available under new COVID normal plans. A review of the Learning and

Development Strategy to meet the changing needs of the organisation was conducted, with the output of the review captured

**Council Service: Strategy**

*Delivery Program Objective: 1.3.4 Manage our workforce to deliver community outcomes*

- Rationalisation of Port Macquarie and Wauchope Council Depot operations had a report presented to the September 2020 Ordinary Council Meeting endorsing the acquisition of 1 Commerce Street Wauchope. A working group was established November 2020 for a holistic review of Council's depots

**Council Service: People and Culture**

*Delivery Program Objective: 1.3.5 Build an engaged workforce*

- Work is continuing on combining the existing Organisational Development Strategy with the existing Learning and Development Strategy to create a central People and Cultural Development document
- The 2020-2021 Annual Employee Engagement Days are under review due to current COVID restrictions and alternate options for engagement being considered
- The Employee Engagement Process (EEP) has seen a roadshow delivered to people leaders across the organisation. Part 1 - Clarifying, Part 2 - Setting Performance Targets and development goals and Part 3 - Managing performance through EEP. It is in the development phase and will be delivered to People and Culture Business Partners and the Development Coordinator over the six to eight months. Work with people leaders on quarterly one on one conversations and clear goal setting is continuing
- The 2021 Annual Employee Engagement Survey preparation commenced December 2020 for approval of the February 2021 Survey
- Implementation of a Human Resource Information System (HRIS) has internal collaboration to scope project deliverables underway. Quarter three will focus on detailed process sessions to build business procedures and design technology interface

**Council Service: Digital Technology**

*Delivery Program Objective: 1.4.1 Provide efficient technology and inclusive digital systems that are easy to use and easy to access*

- Digital Technology projects and roadmap program is on target
- Renewal of Council's technology infrastructure to provide secure and responsive information communication technology has the renewal program on track for delivery

**Council Service: Business Improvement Office**

*Delivery Program Objective: 1.4.2 Deliver agreed services at the agreed service level at best value*

- Finalisation of identified service reviews are continuing, including the Development Application Internal Referral review and review of On Call Management

**Council Service: Customer Interactions**

*Delivery Program Objective: 1.4.3 Deliver a customer focused service that provides the community a consistent experience of Council*

- Two cross organisational customer improvement programs have been identified as part of the Customer Experience Project. Online beach permits also introduced and rollout expected in January 2021
- A report on Customer Experience improvement activities was presented to the October 2020 Ordinary Council Meeting. The next progress report is due in March 2021
- Development of a new Digital Communications Strategy will have the digital communications plan finalised in quarter three of 2020-2021
- Website re-platforming has commenced. An audit of current web pages and detailed data is informing the new website build

**Council Service: Financial Management**

*Delivery Program Objective: 1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information*

- The 2019-2020 audited financial statements were lodged with the Office of Local Government in accordance with legislated timeframes
- Quarterly Budget Review Statements were presented to Council in line with required timeframes
- Monthly investment returns exceeded the benchmark
- Investment reports tabled in accordance with required timelines
- The Draft 2021-2022 annual budget preparation is underway
- Preparation of the 2021-2022 budget will incorporate a review of the Long Term Financial Plan
- Monthly financial reports tabled in accordance with required timelines

**Council Service: Strategy**

*Delivery Program Objective: 1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information*

- The Partridge Creek residential development planning is advancing through the project plan. Council development, more broadly, is subject to a review which may influence the strategy to completion
- Emily Avenue residential development planning had Development Application approval for the project in May 2020, subject to planning and development conditions
- The Kangaroo Park North Shore residential development planning has constraints of the development being reviewed. The review will determine the priority of Kangaroo Park to Council and the Community

**Council Service: Infrastructure Planning**

*Delivery Program Objective: 1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information*

- Asset revaluation for Transport Assets (Roads, Bridges, Footpaths and Airport runway) has the financial audit complete and lodged with the Office of Local Government in November 2020
- Implementation of the Asset Designed as Constructed automated process system has implementation deferred to 2021-2022

- Asset revaluation for land improvements, other structures and assets has tender documentation to procure a contractor to undertake detailed condition assessment completed. A draft report was completed in December 2020

**Council Service: Financial Services**

*Delivery Program Objective: 1.5.2 Use procurement, tendering, purchasing and contract management approaches that are transparent and equitable*

- The Procurement Strategy had action items completed with the required timeframes
- The Plant Replacement Program is ongoing and on track
- Plant and Fleet are being managed and maintained in accordance with the adopted program
- Contracts awarded over \$150,000 are being captured as part of procurement activities in accordance with legislative requirements

**Council Service: Commercial Business Units – Glasshouse**

*Delivery Program Objective: 1.5.3 Develop, manage and maintain Council Business Units through effective commercial management*

- The 2020-2022 Glasshouse Strategic Plan was adopted at the July 2020 Ordinary Council Meeting after completion of the public exhibition during January and February 2020
- The Biannual report on the Glasshouse Strategic Plan was presented to the August 2020 Ordinary Council Meeting, the next report is due to be presented February 2021

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 1.5.3 Develop, manage and maintain Council Business Units through effective commercial management*

- Statutory property projects that include land matters are progressing as required
- Council’s lease and licence portfolio currently has 176 Commercial Leases, 73 Community Leases and 83 Leases PMHC as Lessee

**COMMUNITY THEME – YOUR COMMUNITY**

2020-2021 Operational Plan - Summary of Performance Measures				
2020-2021	Total No.	On target/Achieved	Behind	Overall %
1Q - July – Sept 2020	113	107	6	95%
2Q - Oct – Dec 2020	113	110	3	97%
3Q - Jan – Mar 2021				
4Q - Apr – Jun 2021				

*What are we trying to achieve*

A healthy, inclusive and vibrant community

*What the result will be*

- 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 know we are progressing*

- Community facilities are established that encourage social activities and interactions
- Community safety initiatives are recognised and supported
- Open spaces, recreational and community facilities are provided for a range of social, health and wellbeing activities.
- The community is supported through a range of programs based on social issues
- A range of community activities, programs and events are supported and implemented

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council services

*Highlights by Council Service and Delivery Program Objective*

**Council Service: Sports and Recreation**

*Delivery Program Objective: 2.1.1 Support Community Safety initiatives*

- Lifeguard patrols commenced in September 2020 and are continuing at Town, Flynns, Lighthouse, Lake Cathie, Rainbow and North Haven Beaches
- The Lifeguard Education Program commenced in Term 4 in schools across the local government area. Delivery of the program was via a combination of face to face and remote education due to COVID-19 restrictions. In excess of 2,500 students have participated in this program

**Council Service: Emergency Management**

*Delivery Program Objective: 2.1.2 Advocate for, support and coordinate emergency services*

- Support provided to the Emergency Operations Centre is ongoing with emergency services units as required

**Council Service: Compliance**

*Delivery Program Objective: 2.1.3 Conduct regulatory and educational activities, which safeguard public and environmental health, and ensures compliance with planning and building standards*

- Monitoring and managing issues to ensure compliance is ongoing. Activities include:
  - Building certificate applications assessed;
  - Food permit inspections;
  - Fire safety inspections;
  - Skin penetration premises inspections;
  - Regulated cooling and heating system inspections;
  - On-site sewerage management system inspections;
  - Private swimming pool compliance certificate applications assessed;
  - Public pools and spa inspections;
  - Customer requests relating to public health investigated; and
  - Underground and Petroleum Storage System inspections.

- Monitoring and managing ranger and law enforcement services to ensure compliance relating to parking, beach patrols, illegal signage, sale of goods on roads, building site sediment control and companion animals is ongoing

**Council Service: Commercial Business Units - Environmental Testing**

*Delivery Program Objective: 2.1.3 Conduct regulatory and educational activities, which safeguard public and environmental health, and ensures compliance with planning and building standards*

- Sampling, analysis and reporting of operational and regulatory requests at the Laboratory are being undertaken within the set service standards
- National Association of Testing Authority corporate accreditation maintained

**Council Service: Community**

*Delivery Program Objective: 2.2.1 Support and advocate for all community sectors*

- Discussion are underway with established Youth Groups in the local government area on how Council can utilise them to help with getting youth a voice with Council
- Planning is underway for Youth Week 2021 to hold a physical event at Town Beach
- The Community Grants Program - Round 1, was held in September 2020, Round 2 is scheduled for March 2021

**Council Service: Community**

*Delivery Program Objective: 2.3.1 Ensure access to community facilities and activities: including access to natural environment*

- Delivering actions from the Disability Inclusion Action Plan has included:
  - Blair Park Reserve;
  - Port Macquarie Senior Citizen toilets; and
  - Disabled car parks at Mrs York's Garden.
- Community halls are being managed to the current service standard. Supporting Council owned and non-Council owned networks is also ongoing

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle*

- Delivering the sporting facility renewal and upgrade program is ongoing with actions including:
  - Vince Inmon Sporting fields has planning commenced with designs commencing in the third quarter;
  - Vince Inmon Sporting fields amenities has construction ongoing with works planned to be completed by end of February 2021;
  - Lank Bain Sports Ground planning commenced;
  - Port Macquarie Regional Sports Stadium planning commenced;
  - Charlie Watt lighting and drainage construction complete;
  - Oxley Oval lighting project complete;
  - Blackbutt Park project complete; and
  - Kendall Sports Ground project complete.
- The Mayor's Sporting Fund has been impacted by COVID as no national or international sporting completions have been held since March 2020. Due to NSW public health restrictions, it is planned that the Mayor's Sporting Fund sub-committee will reconvene in February 2021

- Regional Master Planning for recreational facilities include:
  - Bonny Hills Reserves Master Planning: ongoing with the second round of community engagement underway; and
  - Bain Park Wauchope Master Planning: ongoing with community engagement complete.
- Camden Haven River recreational boating improvements to upgrade facilities has the draft Review of Environmental Factors and required licences for dredging of North Haven Boat Ramp being finalised

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities*

- Maintenance program for parks, reserves, sporting fields and beaches across the local government area includes actions such as:
  - Mowing parks and reserves across the local government area;
  - Sports field maintenance and preparation for summer sports;
  - Mowing of all cemeteries for Christmas;
  - Garden maintenance in the Port Macquarie CBD area including pruning, watering, weed treatment and mulching;
  - Formal inspections of all playgrounds with required maintenance and repairs;
  - Cleaning bin hides and bubblers across the local government area;
  - Outreach mowing in Port urban areas;
  - Storm damage and clean-up following extensive rainfall in December 2020 including removal of debris on Town Beach Port Macquarie; and
  - Pruning/vegetation removal at Oxley Highway/Lake Road roundabout.
- Scheduled and reactive maintenance programs of all Council-owned buildings is ongoing
- Building rectification works undertaken in line with Council Asset Management plans
- All four public pools managed in accordance with the pool management and operational guidelines
- Park furniture renewals, including the donated seat program has project planning commenced with works scheduled for delivery in May/June 2021
- The Playground equipment replacement program includes actions such as:
  - Bonny Hills Community Hall has community engagement and concept planning commenced;
  - John Dick Reserve has community engagement and concept plan scheduled in the third quarter of 2020-2021;
  - Narran Park King Creek has planning, community engagement and concept planning commenced;
  - Rocks Ferry Reserve construction scheduled to be completed in the third quarter of 2020-2021;
  - Blair Park Reserve is complete; and
  - Town Beach park has scope of work modification ongoing and may require further design and community engagement.
- The Recreational walkway replacement program includes actions such as:
  - Town Beach to Town Beach North replacement pathways has planning and environmental approvals commenced;

- Kooloonbung Creek boardwalk replacement has planning, environmental approvals and procurement complete;
- North Haven to Bonny Hills Walkway has project planning and environmental approvals commenced;
- Sandhurst Reserve has planning, environmental approvals and procurement complete;
- Blair Reserve complete; and
- Harry's Lookout complete.
- The Maintenance Program for boat ramps, wharves and jetties is ongoing in accordance with approved maintenance and schedule
- The Maintenance Program for beaches is ongoing including detailed beach grooming at all high profile beaches. Repairs at Lighthouse, Lake Cathie and Middle Rock beach four-wheel drive access undertaken in December 2020 due to storm damage
- Thrumster Sports Fields detailed design and approvals has the tender awarded and detailed design engagement continuing into 2020-2021
- The Public Amenities Renewals Program has seen Pilot Beach amenities completed and Blair Park amenities consultation ongoing

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities*

- Port Macquarie Coastal Walk upgrade works are complete. Sections included Charlie Uptin Walk, Doctors Walk and Kennys Walk
- Googik Track construction of the shared walkway/cycleway - Stage 2 has planning finalisation underway for the connection between Lake Cathie and Elkor Grove with works scheduled for delivery by June 2021
- Hastings Regional Sporting Complex construction has detailed design works submitted to Council in December 2020 and currently under review. Construction works planning and associated phasing currently being developed
- Town Centre Master Plan improvements including the Foreshore Walkway priority projects have detailed design complete. Consultants engaged to undertake environmental and crown land approvals targeting April 2021 completion. The Gordon Street underpass has preparation of Environmental Impact Statement complete and submission of the development application lodged in the second quarter for assessment. Determination expected February 2021
- Port Macquarie Pool design finalisation has a contract for the first design (Strategic design and business case) stage awarded to consultants in December 2020
- Town Village Entry Signage installation is ongoing with the next stage of signage location to be determined
- Lake Cathie Foreshore Reserve - Master Plan implementation - Construction of Skate Facility commenced in November 2020 with completion expected in March 2021
- Rainbow Beach Sports Fields has designs underway by consultants with expected completion in early 2021 and construction commencing in mid-2021
- Red Ochre Park has construction is complete
- Ruins Way Park has procurement complete and construction to commence January 2021

- Rainbow Beach Reserve - reserve upgrades has project planning commenced with scope to be defined
- Camden Haven Surf Club Building - design and approvals for a new facility has seen engagement with the Camden Haven Surf Lifesaving Club undertaken in October / November 2020. Engagement of a suitable architect planned for the third quarter of 2020-2021
- Town Green West Reserve upgrades has construction nearing completion
- Accessible Ramp and Viewing Platform at Tacking Point Lighthouse has project planning commenced and targeting completion June 2021
- Jabiru Reserve fish cleaning table has environmental constraints impacting delivery of this project
- Port Macquarie Town Signs installed. Final modifications and landscaping to be undertaken
- Beechwood Tennis Court upgrade to tennis facilities complete

**Council Service: Community**

*Delivery Program Objective: 2.3.5 Plan and deliver innovative Library Services which cater for new technology and growing population*

- The annual Library Events Program is ongoing with services being delivered on-line due to COVID-19 restrictions. Limited core services have resumed
- Library membership is currently 32,638 as at 31 December 2020 increased from 30,371 when compared with the same period in the previous year
- The Library Strategic Plan was adopted. Library hours being reviewed after impacts of COVID
- Community Library Van purchased and fitted out to provide services such as Library outreach, arts and cultural program and community engagement. New mobile services introduced at Sovereign Hills and Lake Cathie

**Council Service: Community**

*Delivery Program Objective: 2.3.6 Support a range of inclusive community activities and programs*

- Implementation of the Community Inclusion Plan underway with actions including:
  - Planning underway for community events in 2021;
  - Updating volunteering procedures;
  - Implementing the Community Inclusion Committee; and
  - Implementing the Aboriginal Advisory Committee.

**Council Service: Community**

*Delivery Program Objective: 2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects*

- Supporting the Graffiti Blasters program has been impacted by COVID as volunteers have ceased working in the community. Minimal volunteers are now back in the field and a contractor engaged to assist with outstanding graffiti removal requests
- Supporting a connected community through training volunteer managers and volunteers has been impacted by COVID, however, planning is underway for a new look volunteering program for 2021
- Supporting and developing a diverse community has included:

- Celebrating dates of significance for Aboriginal and Torres Strait Islander people has seen work undertaken with the NAIDOC Committee to promote virtual events in November 2020;
- Seniors Week planning underway for a virtual Seniors expo in 2021;
- A Community Inclusion Committee established with eight members; and
- Reviewing and reaffirming Councils statement of Reconciliation and Commitment to the Birpai Community has seen development of the Aboriginal Advisory Council and an associated charter. A report will be presented to the February 2021 Ordinary Council Meeting.
- Developing a resilient community by providing support for others to participate in community events and significant dates has been impacted due to COVID as events could not proceed. Working collaboratively with relevant organisation for marginalised communities has seen work undertaken with key groups and the COVID Wellbeing Group to support the community. Work also undertaken with key groups and the COVID Wellbeing Group to support the community. Key engagement undertaken to inform the new Housing Strategy including service group and provided of safe spaces and services
- Supporting a liveable community has seen Council work with the community on both Community Plans and actions to create more liveable places. Designing and delivering intergenerational and inclusive play spaces has seen development of inclusive spaces at Blair Park Reserve, Town Beach development and Town Green
- Implementing strategic education priorities in accordance with Council's Working Together Framework is ongoing

### **Council Service: Cultural Development**

#### *Delivery Program Objective: 2.5.1 Support cultural activities within the community*

- Implementation of actions from the Cultural Plan are ongoing with a biannual progress report presented to the October 2020 Ordinary Council Meeting
- The Glasshouse performance spaces were closed from 23 March to 31 August 2020 due to Public Health Order 2020. Which resulted in the cancellation of planned performances as part of the Glasshouse Theatre Program 2020. The latest NSW Public Health Order has increased the capacity of the Glasshouse performance spaces to 75% (e.g. theatre with 440 patrons.
- The Glasshouse Regional Gallery presented the following exhibitions:
  - Food for thought;
  - Hastings Valley Fine Arts Association;
  - Weapons for the Soldier Encounters; and
  - Snowline to Sandune.
- Development of a new Cultural Plan has planning commenced with an initial engagement session scheduled with the Cultural Steering Group in Jan 21
- Planning for Bicentenary Activities had a revised COVID Safe event program endorsed in October 2020
- Wauchope Bicentenary Riverside Sculptural Trail has installation of works commenced
- Artwalk 2020 was delivered in October 2020 as a COVID Safe event

### COMMUNITY THEME: YOUR BUSINESS AND INDUSTRY

2020-2021 Operational Plan - Summary of Performance Measures				
2020-2021	Total No.	On target/Achieved	Behind	Overall %
1Q - July – Sept 2020	20	19	1	95%
2Q - Oct – Dec 2020	21	20	1	95%
3Q - Jan – Mar 2021				
4Q - Apr – Jun 2021				

*What are we trying to achieve*

The Port Macquarie-Hastings region is a successful place that has vibrant, diversified and resilient regional economy for people to live, learn, work, play and invest

*What the result will be*

- 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, tourism, recreational and/or community hubs
- A region that attracts investment
- Partnerships that maximise economic return and create an efficient and effective business environment

*How we know we are progressing*

- There is growth and development of new industries and business
- Tourism and major events contribute to increased economic activity
- There are greater opportunities for investment across the region
- Council is recognised for its role in fostering partnerships that contribute to business and industry growth

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council service

*Highlights by Council Service and Delivery Program Objective*

**Council Service: Economic Development**

*Delivery Program Objective: 3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities*

- Implementation of the Economic Development Strategy is ongoing with a twice-yearly report presented to the November 2020 Ordinary Council Meeting
- Development of a new Economic Development Strategy has commenced with an initial engagement session undertaken with the Economic Development Steering Group in December 2020

**Council Service: Development Assessment**

*Delivery Program Objective: Optimise the use of appropriately zoned land for business uses*

- The amended Local Environmental Plan (LEP) and Development Control Plan (DCP) enabling the development of a business park near Port Macquarie Airport was published on the NSW Legislation website on 10 September. The Development Control Plan (DCP) provisions, which aim to

- coordinate high quality and integrated development across the Business Park, commenced on the same date as publication of the LEP amendment
- The review of planning proposals for specific sites within the Port Macquarie-Hastings Local Government Area based on priorities as determined by Council had a status report presented to the December 2020 Ordinary Council Meeting. The next status report is due in June 2021
- Greenmeadows Drive - Development Planning and Feasibilities discussions are ongoing to determine appropriateness and community sentiment on a community facility at Greenmeadows Drive

**Council Service: Economic Development**

*Delivery Program Objective: 3.1.3 Implement Major Events Strategy*

- Implementation of actions relating to 'Major and Community Events' through the Port Macquarie Hastings Events Plan is ongoing. Actions include:
  - Increasing brand exposure and recognition through events; and
  - Building a mix of Council supported events in the region via new sponsorship and grants.
- Council was unable to host any major events from July to September 2020 due to COVID restrictions. From October to December 2020 Council supported three major events. These events resulted in a combined economic impact of over \$3.7M for the community

**Council Service: Economic Development**

*Delivery Program Objective: 3.1.4 Implement the Destination Management Plan*

- Implementation of actions from the Destination Management Plan are ongoing including:
  - Delivering the annual destination campaign;
  - Ongoing destination Public Relations Program delivery; and
  - Ongoing industry communications.
- Visits to the destination website compared to the previous 12-month period have increased by 30% exceeding the set target of 15%
- The Greater Port Macquarie Brand review is ongoing and has the request for quotation for Brand Consultant currently in market, closing late January 2021
- Public Art audit complete and maintenance reporting pending

**Council Service: Commercial Business Units - Airport**

*Delivery Program Objective: 3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy*

- Port Macquarie Airport Parallel Taxiway Stage 1 and General Aviation (GA) pavement renewal to finalise detailed design has final design continuing. The Environmental Impact Assessments and Development Application is due to be submitted for assessment in quarter three of 2020-2021
- Port Macquarie Airport Biodiversity certification agreement has implementation continuing post approval. Australian Government Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) referral approved November 2020
- Operating and maintaining the Port Macquarie Airport in accordance with regulatory and safety requirements is ongoing
- Finalising development planning for the Port Macquarie Airport Business and Technology Park has the Port Macquarie-Hastings Local Environmental Plan

(Amendment No.56) relating to Council's Airport and Thrumster Lands commenced in September 2020 and aims to support development of the Port Macquarie airport precinct

**Council Service: Economic Development**

*Delivery Program Objective: 3.4.3 Encourage innovation that will support our growth as a regional city including smart community technology*

- The Smart Community Roadmap adopted at the October 2020 Ordinary Council Meeting. Consideration of integration opportunities into strategies and projects across the organisation is underway

COMMUNITY THEME: NATURAL AND BUILT ENVIRONMENT

2020-2021 Operational Plan - Summary of Performance Measures				
2020-2021	Total No.	On target/Achieved	Behind	Overall %
1Q - July – Sept 2020	246	228	18	93%
2Q - Oct – Dec 2020	251	236	15	94%
3Q - Jan – Mar 2021				
4Q - Apr – Jun 2021				

*What are we trying to achieve*

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

*What the result will be*

- 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 to 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 know we are progressing*

- We have water, waste, and sewer systems that are efficient, maintained and environmentally compliant
- Consideration, is given to climate change impacts and potential mitigation
- Programs are implemented to support, the condition of the natural environment
- The road and transport network is well planned and maintained
- The transport network, recreational facilities, and open spaces, reflect community priorities
- Coordinated urban development is, well planned to meet projected population growth

- We successfully preserve local flora and fauna
- Renewable energy options are promoted

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council services

Highlights by Council Service and Delivery Program Objective

**Council Service: Water Supply**

*Delivery Program Objective: 4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region*

- Construction planning for the Sancrox Reservoir to Area 13 has the design phase complete and construction pending
- Installation of new water supply services to residential and business premises to cater for new development is ongoing
- Thrumster reclaimed water interim supply - rising main to Thrumster reservoir has construction underway and ongoing and will continue into 2021-2022
- Construction of a water main between Sancrox Reservoir and Wauchope was completed in November 2020
- Designs for the Water Treatment/Filtration Plant at Cowarra Dam has a scoping study for works currently being finalised by Public Works. Next stage of works is concept designs and environmental approvals
- Preconstruction work for the Trunk Main from Bonny Hills to Kew (Area 12) Reservoir - Stage 1 has project initiation and planning works continuing
- Marbuk motorised water main valve relocation has project charter submitted for approval. Quotes for materials also received
- Water Supervisory Control and Data Acquisition System (SCADA) replacement has planning underway with specifications nearing completion
- Replacement of three Villages River Inlet platform structures has preliminary works underway including development of a request for quotation
- Preconstruction works for Granite Street Reservoir rehabilitation is pending completion of works on Southern Arm Trunk Main (DN750) - Pacific Hwy to Bonny Hills
- Preconstruction works for Widderson Street Reservoir roof replacement has preliminary works underway
- Water critical infrastructure - site security upgrades has preliminary works underway including the project charter
- Telemetry Microwave link replacement - Bonny Hills to Camden Haven is pending completion of the project charter based on supplier estimates
- Design of Rock Ramp to secure water level at Koree Island pumping station intake pool has designs to be completed in February 2021 for review
- Installation of Baffles within Reservoirs to ensure chlorination contact time for disinfection has preliminary works underway including request for quotations
- Wauchope Water Treatment Plant upgrade has construction planned for completion in late 2020

**Council Service: Water Supply**

*Delivery Program Objective: 4.1.2 Develop and implement annual maintenance and preventative works program for water supply assets*

- Renewal of water asset for live water mains, water meters and switchboards are being carried out as required
- Replacement of Water Treatment Plant electrical and mechanical assets has a range of projects underway

**Council Service: Sewerage**

*Delivery Program Objective: 4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region*

- Construction of the Port Macquarie Sewer rising main was completed in December 2020
- Provision of centralised sewerage systems for Comboyne, Long Flat and Telegraph Point as part of the small town sewerage program had construction commenced in October 2018. Comboyne and Long Flat completion now expected in early 2021. Telegraph Point is complete
- Construction of Area 14 reclaimed Inlet trunk main Bonny Hills complete
- Kew Sewer Treatment Plant upgrades are being undertaken in partnership with NSW Public Works Advisory. The project has now progressed to the detailed design and investigation phase
- Port Macquarie Sewer Treatment Plant inlet replacement works are ongoing
- Integrated Water Cycle Management Strategy has work continuing with community consultation planned for February 2021
- Preconstruction works for upgrading Lake Innes Sewerage Pump Station 71 has project initiation and planning works progressing
- Port Macquarie Waste Water Treatment Plant odour control mitigation works ongoing
- Camden Haven Waste Water Treatment Membrane replacements has project plan approved and the tender scope and project management engagement request for quotation under development
- Wauchope Waste Water Treatment Plant Inlet rationalisation works ongoing
- Bonny Hills Waste Water Treatment Plant Aerator replacement works have preliminary works underway and the request for quotation complete
- Telemetry Radio replacement at Wauchope and Kew has project planning continuing
- Port Macquarie Sewer Pump Station 13 catchment relining works in ongoing
- Preconstruction works for Port Macquarie Pump Station 21 refurbishment has preliminary works underway. Project currently under review
- Preconstruction works for Camden Haven Pump Station 2 refurbishment has project initiation and planning ongoing
- Upgrades for Sewer Pump Station 7,8 and 9 at Kew/Kendall has planning underway and final designs near completion
- Preconstruction works for Port Macquarie Sewerage Pump Station 18 has project initiation and planning ongoing

**Council Service: Sewerage**

*Delivery Program Objective: 4.1.4 Develop and implement annual maintenance and preventative works program for sewerage assets*

- Programmed replacement of sewer pumps and electrical switchboards at sewage pump stations is ongoing
- Programmed replacement of Sewer Treatment Plant electrical and mechanical assets is ongoing

- Sewer assets replacement and maintenance programs for sewer rehabilitation and realigning works is ongoing

**Council Service: Stormwater and Drainage**

*Delivery Program Objective: 4.1.5 Work towards planning, investigation, design, construction of stormwater assets*

- Stormwater detention facility designs for Black Swan Terrace has the project plan endorsed and design engagement awarded
- Stormwater remediation works at Panorama Drive Bonny Hills has project planning continuing for detailed designs
- Stormwater remediation works at 35 Hart Street has project planning now scheduled to commence in early 2021 with completion of designs expected by end of 2020-2021
- Stormwater remediation works at 10 Dilladerry Cres complete

**Council Service: Stormwater and Drainage**

*Delivery Program Objective: 4.1.6 Develop and implement annual maintenance and renewal programs for stormwater assets*

- Annual canal maintenance for Settlement Shores and Broadwater canals are ongoing in accordance with the rolling priority program
- Major canal maintenance and dredging of Settlement Shore canals complete
- The Stormwater Renewal Program is currently in the planning and procurement phase for projects including:
  - Stormwater relining works at Alma Street North Haven;
  - Stormwater relining works at Short Street Port Macquarie;
  - Stormwater relining works at Graham Street Kendall; and
  - Stormwater relining works at Ocean Drive North Haven.
- Stormwater maintenance program works are ongoing based on inspections and assessment criteria
- Condition ratings of stormwater assets via CCTV inspections, including newly constructed works, are ongoing in accordance with adopted programs and proactive maintenance requirements
- Development of Urban Stormwater Catchment Management Plans for 62 sub-catchments has preliminary scoping undertaken. A draft project charter is planned for development in early 2021

**Service: Waste Management**

*Delivery Program Objective: 4.1.7 Develop and implement effective waste management strategies*

- Effective recycling and recovery of domestic and organic waste through the Material Recovery Facility is continuing as required
- Illegal dumping and clean-up programs undertaken as required
- Multi Dwelling Organics Recovery project is ongoing
- Upgrade and expansion approvals for Cairncross Waste Depot has construction tender awarded in December 2020 and construction expected to commence in January 2021
- The 2017-2024 Waste Strategy actions are being delivered as required. The Waste Strategy is expected to be reviewed following the release of the new NSW 20-year Waste Strategy
- Efficient waste collection services are being undertaken for domestic, commercial and public places

- Waste education and marketing campaigns are ongoing

**Council Service: Natural Resource Management**

*Delivery Program Objective: 4.2.1 Develop and implement Coastal, Estuary, Floodplain, and Bushfire Management Plans*

- The annual Bushfire Risk Mitigation program is ongoing
- Implementation of the Flying Fox Management Plan is ongoing with actions including:
  - Development of education materials including, new signage erected at Kooloonbung Creek along with website materials;
  - Investigation of alternate habitat sites including correspondence with NSW Save Our Species (SOS) section of Dept. of Planning, Industry and Environment who have provided guidance for a selection of alternative habitat locations; and
  - Monitoring and operation of sprinkler systems is ongoing on an as needed basis.
- Investigation of floodplain mitigation measures and strategies to reduce flood risk in the Hibbard Precinct Catchment planned to commence in the fourth quarter of 2020-2021
- Implementation of flood mapping updates associated with Hastings River Flood Study planned to commence in the fourth quarter of 2020-2021
- Development of environmental program of works to ensure compliance to Airport biocertification is ongoing
- Investigations of appropriate floodplain mitigation measures and strategies to reduce flood risk in the Wrights and Yarranabee Creeks will commence in the fourth quarter of 2020-2021
- The Flood Study for the North Brother Local Catchments had the draft options report presented to the September 2020 Ordinary Council Meeting. A draft North Brother Local Catchments Floodplain Risk Management Study and Plan is due to be submitted during January 2021
- Preparatory work for a new stormwater system at Illaroo Road has Aboriginal Cultural Heritage assessment complete. The aboriginal archaeological study was completed in quarter two, which now allows for removal of asbestos from the site pending agreement with Crown Lands
- Community consultation regarding funding model options for Illaroo revetment wall has the community engagement and education plan being finalised. Meetings schedule for February 2021 with key stakeholders
- Development of a Coastal Management Program for Lake Cathie has the scoping study placed on public exhibition and distributed to key stakeholders for comment
- Development of a Sustainability and Climate Change Study has seen a sub-committee formed. Recruitment of a Sustainability Coordinator is planned for January 2021

**Council Service: Development Assessment**

*Delivery Program Objective: 4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation*

- Development Assessment, Building Certification and Subdivision Certification activities undertaken in accordance with legislation with the number of applications and processing times as follows:
  - 681 Development Applications, average processing time of 49 days;

- 117 Development Application modifications, average processing time 36 days;
- 517 Building Construction Certificates, average processing time of 12 days; and
- 197 Complying Development Certificates, average processing time of 12 days.
- No successful legal appeals were recorded in relation to processing errors for development applications from 1 July 2020 to 31 December 2020

**Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region*

- Development of the Regional Integrated Transport Strategy is ongoing. It will align and be informed by the Local Strategic Planning Statement
- Footpath, cycleway and pedestrian works are ongoing including completion of Burrawan and Ackroyd Streets Port Macquarie
- Detailed designs for dual lanes on Lake Road from Jindalee to Fernhill intersections and Chestnut Road to Ocean Drive are complete with construction pending allocation of funding in future years
- Stages 5 and 6 of Beechwood Road reconstruction has Stage 5 design works complete and Stage 6 is concept designs only with work is ongoing
- Dunbogan Bridge - Reid Street - substructure rehabilitation is ongoing
- Kindee Bridge structural repairs and bridge replacement optioneering has Stage 2 structural repair works completed in October 2020. Planning is underway for Stage 3
- Corridor planning - Kendall Road - Ocean Drive - Hastings River Drive has corridor review has a site inspection working paper and a current performance working paper complete
- The Local Roads Proactive Transport Program is currently in the planning phase for Road Rehabilitation and Resealing as follows
  - Planning phase (Road resurfacing and rehabilitation):
    - Toorak Circuit, Port Macquarie;
    - Acacia Ave, Port Macquarie;
    - Highfields Circuit, Port Macquarie;
    - Hay Street, Port Macquarie;
    - Ballina Cres, Port Macquarie;
    - Herschell Street, Port Macquarie (dependent on funding);
    - Ocean Drive, Bonny Hills (Binbilla to Panorama) (dependent on funding); and
    - Wingham Road, Comboyne (dependent on funding) Road resealing works.
  - Delivery Phase (Road resurfacing and rehabilitation):
    - Belah Road, Port Macquarie - completed;
    - Jindalee Road, Port Macquarie - completed; and
    - Comboyne Road, Comboyne (Township to Stennets) - underway.
  - Planning Phase (Road resealing):
    - Lighthouse Beach Local Streets, Port Macquarie;
    - Greenmeadows Local Streets, Port Macquarie;
    - Comboyne Local Streets, Comboyne;
    - Widderson Street, Port Macquarie;

- Kindee Road, Kindee; and
  - Bangalay Drive, Port Macquarie.
- John Oxley Drive upgrade has detailed designs nearing completion
- Sealed road network condition survey is underway to be completed in later part of 2020-2021
- Ocean Drive duplication - Matthew Flinders Drive to Greenmeadows has development of the construction tender documentation being the initial focus for the project steering group
- Designs and investigations for Gordon Street pavement reconstruction and service relocations has design project complete
- Installation of new bus shelters across the region as per the Community Passenger Transport Infrastructure Grant Scheme is ongoing
- Beach to Beach shared path project at Camden Haven has the final section of D9 path installation complete
- Gordon/Horton Street intersection upgrades has detailed designs pending advice from Transport for NSW regarding approval for traffic signal design
- Bago Road rehabilitation (Milligans Road to Blue Water Cres) complete
- Reconstruction of The Ruins Way Port Macquarie (Major Innes Road and Sitella Street) had construction completed in December 2020
- Koala Street upgrade had preliminary concept designs prepared for review in December 2020
- Scrubby Creek Bridge has construction contract awarded with construction works commenced in October 2020
- The Transport Network Improvement Planning Project - Options Assessment and Strategic Business Case (including review of Orbital Road Options) has had stakeholder and community consultation undertaken in the first quarter. Transport for NSW reviewed the preliminary studies in November and December 2020. A revised program expected to be developed in early 2021
- Ocean Drive shared pathway project (Brotherglen Drive to Sirius Drive Lakewood) complete
- Detailed design and environmental approvals for Boundary Street upgrade has the design contract awarded to local consultant with designs ongoing
- Bril-Bril Road Sealing investigations and concept design has project design phase progressing
- School to School shared path project has project planning commenced
- Gordon Street upgrade - road resurfacing works inclosing stormwater flood mitigation and water main renewal works has construction tender advised in December 2020 targeting February 2021 contract award. Expected to commence in March 2021
- Bago Road rehabilitation - Stage 3 - Bluewater Cres to Cameron Street has construction commenced December 2020
- Lake Cathie Bridge (Ocean Drive) - Level 3 investigations and durability assessment progressing and project planning underway
- Limeburners Bridge (Shoreline Drive) - Level 3 investigations and durability assessment progressing and project planning underway
- Thompson Bridge replacement has construction underway and with expected completion in early 2021
- Lorne Road Sealing - investigations and concept designs has project planning commenced with survey well progressed. Strategic designs commence November 2020

- Detailed traffic analysis of the Sancrox/Thrumster/Fernbank growth area to identify high priority works has a draft project charter developed
- Slipping of Hibbard Ferry is scheduled for February 2021. All planning and parts acquisition complete
- King Creek Road shoulder sealing and safety barrier installation has design nearing completion with construction expected to commence in early 2021
- Bago Road Rehabilitation - Stage 1- finalisation of Milligans Road resurfacing is complete
- Design and construction of the Pappinbarra Bridge Replacement has project initiation and design planning complete and a tender for the detailed design awarded in November 2020
- Review of the Car Parking Strategy has commenced and a draft charter developed in December 2020 and is currently under review
- Bulli Creek Bridge replacement - finalising easements is complete
- Investigation and designs for sealing sections of The Hatch Road has formal funding announcement expected in November 2020. Design and approvals are expected to be completed by late 2021 with construction in 2022

**Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.2 Develop and implement annual maintenance and renewal programs for transport assets*

- The annual unseal road maintenance program including resheeting, grading, drainage and vegetation and rural roadside vegetation clearing is ongoing in accordance with adopted program
- The annual sealed road maintenance program including resurfacing, jetpatching, heavy patching and installation of roadside furnishings is ongoing in accordance with adopted program
- The annual bridges and culverts maintenance and repair program including inspections, monitoring and bridge repair works is ongoing in accordance with adopted program
- Reactive maintenance for Koala Food Trees and Koala Fencing on Link Road (Ocean Drive) is ongoing in accordance with adopted program
- The annual Bridgeworks and Road Rehabilitation Program, that includes regular bridge and geotechnical road pavement tests has investigations and inspections in preparation for future programs
- Renewal and repair of timber bridges includes the following projects
  - Planning Phase:
    - Kindee Bridge, Kindee - Stage 3 Pile strengthening;
    - Black Creek Bridge, Lorne;
    - Logans Crossing Bridge, Kendall;
    - Stoney Creek Bridge, Pembroke;
    - Roods Bridge, Bellangry;
    - Bril Bril Bridge, Rollands Plains (dependent on resources);
    - Donkins Flat Bridge, Comboyne (dependent on resources); and
    - Old School Bridge, Herons Creek (dependent on resources).
  - Delivery Phase:
    - Kindee Bridge, Kindee - Stage 2 complete;
    - Foxes Bridge, Rollands Plains - complete;
    - Flanagans Bridge, Pappinbarra - complete; and
    - Tipperary Bridge, Lorne - underway.

**Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.3 Develop and implement traffic and road safety programs*

- The annual Road Safety Action Plan has included undertaking road safety campaigns such as:
  - Road Safety Week - yellow ribbon;
  - Little Blue dinosaur;
  - Speed on Country Roads - visual boards on nine local roads; and
  - Double demerits and Plan B - 'What's your Plan B' competition.
- Installation and maintenance of street lights in accordance with identified priorities and will commence in early 2021

**Council Service: Strategy**

*Delivery Program Objective: 4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development*

- Review of the Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions to promote development of the Yippin Creek Urban Release Area has planning proposal progressing and ongoing
- Planning for the Port Macquarie Health and Education Precinct has the Health and Education Precinct Structure Plan progressing and ongoing
- The review of the Local Environmental Plan and Development Control Plan provisions to promote appropriate housing choice options has consultants preparing the Local Housing Strategy. Stakeholder engagement was undertaken in September 2020. The draft housing strategy is under preparation and anticipated to be presented to Council in March/April 2021 for public exhibition
- Fernbank Creek/Sancrox support studies has the Structure Plan progressing

**Council Service: Natural Resource Management**

*Delivery Program Objective: 4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area*

- Strategic Biosecurity (Weed Management) Program to restore and conserve that natural environment is ongoing with actions including:
  - 984km of high risk/priority pathways inspected;
  - 76 urban properties inspections undertaken;
  - 199 high risk site inspection undertaken;
  - 825km of roads inspected and treated as high risk pathways;
  - 184 rural/semi-rural property inspections undertaken; and
  - 304ha have been inspected and treated for priority weeds.
- Ongoing education and assistance provided to residents, industry and community groups, on Council's tree management requirements within the Port Macquarie-Hastings 2013 Tree Management Development Control Plan
- 471 customer requests for tree management on public and private land have been handled from 1 October 2020 to 31 December 2020 including 26 illegal tree work investigations
- A road strike map identifying Koala Road strike hotspots has been produced in line with the Koala Population Recovery Strategy
- Work is ongoing to build a Natural Resources asset and maintenance register
- Partridge Creek Acid Sulphate Soils Wetland Management has seen six inspections of the weir undertaken
- Implementation of actions from the Ecological Restoration report is ongoing

- Wild deer management is ongoing and has included culling of deer at the Port Macquarie Dam
- Coastal Vegetation State Environmental Planning Policy mapping has initial works of the audit undertaken and is pending results

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 4.7.1 Promote renewable energy outcomes within Council*

- Wauchope, Laurieton and Kendall Pools identified as existing Council facilities that were suitable to install solar energy systems. Works completed in July 2020 and operational

**Council Service: Water Supply and Sewerage**

*Delivery Program Objective: 4.7.1 Promote renewable energy outcomes within Council*

- Installation of Solar Panels at Port Macquarie Sewerage Treatment Plant is pending a design review before installation can be undertaken
- Installation of Solar Panels at Wauchope Water Treatment Plant has installation ongoing

**Council Service: Water Supply**

*Delivery Program Objective: 4.8.1 Ensure all Council operations comply with environmental standards and regulations*

- Operating and maintaining water treatment plants in accordance with adopted maintenance programs is being undertaken
- Operating the water supply network to ensure public health and safety is being undertaken
- Operating and maintaining storage dams in accordance within the set guidelines is being undertaken

**Council Service: Sewerage**

*Delivery Program Objective: 4.8.1 Ensure all Council operations comply with environmental standards and regulations*

- Operating and maintaining sewerage treatment plants in accordance with environmental licences, adopted maintenance programs and safety requirements is being undertaken
- Operating the sewerage network to ensure public health and safety is being undertaken with all defects identified through waste trade inspections undertaken and complaints/requests dealt with in line with service standards

**Council Service: Natural Resource Management**

*Delivery Program Objective: 4.8.2 Increase community awareness and enable access to the natural environment*

- Delivering bushfire preparedness and planning programs to the community is ongoing

**Council Service: Natural Resource Management**

*Delivery Program Objective: 4.8.3 Promote Biodiversity Programs*

- Implementation of identified actions from the Biodiversity Strategy has included:
  - Management of feral deer;
  - Koala Road Strike mapping complete; and

- Flying Fox Management program undertaken.
- Support work being provided as part of the Koala Recovery Partnership Program relating to research into koala population abundance based on vegetation was undertaken in quarter two with additional work to be completed in the second half of 2020-2021

**COVID-19 RECOVERY PROJECTS: ADDENDUM TO THE 2020-2021 OPERATIONAL PLAN**

2020-2021 Operational Plan - Summary of Performance Measures				
2020-2021	Total No.	On target/Achieved	Behind	Overall %
1Q - July – Sept 2020	49	49	0	100%
2Q - Oct – Dec 2020	49	49	0	100%
3Q - Jan – Mar 2021				
4Q - Apr – Jun 2021				

COVID-19 Recovery Projects adopted by Council were included as an addendum to the 2020-2021 Operational Plan, they are linked to Community Themes and Council Services and progress highlights to date can be seen below.

*Community Theme: Leadership and Governance*

**Council Service: Customer Experience and Communications**

*Delivery Program Objective: 1.1.5 Develop an effective and coordinated community focused Communications Strategy*

- Communication to the Community that the 2020-2021 Operational Plan now includes additional projects and funding to support COVID-19 Recovery will be finalised by the end of quarter three of 2020-2021

*Community Theme: Your Community Life*

**Council Service: Community**

*Delivery Program Objective: 2.1.1 Support community safety initiatives*

- Engagement has commenced with Pappinbarra residents and the Wauchope Rural Fire Service (RFS) to develop and implement a community fire-safety plan

**Council Service: Economic and Cultural Development**

*Delivery Program Objective: 2.3.1 Ensure access to community facilities and activities: including access to natural environment*

- Project planning has commenced on the Public Spaces Interpretation Strategy and Guidelines

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle*

- Installation of a multipurpose court at the Laurieton Sports Complex has project planning commenced. Works targeted for completion by June 2021
- Installation of a sheltered seat area, picnic table and rubbish bins at Kendall Park has construction set to commence in January 2021

- Increased seating and shade at Charlie Watt Reserve will have project has construction set to commence in February 2021
- Creek to Creek Trail development has project planning commence and construction targeted to commence in the third quarter

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities*

- Wauchope Rotary Youth Hall external repaint of the western side has works programmed to be completed prior to March 2021
- Stuarts Park building beautification has works programmed to be completed prior to March 2021
- Wauchope Stadium cladding replacement has works programmed to be completed prior to March 2021
- Jubilee Hall external repaint has works programmed to be completed prior to March 2021

**Council Service: Recreation, Property and Buildings**

*Delivery Program Objective: 2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities*

- North Shore fish cleaning table has community engagement commenced
- CSU-Googik connection consultancies preliminary investigations and concept design review undertaken
- Lake Cathie Foreshore Reserve Master Plan Stage 2 works has project planning commence. Targeting completion in the fourth quarter

**Council Service: Community**

*Delivery Program Objective: 2.3.6 Support a range of inclusive community activities and programs*

- The program for Port Macquarie Hastings (PMH) Cares is underway. Planning has commenced for a Volunteer drive in early 2021

**Council Service: Community**

*Delivery Program Objective: 2.5.1 Support cultural activities within the community*

- Artwalk was delivered as a COVID Safe event across the region from 1 - 8 October 2020

*Community Theme: Your Business and Industry*

**Council Service: Economic and Cultural Development**

*Delivery Program Objective 3.1.1: Assist the growth of local business and industry, ensuring this is a central consideration of Council activities*

- Tourism product and trade market development Stage 2 project underway, Google workshops delivered in November 2020 and Tourism Market Academy online resource launched in December 2020. Trade development meetings held, UberMedia dashboard went live and Google operator audit underway
- Additional investment in tourism Public Relations and Marketing has campaign activity successfully delivered and concluded in November 2020

- Tourism - Visiting Friends and Relatives Program development has project planning commenced
- Website Food and Wine Trail development has expression of interest released to market November 2020
- Reboot, Refresh, Restart COVID-19 pop-ups calendar delivered over October/November 2020 including keynote webinar, pop-up, and a range of collaborative efforts with local service providers. Planning delivery of further initiatives from early 2021
- Panning underway to program grant writing workshops in the first half of 2021
- Arts, Culture and Creative Industries content development and marketing has strategy and concept development work completed. Digital and print campaign activity scheduled from February 2021
- Cultural Industries - Networking and mentoring has planning ongoing
- Creative and Arts Trails development has expression of interest released to market in November 2020

**Council Service: Economic and Cultural Development**

*Delivery Program Objective: 3.2.1 Support vibrant commercial, tourism, recreational and or community hubs across the region*

- Towns gateway entrance signage strategy has project planning to commence in early 2021
- Port Macquarie Lumiere night time installation has contractor agreement issued and project commenced
- Tourism and Cultural development project officer recruitment complete
- Renewing the maps 'Comboyne Plateau' outside the Udder Cow Café and in Pioneer Park has work commenced with the Community Council Action Team to determine the project and the community expectations

**Council Service: Economic and Cultural Development**

*Delivery Program Objective: 3.4.3 Encourage innovation that will support our growth as a regional city including smart community technology*

- CBD Wi-Fi (Wauchope, Laurieton, expand Port) has project plan being finalised

*Community Theme: Your Natural and Built Environment*

**Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region*

- Project planning has commenced and construction planned for 2021 for the following footpaths:
  - Footpath (260m) – The Parade: Ocean Street to Surf Club car park;
  - Footpath (120m) – Lake Street: Tunis Street to Seymour Street;
  - Footpath – Comboyne Street to Graham Street connection at Kendall Services Club;
  - Footpath (180m) – Hill Street: Pioneer Park to Main Street;
  - Footpath (160m) – Parker Street: Wauchope High School to Bain Street;

- Footpath (200m) – Rushcutter Way: Moondara Tce to Bangalay Drive;
- Footpath (320m) – Major Innes Road: Braeroy Drive to The Ruins Way; and
- Footpath (35m) – Watonga Street: Connection to Matthew Flinders Drive.
- Construction of new bus shelters (3 or 4) and landing pads has project planning progressing towards completion
- Installation of seating beside Anzac Memorial (Comboyne) has construction set to commence in January 2021
- Laurieton Main Street Master Plan development has seen an inception meeting with Camden Haven Chamber of Commerce in October 2020. The Enquiry by Design is in progress
- Kendall Bridge - expansion joint rehabilitation has project planning, procurement activities and approvals in progress following approval at the August 2020 Ordinary Council Meeting
- Hay Street resurfacing has detailed planning scheduled to be finalised early 2021

#### **Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.3 Develop and implement traffic and road safety programs*

- Signage installation on Pappinbarra Road for speed reduction to help protect wildlife and improve road safety has a draft charter developed and works expected to commence in 2021
- Rural Road Safety Improvements including line marking and signs has a draft project charter developed works expected to commence in 2021

#### **Council Service: Airport**

*Delivery Program Objective: 4.4.3 Develop and implement traffic and road safety programs*

- Installation of Solar at Port Macquarie Airport has project planning and design continuing with construction expected in the fourth quarter

#### **Options**

It is a statutory requirement under Integrated Planning and Reporting legislation to report on what has been delivered against the Delivery Program on a six monthly basis.

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

Internal consultation was undertaken with the:

- Integrated Planning and Reporting Development Officer
- General Manager, Directors, Group Managers and all staff reporting against the annual 2020-2021 Operational Plan

#### **Planning and Policy Implications**

This report is aligned with legislative obligations under the Local Government Act and the requirements of the NSW Integrated Planning and Reporting Framework

**Financial and Economic Implications**

There are no direct financial implications from this report. Quarterly budget review statements (QBRs) align with the reporting period referenced in this report.

**Attachments**

1.  Attachment A: 2020-2021 Operational Plan actions reported as behind as at 31 December 2020
2.  Attachment B: 2017-2022 Delivery Program and 2020-2021 Operational Plan progress report as at 31 December 2020

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Item: 10.16

Subject: GLASSHOUSE BIENNIAL REPORT AND UPDATE ON  
GLASSHOUSE PLAN 2020 - 2022 ACTIONS

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information provided in the Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions report.**

### Executive Summary

This report provides details of the Glasshouse finances for the 2020-21 financial year (as at 31 December 2020), including the updated status of Glasshouse loan balances.

The Report also provides an update on progress achieved against the Actions identified in the Glasshouse Plan 2020 – 2022 which was adopted by Council at the Ordinary Council Meeting held on 15 July 2020.

### Discussion

#### COVID-19 (to 31 December 2020)

The Glasshouse was closed to the public on 23 March 2020 due to COVID-19 and the NSW Government *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020*, which required the closure of entertainment venues.

This resulted in the cancellation of the 2020 Theatre Program performances, all commercial and community performances and events, and exhibitions and public programs in the Regional Gallery.

Since that time, the Glasshouse has coordinated a staged reopening of the venue in line with NSW Government public health orders:

- the Visitor Information Centre, Box Office and Customer Service desk, and Glasshouse Shop reopened to the public on 2 June 2020;
- the Regional Gallery reopened on 30 June 2020;
- the Glasshouse meeting rooms reopened on 8 July 2020;
- the performance spaces including the theatre and studio reopened on 10 September 2020, with the theatre capacity initially restricted to 240 seats -

the theatre capacity was increased to 50% (291 seats) on 1 October, and to 75% (440 seats) on 7 December 2020.

The attached Financial Statement shows the impact of the COVID-19 closure at 31 December 2020, with operating income down 83% on the corresponding 6-month period to 31 December 2019 (down from \$895,332 to \$151,133).

This has been offset by a 40% reduction in operating costs on the corresponding 6-month period to 31 December 2019 (down from \$2,240,330 to \$1,351,175).

Overall the operating deficit at 31 December 2020 of \$1,200,042 represents a 10% (\$144,956) reduction (saving) on the deficit at 31 December 2019 and a 30% (\$524,250) reduction (saving) against the year to date operating budget.

### Background

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

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

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

*RESOLVED: Turner/Cusato*

- 1. Establish a new Steering Group called the 'Cultural Steering Group'.*
- 2. Adopt the Cultural Steering Group Charter as included in this Review of Select Council Committees report.*
- 3. Seek Expressions of Interest (EOI) for members of the Cultural Steering Group, with the results of the EOI to be reported to the 19 April 2017 Ordinary Meeting of Council.*
- 4. Work with members of the following existing Council Committees to transition them into working groups with objectives, actions and reporting lines to the Cultural Steering Group:*
  - a) Port Macquarie-Handa Sister City Sub-committee.*
  - b) Australia Day Sub-committee.*
  - c) Port Macquarie-Hastings Youth Advisory Committee.*
- 5. Work with Heritage, Arts and Cultural Priorities Advisory Group to transition it into the Cultural Steering Group.*
- 6. Replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period.*

*CARRIED: 7/2*

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

*AGAINST: Griffiths and Hawkins*

Accordingly, this report provides details of the Glasshouse finances for the 2020-21 financial year as at 31 December 2020, including the updated status of Glasshouse loan balances, and provides an update on progress against the Actions identified in the Glasshouse Plan 2020 - 2022.

Glasshouse Finances

The December review and attached report present the financial performance of the Glasshouse Venue for the second quarter of the 2020-21 financial year (1 October 2020 to 31 December 2020) and the financial year to date (1 July 2020 to 31 December 2020).

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

The operating deficit for the financial year to date (before interest and depreciation) is a deficit/shortfall of \$1,200,042 against a budget of \$1,724,292, representing a reduction (saving) of \$524,250.

Operating income is down 83% on the corresponding 6-month period to 31 December 2019 (down from \$895,332 to \$151,133) due to COVID-19 restrictions.

This has been offset by a 40% reduction in operating costs on the corresponding 6-month period to 31 December 2019 (down from \$2,240,330 to \$1,351,175).

Income and expenditure for the January - June 2021 period will continue to be monitored closely in line with NSW Government public health orders to manage the year-end budget position.

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

## Glasshouse Operating Deficit by Activity - to 31 December 2020:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	-	-	-	414	131,529	19,190	151,133
Operating Expenditure (Before Council Overheads)	75,326	441,251	235,868	1,328	167,083	204,821	1,125,677
Council Overheads	51,865	18,040	38,335	11,275	27,060	78,924	225,498
Net Operating Surplus (Deficit)	(127,191)	(459,291)	(274,203)	(12,189)	(62,614)	(264,555)	(1,200,042)

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

Glasshouse Operating Deficit by Activity (after internal adjustments) - to 31 December 2020:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(127,191)	(459,291)	(274,203)	(12,189)	(62,614)	(264,555)	(1,200,042)
Internal Overhead Distribution	127,191	459,291	274,203	(354,317)	105,410	(611,777)	-
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	-	-	-	(366,506)	42,796	(876,332)	(1,200,042)

### Glasshouse Loan Balances

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

The outstanding balance of the borrowings that are repaid through general revenue, as at 31 December 2020, is \$9,128,115. This demonstrates that over \$18.8 million has already been repaid, with loans expected to be repaid by 2027.

### Glasshouse Plan 2020 - 2022 Actions

At the Ordinary Council Meeting held on 15 July 2020, Council adopted the Glasshouse Plan 2020 - 2022 as below:

#### *ITEM 10.07 GLASSHOUSE PLAN 2020 - 2022 POST EXHIBITION BLOCK RESOLVED: Intemann/Turner*

*That Council:*

- 1. Note the submissions received in response to the public exhibition of the draft Glasshouse Plan 2020 - 2022 as detailed in this report.*
- 2. In consideration of the submissions received, adopt the Glasshouse Plan 2020 - 2022 as detailed in this report.*
- 3. Thank those people who made a submission on the draft Glasshouse Plan 2020 - 2022.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

Progress achieved against the key outcomes and actions identified in the adopted Plan is summarised in the attached *Update on Glasshouse Plan 2020 - 2022 Actions - February 2021* with some specific outcomes discussed below.

## 4.7 Cultural performance measure

The following table includes Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 31 December 2020):

Performance Indicator	2017-18	2018-19	2019-20	2020-21
	Actual	Actual	Actual	Actual
	<i>Jul-Dec</i>	<i>Jul-Dec</i>	<i>Jul-Dec</i>	<i>Jul-Dec</i>
Visitation (Glasshouse)	140,825	143,560	141,849	34,863
Visitation (Gallery)	24,541	29,110	22,124	10,343
Visitation (VIC)	56,330	57,424	56,740	30,673
Visitation (website)	82,287	87,801	98,351	35,172
Utilisation (%) (theatre)	53%	48%	51%	12%
Utilisation (%) (studio)	37%	33%	52%	15%
Utilisation (%) (meeting rooms)	54%	50%	38%	21%
Average attendance (%) (theatre)	74%	68%	66%	35%
Average attendance (%) (studio)	65%	81%	58%	45%
Number of tickets processed	38,455	43,725	42,738	5,763
Percentage of tickets sold online	35%	33%	45%	13%

The KPI results reflect the impact on visitation, utilisation and the reduced capacity of the venue due to the COVID-19 restrictions and NSW Government Public Health Orders.

The Glasshouse Visitor Information Centre, Box Office and Customer Service desk, and Glasshouse Shop reopened to the public on 2 June 2020. The Regional Gallery reopened on 30 June 2020. The Glasshouse meeting rooms reopened on 8 July 2020.

The performance spaces including the theatre and studio reopened on 10 September 2020, with the theatre capacity initially restricted to 240 seats - the theatre capacity was increased to 50% (291 seats) on 1 October, and to 75% (440 seats) on 7 December 2020.

The Glasshouse continues to operate in accordance with current NSW Government public health orders.

### Options

This is an information report.

### Community Engagement and Internal Consultation

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

Regular updates and reporting is also provided to Council's Cultural Steering Group including six-monthly reporting on progress against the Cultural Plan 2018 – 2021 Objectives.

**Planning and Policy Implications**

This report is consistent with the key outcomes, actions and governance and reporting arrangements identified in the adopted Glasshouse Plan 2020 - 2022.

**Financial and Economic Implications**

The attached Financial Statement provides details of the Glasshouse finances for the 2020-21 financial year as at 31 December 2020, including the updated status of Glasshouse loan balances.

The attached Financial Statement shows the impact of the COVID-19 closure at 31 December 2020, with operating income down 83% on the corresponding 6-month period to 31 December 2019 (down from \$895,332 to \$151,133).

This has been offset by a 40% reduction in operating costs on the corresponding 6-month period to 31 December 2019 (down from \$2,240,330 to \$1,351,175).

Overall the operating deficit at 31 December 2020 of \$1,200,042 represents a 10% (\$144,956) reduction (saving) on the deficit at 31 December 2019 and a 30% (\$524,250) reduction (saving) against the year to date operating budget.

**Attachments**

1.  Glasshouse Financial Statement December 2020
2.  Update on Glasshouse Plan 2020 - 2022 Actions - December 2020

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**Item: 10.17**

**Subject: BUSHFIRE DISASTER RECOVERY FUNDING**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council note:**

- 1. The Bushfire Disaster Recovery Funding Report which provides an update on monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.**
- 2. That a further update report will be provided at the August 2021 Council meeting.**

### **Executive Summary**

Bushfire Recovery funding received in early 2020 from State and Federal Government (\$1.66M) is supporting the delivery of 42 Council, business, community services and infrastructure projects relating to bushfire preparedness and recovery across our Local Government Area (LGA).

This report and its attachments provides an update on the delivery of these important recovery projects, many of which are making good progress and some are now complete. Regrettably, COVID-19 has resulted in some projects being delayed however, both Commonwealth and State Government funding partners have provided six-month extensions on project completion deadlines as a result of these circumstances.

Recently, an additional \$250,000 grant from Resilience NSW has been allocated to Council. This will fund a Community Recovery Officer position and recovery and resilience initiatives (both Council and community-led). A further progress report will be presented to the August 2021 Ordinary Council meeting.

### **Discussion**

*At the 12 August 2020 Ordinary Council Meeting, it was resolved:*

**10.18 BUSHFIRE DISASTER RECOVERY FUNDING**

**BLOCK RESOLVED: Alley/Dixon**

*That Council note:*

1. *The Bushfire Disaster Recovery Funding Report, providing an update on monitoring and delivery of Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds; and*
2. *A further update report will be provided at the February 2021 Ordinary Council meeting.*

#### Project Updates

A monitoring and acquittal process has been implemented to track the deliverables of the 42 projects and ensure information is being gathered about the required outputs and outcomes. Attachment 1 and 2 provides a progress update about the projects.

- \$250,000 NSW State Government Bushfire Community Resilience and Economic Recovery Fund Phase 1. Funded projects to be completed by 30 December 2020, with some extensions provided to 30 March 2021; and
- \$1,416,667 Commonwealth Bushfire Disaster Recovery Funding provision to Council. Funded projects to be completed by 30 June 2021.

Both funding bodies have provided six-month extensions as a result of COVID-19 impacts. Regrettably, some five projects have been delayed however we hope this extension of time will assist with completion. Delayed and partially-completed projects include:

- \$20,000 Small Business Workshop series;
- \$10,000 Collateral for Expos 'Our region is open for business';
- \$30,000 Camden Haven River Festival commissioning of art installations;
- \$25,000 Community Resilience Workshops with Lifeline; and
- \$20,000 Regional Halls series of resilience events.

Completed projects are primarily themed around preparation of community halls and showgrounds as fit for purpose evacuation and refuge centres and include:

- \$300,000 Wauchope Showground new amenities and three rows of 24 new stables, enabling evacuation site for residents and their horses;
- \$50,000 Kendall Showground upgraded toilet amenities and refurbished kitchen with commercial stove and fridge to enable catering for emergency crews, volunteers and evacuees;
- \$20,000 Construction of Kindee Hall disability accessible toilet;
- \$45,000 Bunyah Local Aboriginal Land Council provisioning of PPE for cultural burning team;
- \$60,000 Gratitude murals and 'Christmas Bell' virtual performances and thank you to RFS volunteers; and
- \$100,000 PMHC destination marketing campaign.

#### New \$250,000 NSW Bushfire Recovery & Resilience Funding

Council has recently received a \$250,000 grant from the NSW State Government Bushfire Community Recovery and Resilience Fund Phase 2. The Funded projects for this grant are to be completed by 30 June 2022:

- \$120,000 to council-led community small-scale short term grants. This will be included as a new category in Council's grant program that opens in March 2021, with successful projects needing to demonstrate an ability to meet Resilience

NSW Disaster Recovery Outcomes. [A requirement of the grant was for Council's to run a community grants program];

- \$30,000 for a Rural Resilience and Recovery Program to be delivered by the Community Recovery Officer; and
- \$100,000 allocation for a temporary Community Recovery Officer position. This complements the NSW and Commonwealth Governments under Category A of the Disaster Recovery Funding Arrangements (DRFA) that currently funds our 12-month temporary Community Recovery Officer position which finishes in August 2021. The new allocation will fund a temporary position from August 2021 to May 2022. The intention of the role will be to support and facilitate community based projects that assist in the recovery of our regions and lead to long term community resilience.

### Options

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

### Community Engagement and Internal Consultation

External consultation was undertaken with the Community Project Managers of the funded groups.

Internal Consultation was undertaken with relevant Council Project Managers who provided progress reporting on their funded projects.

### 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 extended 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, \$250,000 State funding and the recent \$250,000 Resilience NSW 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 temporary position within Council.

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.  \$250,000 NSW State Government Bushfire Community Resilience and Economic Recovery Fund Progress Report
2.  \$1.4M Commonwealth Bushfire Disaster Recovery Funding Progress Report

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**Item: 10.18**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the Development Activity and Assessment System Performance report for the second quarter of 2020-2021.**
- 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.**

### **Executive Summary**

This report provides a summary of development assessment, building certification and subdivision certification activities for the October to December 2020 period. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

The report also includes details of determinations made by Council staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

### **Discussion**

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

**Table 1** provides data on the volume of applications received and determined over the quarter relative to the yearly average and monthly average of the preceding four years.

The quarter has seen a remarkable surge in application volumes, with the monthly average number of Development Applications (DAs) received being 110, which is up from the monthly average of 83 in 2019 - 2020. This is a very positive result given the initial challenges posed by the COVID 19 pandemic. Anecdotal feedback from builders and developers indicates that the combination of government grants and the new found working-from-home capabilities of many workplaces has contributed to the growth for the Port-Macquarie-Hastings. Whilst it is noted that January 2021 has seen a reduction in application volumes due to the Christmas break, which is consistent with previous years, initial volumes in February 2021 suggest that

development activity is returning to the high levels experienced in the 2<sup>nd</sup> quarter of 2020-2021.

A similar increase in the monthly average of DAs received is also evident for Construction Certificates (CCs), plumbing and drainage and Roads Act applications. CCs received during 2020-2021 to date have averaged 58 per month, compared to the 2019-2020 monthly average of 45. The monthly average number of plumbing and drainage applications received is 104, up from a monthly average of 82 in 2019-2020. Roads Act applications are averaging 61 per month, up from a monthly average of 40 in 2019-2020.

This 20-30% increase in core application types, coupled with an average of 472 monthly building/plumbing inspections and 500+ monthly duty planner/surveyor counter enquiries, is resulting in a backlog of work for the development assessment team. Resourcing has been recently increased through the appointment of a temporary planner and a second round of recruitment for a permanent building surveyor is underway.

Table 1 - Applications Received and Determined

Applications Received and Determined	2016-17 Monthly Average	2017-18 Monthly Average	2018-19 Monthly Average	2019-20 Monthly Average	2020-21 Monthly Average	2020 - 21 TOTAL	Oct-20	Nov-20	Dec-20
Development Application Received	89	89	91	83	110	661	104	108	122
Development Application Approved	80	86	89	76	94	562	90	113	98
Development Application Refused/Withdrawn/Rejected				4	5	30	4	6	5
DA Modifications Received	15	16	16	13	19	111	22	18	17
DA Modifications Determined	15	15	15	12	19	113	26	18	16
Complying Development Certificates Received (Council)	9	8	9	10	11	64	8	9	6
Complying Development Certificates Determined (Council)	16	8	8	7	7	41	8	3	3
Complying Development Certificates Determined (Private Certifier)	19	30	21	17	22	133	30	11	31
Construction Certificates - Building Work Received (Council)	42	41	45	45	58	348	56	55	58
Construction Certificates - Building Work Determined (Council)	38	42	44	44	51	305	51	53	43
Construction Certificates - Building Work Determined (Private Certifier)	23	34	39	39	27	163	23	15	29
Plumbing & Drainage Received	99	92	82	82	104	624	96	100	115
Plumbing & Drainage Determined	87	91	81	81	83	499	82	63	76
Subdivision Works Certificates Received	13	13	11	9	10	58	12	7	11
Subdivision Works Certificates Determined	8	12	12	8	9	54	3	5	12
Subdivision Certificates Received	12	12	8	9	8	49	9	6	11
Subdivision Certificates Determined	11	10	8	8	9	55	6	7	11
Strata Certificates Received	2	3	5	3	1	4	1	0	0
Strata Certificates Determined	2	3	4	4	1	4	2	1	0
Roads Act Applications Received	56	52	47	40	61	368	59	67	60
Roads Act Applications Determined	49	52	44	35	50	300	50	63	35
Planning Certificates Issued	250			245	271	1627	301	313	202
Building Inspections Undertaken	455	494	484	461	472	2833	485	458	378

**Table 2** outlines the estimated value of works per development type approved during the quarter along with the year to date value and value of the preceding 2 years. Whilst the \$138M value of approved development for the quarter is down on the previous year results this is not likely to continue given the increased volumes of applications being received and the backlog of work having a 'lag' effect on approved value of works.

*Table 2 - Estimated Value of Works*

Value of Works DA	Oct-20	Nov-20	Dec-20	Total to date 2020 - 2021	Total to date 2019 - 2020	Total to date 2018 - 2019
Ancillary DA	\$526,904	813,715	726,914	3,615,586	\$8,434,377	\$8,630,779
Ancillary CDC	\$782,864	312,998	30,100	2,707,229	\$4,097,210	\$4,461,919
Commercial DA	\$5,000	5,000	101,800	692,800	\$13,497,998	\$50,335,092
Commercial CDC	\$30,000	30,000	0	80,000	\$13,189,237	\$1,015,474
Community DA	\$0	0	10,000	927,000	\$21,238,702	\$36,258,032
Community CDC	\$0	0	0	0	\$199,983	\$345,078
Industrial DA	\$1,140,000	222,000	0	3,197,340	\$10,011,278	\$18,414,595
Industrial CDC	\$0	0	0	0	\$180,000	\$8,187,481
Residential DA	\$13,731,117	13,666,741	10,489,049	101,432,637	\$280,510,205	\$227,592,925
Residential CDC	\$3,972,565	2,116,880	10,000	13,799,231	\$29,358,521	\$37,815,194
Rural DA	\$1,166,000	95,000	0	1,975,000	\$5,557,036	\$9,693,549
Rural CDC	\$0	200,000	0	1,549,000	\$1,214,644	\$1,145,009
Subdivision DA	\$550,000	840,055	3,997,890	5,735,945	\$7,457,000	\$30,759,000
Tourist DA	\$98,000	146,000	0	3,254,000	\$7,208,831	\$3,395,692
Tourist CDC	0	0	0	0	0	0
<b>Total</b>	<b>\$22,002,450</b>	<b>18,448,389</b>	<b>15,365,753</b>	<b>138,965,768</b>	<b>\$402,155,022</b>	<b>\$438,049,819</b>

Application processing data and longer-term trends for the various application types is provided in **Table 3**. For DAs, monthly gross average processing times for 2020-2021 is currently 61 days, which is the same monthly average achieved during 2019-2020. Whilst it is pleasing to maintain this figure, there is the potential for monthly average processing times to increase due to the backlog of work. Additionally, under the Department of Planning's Public Space Legacy Program, one of the requirements for Council to realise \$3 million in grant funding for public open space projects is to achieve a 10% increase in median DA processing times by 30 June 2021 (target of 39 days). The current monthly median average is 44 days. The 39-day target is unlikely to be achieved due to the unanticipated 30% increase in DA volumes and the difficulty in recruiting additional resources and for the benefit of additional resources to be realised in such a short time frame. This issue has been communicated to the Department and Council staff are requesting that the unexpected surge in application volumes be taken into account in evaluating the grant milestones.

The monthly gross average processing days for works certificates for 2020-2021 (formerly called 'infrastructure construction certificates') was 96 days, compared to 77 days in 2019-2020. Whilst this is a significant increase in time, this result was adversely affected by a number of long-standing applications determined earlier in the reporting year. It is noted that there has been a significant improvement in the monthly gross average processing times for subdivision certificates for 2020-2021 to date at 75 days compared to the 2019 - 2020 monthly gross average of 91 days.

Table 3 - Application Processing Times

Application Processing Performance	PMHC 2017-18 Monthly Average	PMHC 2018-19 Monthly Average	PMHC 2019 - 20 Monthly Average	PMHC 2020 - 21 Monthly Average	Oct-20	Nov-20	Dec-20
Development Application Net Median Days	38	38	37	36	33	45	43
Development Application Gross Median Days				44	44	51	49
Development Application Net Average Days	46	46	42	45	51	47	62
Development Application Gross Average Days	64	64	61	61	75	61	72
Complying Development Net Average Days	7	7	13	14	13	13	19
Complying Development Gross Average Days	7	7	15	20	13	29	21
Building Construction Certificate Net Average Days	9	9	9	12	9	10	9
Building Construction Certificate Gross Average Days	66	66	66	52	50	63	47
Plumbing and Drainage Net Average Days	21	21	18	18	19	18	15
Plumbing & Drainage Gross Average Days	52	52	53	57	58	60	52
Subdivision Works Certificates Net Average Days	53	53	39	76	51	82	51
Subdivision Works Certificates Gross Average Days	109	109	77	96	51	84	61
Subdivision and Strata Certificates Net Average Days	49	49	44	43	52	52	24
Subdivision and Strata Certificates Gross Average Days	63	63	91	75	64	121	63
Roads Act Net Average Days	17	17	13	16	13	23	17
Roads Act Gross Average Days	43	43	39	31	28	44	37

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

Table 4 lists DAs that have been determined during the quarter which have included a Clause 4.6 exception to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Table 4 - Variations to Development Standard

Application	Property	Extent of Variation
DA2020 - 610.1	16 The Parade, North Haven	3.3% - Building Height
DA2020 - 690.1	43 Granite Street, Port Macquarie	4% - Building Height
DA2020 - 712.1	5 The Summit Road, Port Macquarie	9.2% - Building Height
DA2020 - 544.1	30 Grandview Parade, Port Macquarie	3.5% - Building Height

This information is provided for notation by Council in accordance with the Department of Planning and Environment Circular PS 18-003.

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

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

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

**Planning and Policy Implications**

There are no planning or policy impacts.

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 10.19**

**Subject: WATER SUPPLY POLICY 2021**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

1.4.3 Deliver a customer focused service that provides the community a consistent experience of Council.

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition the draft Port Macquarie-Hastings Council Water Supply Policy 2021 commencing as soon as practicable for a minimum of 28 days.**
- 2. Note that a further report is planned to be tabled at the May 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The attached draft Water Supply Policy 2021 provides a legislative framework for the Port Macquarie-Hastings water supply.

This document will supersede the Port Macquarie-Hastings Water Supply Policy 2015 - amended December 2018.

### **Discussion**

The Port Macquarie-Hastings Water Supply Policy 2015 was adopted in July 2015, with minor amendments in July 2016 and again in December 2018.

Port Macquarie-Hastings Council (Council) is committed to supplying high quality drinking water that consistently meets or exceeds the Australian Drinking Water Guidelines (ADWG) 2011, as well as customer expectations and regulatory requirements.

Council has a demonstrated commitment to:

- maintain and implement a water management system that is consistent with the ADWG 2011 and to the satisfaction of NSW Health
- use a risk-based approach in which all potential risks to water quality are identified and effective measures are taken to minimise any threat to drinking water quality at all points along the delivery path from catchment to the customer's tap

- undertake accurate, timely, and meaningful monitoring and reporting to supply timely and relevant information to customers and regulators that supports confidence in the drinking water supply
- ensure effective incident and emergency response plans are in place, reviewed and actioned if required
- ensure all water supply staff and contractors involved in the supply of drinking water are aware of the importance of maintaining drinking water quality at all times, including the provision of regular water industry training and qualification in these areas
- respond to customers' concerns in a timely manner
- engage in the development of industry regulation and guidelines, and undertake targeted research and development
- use a Total Water Cycle Management approach to identify issues and inform long-term planning and strategies, and to continually review and improve work practices by assessing the performance of the water supply system against criteria including the ADWG 2011 considering customers, regulators, and business drivers.

The Policy applies to Council activities as well as the activities of Council's customers and ratepayers and delineates responsibilities of relevant parties.

Review of this Policy incorporates relevant legislation and documentation released from relevant NSW state agencies and best practice guidelines. The Policy now references four underlying documents which cover all the information previously enclosed within the Policy. These are:

- Water Supply Procedure
- Water Conservation and Drought Management Procedure
- Water Supply Tariff and Billing Procedure
- Recycled Water Procedure

The below information outlines the changes made to the content of each procedure since the last adopted version of the Policy.

#### Water Supply Procedure:

This overarching Procedure explains the supply of water across the Local Government Area, including the requirements of Council, as well as water users, plumbers, builders and developers.

The introduction to this procedure has been simplified. Updates to methods used have been included (such as pipe specifications as allowed by Auspec). Wording has been modified to provide clarity and ensure the information remains accurate but is more understandable. Some minor changes to processes have been made, also some references and directions have been updated, but very little of the technical content has been modified.

**Water Conservation and Drought Management Procedure:**

This procedure outlines the various water types used across the Local Government Area, and the approved uses of each. The key changes to this document reflect the outcomes and learnings of the 2019-2020 drought.

Note that the Drought Management Plan is referenced in this document. This Plan was last published in 2005 and is being currently reviewed as part of the Integrated Water Cycle Management (IWCM) strategy, due to be finalised at the end of 2021.

**Water Supply Tariff and Billing Procedure:**

This Procedure details Council's tariff and billing for water supply. Clarifications have been made to ensure this document is written in plain English.

**Recycled Water Procedure:**

This document provides information on Council's recycled water scheme and guidelines for the use and operation of recycled water. The document has been updated to include the Bonny Hills/Lake Cathie recycled water scheme, currently under commissioning. The specific requirements and rules of approved recycled water production, distribution and uses are clarified in this document. Recycled water is a key part of ensuring water security for the Local Government Area in the future, and as such the appropriate management and use of this valuable resource is vital. As the recycled water network expands, this document will continue to be updated to accurately reflect the supply and requirements.

**Options**

Council has the option to resolve in line with the recommendation and place this Draft Policy on public exhibition or Council can request further amendments be made prior to exhibition.

**Community Engagement and Internal Consultation**

Internal consultation has been held with Water and Sewer Process, Planning and Operations staff, as well as Financial Services staff. A draft Policy was presented by the Director Infrastructure at a Councillor Briefing on 4 November 2020.

**Planning and Policy Implications**

Council's Water Supply Policy position remains unchanged as a result of the review and updates proposed in this report.

**Financial and Economic Implications**

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

**Attachments**

1.  DRAFT Water Supply Policy 2021
2.  DRAFT Water Conservation and Drought Management Procedure 2021
3.  DRAFT Water Supply Tariff and Billing Procedures 2021
4.  DRAFT Water Supply Procedure 2021
5.  DRAFT Recycled Water Procedure 2021

# 2 Your Community Life

## What we are trying to achieve

A healthy, inclusive and vibrant community.

## What the result will be

We will have:

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

## How we will get there

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

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**Item:** 11.01

**Subject:** PORT MACQUARIE FORESHORE BICENTENNIAL WALKWAY

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

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### **Alignment with Delivery Program**

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

### **RECOMMENDATION**

**That Council note the information contained within the Port Macquarie Foreshore Bicentennial Walkway Report.**

### **Executive Summary**

The need for upgrading of Port Macquarie's foreshore walkway between the Hastings River Southern Breakwall and Westport Park has been recognised in numerous strategic plans including the 2009 Port Macquarie Foreshore Master Plan, 2013 Port Macquarie Town Centre Master Plan Review and 2014 Hastings Regional Crown Reserve - Precinct A Plan of Management.

More recently, Council/Town Centre Master Plan Sub-Committee (TCMPSC) has developed Concept Plans for sections of the walk in collaboration with Department of Planning, Industry & Environment - Crown Lands (DPIE) given variability in land management responsibility in this area. This collaboration has been critical in ensuring Council, DPIE and the broader community have a clear and shared vision for this important public space that has seen all levels of government invest in delivery of the plan.

Sections of the walk have now been completed (Town Green East and West; Kooloonbung Creek Stage 1), Fisherman's Wharf upgrade is nearing completion and there are funding commitments for upgrade of the breakwall and Port Macquarie Foreshore Bicentennial Walkway.

This report focuses on the planned construction of Priority Sections of Port Macquarie Foreshore Bicentennial Walkway.

### **Discussion**

There has been considerable focus on upgrading Port Macquarie's Foreshore Walks in recent times with improvements to the Port Macquarie Coastal Walk, Westport Park Walk, Kooloonbung Creek Stage 1 and Town Green completed during the last few years.

A significant upgrade of the foreshore walkway connecting Town Green West to Kooloonbung Creek Nature Park is a current priority for Council and TCMPS, with detailed designs and required environmental approvals for this project being well progressed. This walkway is identified as Port Macquarie Foreshore Bicentennial Walkway, and grant funding has recently been allocated for construction of Priority Sections of this walkway, which are to be completed by 30 June 2022 in accordance with the terms of the funding allocation.

The Priority Sections of Port Macquarie Foreshore Bicentennial Walkway include:

- Town Green West Link
- Town Wharf, excluding the section of walkway in front of the Maritime Museum
- William Street Underpass
- Kooloonbung Creek Stage 2
- Gordon Street Underpass.

Refer to **Attachment 1 - Port Macquarie Foreshore Bicentennial Walkway - Priority Sections.**

The grant funded project will deliver the walkway upgrades and critical tie-in works only. Broader parkland upgrades in these areas are outside of scope for the grant funded works.

#### Current Project Status

Detailed design for all Priority Sections including broader parklands has been completed. These designs are being revised to address critical construction tie-ins with completion scheduled for completion during February 2021.

The approval pathway for a majority of Priority Sections is through Review of Environmental Factors, with Gordon Street Underpass being the exception. This section requires an Environmental Impact Statement/Development Application as a result of the construction footprint being within mapped Coastal Wetland.

Final submission of the Review of Environmental Factors is scheduled for early February 2021.

Determination of Development Application for Gordon Street Underpass is expected early February 2021.

A Fisheries licence and Crown licence are also required for the project with these expected to be granted early February and March 2021 respectively.

Once licences and required approvals are issued, and detailed design complete, the next step for staff will be reassessment of cost estimate by Quantity Surveyor for Priority Sections scope based on updated construction documentation.

Then staff will shift focus from design and approvals phase of the project to construction planning.

Grant Funding

Funding of \$3.05M was announced by Acting Prime Minister, Hon Michael McCormack MP on 18 November 2020 for construction of walkway Priority Sections. The funding is allocated from the Bushfire Local Economic Recovery Fund.

Council staff met with representatives from Department of Regional NSW (DRNSW) and Public Works Advisory (PWA) on 11 December 2020 to initiate development of a deed for the funding allocation.

A more comprehensive meeting between Council staff and DRNSW and PWA representatives was held on 18 January 2021 to further progress development of the funding deed. Staff are required to provide further detail regarding project risks and governance to PWA for inclusion in the funding deed.

Included below is the high level construction programme provided by staff to DRNSW on 3 August 2020 in response to a request for information regarding this project:

<b>Construction Tasks</b>	<b>Start Date (MM/YY)</b>	<b>End Date (MM/YY)</b>
Town Green West Playground	Mar-21	Oct-21
Town Green West Link	Nov-20	Apr-21
Town Wharf	Nov-20	Apr-21
William Street Underpass	Sep-21	Dec-21
Kooloonbung Creek North (Stage 2)	Sep-21	Mar-22
Gordon Street Underpass	Sep-21	Mar-22

Clearly, a number of these timeframes are in the past given the delay between providing this information, the announcement of funding in November 2020 and development of the funding deed.

Council’s Project Delivery team, who will assume responsibility for management of this project post granting of required approvals, are revising the construction programme and have initially proposed the following draft milestones for inclusion in the funding deed:

- Milestone 1 - Completion of pre-construction documentation (design and approvals); Project Plan for Construction complete - 30 April 2021
- Milestone 2 - Commencement of site works - 31 July 2021
- Milestone 3- 50% completion of site works by 31 October 2021
- Milestone 4 - 80% completion of site works by 31 January 2022
- Milestone 5 - Completion of site works by 30 April 2022

Staff recognise that these Milestone dates extend beyond the end of 2021, Port Macquarie’s bicentenary year. At the recent meeting with DRNSW and PWA representatives, Council staff expressed intent to complete construction of the walkway prior to the end of 2021 but proposed to provide completion milestones into 2022 to allow some time based contingency as opposed to possibly being required to seek variations to milestones as included in the draft funding deed. This approach is

consistent with Council's approach to other comparable projects, for example, the Town Green West project. This position was supported by DRNSW and PWA representatives.

More detailed construction programmes will be provided in future monthly reports to the TCMPSA regarding this project.

### **Options**

Council can opt to adopt the Report recommendation as put or Council can consider alternate recommendations.

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

Development and adoption of the concept plan for the broader walkway included a comprehensive community engagement process. Given the concept plan was developed in 2016, staff recognise the need to re-engage with the community prior to commencement of construction. A community engagement plan outlining how this will occur will be developed as part of the detailed project plan for construction of Port Macquarie Foreshore Bicentennial Walkway.

Successful management of this project will require ongoing consultation with the following key stakeholder groups:

- DRNSW and PWA - funding partners
- Department of Planning, Industry and Environment - Crown Lands
- Businesses operators associated with project site interfaces. This will be particularly relevant for businesses operating from Town Wharf.

Staff will ensure that TCMPSA is kept informed regarding progression of this project with update reports included on the monthly meeting agenda.

### **Planning and Policy Implications**

Planning approvals required for this project are outlined in the body of this report.

### **Financial and Economic Implications**

As mentioned above, Council's estimate for construction of the Priority Sections of walkway was \$3.1M. The funding allocation is for \$3.05M. A funding source for the \$50,000 deficit has been identified and included in the draft 2021-2022 Operational Plan.

### **Attachments**

1.  Port Macquarie Foreshore Bicentennial Walkway - Priority Sections

# 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

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**Item: 12.01**

**Subject: GRANT APPLICATIONS BIENNIAL REPORT**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Grant Applications Biannual Report, providing an update on grants that Council has applied for or obtained, for the 2020-21 financial year to date.**

#### **Executive Summary**

Grants from State and Federal Government support the delivery of a range of Council services and infrastructure for our community. This report provides an update on Council's grant applications and outcomes since July 2020.

This report is the sixth update to Council, noting reporting is on a six-monthly basis, in February and August each year.

It has been a very busy start to the 2020-2021 financial year. For the six months July - December 2020, Council has applied for 52 grants totalling over \$51 million and, to date, has been successful in securing over \$17 million, with a Council co-contribution of \$7.5 million. There are many applications still to be assessed. This compares to 48 applications submitted in the preceding 12-months (2019-2020) to the value of \$45 million with \$32.7 million in funding secured and Council co-contribution of \$6.3 million.

#### **Discussion**

At the 12 August 2020 Ordinary Council Meeting, it was resolved:

##### **10.17 GRANT APPLICATIONS BIENNIAL REPORT**

**RESOLVED:** Pinson/Intemann

*That Council:*

1. *Note the Grant Applications Biannual Report, providing an update on grants that Council has applied for or obtained in the 2019 -2020 financial year.*
2. *Thank the Federal Member for Cowper (Patrick Conaghan MP); the Federal Member for Lyne (Dr David Gillespie MP); the Member for Port Macquarie (Hon Leslie Williams MP) and the Member for Oxley (Hon Melinda Pavey MP) for their support and advocacy for the Port Macquarie-Hastings region during the 2019-2020 financial year.*

**CARRIED:** 7/0

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

Every year, Council applies for, or obtains, a significant number of grants to support the delivery of a range of services and infrastructure for our community. We continue to work closely with local members and representatives in other levels of government to advocate for positive grant outcomes and apply for all appropriate opportunities. Correspondence was sent to the elected members thanking them for their support and advocacy as per the resolution of the 12 August 2020 Minutes. As an initiative of the Acting General Manager, a grant status report had been provided to Federal and State elected members every month.

#### Activity over the last six months

The Council Grants Register (Attachment 1) details grant applications made, successfully, unsuccessfully, or outcome unknown for the 2020-2021 financial year to date.

During the first six-months of the 2020-2021 financial year, Council has applied for 52 grants totalling over \$51 million. The applications include fixing local roads and fixing country bridges. Council has been advised of the success of some of these applications with highlights including:

- \$9.2 million NSW Bushfires, Storms and Floods reconstruction works;
- \$2.4 million Improving Water Security to Port Macquarie;
- \$253,131 Airport Security Screening; and
- \$250,000 Bushfire Community Recovery & Resilience Program.

There has been an increased trend from funding bodies to require matching or contributing cash funding from Councils. In the 2019-20 year a \$6.3 million cash co-contribution was provided by Council for grants received. This compares to a \$7.5 million cash contribution already tallied for the first six-months of the 2020-21 year.

This trend is expected to continue as future government grant guidelines transition from 'favourably' looking at any Council cash contribution to a great focus on stipulating a percentage of cash co-contribution that is weighted in the assessment of the grant application.

Council staff have contributed some 376 hours in the preparation of grant applications in the last six-months. This compares with 641 hours of estimated grant preparation time in the previous 12-months. The funding model continues to pivot away from offering grants for a 'design and approval' stage to primarily offering only grants for 'investment/shovel ready' projects. This means that projects must now be well-planned/designed and developed on speculation that a grant may be forthcoming. Evidence of community engagement, detailed design plans and approvals are often required to be submitted with applications.

Of particular note in the last six months is that the State and Federal Government have created a batch of new grants in response to the drought, bushfire and COVID and as a way to engineer economic and social recovery. Council has applied for \$25,861,000 of funding via these grants to date, with \$3,401,000 received and \$22,460,000 currently being assessed by the grant funding bodies.

Another new grant opportunity is the NSW Public Spaces Legacy program. This program required Council to speed up the development approval process by 10% and our DA processing times to be reported monthly to the State Government. If achieved, then Council is invited to nominate parkland projects to the value of \$3million for funding. This incentivised scheme means that the approximate 1,000 DA's that are assessed by Council staff each year must achieve a four-day shorter review period, extrapolating to 4,000 'saved' days over 12-months. This creates significant challenges with DA processing times given the unprecedented increase in DAs being received at present and noting that funding cannot be used to invest in extra staff resources.

Also during the last six months, it was pleasing to publish the new Port Macquarie-Hastings Council Grant Finder website on 1 December 2020. The site can be found at <https://pmhc.grantguru.com.au>. This site provides a free search engine for Council staff, businesses, community groups, sporting clubs and event organisers to search for grants and funding and to access grant writing tips, resources and advice for seeking Council approvals. As a follow on from the Grant Finder launch, Council will be host Grant Writing Workshops for businesses and community members during February 2021 in Wauchope, Laurieton and Port Macquarie. Both Grant Finder and the Workshop projects are funded by the PMHC COVID Recovery Reserve Fund.

#### Broader trend analysis

The following table (collated from Attachment 1) includes the total value of applications and the money obtained from successful grants for the previous two financial years. It should be noted that grants to the value of \$34 million are currently being assessed by the funding bodies.

*Table 1: Overview of Council Grants Register*

2019-2020	Grant Amount Applied For	Grant Amount Received	Council Contribution for awarded grants	Yet to be Advised	Advised Unsuccessful	Estimated prep time (hour)
1 <sup>st</sup> quarter	\$ 2,718,650	\$ 1,746,000	\$30,000	-	\$ 972,650	119
2 <sup>nd</sup> quarter	\$33,986,483	\$25,252,983	\$5,068,901	-	\$8,733,500	243
3 <sup>rd</sup> quarter	\$ 5,389,167	\$ 1,951,667	\$0	-	\$3,437,500	131
4 <sup>th</sup> quarter	\$ 6,121,893	\$ 3,788,893	\$1,218,407	-	\$2,333,000	148
<b>TOTAL</b>	<b>\$48,216,193</b>	<b>\$32,739,543</b>	<b>\$6,317,308</b>	<b>\$0</b>	<b>\$12,458,000</b>	<b>641</b>

2020-2021	Grant Amount Applied For	Grant Amount Received	Council Contribution for awarded grants	Yet to be Advised	Advised Unsuccessful	Estimated prep time (hour)
1 <sup>st</sup> quarter	\$15,172,569	\$12,148,700	\$7,552,189	\$ 3,000,000	\$23,869	104
2 <sup>nd</sup> quarter	\$36,069,389	\$ 4,990,290	\$0	\$31,079,099	\$0	272
3 <sup>rd</sup> quarter						
4 <sup>th</sup> quarter						
<b>TOTAL</b>	<b>\$51,241,958</b>	<b>\$17,138,990</b>	<b>\$7,552,189</b>	<b>\$34,079,099</b>	<b>\$23,869</b>	<b>376</b>

**Options**

Council may choose to:

1. Note the information contained in the ‘Grant Application Biannual Report’; or
2. Request additional information.

**Community Engagement & Internal Consultation**

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

The Council has a commitment to support community group grant applications by assisting them with information, data, and letters of support where applicable. These community-based grants acquired by community groups are not included in this report, nor are grants disbursed by Council to our community.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

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

**Attachments**

1.  PMHC Grants Register 2020-21

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Item: 12.02

Subject: COVID-19 RECOVERY AND STIMULUS PROJECTS

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

### RECOMMENDATION

#### That Council:

1. Note the COVID-19 Recovery and Stimulus Projects Report, providing an update on progress.
2. Note a further update report will be provided at the August 2021 Council meeting.

#### Executive Summary

This report provides an update on the range of COVID-19 Recovery and Stimulus Projects which have been funded by Council and the Federal Government during the second half of 2020, including those which had been put forward as priorities by Council's COVID-19 Recovery Working Group which was active from April-July 2020.

The projects focus on a range of economic, social and cultural recovery initiatives to support and stimulate in those areas most impacted locally by COVID-19.

Projects are funded and delivered in the 2020-2021 and 2021-2022 financial years from the following streams:

- \$1,492,870 has been allocated under the Council COVID-19 Relief Reserve Fund to help future-proof the community and support recovery;
- \$1,826,618 has been allocated under the Federal Government's Local Roads & Community Infrastructure program to be completed by June 2021; and
- \$3,439,640 additional funding has been allocated under the Federal Government's Local Roads & Community Infrastructure program extension. The funding is awaiting Federal approval of the nominated projects which then must be completed by 31 December 2021.

#### Discussion

At the 12 August 2020 Ordinary Council Meeting, it was resolved:

*10.04 COVID-19 RECOVERY AND STIMULUS PROJECTS  
RESOLVED: Pinson/Intemann*

*That Council:*

1. Adopt the projects in Table 1 within the body of the report for submission for funding under the \$1.8m Federal Government's Local Roads and Community Infrastructure Program.
2. Adopt the projects in Table 2 within the body of the report to be funded by Council's \$1.49m COVID-19 Relief Reserve Fund.
3. Note the Recovery projects already underway and that will use existing Council resources.
4. Adjust Table 2 of Council COVID Relief Reserve Funding by reducing Additional Investment in tourism PR and Marketing to \$140,000. Add in another line item being \$10,000 for Communication to Community use of Funding.
5. Add the project and budget adjustments in 1 and 2 above as an addendum to the 2020-2021 Operational Plan and communicate this to our community, so as to allow immediate project commencement.
6. Note projects identified as priorities by the COVID-19 Recovery Working Group that are not included in points 1-3 above, will continue to be a focus for future funding opportunities.
7. Note the General Manager will table a report at the February 2021 Council Meeting by way of updating Councillors on progress in the delivery of the funded projects.
8. Agree that monitoring of COVID-19 recovery project delivery be conducted by relevant Council Steering Groups or Committees.
9. Thank members of the COVID-19 Recovery Working Group for their significant efforts in identifying and progressing projects and initiatives which will support our community and economic recovery.
10. Discontinue the COVID-19 Recovery Working Group following its next meeting that will be held to discuss Council's consideration of these matters.

CARRIED: 6/1

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

AGAINST: Griffiths

#### \$1,492,870 Council COVID-19 Relief Reserve Funded Projects

The delivery of the 28 funded recovery projects is being monitored, with 27 projects on track, and one project (to renew the map mural at Comboyne \$10,000) undertaking additional community engagement to inform the project approach. Refer Attachment 1 for a status report on all 28 projects.

The delivery of these projects (with support by a range of local businesses, where possible) provides a valuable injection of funds for our local community and economy to support what will be a long road to recovery. Whilst there are a range of short-term projects included in the project list that will support jobs in the immediate future and for a short period, there are also initiatives which support both immediate and longer-term jobs growth.

Completed project highlights include:

- The creation of PMH Cares with six community volunteer leaders registered and a volunteer drive planned for early 2021 (\$7,800);
- ArtWalk 2020 delivery, with planning to commence shortly for the 2021 October event (\$20,000);
- Additional investment in tourism PR and Marketing (\$140,000); and

- Reboot, Refresh, Restart careers pop-ups and webinars (\$15,000).

It is anticipated that many projects will be completed by April 2021. These include:

- Stuarts Park Building beautification (\$20,000);
- Wauchope Rotary Youth Hall external repaint Western side (\$40,000);
- Three grant writing workshops in Wauchope, Laurieton and Port Macquarie, building on the launch of our Grant Finder website (\$45,000);
- April 2021 launch of the Creative Arts Trail (\$45,000);
- April 2021 launch of Port Macquarie Lumiere night time installation (\$55,000);
- April 2021 launch of the Website Food and Wine Trail Development (\$30,000)

Larger projects are also progressing. Of note is the \$100,000 Laurieton Town Centre Master Plan development which has completed robust 'Enquiry by Design' community engagement with the Camden Haven Chamber of Commerce and stakeholders and will shortly commence the Master Plan development.

#### \$1,826,618 Federal Government Local Roads & Community Infrastructure program

At this point, the Australian Government has funded 21 projects in our LGA under this scheme with the aim to boost economic and social recovery. The funding requires project completion by 30 June 2021 and this has contributed significant pressure to our delivery teams to achieve, noting that the Australian Government required that all projects be in ADDITION to Council's Operational Plan. Refer Attachment 2 for a status report on all 21 projects.

In terms of project highlights, the external repaint of Jubilee Hall at Dunbogan (\$20,000) has been completed as has line marking on Reids Road, Rosewood Road, Quarry Road, Redbank Road and Logans Crossing Road (\$50,000).

In February 2021 construction is planned to commence for:

- 160m Parker Street footpath that links to Wauchope High School (\$65,000);
- 320m Major Innes Road footpath in Port Macquarie (\$100,000);
- 200m Lake Street Laurieton footpath (\$60,000); and
- Comboyne seating for beside the Anzac Memorial (\$10,000).

In the next six months our very busy delivery schedule includes the completion of:

- Lake Cathie Foreshore Reserve Master Plan Stage 2 (\$280,000);
- Installation of Solar PV at Port Macquarie Airport (\$140,000); and
- Installation of multi-purpose court at Laurieton Sport Complex (\$105,000).

#### Additional \$3.4M Australian Government Local Roads & Community Infrastructure (LRCI) Program Extension.

The \$3.4M Phase 2 extension of the LRCI Program is a temporary, targeted stimulus measure responding to the serious, ongoing economic impacts of COVID-19. This program extension aims to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

As noted in the table below, Council has submitted a project work schedule to the Department of Infrastructure, Transport, Regional Development and Communications. We hope to receive approval of eligible projects in March 2021, with the Government requiring a project completion deadline of 31 December 2021. Confirmation of projects and progress will be included in the next update report to the 4 August 2021 Council meeting.

<b>\$3.4M Federal Local Roads &amp; Community Infrastructure Extension</b>		
<b>Number</b>	<b>Proposed Projects</b>	<b>Funding</b>
1	Pioneer Park Comboyne Upgrade	\$100,000
2	Long Flat Recreation Grounds Upgrade	\$100,000
3	Kendall Tennis Club Upgrade - Contribution to construction of one new tennis court.	\$150,000
4	Lake Cathie Community Reserve - Install 3 x 3 Basketball Court	\$ 70,000
5	Laurieton Sports Complex - Construct new amenities	\$350,000
6	Beechwood pedestrian upgrades - New footpath on northern side of Beechwood Road between Bellangry Road and Kittyhawk Place	\$480,000
7	Bonny Hills Reserves Master Plan Improvements - Improvements to existing viewing area.	\$59,640
8	Resurface Council Carparks - Rehabilitation and resurfacing of two public car parks: Cameron Street, Wauchope opposite Oxley Lane Bridge Street, Port Macquarie between Hastings River Drive and Gore Street	\$150,000
9	Log Wharf Reserve Upgrade	\$50,000
10	Town Beach Reserve - Install 3 x 3 Basketball Court	\$70,000
11	Wayne Richards Park bike track upgrade - Upgrade (reshape and apply asphaltic seal) to bike pump track and dirt jump runs.	\$350,000
12	North Shore Footpath - Various new footpaths at North Shore in accordance with North Shore Pedestrian Access and Mobility Plan.	\$960,000
13	Kerb and gutter installation - Installation of new kerb and gutter to improved drainage runoff and street amenity on selected Port Macquarie streets: Wesley Avenue, Pettit Street, Hart Street, Anderson Street.	\$550,000
	<b>TOTAL</b>	<b>\$3,439,640</b>

**Options**

1. That Council notes the information contained in the 'COVID-19 Recovery and Stimulus Projects Report' and; or
2. That Council requests additional information.

**Community Engagement and Internal Consultation**

All staff delivering projects were consulted in finalising the COVID-19 Recovery and Stimulus Projects Report at Attachment 1 and 2.

**Planning and Policy Implications**

The \$1.8M Local Roads & Community Infrastructure and the \$1.49M Council Relief Reserve Funded projects are included in an addendum to the 2020-2021 Operational Plan.

**Financial and Economic Implications**

The additional \$3.4M Local Roads & Community Infrastructure extension funding comes on top of an already significant \$84M capital works program for 2020-2021. The delivery of these projects (with support by a range of local businesses, where possible) will provide a valuable injection of funds for our local community and economy to support us on the road to recovery.

Whilst there are a range of short-term projects included in the project list that will support jobs in the immediate future and for a short period, there are also initiatives which we expect will support both immediate and longer-term jobs growth. It is also recognised that some projects will attract on-going maintenance costs, as Council assumes the responsibilities of asset owner.

**Attachments**

1.  \$1.4M COVID-19 Relief Reserve Funding Update
2.  \$1.8M Local Roads and Community Infrastructure Program Update

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**Item: 12.03**

**Subject: POLICY REVIEW - MARKETS POLICY - POST PUBLIC EXHIBITION REPORT**

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

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### **Alignment with Delivery Program**

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

### **RECOMMENDATION**

**That Council:**

- 1. Note the submissions and surveys received following the exhibition of the draft Markets Policy.**
- 2. Adopt the revised draft Markets Policy as attached to this report.**
- 3. Thank those that made a submission during the exhibition of the Draft Markets Policy and advise of the outcome.**

### **Executive Summary**

At the ordinary Council meeting on 9 December 2020 Council resolved to place the Draft Markets Policy on public exhibition.

The draft Markets Policy was subsequently placed on exhibition from 14 December 2020 to 29 January 2021. During the exhibition period 3 submissions were received, each supportive of changes proposed to the draft Markets Policy, and the current number of markets occurring across the region. In addition, the Port Macquarie Town Centre Master Plan Sub-Committee considered the updated draft Policy and support its adoption.

### **Discussion**

At the Ordinary Council meeting held on 9 December 2020, Council resolved as follows:

#### **12.02 MARKETS POLICY REVIEW**

**RESOLVED: Intemann/Griffiths**

**That Council:**

- 1. Note the review of the Port Macquarie-Hastings Markets Policy, which has now been in place for two years.*
- 2. Note the information relating to exception to the Markets Policy adopted by Council from December 2019 as detailed in this report.*
- 3. Place the draft amended Markets Policy on public exhibition from 14 December to 29 January 2021, removing operating hour restrictions for CBD markets, but with no new increase in number of permissible days for CBD markets.*

4. Confirm that any application that constitutes an exception to the Market Policy be brought to Council for consideration.
5. Note that a further report will be tabled at the February 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 6/0

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

AGAINST: Nil

This report addresses item 3 and 5 of the December 2020 resolution.

#### Public Exhibition

The draft Markets Policy, with the amendments agreed by Council in items 3 and 4 of the aforementioned resolution, was placed on exhibition from 14 December 2020 to 29 January 2021. During that period, 210 members of the community visited the exhibition page, with 2 (two) responses to the survey, and 1 (one) written submission received.

The survey responses received reflected the generally positive regard in which local markets are held by the community, and the perceived impact on the local economy, with both respondents indicating:

- They were satisfied with the quality of markets in the Port Macquarie-Hastings region; and,
- They feel markets have a positive or a significant positive impact on the local economy.

Comments provided in the responses indicated Council could seek to encourage more music/festival/artisan type markets:

- [our region] needs some festival type markets;
- There are a number of different types that cater to artisan, bric-a/brac, local produce. We should be building on this atmosphere with local musicians, dancing, demonstrations.

The single written submission received was from the Port Macquarie Real Food Markets operator. In it, they outlined their support for the updated draft Policy, noting the update which removes time restrictions on markets is a positive development for the market, the stallholders and the Port Macquarie CBD.

Separately, the draft Markets Policy was discussed by the Port Macquarie Town Centre Master Plan Sub-Committee at its meeting on 28 January 2021. The Sub-Committee reached the following consensus on this item:

*That the Town Centre Master Plan Sub-Committee:*

1. Note the information in the Draft amended Markets Policy; and
2. Recommend to Council that the revised Policy be adopted.

Changes to the Policy

Based on the survey responses, the single written submission, and the feedback from the TCMP, only minor grammatical corrections were made to the draft Policy, with no changes made to the policy intent.

**Options**

Council can choose to adopt the draft Policy or request further consideration of submissions or re-drafting.

**Community Engagement and Internal Consultation**

Key insights from survey responses received via the Have Your Say website are summarised below. The submission received direct to Council is also summarised below. Full survey responses and a copy of the submission will be circulated to Councillors.

Submission - HYS Survey		Issue
1.	Lincoln (community member)	There is just the right balance of regular and special markets that cater to a wide variety of needs. If they are too often it reduces the quality and number of stall holders.
	<b>Response/Comment:</b>	Noted. This feedback highlights the high regard in which local markets are held. Under the updated Policy, managing the number and quality of markets effectively will continue.

Submission - HYS Survey		Issue
2.	Ian Campbell (Stallholder)	There is not quite enough [markets], need some festival type markets.
	<b>Response/Comment:</b>	Noted. The Policy does allow for approval of occasional or one-off markets, providing an opportunity to accommodate such markets. The sentiment highlights the potential impact of markets to drive vibrancy and activation in our region's towns and villages.

Submission - Email		Issue
2.	Sarah Lamond, Real Food Market (Market Operator)	We are pleased to see the changes included in the current policy, which responds to the significant feedback from the community that we have received indicating the markets have always needed to start at the earlier time (currently only an option because of the exemption). The Markets are not only a positive foot traffic and sales generator for Port Central



		Shopping Centre, they also increase trade for neighbouring businesses.
	<b>Response/ Comment:</b>	Noted.

**Planning and Policy Implications**

The updated draft Markets Policy is attached to this report.

**Financial and Economic Implications**

Local markets have a strong positive impact on economic development within a community. Markets offer an opportunity for small businesses to test new business ideas, develop an understanding of the retail landscape, and develop a business case for entering a commercial premise on an ongoing basis and support activation of commercial and public spaces. Further, many local markets with the Port Macquarie-Hastings Local Government Area feature locally grown produce and locally made products, enhancing outcomes to small producers by offering the sale direct to the public and providing a popular attraction for visitors to our region.

**Attachments**

1.  Draft Markets Policy - February 2021

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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**Item: 13.01**

**Subject: NSW NORTH COAST REGION WASTE INVESTMENT REVIEW**

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

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### **Alignment with Delivery Program**

4.1.7 Develop and implement effective waste management strategies.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the NSW North Coast Region Waste Investment Review report prepared on behalf of NSW North Coast Region Councils; and**
- 2. Defer further consideration of potential future regional scale residual waste infrastructure facilities pending release of the NSW Government 20-year waste strategy and subsequent review of Council's waste strategy.**

#### **Executive Summary**

The North Coast Region Waste Investment Review was commissioned by Richmond Valley Council in 2019 in collaboration with the Department of Regional NSW and 13 participating councils stretching from MidCoast Council in the south through to the Queensland border.

The Review considered various options to develop regional scale residual waste infrastructure facilities in response to current waste challenges, including limited landfill capacity across a number of participating council areas (excluding Port Macquarie - Hastings).

The primary focus of the analysis was Municipal Solid Waste (MSW) which is managed at a local government scale, with councils responsible for providing waste collection services across residual (red bin) waste, co-mingled (yellow bin) recycling, and food and garden (green bin) organics, with a general commitment to reducing waste to landfill and improving reuse / recycling and recovery rates.

The Review assessed three (3) scenarios developed around two (2) technologies to divert waste from landfill:

- Large-scale energy from waste (combustion);
- Small-scale energy from waste (combustion); and
- Refuse derived fuel (RDF) / Mechanical Biological Treatment (MBT).

The final report provides an indication of preferred residual waste processing options based on cost, carbon abatement and resource recovery rates, with relative costs for each council compared to their business as usual costs. The report is intended to guide the consideration of the options presented and to help councils assess their willingness to participate in a future regional project.

This Council report acknowledges the valuable work undertaken through the NSW North Coast Region Waste Investment Review and notes that Port Macquarie - Hastings Council has secure, long-term landfill disposal capacity to 2056. It is also noted that the NSW Government is expected to publish its 20-Year Waste Strategy in 2021 which will inform the next review of Council's waste strategy.

As such, while noting the NSW North Coast Region Waste Investment Review and associated reports, it is recommended that Council defer further consideration of potential future regional scale residual waste infrastructure facilities pending release of the NSW Government 20-year waste strategy in 2021 and subsequent review of Council's waste strategy.

### **Discussion**

The North Coast Region Waste Investment Review was commissioned by Richmond Valley Council in 2019 in collaboration with the Department of Regional NSW and 13 participating councils stretching from MidCoast Council in the south through to the Queensland border.

The Review was conducted by specialist waste management consultant Arcadis.

Details of the review and associated reports was made available to the public on 30 November 2020 via a media release issued by the Department of Regional NSW (see <https://www.investregional.nsw.gov.au/news/nsw-north-coast-waste-investment-review/>).

The Review involved a number of stages and outputs as outlined below:

#### Waste and Infrastructure Stocktake Report

The Waste and Infrastructure Stocktake Report captured the current status and background, along with a projection of Municipal Solid Waste (MSW) generation under business as usual. While the focus of the report was MSW, the report also includes a high level assessment of the commercial and industrial (C&I) waste and construction and demolition (C&D) waste context across the region, including key facilities, flows and indicative end markets.

The Stocktake Report served to provide a baseline to inform future needs and opportunities for waste, recycling and reprocessing infrastructure across the North Coast region.

#### North Coast Region Waste Investment Review - Final Report

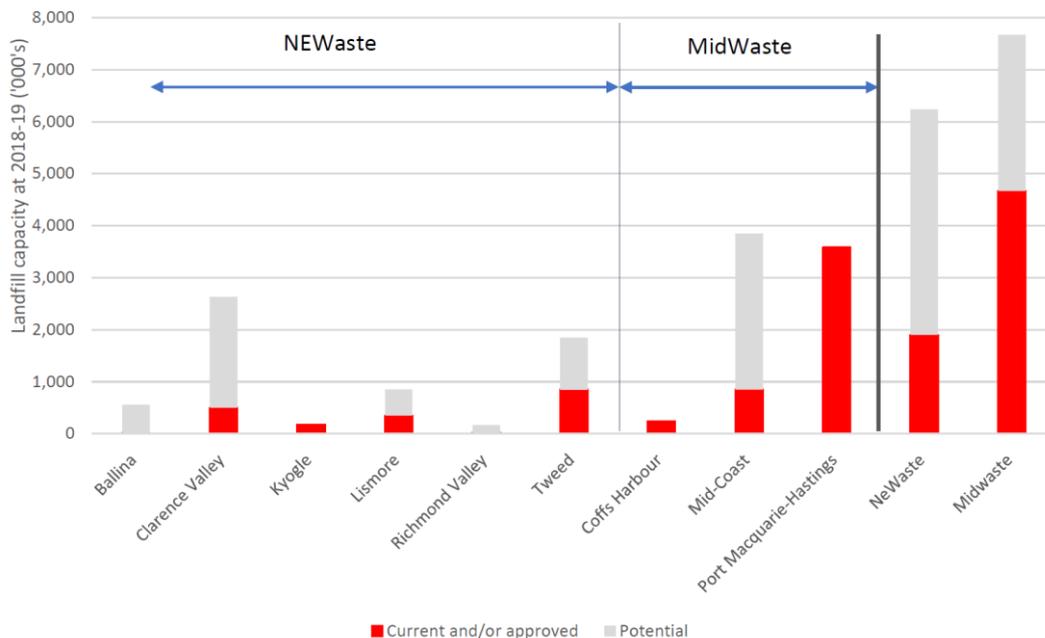
The options analysis built on the initial stocktake of municipal solid waste (MSW) generation and flows against current infrastructure to identify gaps, pressures and opportunities.

A key gap / risk identified was the lack of landfill capacity at a number of participating council areas (except Port Macquarie - Hastings). The report notes that four (4) of the northern councils are currently transferring residual MSW to Queensland in order to retain some contingency in their landfills for emergency capacity such as natural disaster.

Under business as usual, the NEWaste (including Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed) region of councils has around 15 years of remaining landfill capacity.

At regional level, MidWaste (including Bellingen, Coffs Harbour, Kempsey, MidCoast, Nambucca and Port Macquarie - Hastings) has secure, long-term disposal capacity in existing or approved landfills, extending beyond the analysis period.

## Landfill capacity by council



The report notes that “this long life may reduce the appetite of most MidWaste councils to participate in an alternative residual waste processing option at North Coast or regional scale, with the potential exception of Coffs Harbour, Bellingen and Nambucca”.

The report assessed three (3) residual waste processing scenarios developed around two (2) technologies to divert waste from landfill:

1. One x large-scale energy from waste facility;
2. Two x small-scale energy from waste facilities; and
3. One x large refuse derived fuel (RDF) / Mechanical Biological Treatment (MBT) facility.

In considering the options across resource recovery, carbon profile and cost to council, energy from waste Option 2, closely followed by Option 1, was the best performing option.

Each option presented returned a higher comparative cost to Council than the current business as usual (landfill) approach, noting that the cost modelling is heavily

impacted by the costs associated with transporting residual waste to a regional facility.

Given that Port Macquarie - Hastings has secure, long-term landfill disposal capacity to 2056, there is no immediate need to pursue a regional scale residual waste infrastructure facility using the above technologies at this time.

Council is currently expanding its landfill capacity at the Cairncross waste management facility to provide for the next 9-10 years of landfilling operations (with further approvals in place for future expansions to 2056).

In terms of carbon emissions, Council completed a trial in December 2020 that confirmed the viability of “flaring” landfill gas at Cairncross to convert methane to carbon dioxide. This has the potential to allow Council to proceed with the process to seek Australian Carbon Credit Units (ACCUs) from the Clean Energy Regulator and flare the landfill gas. Once the landfill gas has been flared for a minimum period of 12 months, a further assessment will be undertaken to assess whether the landfill gas can be used for electricity generation. Either option has the potential to significantly reduce landfill gas emissions.

With regard to reuse / recycling and recovery rates, reviews will be undertaken in 2021 and 2022 to investigate options and ultimately deliver next generation material recovery facility (MRF) and organics recovery facility (ORF) at Cairncross to replace the existing facilities which are approaching their end of useful life.

Together with the release next year of the State Government’s new 20-year waste strategy, Council has the opportunity to defer further consideration of potential future regional scale residual waste infrastructure facilities pending the subsequent review of Council’s waste strategy.

### **Options**

This is an information report. It is recommended that Council note the findings of the NSW North Coast Region Waste Investment Review, however defer further consideration of potential future regional scale residual waste infrastructure facilities pending release of the NSW Government 20-year waste strategy in 2021 and subsequent review of Council’s waste strategy.

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

The NSW North Coast Region Waste Investment Review and associated reports was made available to the public on 30 November 2020 via a media release issued by the Department of Regional NSW (see <https://www.investregional.nsw.gov.au/news/nsw-north-coast-waste-investment-review/>).

Details of the Review were presented to Councillors by way of a Councillor Briefing presentation on 11 November 2020.

### **Planning and Policy Implications**

There are no immediate planning and policy implications in relation to this report, pending further consideration as part of a future review of Council’s waste strategy.

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item:** 13.02

**Subject:** INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST,  
PORT MACQUARIE

**Presented by:** Infrastructure, Dan Bylsma

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### **Alignment with Delivery Program**

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection outlined in this report.**
- 2. Not proceed with trialling a temporary closure to the William Street median strip through the Munster Street intersection.**

### **Executive Summary**

Following a road safety review of the William/Munster Street intersection, Council has undertaken community engagement regarding a proposal to extend the William Street central median through the Munster Street intersection as reported to the 9 December 2020 Council meeting. The majority of feedback, particularly from local businesses, expressed opposition to the proposal to extend the median strip.

The Local Traffic Committee on 28 October 2020 recommended that Council does not proceed with plans for extending the William Street median strip through the Munster Street intersection.

Council resolved on 9 December 2020 to undertake a number of actions, including a report to the February 2021 Council meeting on the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection.

### **Discussion**

The William/Munster Street intersection is a busy location on the eastern edge of Port Macquarie town centre (refer to Figure 1). It is a 4-way junction with vehicular movements permitted in all directions. Stop signs are in place on the Munster Street approaches in addition to various median islands. William Street is relatively flat but there is a significant incline on Munster Street from south to north.

The William/Munster Street intersection has a poor crash history with 4 reported crashes in the 5-year period to 30 June 2019. All reported crashes are "cross-traffic" involving a vehicle from Munster Street colliding with a vehicle from William Street.



Figure 1: Site Location

Traffic signals (refer to Figure 2), are seen as the most appropriate long-term safety improvement for the intersection. A roundabout is not appropriate due to the physical characteristics of the site. Traffic signals would greatly reduce the number of conflicting movements, increase capacity and improve safety for pedestrians.

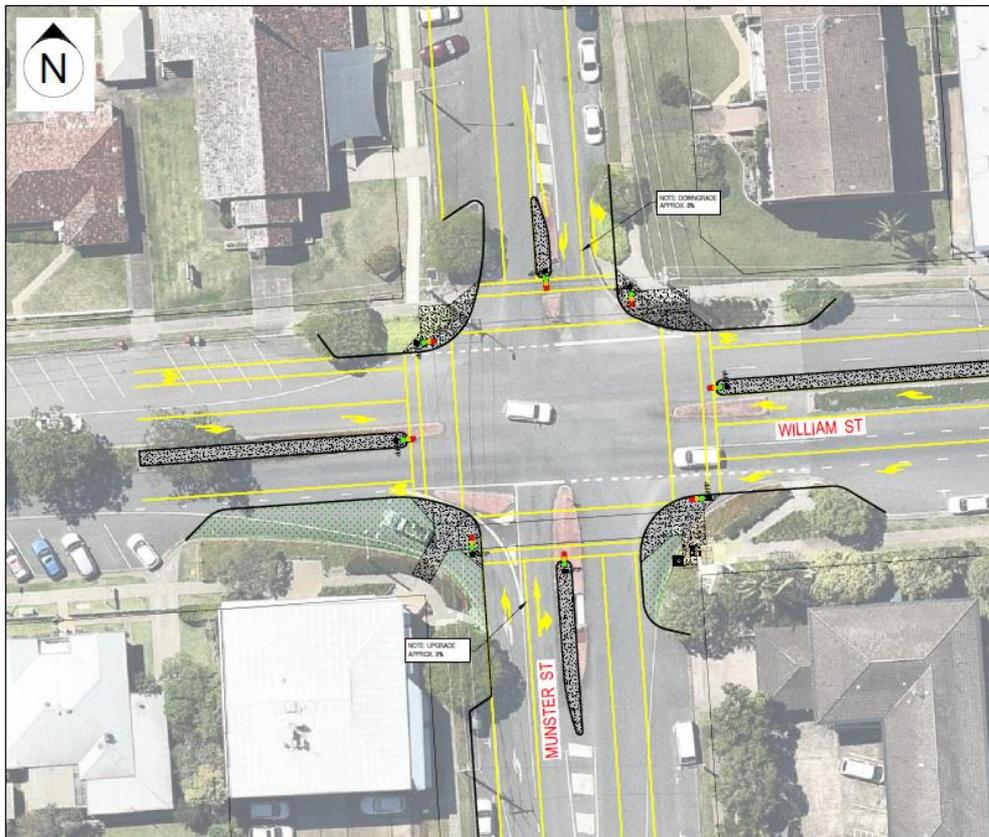


Figure 2: Proposed traffic signal upgrade for William and Munster Streets intersection

At the 9 December 2020 Council meeting it was resolved:

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13.01 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -  
INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST, PORT  
MACQUARIE

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RESOLVED: *Pinson/Hawkins*

*That Council:*

- 1. Note the information contained in the William Street/Munster Street intersection Community Engagement Report.*
- 2. Note the safety concerns associated with the above intersection.*
- 3. Request the General Manager write to the Federal Member for Cowper Pat Conaghan and Chair of The Joint Select Committee on Road Safety, seeking his support of urgent funding for road safety improvements to the William and Munster Streets intersection.*
- 4. Request the General Manager to bring back a report to the February 2021 Council meeting on the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection.*
- 5. Undertake an immediate audit of vegetation around the William Street/Munster Street intersection with regard to potential improvement in sight distance and visibility.*
- 6. Continue regular road maintenance and vegetation management works at the intersection.*
- 7. Commence targeted communications to local businesses and tourism operators to assist in the education of visiting motorists who may use this intersection as the shortest route to their destination.*
- 8. Request the General Manager arrange a Councillor Briefing prior to April 2021, outlining the forward works program for Transport, including any intersection upgrade projects, and the indicative budget to support this works program.*
- 9. Request the General Manager report back to the April 2021 Ordinary Council Meeting outlining the key intersections for upgrade, their indicative costs and prioritisation.*

CARRIED: 6/0

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

AGAINST: Nil

Subsequent to this Council resolution, an audit of vegetation around the William/Munster Street intersection with regard to potential improvement in sight distance and visibility has been undertaken. While no significant deficiencies regarding sight distance were found, vegetation maintenance works will be scheduled for the near future.

Options for trialling a temporary closure to the William Street median strip through the Munster Street intersection are discussed in the following section.

### Options

The following three options are proposed:

1. Endorse a three-month trial of turn restrictions (via signage) at the William/Munster Street intersection, i.e. “No Right Turn” on the William Street approaches and “All Traffic Turn Left” on the Munster Street approaches.
2. Endorse a three-month trial of a physical closure to the William Street median strip through the Munster Street intersection.
3. Not endorse a trial of any temporary measures at the William/Munster Street intersection.

Option 1 primarily involves the installation of traffic signs. Option 2 involves the installation of a temporary physical barrier to restrict movements at the intersection. A range of different methods could be used including traffic control barriers, water filled barriers, rubber median etc.

Option 1 is likely to be less effective than Option 2 because some motorists will choose to ignore the traffic control signs. Restrictions supported by physical barriers, such as medians, are usually more effective than restrictions that only involve signposted turn bans.

Options 1 and 2 would be expected to result in a reduction in the typical crashes that have historically occurred at the site. The turn and through movement restrictions, however, would force motorists to use alternative routes for some trips, potentially moving the safety concern onto other intersections, such as Stewart/Grant Street intersection, therefore it is recommended not to proceed with restricting the turn movements at the intersection. The inconvenience to motorists would be relatively minor for the majority of trips, particularly with the nearby William/Murray Street roundabout permitting all movements including U-turns.

Should a decision to proceed with either Option 1 or 2 be made, Council would be required to notify Transport for NSW (TfNSW) and NSW Police as the options are contrary to the Local Traffic Committee recommendation. TfNSW and/or NSW Police then have the option to appeal this decision with the Regional Traffic Committee. Should the Regional Traffic Committee uphold the appeal and not support the option then it cannot proceed.

On the basis of the previous community engagement it is likely that Options 1 and 2 will be unpopular with the community.

If Council resolves to proceed with any form of trial measure and the decision is not appealed against, then a report on the effectiveness of the trial will be brought to a subsequent Council meeting. To determine the effectiveness will likely require extended periods of observation of driver behaviours in different periods. Further community consultation would be required and is discussed below.

For all options, Council should continue to plan for the long-term upgrade of the intersection in the form of traffic signals including seeking funding from higher levels of Government. A briefing and report to Council will be prepared for the April 2021 Council meeting outlining key intersections for upgrades and future Transport programs to address resolutions 8 and 9 of the December 2020 Council Meeting.

**Community Engagement and Internal Consultation**

Initial community engagement regarding the proposal to extend the William Street median strip through the Munster Street intersection to improve traffic safety was undertaken between 15 September and 13 October 2020.

The majority of feedback received expressed opposition to the proposal to extend the median strip and, although aware of the safety rationale, most respondents felt that any benefits would be outweighed by the impacts on traffic flow and adverse impacts on local businesses.

Should a decision to proceed with a trial be taken, additional community engagement will be required during the trial closure of the intersection to ensure that residents, businesses and the broader community are aware of the closure and to provide education to visiting motorists who may use this intersection. Engagement will also provide the opportunity for community feedback and we will work with businesses and residents in resolving questions or concerns. Engagement will be facilitated using direct, targeted communication, onsite visual signage, meeting with key stakeholders, and social media messaging.

**Planning and Policy Implications**

While there are no policy implications in relation to this report, there may be planning implications related to future investigation and design works for a major upgrade to the intersection.

**Financial and Economic Implications**

The trial of a temporary closure to the William Street median strip through the Munster Street intersection is currently unfunded and a suitable funding source would need to be identified. This would likely be funded from existing road maintenance budgets for installation of any barriers and signs; though this would impact the delivery of future maintenance levels from these funds. Existing operational funds will also be utilised for staff time when undertaking observations.

Financial implications may exist in relation to resourcing future investigation works.

**Attachments**

Nil

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**Item:** 13.03

**Subject:** PORT MACQUARIE TRANSPORT NETWORK COMMUNITY  
CONSULTATIVE COMMITTEE MEMBERSHIP

**Presented by:** Infrastructure, Dan Bylsma

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#### **Alignment with Delivery Program**

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

#### **RECOMMENDATION**

**That Council endorse the continued membership of the current Port Macquarie Transport Network Community Consultative Committee for a further twelve-month period in line with the Committee Charter.**

#### **Executive Summary**

The Port Macquarie Transport Network Community Consultative Committee (PMTNCCC) Charter provides a mechanism to extend Committee appointments by a twelve-month period, via resolution of Council, without the need to conduct a formal EOI process.

Since establishment, the PMTNCCC has been effective in coming together to review and provide feedback on the progress of the Strategic Business Case for the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.

The current Committee members have each expressed a desire to continue on the Committee for a further twelve months.

#### **Discussion**

The purpose of the Port Macquarie Transport Network Community Consultative Committee is to provide a forum for discussion between Council and the community on issues directly relating to the investigation of proposed Orbital Road options. This includes any other planned traffic network improvements and upgrades to the existing Port Macquarie road network, through to the development of the Strategic Business Case that is related to the Orbital Road proposal.

The Committee will:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.

- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements and upgrades.
- Provide a forum for the community members and other stakeholders to share / seek information on and provide feedback to Council on the development of the Strategic Business Case for the proposed Orbital Road, including planned traffic network improvements and upgrades to the existing Port Macquarie road network.

In accordance with the Committee Charter (Attachment 1), membership of the PMTNCCC comprises eleven members including:

- One independent Chair
- Two Councillor representatives
- Up to six community and stakeholder representatives (including no more than two representatives from any one representative group)
- Two Council staff representatives (Director and Project Manager)

Council sought Expressions of Interest (EOI) for the Independent Chair and community /stakeholder representatives for an appointment of 12 months, and following independent assessment, membership was resolved at the 20 November 2019 Council meeting:

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#### 15.06 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE

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*RESOLVED: Griffiths/Pinson*

*That Council:*

1. *Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.*
2. *Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:*
  - a) *Adele Graham*
  - b) *Michael Mowle*
  - c) *Craig Nethery*
  - d) *Brad Thomas*
  - e) *Anthony Thorne*
  - f) *Philip Lloyd*
3. *That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.*
4. *Maintain the confidentiality of the documents and consideration of the Expression of Interest.*
5. *Amend the Charter as follows:*

- 
- at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"
  - at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."
  - at Clause 3.0 - Membership - allow an additional community member on the Consultative Committee.

CARRIED: 7/0

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

AGAINST: Nil

There is a mechanism within the Committee Charter to extend the initial membership of the Committee to a two-year period. Following this time, Council would need to determine to call a further EOI or alternately extend the membership again via a Council resolution.

The current Committee members have each expressed a desire to continue on the Committee for a further twelve-months.

### Options

Council could:

1. Agree to the extension of the current Committee chairperson and members; or
2. Decline the extension and call for new Expressions of Interest for membership.

### Community Engagement and Internal Consultation

Consultation has taken place with the current members of the PMTNCCC.

### Planning and Policy Implications

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

### Financial and Economic Implications

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

### Attachments

1.  Port Macquarie Transport Network Community Consultative Committee Charter Adopted April 2020

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**Item: 13.04**

**Subject: FERRY OPERATIONS**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information provided in this report.**
- 2. Request a further report to the April 2021 Council Meeting.**
- 3. Endorse monitoring and community engagement during the February/March Hibbard Ferry slipping.**

### **Executive Summary**

Following community representations and a Mayoral Minute to the 9 December 2020 Ordinary Council meeting, a briefing was presented to Councillors on 3 February 2021 on the available options for extending the Hibbard Ferry service for a trial period.

### **Discussion**

At the 9 December 2020 Ordinary Council meeting it was resolved:

#### *06.01 TRIAL EXTENSION OF HIBBARD FERRY HOURS*

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#### *MOTION*

*MOVED: Pinson*

#### *That Council:*

- 1. Conduct a six week trial, extending the Hibbard Ferry hours of operation to 6.30am to 6.50pm Monday to Friday following the Out of Water Slipping of the ferry in February 2021.*
- 2. Fund this trial from the Ferry Reserve.*
- 3. Request the General Manager provide a report to the June 2021 Ordinary Council meeting, outlining the statistics and observations from the six week trial in comparison to the six weeks commencing 19 October 2020.*

#### *AMENDMENT*

*MOVED: Alley/Turner*

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*That Council request the General Manager to provide a briefing in February 2021, in time for the February 2021 Council Meeting, on options for extending the Hibbard Ferry service for a trial.*

*THE AMENDMENT WAS PUT AND CARRIED*

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

*THE AMENDMENT, WITH A CHANGE, BECAME THE MOTION AND WAS PUT:*

*RESOLVED: Alley/Turner*

*That Council:*

- 1. Request the General Manager to provide a briefing in February 2021, in time for a report to be considered at the February 2021 Council Meeting, on options for extending the Hibbard Ferry service for a trial.*
- 2. Request that the briefing also cover progress regarding upgrade of the Maria River Road and the possibility of State Government funding of the ferry services.*

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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Council has received a number of requests to increase the hours of operation of the Hibbard Ferry, largely centred on increased waiting times and vehicle queuing for the Settlement Point Ferry service.

The Settlement Point Ferry currently operates 24/7. In comparison, the Hibbard Ferry operates from 6.30am-9.50am and 2.45pm-6.50pm Monday to Friday and 8.00am-6.50pm on weekends and public holidays. During the school holidays, the Hibbard Ferry hours are extended to 6.30am-6.50pm Monday to Friday.

The Hibbard Ferry is due to undergo its regular 'Out of Water Slipping' service from 8 February 2021 for a period of six weeks.

Councillors expressed concerns that the data presented at the February 2021 Councillor briefing did not support a trial of extended hours and have therefore requested more information on the key community concerns and supporting data before making a decision.

During the Hibbard Ferry slipping, Council has an opportunity to undertake further monitoring and community engagement at the Settlement Point Ferry to provide indicative data on ferry usage and issues.

A further report with the outcomes of this would be provided back to the April 2021 Council meeting.

### **Options**

Council has the following options:

1. Resolve in line with the recommendation
2. Continue providing ferry services as per the existing hours of operation
3. Resolve to undertake a trial of extended hours prior to receiving additional data on ferry usage and issues.

**Community Engagement and Internal Consultation**

Nil.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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Item: 13.05

Subject: PROPOSED PRIMARY AIRPORT ACCESS ROAD - INTERSECTION WITH OXLEY HIGHWAY

Presented by: Infrastructure, Dan Bylsma

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### Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

### RECOMMENDATION

#### That Council:

1. Remove the realignment of Fernhill Road from all Proposed Primary Airport Access Road intersection options with the Oxley Highway.
2. Discontinue any further investigations into the realignment of Fernhill Road for the Proposed Primary Airport Access Road intersection with the Oxley Highway.
3. Notify the residents and other previously impacted property owners in the Fernhill Road area that they are no longer in an investigation zone.
4. Thank Transport for NSW for undertaking the investigations into feasible intersection options that did not included the realignment of Fernhill Road.

### Executive Summary

Transport for NSW (TfNSW), in collaboration with Council, is currently undertaking a strategic corridor investigation project for future improvement works on the Oxley Highway between the Pacific Highway interchange and Hastings River Drive. The goal of this project is to develop an agreed priority list of works to manage future traffic demands on the Oxley Highway.

Following a Notion of Motion from Councillor Intemann, Council resolved to investigate the feasibility of having an intersection for the proposed Primary Airport Access Road and the Oxley Highway that did not include any realignment of Fernhill Road. TfNSW included this investigation into their project and based on the initial traffic modelling undertaken for the intersection they have confirmed that the original proposal to realign Fernhill Road to provide a single consolidated access point on the Oxley Highway can be formally discounted.

**Discussion**

Following a Notion of Motion from Councillor Intemann at the 21 August 2019 Ordinary Council Meeting, Council resolved the following:

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

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*Councillor Cusato left the meeting, the time being 7.02pm.*

*Councillor Cusato returned to the meeting, the time being 7.07pm.*

*Mr Denis Lane addressed Council in support of the recommendation.*

*Mr David Pensini, representing residents in the Lady Nelson Drive area, addressed Council in opposition to the recommendation.*

**RESOLVED:** *Intemann/Turner*

*That Council:*

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

**CARRIED:** 7/2

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

**AGAINST:** *Griffiths and Pinson*

Following this resolution Council Staff worked with TfNSW to incorporate the investigation of feasible options for an intersection on the Oxley Highway with the proposed Primary Airport Access Road into the Oxley Highway corridor investigation and planning project already underway by TfNSW.

The options to reconfigure the intersection of the Airport Access Road and the Oxley Highway were assessed with the intent of determining an option that would minimise the environmental and social impacts. This assessment focused on options that included an additional connection to the highway, thus removing the requirement to realign Fernhill Road.

Based on the work completed to date by TfNSW, they have concluded that if a new airport connection was to go ahead, then a staggered intersection arrangement (with either signals or roundabouts) would provide an acceptable level of service on the highway for the foreseeable future. Therefore, the original proposal to realign Fernhill

Road to provide a single consolidated access point on the Oxley Highway can be formally discounted. It was also outlined that any significant upgrade to the current Clifton Drive/Fernhill Road intersection would be driven by a new airport connection – normal traffic growth projections for the Oxley Highway would see minor adjustments only to the roundabout in the future, which would continue to operate satisfactorily for quite some time.

It is noted that all the investigation work, including traffic modelling, for the proposed Primary Airport Access Road intersection were undertaken by TfNSW with no cost to Council. This was facilitated by the close working relationship between Council staff and TfNSW-Northern Region staff.

### **Options**

Council can elect to resolve in line with the recommendation or they can elect to resolve in another manner.

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

There has been no external community engagement in relation to this report.

Internal consultation has taken place with the following:

- Director Infrastructure
- Group Manager Infrastructure Planning
- Senior Transport Engineer

Councillors and the Mayor were briefed on the intersection investigations at an online briefing held on 27 May 2020.

External consultation has taken place with Transport for NSW – Northern Region.

Noting previous correspondence and advice to residents and other properties in the Fernhill Road area regarding the proposed Primary Airport Access Road investigation zone, it is recommended that they be advised that the area is no longer in a road upgrade investigation zone.

### **Planning and Policy Implications**

Further planning and design work on the proposed Primary Airport Access Road is not currently in the Operation Plan. Any future work to progress this project will need be considered and prioritised against other strategically important transport projects across the Local Government Area in future Operational Plans.

Should future planning progress for the proposed Primary Airport Access Road, it will be adjusted to include the revised Oxley Highway intersection configuration with no realignment of Fernhill Road.

There are no policy implications in relation to this report.

**Financial and Economic Implications**

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

**Attachments**

Nil

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Item: 13.06

Subject: LAND ACQUISITION - HASTINGS RIVER DRIVE, PORT  
MACQUARIE

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Pursuant to Section 177 of the *Roads Act 1993* make application to the Minister for Local Government and the Governor for the compulsory acquisition of Lot 2 Deposited Plan 1263240 for the purpose of public road.
2. Exclude all mines and minerals from the compulsory acquisition.
3. Pursuant to Section 10 of the *Roads Act 1993* dedicate Lot 2 Deposited Plan 1263240 as public road concurrently with the publication of the Notice of Compulsory Acquisition in the *NSW Government Gazette*.
4. In its capacity as the Crown Land Manager of Reserve 210112 raise no objection to the compulsory acquisition.

### Executive Summary

This report considers the making of an application to the Minister for Local Government and the Governor for the compulsory acquisition of part 'Hamilton Green' to facilitate the ongoing widening of Hastings River Drive and recommends that this proceed.

### Discussion

Council has for many years been staging the widening of Hastings River Drive, Port Macquarie between Park Street and Boundary Street. The widening has involved the acquisition of numerous property frontages. The final stage of the project is to widen Hastings River Drive between Hibbard Drive (west) and Boundary Street as shown in the figure below. The final stage involves the construction of a roundabout at the intersection of Hibbard Drive and Hastings River Drive with the acquisition of part of 'Hamilton Green' being required. The extent of the acquisition is shown bounded by the red line in the image below. The total area of the land acquisition; 418.4m<sup>2</sup> has been surveyed and is shown as Lot 2 in plan of acquisition Deposited Plan 1263240, a copy of which is attached to this report (**Attachment 1**).



'Hamilton Green' was formerly Crown Land and Council acts as the Crown Land Manager. Recently, ownership of the land transferred from Crown Lands (the State of New South Wales) to the Minister for Education, however Council continues to act as the Crown Land Manager.

The process of compulsory acquisition is one that is used when land is being acquired by one government authority from another government authority. Compulsory acquisitions by councils are assessed by the Office of Local Government, which seeks the approval of the Minister for Local Government and the Governor. Ultimately, the acquisition is achieved by publication of a Notice in the *NSW Government Gazette*.

As minerals in land are usually 'owned' by the Crown, Council needs to specify that any mines or minerals in the land to be acquired are to be excluded from the compulsory acquisition; otherwise Council could become the owner of any minerals for which additional compensation would be payable.

**Options**

Nil as the construction of the roundabout is integral to the final stage of the widening of Hastings River Drive.

**Community Engagement and Internal Consultation**

'Hamilton Green' is occupied by a number of community groups. Consultation has occurred earlier in design planning process. There will be some inconvenience experienced during construction of the roundabout, and this was acknowledged by

the community groups that were consulted, noting that the completion of the roundabout will provide a safer entry/exit for the community to/from 'Hamilton Green'.

**Whilst Council is the Authority acquiring the land, as stated in the discussion section of this report, Council acts as the Crown Land Manager of Hamilton Green (Crown Reserve 210112). As such, the Crown Land Manager has an 'interest' in the land. If Council, acting as the Acquiring Authority, resolves to proceed with the compulsory land acquisition, then Council acting as the Crown Land Manager should provide its non-objection to the proposed compulsory acquisition.**

#### **Planning and Policy Implications**

The land acquisition is being conducted having regard to the statutory provisions set out in the *Land Acquisition (Just Terms Compensation) Act 1991*.

#### **Financial and Economic Implications**

The acquisition of the land entitles the landowner, the Minister for Education, to the payment of compensation. As a compulsory acquisition, it is the responsibility of the Valuer General to assess compensation following publication of a Notice of Compulsory Acquisition in the *NSW Government Gazette*.

#### **Attachments**

1.  Plan of Acquisition DP1263240

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Item: 13.07

Subject: ACQUISITION OF EASEMENT FOR WATER SUPPLY - KING STREET, WAUCHOPE

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

#### RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$5,000 (GST exclusive) to the owners of Lot 4 Deposited Plan 1184035 being, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of an easement for water supply shown as (B) in plan of acquisition Deposited Plan 1268252.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's legal costs reasonably incurred arising from the acquisition.

#### Executive Summary

This report recommends the payment of compensation for the acquisition of an easement for water supply arising from the augmentation of Council's water supply between Sancrox and Wauchope.

#### Discussion

Council at its Ordinary Meeting of 9 December 2020 considered a report (Item 13.05) on the acquisition of an easement for water supply at Fox Crescent, Wauchope being an easement required as part of the augmentation of Council's potable water supply between Sancrox and Wauchope. The location of the easement to be acquired that is the subject of this report can be seen as bounded by the orange line in **Attachment 1**.

As noted in the 9 December 2020 Council report, the acquisition of an easement will be required from a number of properties along the route of the new pipeline. Agreement on compensation has now been reached with the Trustees of the Roman Catholic Church for the acquisition of the easement highlighted in **Attachment 2**.

**Options**

Nil

**Community Engagement and Internal Consultation**

There has been ongoing engagement with the landowner and ongoing consultation between the Infrastructure and Development and Environment divisions throughout the design and acquisition processes.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The acquisition of the easement entitles the landowner to the payment of compensation as assessed by a valuer having regard to the statutory provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. 'Just' compensation has been assessed by Council's Consulting Valuer at \$5,000 (GST Exclusive). An offer in this amount has been made to the landowner. As written acceptance has been received, the matter of the payment of the compensation is now reported to Council for approval.

In addition to the value of the easement, pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is required to meet the legal (land conveyancing) costs incurred by the landowner arising from the acquisition. These costs are estimated at \$1,500 (GST Exclusive). There is funding in the current Operational Plan to meet the compensation and acquisition costs.

**Attachments**

1.  Attachment 1 - Location of Easement for Water Supply
2.  Attachment 2 - Plan of Easement on Lot 4 DP 1184035

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Item: 13.08

Subject: ACQUISITION OF EASEMENT FOR WATER SUPPLY - OCEAN DRIVE, BONNY HILLS

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

#### RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$2,000 (GST Exclusive) to the owners of Lot 4 Deposited Plan 844371, Aerotown Pty Ltd for the acquisition of an easement for water supply shown as (A) in plan of acquisition Deposited Plan 1264664.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's legal costs reasonably incurred arising from the acquisition.

#### Executive Summary

This report recommends the payment of compensation for the acquisition of an easement for water supply arising from the provision of recycled water to Bonny Hills.

#### Discussion

Work has recently been completed on the provision of recycled water ('purple pipes') in the Bonny Hills area. Whilst the majority of the pipes have been laid within Council's road network, there is one location where it has been necessary to lay the pipe within private property. The creation of an easement over the pipe ensures Council has the ongoing ability to access the pipe for maintenance purposes. The location of the easement within the private property, Lot 4 Deposited Plan 844371, is shown in the image below. The easement has been surveyed and is depicted as (A) in plan of acquisition, Deposited Plan 1264664. (**Attachment 1**).



**Options**

Nil as the pipe has already been laid following the landowner’s consent to do so.

**Community Engagement and Internal Consultation**

There has been ongoing consultation with the landowner’s representative and consultation between the Infrastructure Division and Development and Environment Division.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The acquisition of the easement entitles the landowner to the payment of compensation as assessed by a valuer having regard to the statutory provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. ‘Just’ compensation has been assessed by Council’s Consulting Valuer at \$2,000 (GST exclusive). An offer in this amount has been made to the landowner. As written acceptance has been received, the matter of the payment of the compensation is now reported to Council for approval.

In addition to the value of the easement, pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is required to meet the legal (land conveyancing) costs incurred by the landowner arising from the acquisition. These costs are estimated at \$1,500 (GST exclusive). There is funding in the current Operational Plan to meet the compensation and acquisition costs.

**Attachments**

1.  Plan of acquisition, Deposited Plan 1264664

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Item: 13.09

Subject: LAND ACQUISITION - UPPER ROLLANDS PLAINS ROAD, UPPER ROLLANDS PLAINS

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

#### RECOMMENDATION

##### That Council:

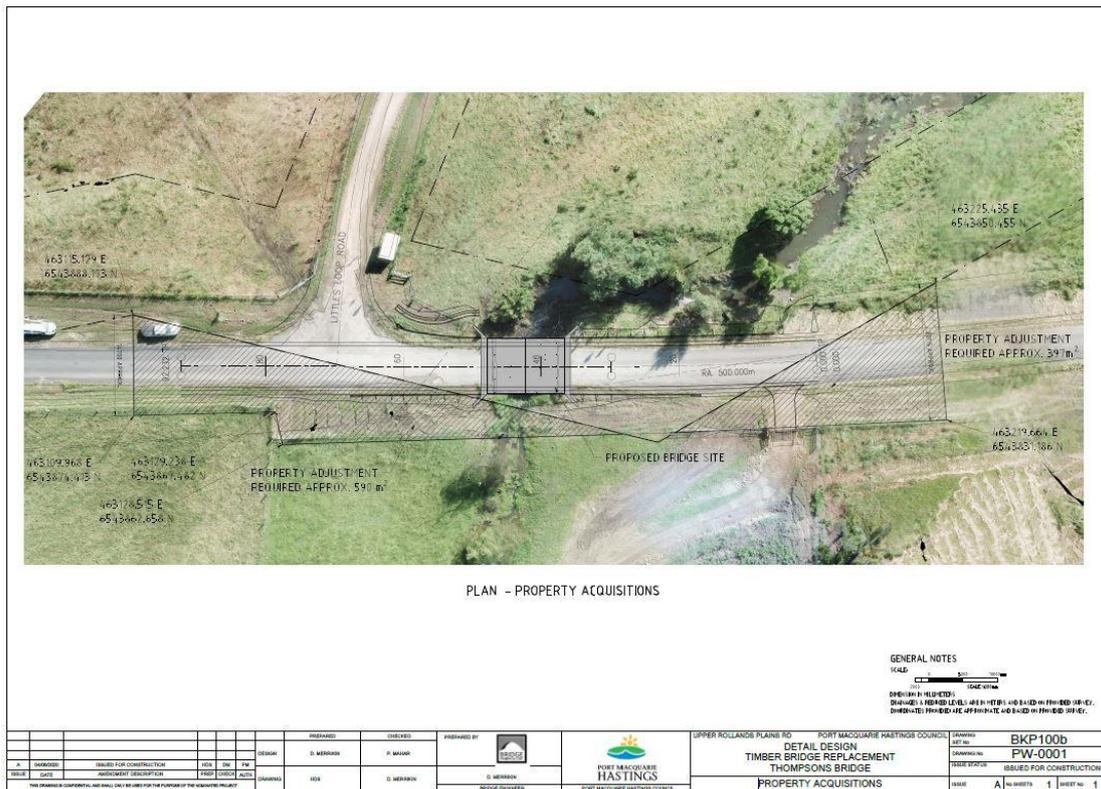
1. Acquire from the owners of Lot 1 Deposited Plan 1156318, being W P & T J Burt, that part of Lot 1 Deposited Plan 1156318 more particularly described as Lot 2 in plan of acquisition Deposited Plan 1270413.
2. On acquisition of Lot 2 Deposited Plan 1270413 dedicate Lot 2 Deposited Plan 1270413 as road pursuant to Section 10 of the *Roads Act 1993*.
3. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's legal costs reasonably incurred arising from the acquisition.

#### Executive Summary

This report recommends acquisition of land following the replacement of Thompsons Bridge situated on Upper Rollands Plains Road near the intersection of Littles Loop Road.

#### Discussion

Thompsons Bridge situated on Upper Rollands Plains Road has recently been replaced. The construction of the replacement bridge requires the acquisition of land to ensure that the bridge and its approaches will be fully contained within Council's road reserve. The extent of the land acquisition required is shown by cross hatching in the aerial image below with the final extent of the land acquisition surveyed as Lot 2 in plan of acquisition Deposited Plan 1270413 (refer **Attachment 1**).



**Options**

Nil. The replacement bridge has been constructed on private land with the written consent of the landowners.

**Community Engagement and Internal Consultation**

There has been ongoing consultation with the landowners, W P & T J Burt who agreed for construction to proceed. There was ongoing consultation between the Infrastructure Division and the Development and Environment Division.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Whilst a land acquisition entitles the landowner to the payment of compensation, in this instance, the landowners have provided their written agreement they do not require monetary compensation, provided Council meets their legal and conveyancing costs associated with the acquisition. Section 59 of the *Land Acquisition (Just Terms compensation) Act 1991* requires Council to meet these costs.

It is recommended that Council acquire Lot 2 Deposited Plan 1270413 for nil monetary compensation and meet the landowner’s legal and conveyancing costs reasonably incurred arising from the acquisition.



**Attachments**

1.  Attachment 1 - Plan of Acquisition DP1270413

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Item: 13.10

Subject: DEVELOPMENT ASSESSMENT PANEL - APPOINTMENT OF MEMBERS AND DELEGATED AUTHORITY

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee, Mr Tony McNamara and the Group Manager Development Assessment to be members of Council's Development Assessment Panel.
2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to undertake development assessment related functions in accordance with the Development Assessment Panel Charter.
3. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee and Mr Tony McNamara as Council's representatives on the Northern Regional Planning Panel on a rotational basis, noting Council has two (2) representatives per meeting.
4. Thank Mr Paul Drake for his service as Chair of the former Development Assessment Panel for the past twelve (12) years.
5. Thank Mr Robert Hussey for his service as an independent member of the former Development Assessment Panel for the past four (4) years.

#### Executive Summary

The report is seeking Council to appoint members to its Development Assessment Panel (DAP) under the recently amended DAP Charter (**Attachment 1**).

**Discussion**

At the Ordinary Council meeting on 21 October 2020 Council resolved the following:

*BLOCK RESOLVED: Alley/Turner*

*That Council:*

- 1. Adopt the revised DAP Charter in Attachment 3 of this report and that it commences being implemented upon establishment of a suitable pool of independent members.*
- 2. Request the General Manager to undertake an expression of interest process to gain a suitable pool of independent members to sit on Council's Development Assessment Panel (DAP), having regard for the criteria contained in the Draft DAP Charter in Attachment 3 of this report.*
- 3. Thank the people who made submissions to this review and advise them of the outcome.*

An expression of interest was advertised in November 2020 seeking membership to Council's DAP, with 18 applications being received. Following the evaluation of candidates and formal interviews for those shortlisted, the recruitment panel recommended the following persons be appointed to the DAP:

1. David Crofts
2. Michael Mason
3. Christopher Gee
4. Tony McNamara

It is recommended that the independent members are also Council's representatives on the Northern Regional Planning Panel on a rotational basis whilst ever they are serving members on the DAP.

**Options**

Council could opt to adopt the recommendation or propose another course for the DAP membership.

**Community Engagement and Internal Consultation**

Council's Director Development and Environment, Group Manager Governance and Group Development Assessment were on the evaluation and interview panel for the DAP candidates.

**Planning and Policy Implications**

It is necessary that the DAP be provided appropriate Delegated Authority to implement the DAP Charter.

**Financial and Economic Implications**

The DAP costs Council approximately \$40,000 to \$50,000 per annum and is funded through development assessment revenue.

**Attachments**

1.  Development Assessment Panel Charter

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**Item:** 13.11

**Subject:** KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT  
PLAN UPDATE

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan update report.**

### Executive Summary

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

After formal adoption of the Camp Management Plan staff have been implementing the Level 1 and 2 management actions identified in Table 8 on page 48 of the CMP (**Attachment 1**).

This report provides an update of the progress of implementing those Level 1 and 2 management actions including education and awareness programs, property modification/service subsidies, as well as alternative habitat creation and canopy mounted sprinklers.

### Discussion

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

At a meeting in August 2018, Council resolved:

*That Council:*

*Note the information contained in the Management of the Flying-fox Camp in Kooloonbung Creek Nature Reserve report;*

- 1. Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
- 2. Invite nominations for membership on the Committee from the following:*

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

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

Level 1 and 2 management actions have commenced and continue. Table 1 outlines the works that have been completed from June 2019 to February 2021.

Table 1: Progress Report

<b>Actions</b>	<b>Expected timeline</b>	<b>Progress to date</b>
<b>Level 1 Management Actions</b>		
Education and awareness programs	June 2020	<p>Ongoing community information sessions are scheduled at six monthly intervals to inform the community of the progress of implementing the CMP.</p> <p>Due to COVID 19 Restrictions the last community information session was held on 4th December 2020 from 10am to 11am via a live Zoom Presentation.</p> <p>The next community information session is planned for June 2021.</p>

		<p>In addition to the community information session Council provided a brief update via letter box drop to 168 residents living in close proximity to the camp in October 2020. This update is also available on Council's website, titled <a href="#">Kooloonbung Creek Camp Management Plan October 2020 Report</a>.</p> <p>Council's website is continuously updated and provides a range of information about flying-fox's and management. The last update was the 8th December 2020.</p> <p>Interpretative Signage has been installed at strategic locations in Kooloonbung Creek.</p> <p>Customer service staff have been provided guidance on how to respond to frequently asked questions (FAQ's). The FAQ's are also available on Council's website.</p> <p>Port Macquarie Library presented a Wildlife Educational Display Sept- Dec 2020 which included:</p> <ul style="list-style-type: none"> <li>• Educational resources about the importance of wildlife and their habitats</li> <li>• New Book Life Upside Down. Explore the upside down world of Australia's Grey-Head Flying Fox. Learn about their habitat, behaviours and how to protect the species.</li> </ul> <p>In 2018 Port Macquarie-Hastings Council developed and <a href="#">IZI Interactive Audio Educational Walk of Kooloonbung Creek</a> - which includes:</p> <ul style="list-style-type: none"> <li>• 27 points of interest with audio interpretations via GPS</li> <li>• Audio Number 5 talks about the importance of Flying Foxes</li> </ul> <p>Regular contact with residents living in proximity to the camp and Friends of Kooloonbung Creek.</p>
<p>Property modification/service subsidies</p>	<p>June 2020</p>	<p>A trial subsidy program was developed in 2019 with Executive endorsement on 30 October 2019.</p> <p>14 residents were provided the subsidy information package and 8 residents took advantage of the package.</p> <p>Items selected include clothes dryers, high pressure cleaners, air conditioners, sound proofing windows, subsidised water and electricity bills, clothes line cover and car port.</p> <p>The program commenced November 2019 with completion end of March 2020. A condition of acceptance of the subsidy was to complete a survey to gauge effectiveness. Council received 7 survey responses.</p> <p>The surveys indicate good results with all items selected and very good feedback about the sound proofing of windows to reduce the noise levels.</p>

		<p>An additional subsidy package is currently being planned with proposed delivery from March to May 2021. The 2021 subsidy is proposed to capture a wider catchment of eligible dwellings in proximity to the flying fox camp whilst ensuring a more targeted mitigation strategy with long term benefits.</p> <p>Noise Monitoring scheduled for February 2021 will also guide the proposed subsidy in respect to making recommendations for suitable mitigation measures available to mitigate noise impacts to residents.</p>
Routine Camp Management	Ongoing	<p>Friends of Kooloonbung Creek with support from Council's NRM team continue to work in the Kooloonbung Creek reserve maintaining the bushland ecosystem and flying fox camp area.</p> <p>The planting of 150 Broadleaf paperbark trees (<i>Melaleuca quinquenervia</i>), supplied by the Port Macquarie Land Care nursery has assisted with the regeneration of the defoliated trees in the camp area. The work was undertaken in April 2020 by the Friends of Kooloonbung Creek.</p>
Alternative habitat creation	June 2020	<p>Investigations into alternative habitat locations are ongoing.</p> <p>Two alternative sites have been identified:</p> <ul style="list-style-type: none"> <li>• The area of Kooloonbung Creek where it intersects with Lake Road is highly suitable. The area has the same tree species as the current camp, a permanent water source and it is over 100m to the nearest residence.</li> <li>• A small flying fox camp at Yippin Creek adjacent to the Wauchope Sewerage Treatment plant is also suitable. The closest residence is over 230m away.</li> </ul> <p>Rehabilitation of potential habitat is also an option where a suitable location may exist and could be revegetated.</p> <p>Local Government NSW commissioned the preparation of a report titled <a href="#">Flying-fox Habitat Restoration Program - Camp Mapping Final Report 2019</a>. This report identifies potential restoration in the centre of the Kooloonbung Creek Nature Reserve at the area of defoliation in the current camp location.</p> <p>Consultation with Local Government NSW has commenced to determine if this location would be eligible for a grant to help restore a canopy and provide additional roosting opportunities for Flying Foxes which may help alleviate camping pressure in proximity to residents.</p> <p>Further investigations will also be undertaken as sites are identified by the NRM team. However, whilst alternative habitat is present in many locations throughout PMHC LGA, flying foxes currently prefer to</p>

		<p>camp at Kooloonbung Creek. Therefore, identifying and rehabilitating alternative habitat would be unlikely to provide any immediate benefit to the community in respect to alleviating impacts of flying foxes.</p> <p>NRM staff are working with LG NSW in securing a grant to restore a canopy in the defoliated area of the existing camp would provide alternative roosting habitat and more potential to provide help alleviate impact to residents.</p>
Protocols to manage incidents	June 2021	<p>The Department of Planning, Industry and Environment (DPIE) are working with a range of stakeholders to develop protocols, suggested roles and responsibilities, and supporting resources for all involved in managing heat stress events in flying-fox camps.</p> <p>In the interim the Department has provided fact sheets developed by Armidale Regional Council on correct disposal of deceased bats.</p> <p>The correct procedure for disposal of deceased Bats has been included in the <a href="#">Frequently Asked Questions</a> and is available on Councils website.</p>
Research	Ongoing (long term)	<p>The quarterly flying-fox counts continue to be undertaken for the national census.</p> <p>PMHC staff counted the flying-fox camp on <a href="#">20 November 2020</a>.</p> <p>The results over the camp area of 1.65 hectares was:</p> <ul style="list-style-type: none"> <li>• 1488 Grey-headed flying fox</li> <li>• 298 Black flying-fox</li> <li>• 760 Little red flying-fox</li> </ul> <p>For comparison, the census undertaken in August 2020 over the camp area of 1.3 hectares was:</p> <ul style="list-style-type: none"> <li>• 4011 Grey-headed flying fox</li> <li>• 650 Black flying-fox</li> </ul> <p>The census undertaken in February 2020 over the camp area of 1.4 hectares was:</p> <ul style="list-style-type: none"> <li>• 1706 Grey-headed flying fox</li> <li>• 85 Black flying-fox</li> <li>• 426 Little red flying-fox</li> </ul> <p>The census undertaken in November 2019 over the camp area of 1.4 hectares was:</p> <ul style="list-style-type: none"> <li>• 1309 Grey-headed flying fox</li> <li>• 116 Black flying-fox</li> <li>• 72 Little red flying-fox</li> </ul> <p>And the census in August 2018 over the camp area of 1.5 hectares was:</p> <ul style="list-style-type: none"> <li>• 6148 Grey-headed flying fox</li> <li>• 117 Black flying fox</li> </ul>

		<p>The next National Census is scheduled to occur in February 2021.</p> <p>Other research activities include:</p> <ul style="list-style-type: none"> <li>• Working with other government agencies and to build protocols around managing incidents</li> <li>• Alternative habitat identification</li> <li>• Monitoring the effectiveness of irrigation System</li> <li>• Monitoring the effectiveness of subsidy program items</li> </ul> <p>Noise Monitoring:</p> <ul style="list-style-type: none"> <li>• Residences greater than 50m from the camp have expressed concern about the noise.</li> <li>• The 2019-2020 trial subsidy package was based on proximity to the camp</li> <li>• Noise monitoring will help to determine impacts to surrounding residences up to 100m through modelling.</li> <li>• Acoustic consultant engaged to undertake noise monitoring and modelling and prepare a report with recommendations for mitigation measures to assist residents with noise impacts.</li> <li>• Monitoring planned for February 2021 report provided by end of March 2021</li> <li>• The proposed subsidy for 2021 will also be targeted at noise impacts and guided by this report.</li> </ul> <p><a href="#">New Research - discover flying foxes are much more nomadic than first thought</a></p> <ul style="list-style-type: none"> <li>• A new study reveals unprecedented detail on the movement of three flying fox species</li> <li>• Flying foxes are profoundly nomadic and travel up to 6,000 kilometres a year</li> <li>• 17% turnover per night for Grey-headed flying fox at any given camp</li> </ul>
Appropriate land-use planning	June 2022	<p>Project planned for 2021-2022 Operational Year working with land use planners to address this action including scope to address:</p> <ul style="list-style-type: none"> <li>• What is the effective minimum buffer between a flying fox camp and places of residences to reduce impacts from noise, droppings and smell?</li> <li>• Potential habitat is everywhere that is vegetated and flying fox camps can establish anywhere, therefore can land use planning tools be used to minimise this risk?</li> <li>• Develop appropriate land use planning tools</li> </ul>
<b>Level 2 Management Actions</b>		
Canopy mounted sprinklers	June 2022	<p>The irrigation system has been in operation since the 10 March 2020. It is used only when flying-fox have been present or in close proximity of the sprinklers. Constant monitoring of the camp is undertaken to determine if operation is warranted.</p>

		<p>The operation is monitored with results recorded to assess effectiveness.</p> <p>Monitoring results indicate the system is effective:</p> <ul style="list-style-type: none"> <li>• Short 20 second bursts are all that is required</li> <li>• Staff are maintaining low water use</li> <li>• It is only effective for about 15 metres</li> <li>• The system appears to deter flying-foxes from camping in range of sprinklers</li> <li>• It must be ongoing</li> <li>• There are resources required to operate the equipment</li> </ul> <p>The monitoring results and comments from the community have warranted the continued use of the systems and the extension of additional sprinklers to capture 3 more residential homes. The installation of additional sprinklers was undertaken in July 2020.</p> <p>The irrigation system remains in use with continuous monitoring at each operation.</p>
Buffers through vegetation trimming and removal	June 2024	If it is determined that canopy mounted sprinklers and the subsidy program have not managed the impact adequately then this management action will be investigated.

**Options**

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

**Community Engagement and Internal Consultation**

The next community information session is scheduled to occur in June 2021. The date, time and location will depend on COVID 19 restrictions and may be at a Council meeting room or via Zoom. Community information sessions are held on a regular basis twice a year.

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

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

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Funding for the Flying Fox Camp Management Plan (detailed action plan is in Table 8) is incorporated in the 2020-2021 Operational Plan. PMHC also applied for an additional Grant of \$30,000 with Department of Planning Industry and Environment,



however, we were unsuccessful in securing this Grant for 2020-2021 Operational year.

The actions identified in Table 8 of Flying Fox Camp Management Plan are being delivered through the operational budget of \$65,778 assigned for 2020-2021.

This includes camp management activities, operational costs associated with the irrigation system, noise monitoring and the proposed 2020-2021 subsidy program being developed.

**Attachments**

1.  Final Kooloonbung Creek Camp Management Plan

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Item: 13.12

Subject: COASTAL MANAGEMENT PROGRAM SCOPING STUDY - POST EXHIBITION SUBMISSIONS REPORT

Presented by: Development and Environment, Melissa Watkins

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### 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:

1. Endorse the *Coastal Management Program Stage 1 - Scoping Study, February 2021*.
2. Delegate authority to the Director Development and Environment to make any minor amendments arising from feedback from the Department of Planning, Industry and Environment (DPIE) if required, to the endorsed *Coastal Management Program Stage 1 - Scoping Study, February 2021*.
3. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council's consideration of this matter.
4. Include the development of the Stage 2 background studies for the Lake Cathie/Bonny Hills Chapter into the 2021/22 Operational Plan as a project and proceed to seek funding under the Coastal Management Grant Program.

#### Executive Summary

The purpose of this report is to provide details and feedback relating to the submissions received as a result of the public exhibition of the draft *Coastal Management Program, Stage 1 Scoping Study (May 2020)*.

In 2016, the NSW Government introduced a new framework to manage the coastal environment in an ecologically sustainable way for the social, cultural and economic wellbeing of the residents and visitors of NSW. The cornerstone of this framework, the *Coastal Management Act 2016*, contains provisions that should be followed to develop long-term strategies for the management of the coastal zone.

The Coastal Management Program (CMP) will set the long-term strategy for the coordinated management of the coastal zone. It will achieve the purpose and objectives of the CM Act. The process to write a CMP is prescriptive so that it provides consistency across NSW. It aims to provide a framework for management of the coastal zone, which acknowledges and reflects the needs of the coastal area but balances this with the reality of the competing needs of the Local Government Area (LGA) and the various desires/mandates of other stakeholders. Opportunities for funding will be sought often and communication and engagement will be top priority.

After the scoping study is endorsed, the remainder of the CMP will be divided into four 'chapters' based on geographic areas, to better manage localised issues. Each of the stages 2, 3, 4 and 5 will be done repetitiously for the four chapters:

1. Lake Cathie/Lake Innes and Bonny Hills Estuary and Coastline.
2. Hastings River Estuary.
3. Camden Haven River.
4. Port Macquarie-Hastings Open Coastline (excluding the open coastline that is covered in the Lake Cathie/Bonny Hills area.

In accordance with the NSW Coastal Management Framework, Stage 1 of preparing a CMP is to undertake a Scoping Study. The Scoping Study aims to consolidate information gathered both during Stage 1 and from previous management plans and outline the proposed pathway for the following stages of the CMP.

Key components of the scoping study include:

- Strategic context for coastal management
- Purpose, vision and objectives of the CMP
- CMP scope - issues and areas, including maps of relevant CMAs
- Review of current management practices and arrangements
- Identification of roles and responsibilities including other councils and relevant public authorities
- First-pass risk assessment to identify where action is required, including studies to be completed in Stage 2
- Stakeholder and community engagement strategy
- Preliminary business case
- Plan for future stages and timetable for CMP preparation. Include a timeframe for steps in the preparation of a planning proposal if changes to the LEP are proposed

The draft Scoping Study was reported to the 20 May 2020 Council meeting where Council resolved to place the document on public exhibition for 28 days, commencing 21 May 2020. A copy of this version of the draft Scoping Study is available on Council's website at:

<https://haveyoursay.pmhc.nsw.gov.au/57669/widgets/294890/documents/169137>

Public exhibition of the Scoping Study was undertaken from 21 May 2020 to 26 June 2020, being a total of 37 days. 22 Submissions were received during this time including an online survey which was conducted by Saving Lake Cathie.

**Attachments 1 and 2** include a summary of the feedback received and includes comments in response to the issues raised.

Given the level of community interest in our coastal environment, engagement is considered essential throughout every stage of the Coastal Management Program process and it is intended that additional community and stakeholder engagement sessions will be undertaken in Stage 2 of the CMP process to further build on the feedback received under Stage 1 (this stage).

Council staff have revised the Scoping Study to incorporate the feedback received during public exhibition and are now recommending that the revised Scoping Study

(Attachment 3) be endorsed by Council. It should also be noted that the Department of Planning, Industry and Environment (DPIE) has indicated that they will be providing some further feedback and suggesting minor changes which may be incorporated following Council’s endorsement if considered appropriate to do so. This report also recommends that the Director Development and Environment be delegated authority to consider any minor changes to the endorsed document arising from this feedback.

**Discussion**

As part of the public exhibition process Council undertook the following:

- Sent letters to key managing stakeholders (see Community Engagement and Internal Consultation section for further details),
- Hosted an online Q&A session with PMHC, NPWS & DPIE Staff (see Community Engagement and Internal Consultation section for further details),
- Hosted a ‘Have Your Say’ webpage on the PMHC website,
- Placed the exhibition notification on Council’s ‘Rolling Banner’ on the PMHC homepage.
- Posted the Draft CMP Scoping Study on Council’s social media account on numerous occasions.
- Posted a video on YouTube.
- Printed hard copy flyers to install in various locations around the LGA.
- Emailed Coast, Estuary & Floodplain Advisory Sub-Committee members and requested they circulate to their contacts.

Numerous changes have been made between the draft and final Scoping Study. The changes reflect feedback from the submissions received, and to incorporate new information that has become available in the months since the draft was placed on exhibition. The majority of changes relate to Chapter 17 where the future stages of the CMP have been revised.

*Table 1 - Amendments to the draft CMP Scoping Study*

Submission	Resulting amendment in document
Prepare a community and stakeholder engagement strategy that: <ul style="list-style-type: none"> <li>• indicates timing for key engagement activities</li> <li>• considers specific stakeholder consultation required to align with the preparation of a planning proposal</li> </ul>	Addition of community stakeholder engagement plan pg. 109 - 113.  Planning proposal and engagement is included in sections 17.3.1 - 17.3.4 and has costs associated with it.
Feedback from Crown Lands regarding key threats and issues, current management and knowledge gaps	Reviewed the risk and threats section 17.1 and forward planning section 17.3.1 - 17.3.4.
Consider pathways and planning timeframes from now, 20 years, 50 years and 100 years and beyond (where appropriate)	Sections 17.2.1 - 17.2.4 have been added with risk



Submission	Resulting amendment in document
	assessments to cover planning horizons.
<p>Forward Program needs to be expanded</p> <p>Specific management requests for specific locations including:</p> <p>Lake Cathie to Bonny Hills CMP:</p> <ul style="list-style-type: none"> <li>- Lake opening permanently</li> <li>- Replacement of Kenwood Drive bridge</li> <li>- Review trigger point for flooding</li> <li>- Water quality monitoring</li> <li>- Illaroo Revetment Wall</li> <li>- Dredging of Lake Cathie</li> <li>- Acid sulphate</li> <li>- Lake Innes reversion</li> <li>- Access issues to Lake Innes</li> <li>- Recreational amenities at Bonny Hills and Grants Headland</li> <li>- Issues with Camden Haven boat launch</li> </ul> <p>Hasting River Catchment</p> <ul style="list-style-type: none"> <li>- Drainage on the North Shore</li> <li>- Turtle breeding on North Shore beaches</li> <li>- River erosion</li> </ul>	<p>Section 17 has been expanded</p> <p>Specific management issues based on location are addressed in the risk and threats section and forward planning section 17.3.1 - 17.3.4.</p>
<p>Timing of delivering the CMP</p>	<p>This concern has been noted and the submission has been addressed by ensuring our community is aware that the prioritization of works is based on risk.</p>
<p>Desire for more community consultation</p>	<p>Additional information has been proposed in the Community Engagement section pg. 109 - 113.</p>
<p>Request for information regarding how Council will manage for:</p> <ul style="list-style-type: none"> <li>- Vulnerable turtle populations</li> <li>- Impacts from neighbouring catchments in neighbouring LGA's</li> </ul>	<p>Additional information added in the key threats and issues table section 17.1.</p>
<p>Inclusion of historical activities from EMP's and CZMP's into the new CMP</p>	<p>Council has reviewed the historical CZMP's and EMP's in order to develop the list of threats and issues that need to be addressed in the CMP scoping study. These plans have informed Council of which actions have</p>

Submission	Resulting amendment in document
	<p>been completed and are to be completed as we move forward.</p> <p>A summary is included for each catchment area on section 16 and the information has been used in developing the risk table in section 17.1.</p>
Request for a focus on implementation	Added additional information in forward work plan for each chapter of the CMP. Sections 17.3.1 - 17.3.4.
<p>Clarifications from DPIE Fisheries regarding:</p> <ul style="list-style-type: none"> <li>- Fish/prawn/oyster stock changes and data collection gaps</li> <li>- Seagrass mapping</li> <li>- Riparian zone impacts and riverbank erosion</li> <li>- ICOLL entrance advice</li> <li>- Sea level and tidal inundation</li> </ul>	Updates reflected in Chapter 17 to reflect comments
Governance	Minor word changes completed

The draft Scoping Study was also presented to the Coast, Estuary and Floodplain Advisory Sub-Committee on 27 August 2020 to discuss feedback received and the status of the Scoping Study.

### Options

The NSW State Government's *Coastal Management Program* provides a framework to ensure the sustainable use of the coast and estuaries of NSW. The *Coastal Management Manual* (among other things) provides a means of ensuring that any new development is compatible with the overriding objectives of the new *Coastal Management Act and Coastal Management SEPP*.

The *Coastal Management Manual* has been developed to provide local councils with information and guidance to assist their development of coastal management programs (CMPs) that are consistent with the requirements of the Coastal Management Act and SEPP. The Manual also provides information and guidance to other public authorities that have responsibility within the coastal zone in developing their management plans for their infrastructure and assets.

The State Government subsidises coastal and estuary management works but only where the State Government coastal management process has been followed and only where Council is the lead agency.

*The Coastal Management Program - Stage 1 Scoping Study (2021)* has been developed in accordance with the NSW Government's *Coastal Management Manual*.

Accordingly, it is recommended that Council:

1. Endorse the *Coastal Management Program - Stage1 Scoping Study (2021)*
2. Proceed to complete the background studies for the Lake Cathie/Bonny Hills CMP Chapter, pending successful grant funding being provided by the NSW Government under the Coastal Management Grant Program.

Council could opt to:

1. Proceed to adopt the *Coastal Management Program - Stage1 Scoping Study (2021)*; or
2. Not proceed to adopt the *Coastal Management Program - Stage1 Scoping Study (2021)*; or
3. Resolve in some other manner.

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

#### *Have Your Say*

During the public exhibition period 658 people viewed the PMHC *Have Your Say* site with 117 people downloading the documentation. At the close of the public exhibition period 490 people were *aware*, 121 participants were *informed*, and 8 were *engaged*, accordingly 8 submissions were received via PMHC *Have Your Say* site.

#### *Facebook Q&A Session*

Five people attended the public drop-in session. Attendees were made aware of the submission process and hard-copy submission forms were made available during the meeting. No submissions were received from the drop-in session.

CMP live Q&A Stats - (as at 11 June 2020)

- 421 people viewed the video
- 13 reactions received on the video
- 25 comments received from the community during the live session
- 8 questions asked during the live session
- 1 video share
- Peak viewership hit 30 people at 24 minutes in.

#### *Key Stakeholders*

Key stakeholders were made aware of the public exhibition period via letters to each agency.

NSW Government agencies notified:

- DPIE - Crown Lands
- DPIE - Fisheries
- NPWS
- SES
- TfNSW

- Local Land Services
- Forestry Corporation
- NSW Water
- NSW Agriculture

Submissions were received from 5 of the agencies notified.

#### Individual Submissions

During the public consultation period a total of 22 submissions were received. **Attachment 1 and 2** summarises the issues raised in the submissions and provides Comments and details any recommended changes to the Scoping Study in respect of the issues. A copy of all of the submissions received has been provided to Councillors separately.

#### **Planning and Policy Implications**

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

#### **Financial and Economic Implications**

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

#### **Attachments**

1.  Coastal Management Program CMP Scoping Study Submissions List for Council Report, July 2020
2.  Saving Lake Cathie survey results
3.  Coastal Management Program - Scoping Study

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**Item:** 13.13

**Subject:** PLANNING PROPOSAL PP2014 - 14.1: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE BONNY HILLS - CONSIDERATION OF SUBMISSIONS

**APPLICANT:** KING AND CAMPBELL PTY LTD  
**OWNER:** S J MIFSUD

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

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### 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. Endorse a revised Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills, as contained in Attachment 2 of this report, that makes changes to the Land Zoning, Height of Buildings and Lot Size maps, and re-exhibit the Planning Proposal in accordance with the Gateway Determination.
2. Endorse revised draft Development Control Plan (DCP) site-specific provisions, as contained in Attachment 3 and Attachment 4 of this report for the subject land and re-exhibit concurrently with the Planning Proposal.
3. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and formatting errors, if required, to the revised Planning Proposal and draft Development Control Plan provisions prior to public exhibition.
4. Notify all persons who lodged a submission of Council's decision and the re-exhibition of the revised Planning Proposal and draft Development Control Plan amendments.

### Executive Summary

This Planning Proposal relates to the rezoning of land at Lot 10 DP 615775 (8.96ha) and Lot 6 DP 1210904 (0.62ha, being part former lot 1 DP 1117908) Houston Mitchell Drive, Bonny Hills from RU1 Primary Production to part IN2 Light Industrial and part E2 Environmental Conservation zone together with amendments to the Height of Buildings and Minimum Lot Size maps. Council resolved to prepare a Planning Proposal at the meeting of 17 April 2019.

The Planning Proposal and draft development control provisions were exhibited for comment for 28-days between 20 November 2019 and 18 December 2019.

Twenty eight (28) submissions were received as a result of the public exhibition. Three (3) submissions were from State Government Agencies and one submission from the proponent, King & Campbell Pty Ltd on behalf of the landowner.

Key issues raised include the suitability of the site for industrial development, demand for industrial uses in the location, visual impact, environment, traffic and access and impact on amenity including noise. Issues raised in the submissions are addressed in the Key Issues, Community Engagement and Internal Consultation sections of this report.

This report considers the written submissions received in response to the public exhibition of the Houston Mitchell Drive Planning Proposal (PP2014- 14.1) and development control plan provisions.

The Planning Proposal including the associated maps has been amended in response to submissions received (**Attachment 2 and 3**). It is recommended that Council proceed to re-exhibit the revised Planning Proposal and draft development control plan provisions that include amendments made in response to submissions. A further report will be presented to Council after the public exhibition.

## Discussion

### Background

At its meeting of 17 April 2019, Council resolved to prepare a Planning Proposal to amend the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011* to prepare and exhibit a Planning Proposal, Development Control Plan provisions and a Voluntary Planning Agreement in connection with land at the corner of Houston Mitchell Drive and Ocean Drive between Lake Cathie and Bonny Hills. Council resolved as follows:

*RESOLVED: Hawkins/Alley*

*That Council:*

- 1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lot 10 DP 615775 and Lot 1 DP 1117908, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills to rezone the land for light industrial and environmental protection purposes and associated changes to the Height of Buildings Map and Minimum Lot Size Map as outlined in this report.*
- 2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
- 3. Upon receipt of the Gateway Determination, complete the relevant procedures under section 3.34 and clause 4 of Schedule 1 of the Act, including public exhibition of the Planning Proposal.*
- 4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Gateway Determination.*
- 5. Endorse and publically exhibit the attached draft Development Control Plans, incorporating site specific and Asset Protection Zone matters, concurrently with the Voluntary Planning Agreement and Planning Proposal in accordance with clauses 18 and 19 of the Environmental Planning and Assessment Regulations 2000.*

*CARRIED: 7/0*

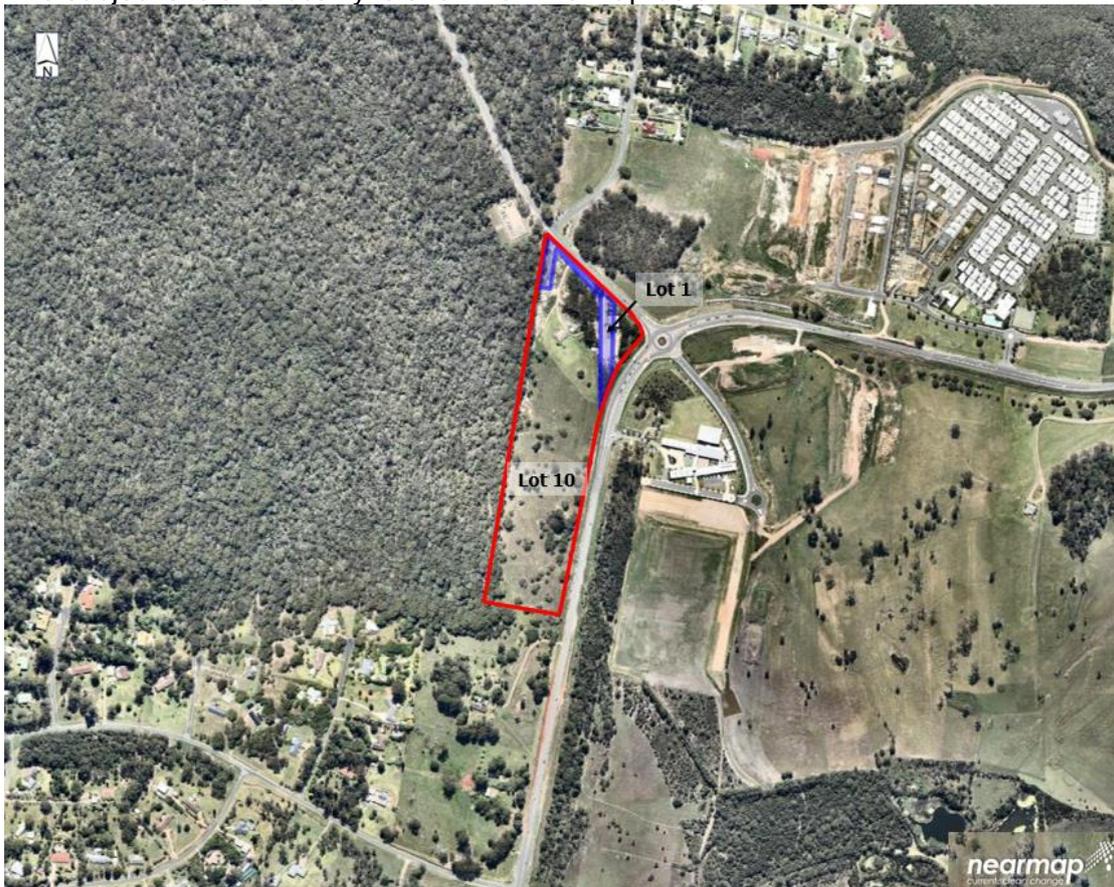
*FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner*

*AGAINST: Nil*

Following Council’s resolution in April 2019, a Planning Proposal was prepared and forwarded to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination. A Gateway Determination was issued on 9 July 2019 allowing the proposal to proceed subject to conditions and that the LEP be completed within 9 months. A copy of the Gateway Determination is provided as Appendix A to the Planning Proposal.

Council sought an extension to the time frame for completion of the LEP in April 2020 to allow the proponent time to prepare supporting information and again in November 2020 in anticipation that amendments to the Planning Proposal would be re-exhibited in early in 2021. An Alteration to Gateway determination was granted on 27 November 2020 that extended the time frame for completion to 30 June 2021; this aligns with the *NSW Public Spaces Legacy Program*. DPIE have advised that a further extension beyond this time to complete the LEP is unlikely.

The subject site and locality is shown on the map below.



The Planning Proposal is one of three site specific Planning Proposals identified for finalisation by 30 June 2021 under the *NSW Public Spaces Legacy Program*. The Program was launched by the State Government on 5 August 2020 and incentivises local councils to accelerate their assessment of development applications and

rezonings to create new development capacity and demand for housing and employment over the next decade.

### The Proposal

The Planning Proposal relates to land at the corner of Houston Mitchell Drive and Ocean Drive and is currently zoned RU1 Primary Production under Port Macquarie-Hastings LEP 2011 (LEP 2011). The proponent for the Planning Proposal is King and Campbell Pty Ltd on behalf of the landowner, S J Mifsud. The land is occupied by a dwelling and large shed.

The Proposal involves an amendment to LEP 2011 to enable future development for light industrial purposes. The Planning Proposal as exhibited in 2019 proposed the following amendments to LEP 2011:

- Amendment to the Land Zoning Map to change the zoning of the site from RU1 Primary Production to part IN2 Light Industrial and part E2 Environmental Conservation and part E3 Environmental Management.
- Amendment to the Lot Size Map to allow a minimum lot size of 1000m<sup>2</sup> for the industrial land and a minimum of 40ha for the E2/E3 environmental land.
- Amendment to the Height of Building Map to allow a maximum height of 11.5m for the proposed industrial zoned land.

The Planning Proposal also included the following changes to Council's Development Control Plan 2013 (DCP 2013):

- Amendment to general bushfire provisions so that the provisions apply more broadly including the subdivision of industrial zoned land.
- New site specific provisions related to stormwater, landscape buffer and fauna fencing.

Revisions to the Planning Proposal are proposed following exhibition and are discussed later in this report.

The Planning Proposal was exhibited from 20 November to 18 December 2019 consistent with Council's resolution of 17 April 2019. Submissions were received and these are discussed below. A detailed submission was received from the Biodiversity Conservation Division (BCD) of DPIE regarding environmental matters.

### Proponent's Revised Concept

The Proponent prepared a revised concept plan and further information to support the rezoning in response to submissions and discussion with Council staff and the BCD.

A copy of the concept plan is provided at **Attachment 1** to this report. The supporting information was submitted in September 2020 including a Traffic Impact Assessment (TIA), a detailed response to each of the 28 submissions and an updated offer to enter into a voluntary planning agreement under the Environmental Planning and Assessment Act 1979, as amended.

The revised VPA offer represents a commitment by the landowner to:

- Provide a permanent fauna fence to the environmental management land,
- Provide a permanent fence to the landscaped buffer adjacent to Ocean Drive and Houston Mitchell Drive,
- Undertake establishment and ongoing management obligations with respect to the proposed E2 zoned land including the landscaped buffer, and
- Secure retirement of biodiversity credits under the State Government Biodiversity Offset Scheme prior to commencement of any works that may impact high environmental value areas.

A copy of the planning agreement offer is provided at **Attachment 6** to this report.

Council staff consider that the planning agreement offer should be declined in this case because the matters can be addressed as part of the development application assessment process.

#### Public Exhibition

The Planning Proposal and draft development controls were placed on public exhibition for 28 days from 20 November 2019 and 18 December 2019.

Twenty eight written submissions were received from residents, Bonny Hills/Lake Cathie business owners/organisations/community groups, the proponent and State Government agencies. Approximately 24 submissions opposed the Planning Proposal, or certain aspects of the proposal, based on the exhibition in 2019. Three submissions were made by state agencies and one by King & Campbell Pty Ltd on behalf of the landowner. Several submissions made by individuals raised the same issues as the Bonny Hills Progress Association.

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

A detailed summary of the submissions and a planning response is included as **Attachment 5** to this report. The key issues and concerns raised in the submissions are discussed below.

#### Key Issues

##### 1. Suitability of site for industrial land uses

Submissions received identify the subject land as an important gateway site that marks the entry into Bonny Hills and Lake Cathie.

Concerns have been raised that the proposed use is not a good fit with the beachside location and the surrounding land uses (environmental, residential and education). Several submissions questioned the type of uses that are permissible in an IN2 Light Industry zone and that there are no restrictions on noise levels, chemical storage, spills and run off to low lying areas.

Submissions note that Council has consulted widely over time and received a consistent message from the Lake Cathie/Bonny Hills communities that a light industrial area is not appropriate/supported in this location.

*Comment: The site has been identified for investigation in the North Coast Regional Plan (NCRP) 2036 as an investigation area for employment lands.*

*The site has also been identified as an investigation area for light industry in Council's Urban Growth Management Strategy since 2011, noting that the site presents an opportunity to meet the future local service based industrial needs of the Lake Cathie/Bonny Hills Urban Release Area population in an excellent location close to a potential workforce and major transport corridors. More than 700 residential lots have been approved for the land to the east. The rezoning of the subject land provides potential for jobs within a short walk, ride or drive to the residential urban growth area.*

*An objective of the IN2 zone is to minimise adverse effect of industry on other land uses and also provide facilities to meet the everyday needs of workers in the area. Examples of uses that are permissible with consent in an IN2 zone include depots, garden centres, hardware and building supplies, light industries, medical centres, neighbourhood shops, places of public worship, pubs, vehicle sales or hire premises, warehouse or distribution centres. This information has been included in the revised Planning Proposal. Council's DCP 2013 includes development provisions for industrial development to minimise the potential impact on adjoining sensitive land uses and restrictions on noise levels, chemical storage and the like will be considered through the development application process and associated legislation.*

## 2. Demand for industrial land in this location

Concerns have also been raised that there is insufficient demand for industrial land in the locality and that significant vacancies have been identified across the LGA at Port Macquarie, Wauchope and Laurieton.

*Comment:*

*While there are industrial sites available more broadly across the LGA, there are currently limited opportunities for businesses that require industrial sites to set up or expand in Lake Cathie and Bonny Hills area.*

*The site is recognised in the UGMS as being a suitable industrial investigation area as it is centrally located in terms of access to planned development in Lake Cathie and Bonny Hills Urban Release Area. The subject site is likely to yield approximately 5.5ha of light industrial land, which is around 70% of the required industrial land supply in the UGMS in this locality to 2036. The subject site is strategically important because there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.*

## 3. Visual Impact

A majority of submissions raise concern over the visual prominence of the site at the intersection of two major roads. The 11.5m maximum building height limit proposed as part of the original Planning Proposal was cited as unacceptable in submissions because surrounding (residential) land uses have a maximum building height of 8.5m and there would be difficulty screening the new industrial buildings from view. A maximum building height of 8.5m was suggested as more appropriate and it was noted that this applies to IN2 Light Industrial land in Laurieton.

*Comment: It is common for industrial areas in this local government area to have a 14.5m height limit. This provides flexibility as to the possible future uses, equipment and storage needs of business.*

*Due to the community concern, the proponent has agreed to reduce the proposed 11.5m height limit to a maximum building height of 10m. While it is acknowledged that the Laurieton light industrial area has an 8.5m height limit, the subject site is separated from adjacent development by major roads and environmental land a maximum 10m height of buildings can be accommodated without significant impact to the surrounding landscape. It is also noted that taller buildings are permitted with development consent at the new Rainbow Beach town centre. While existing residential development in the locality at Forest Parkway and east along Ocean Drive is generally one and two storeys, taller buildings can be expected as the growth area develops.*

*The revised zone layout provides a minimum 10m wide E2 buffer along the Ocean Drive and Houston Mitchell Drive frontages (excepting the site access) to accommodate existing trees and a planted buffer. The proposed site specific DCP (**Attachment 4**) provisions contain a landscape planting concept. A detailed landscape plan will be required at development application stage.*

#### 4. Biodiversity

Several submissions raised concern about the amount of vegetation removal that would result from development of the site and in particular loss of Koala habitat following loss of bushland in the area during the 2019 bushfires.

Other submissions raised concerns about the inadequacy of the ecological assessments that have been prepared to support the rezoning. Concerns were raised about information provided about habitat connections, including connections to the eastern side of Ocean Drive and insufficient details about how the proposed E2 environmental land and landscape buffers would be managed and who would manage the land.

Four hollow bearing trees were identified at the subject site and concern was raised that a more detailed assessment of their removal is required due to potential to be habitat for threatened species.

Several submissions suggested that revegetation of the northern environmental lands near the existing shed would be more difficult due to compaction of soil and potential for contamination.

Potential for impact on the adjoining Queens Lake State Conservation Area to the west was also identified as an issue.

*Comment:*

*Following the exhibition in late 2019 Council staff met with the BCD and the proponent in January 2020 to consider the impact of the Proposal on biodiversity. Changes to the zone layout have been proposed as a result and are shown in the Concept Plan provided at **Attachment 1** to this report. The revised zone layout has been determined with consideration of areas of least biodiversity sensitivity using an “avoid, minimise, offset” approach that is a central tenet of the North Coast Regional Plan 2036. This approach is supported by BCD and Council’s ecological experts.*

*The vegetation in the northern part of the site, closer to Houston Mitchell Drive, was identified as Koala habitat as part of work undertaken by Council in 2018. The zone layout exhibited as part of the Planning Proposal placed on exhibition in 2019 identified this area for retention within an E2 Environmental Conservation zone. However, the need to reconsider the viability of the retention of the vegetation in an E2 zone was raised in a submission by the BCD because this had the potential to isolate animals between the future industrial subdivision and the busy road network. The reconfiguration of the E2 land in the south that is better connected to other areas of habitat to the east and west and retention of more mature trees in that area is considered a better outcome.*

*An E2 Environmental Conservation zone is proposed over more than 4ha of the total site area (9.53ha) being land generally south of the site. The land will remain in private ownership and will be managed in accordance with a vegetation management plan (VMP). VMPs are required under Council's DCP 2013 for land that is to be used to offset development impacts and will need to address matters like weed removal, re-establishment planting, fencing and ongoing management. Council staff have determined that Council does not want to manage the E2 land.*

*Part of the western boundary adjacent to the IN2 land will be fenced to exclude fauna from entering the industrial land and adjacent roads. Directional fencing will be considered to direct fauna through existing culverts (under Ocean Drive) to the environmental land on the eastern side.*

*Planting of Koala food trees within the E2 land at the southern end of the site will assist to offset loss of trees at the northern end will need to be addressed in the VMP.*

*The revised zone layout provides for retention of three of the four identified hollow bearing trees that would be located within E2 zoned. This includes two hollow bearing trees (HBT) near the larger dam and one tree on the western boundary of the site. The assessment, removal and offset arrangements for the removal of HBT are also addressed in Council's DCP 2013.*

*The BCD has recommended that when the development footprint is resolved, the biodiversity credits required to offset future development impacts under the Biodiversity Conservation Act should be determined by applying Stage 1 of the Biodiversity Assessment Method (BAM). This requires the preparation of a BAM assessment. The previous assessment submitted by the proponent does not meet the BAM requirements. It is anticipated that a revised BAM will be submitted by the proponent and will be placed on exhibition with the PP material.*

*The BCD will be consulted again as part of the re-exhibition of the revised Planning Proposal.*

#### 5. Traffic and Access

Several submissions raise concerns over the impact of additional traffic in the locality, the capacity of the Ocean Drive/Mitchell Houston Drive roundabout, safe access to the subject employment lands and the adjacent school.

Concerns were raised that the original Planning Proposal did not provide sufficient detail in relation to traffic management including movement of heavy vehicles and safety due to increased volumes of traffic through Lake Cathie/Bonny Hills.

Submissions also requested information about the location of access to the site. The submission from Transport for NSW (TfNSW) suggested a Traffic Impact Assessment (TIA) be submitted for the Planning Proposal.

*Comment: The proponent submitted a TIA in September 2020 that considers expected traffic generation, the capacity of the existing Forest Parkway/Houston Mitchell Drive intersection and the proposed site access off Houston Mitchell Drive. A copy of the TIA is provided at Attachment 11 to the amended Planning Proposal. The TIA confirms that there is adequate capacity in the road network to cater for the proposed 5.5ha of industrial land.*

*The traffic assessment includes detailed analysis for a proposed 4-way priority-controlled intersection adjacent to Forest Parkway to serve the industrial land. Council staff consider the proposed 45° angle approach to Houston Mitchell Drive from the site would result in an unsafe intersection. Intersections with severe skew angles (i.e. less than 75°) often experience operational or safety problems. The constraints of the site make it very difficult to achieve a much safer 90° approach. It is also important the intersection be as far away from the Ocean Drive intersection as possible. The proponent has advised that the prospect of acquiring part of the adjoining State Conservation Area to the west for road widening is limited.*

*Council staff consider a roundabout to be the preferred layout for an intersection in this situation where a right-angle approach cannot be achieved and there are ongoing discussions with the proponent in this regard.*

*TfNSW will be consulted again as part of the re-exhibition of the revised Planning Proposal.*

#### Summary of recommended changes to Planning Proposal

Following consideration of the key issues raised in the submissions, a revised Planning Proposal has been prepared (refer **Attachment 2**).

The proponent has submitted a proposed zone layout plan to demonstrate a possible IN2 Light Industrial zone footprint of approximately 5.5ha with a subdivision layout for 29 light industrial lots and E2 Environmental Conservation zone for the remaining land (approximately 4ha) including a proposed landscape buffer to Ocean Drive and Houston Mitchell Drive. The subdivision concept plan is provided as **Attachment 1** to this report and included in the revised Planning Proposal.

A comparison of the current, exhibited and revised land zoning maps for the site are shown below. Changes proposed to the Land Zoning Map include:

- The area of E2 zoned land adjacent to the existing shed (northern end) has been reduced and proposed as IN2.
- The southern E2 land area has been enlarged (near the larger dam) that provides for retention of additional trees, including hollow bearing trees, and will reduce the extent of fill required for future development and reduces need for retaining walls.
- An E2 zoned landscape/visual buffer minimum 10m wide to the Houston Mitchell and Ocean Drive frontages, excepting the proposed access point at the north-west corner of the site, that provides for retention of trees.

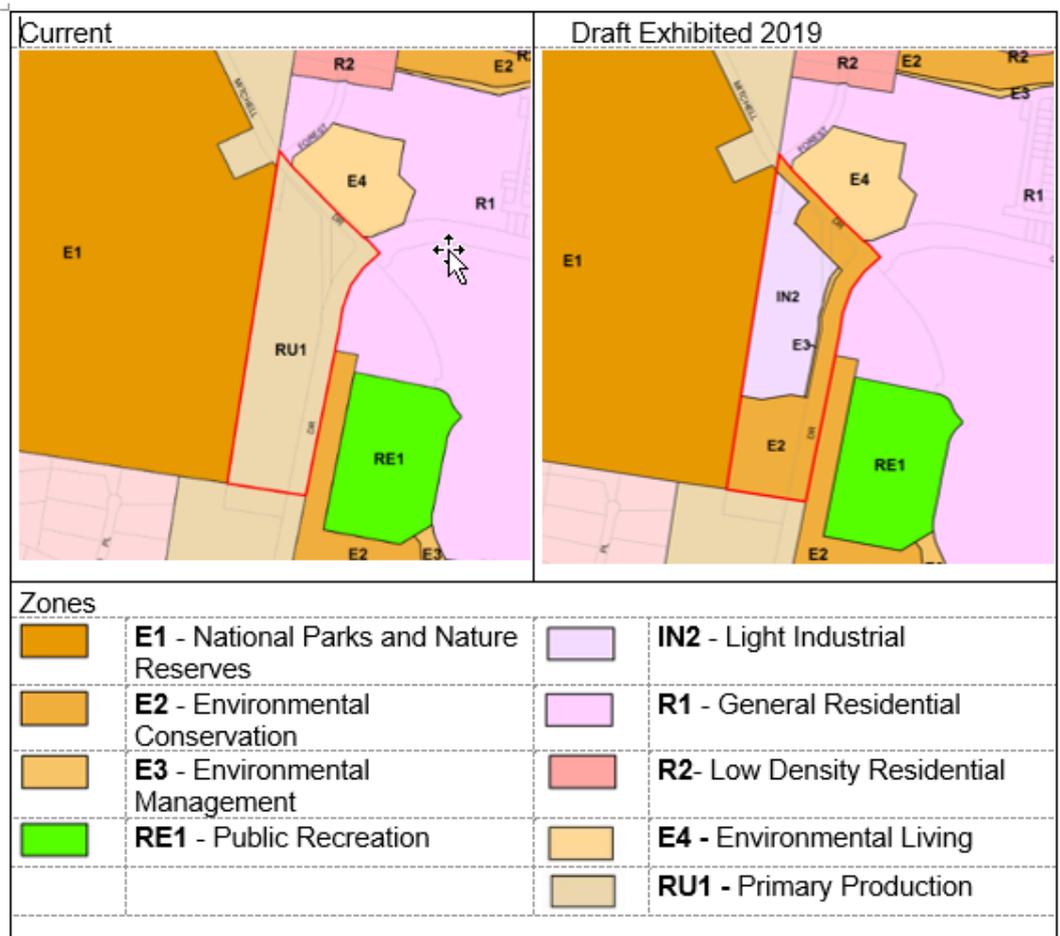
- An increased E2 zoned landscaped splay width to the Ocean Drive and Houston Mitchell Drive corner to provide for a wider vegetated buffer at the intersection.
- An E2 zoned 10m wide landscaped buffer on part of the western boundary with the State Conservation Area varies up to 13.5m to ensure retention of two hollow bearing trees.
- The E3 zone is no longer proposed. The strip of land that was proposed as E3 is now incorporated into a broader E2 Environmental Conservation zone along Ocean Drive.

A comparison of the current, exhibited and revised Maximum Height of Buildings maps for the site are shown below. Changes to the Maximum Height of Buildings Map include:

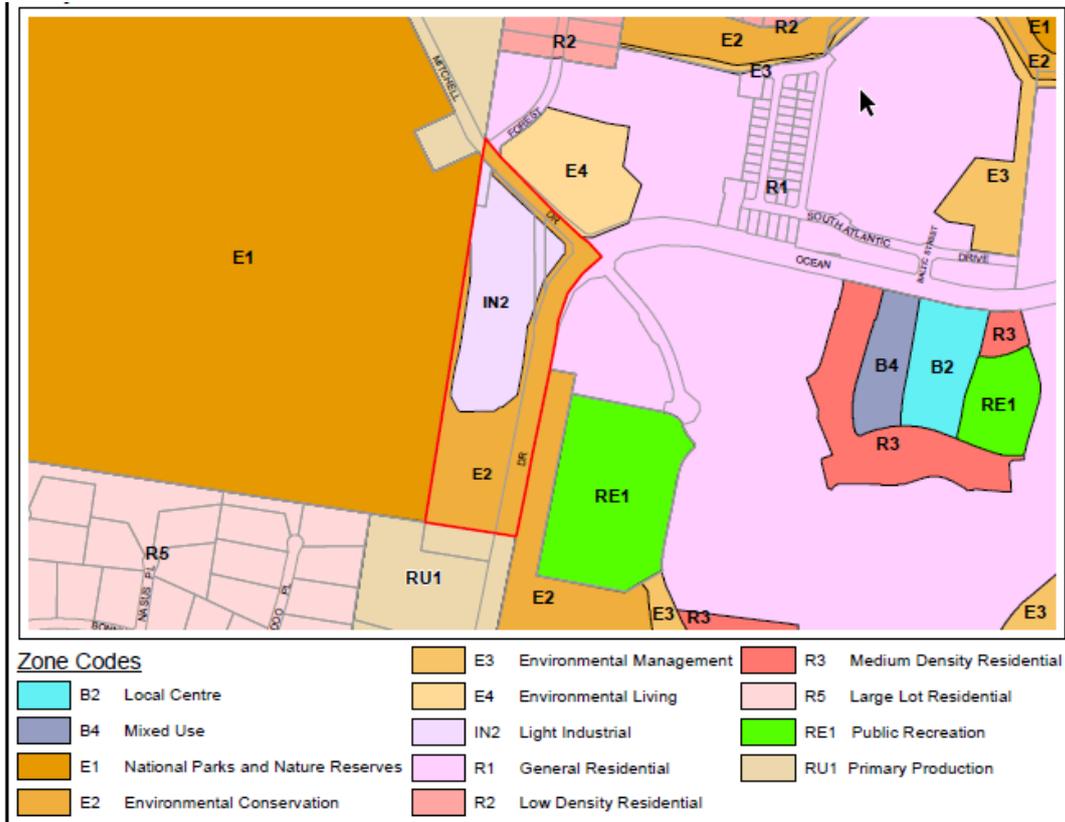
- The maximum height of buildings has been reduced from 11.5m to 10m.

A comparison of the current, exhibited and revised Lot Size maps for the site are shown below. There are no changes to the minimum lot sizes to be applied to the site from the draft Planning Proposal exhibited in 2019.

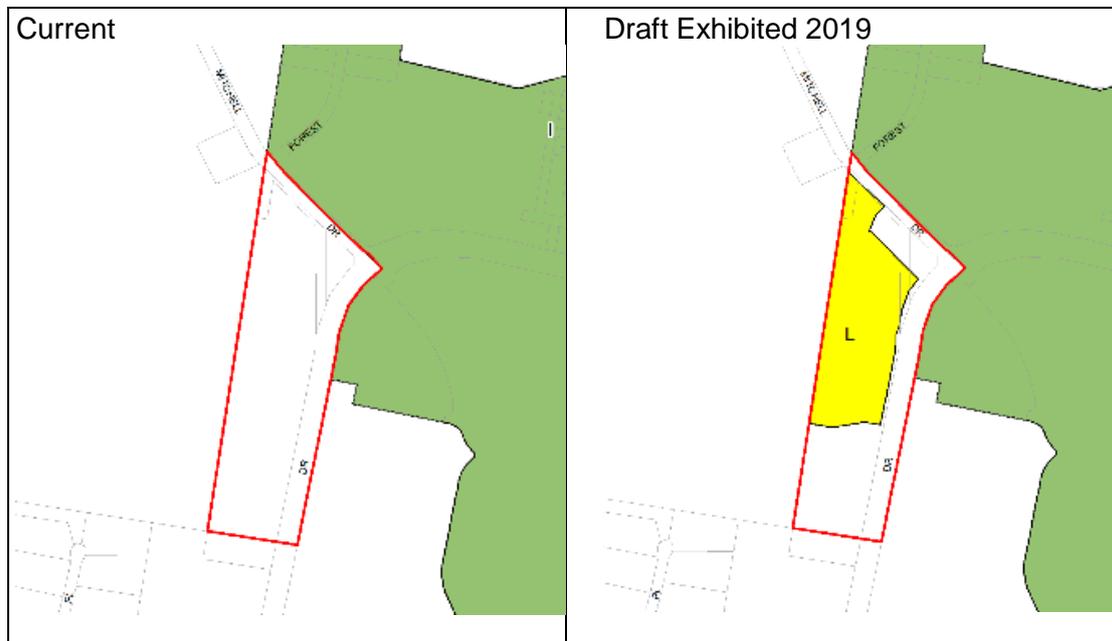
**Land Zoning Map**



Revised Draft Land Zone Map

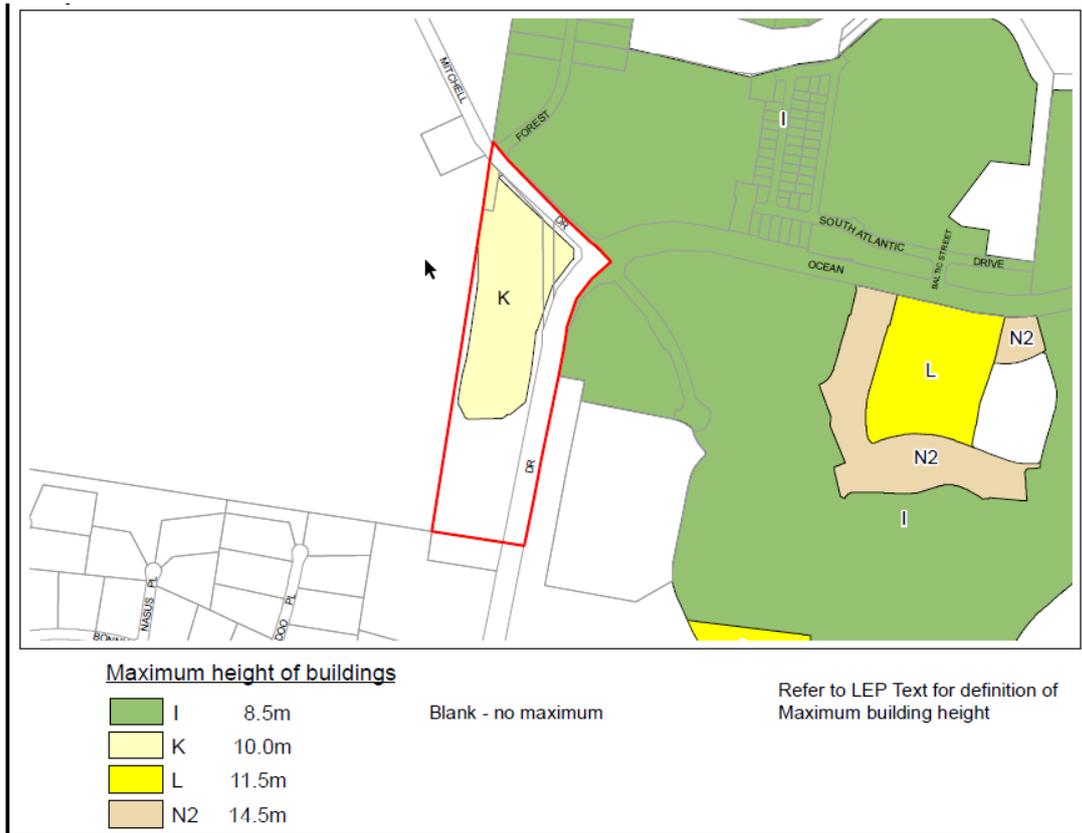


Height of Buildings Map

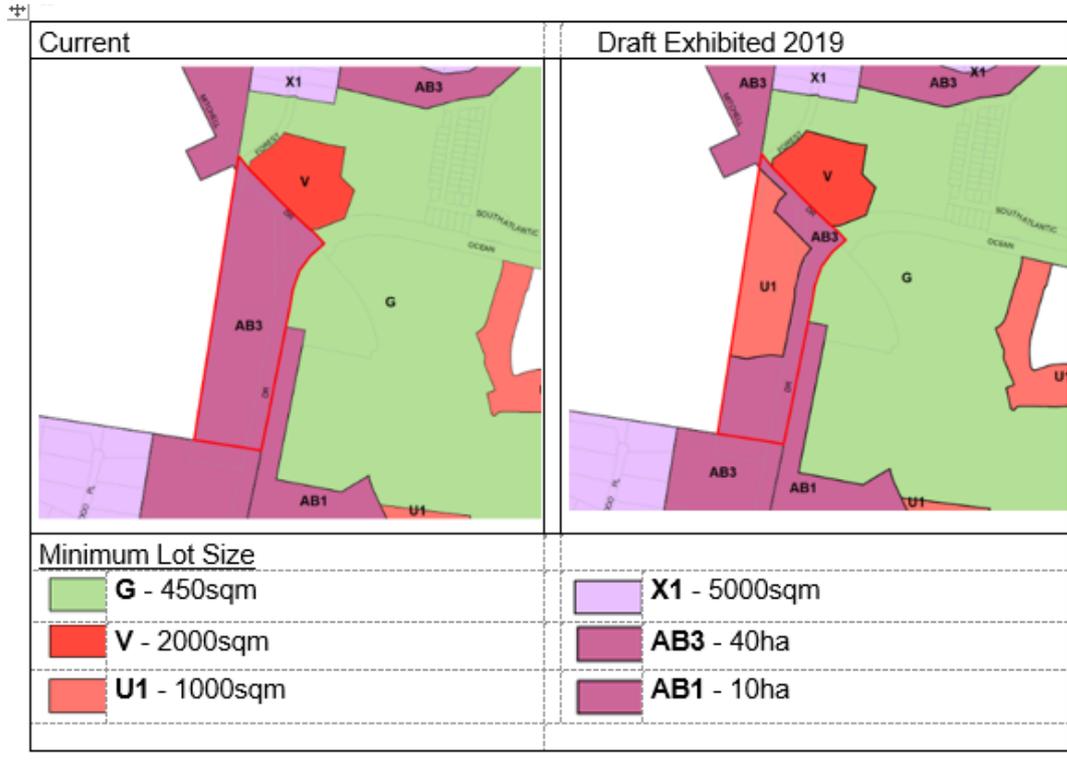


Maximum height of buildings	
	I - 8.5m
	L - 11.5m
	Blank - no maximum

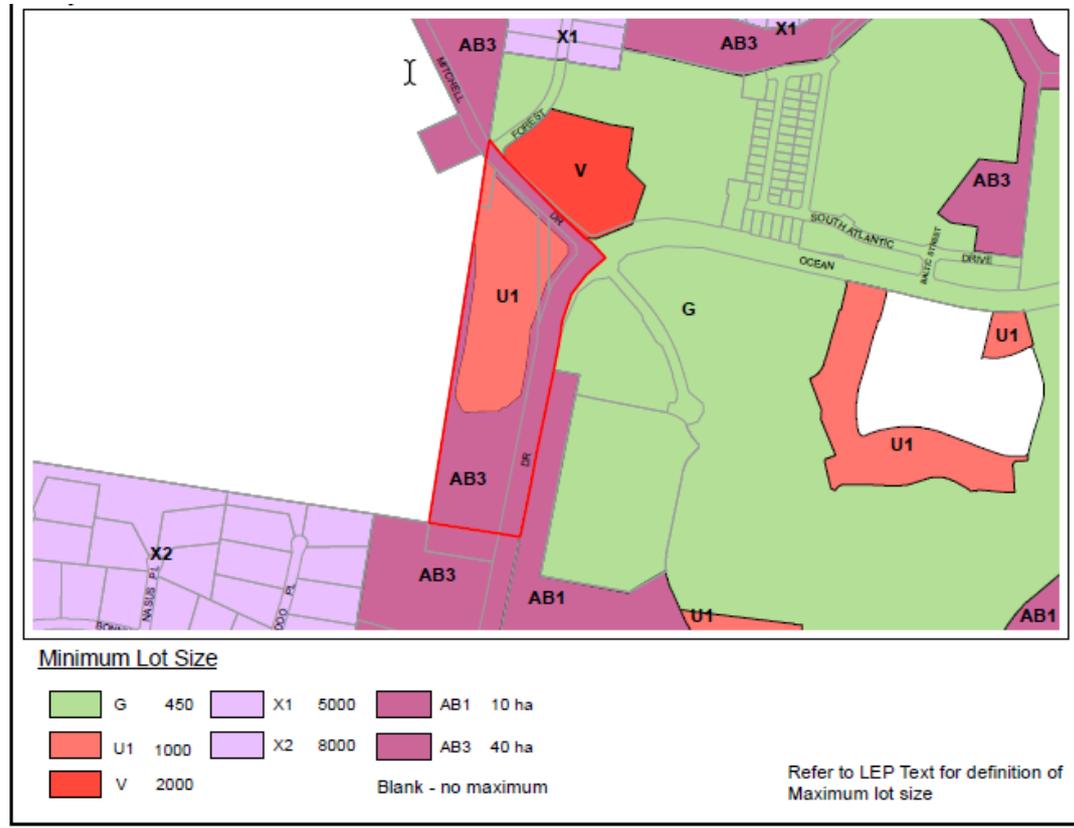
Revised Draft Height of Buildings Map



Lot Size Map



Revised Draft Lot Size Map



### Changes to the Site Specific DCP Provisions

Following consideration of the key issues raised in the submissions, amendments to the site-specific DCP provisions have been made (refer **Attachment 4**).

Proposed changes include:

- Minor change to clarify that a minimum 5m wide landscaped buffer is required along both the Ocean Drive and the Houston Mitchell Drive frontage.
- Updated Figure 3 - The proposed location of the fauna fence has been changed to exclude fauna from the IN2 zoned land and the proposed landscaped buffer areas to avoid fauna being directed onto roads.
- Minor text changes.

The proposed DCP changes are marked up in red text in **Attachment 4**.

There are no further changes proposed to the DCP 2013 general bushfire provisions, as previously exhibited in 2019 (refer to **Attachment 3**).

Re-exhibition of the Planning Proposal and DCP provisions is considered necessary based on the extent of changes that have been made and the time that has elapsed since the first exhibition took place in late 2019.

### **Options**

Council's options are to:

1. Approve the Planning Proposal as exhibited and resolve to make the LEP to rezone the land.
2. Exhibit a revised Planning Proposal and amendments to DCP provisions in response to the submissions received.
3. Not support the Planning Proposal and request the Minister determine the matter not proceed.

It is recommended that Council exhibit a revised Planning Proposal and DCP provisions, a copy of which is included as **Attachments 3 and 4** to this report.

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

The Planning Proposal and draft site-specific development controls were exhibited for 28 days from 20 November 2019 and 18 December 2019.

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

- Public exhibition notice in local papers (20 November and 4 December 2019)
- Hard copies of exhibition material were made available at Council's Laurieton, Port Macquarie and Wauchope Customer Service Centres.
- The documentation was forwarded to the following stakeholders, inviting comments:
  - Affected and potentially affected landowners in neighbouring properties and the wider Bonny Hills/Lake Cathie community. This extended to 73 residents who have participated in the Bonny Hills/Lake Cathie planning process and

- requested updates on any planning for the area; the Bonny Hills Progress Association and Wauchope Chamber of Commerce.
- NSW Department of Planning Industry and Environment
- Public agencies Council is required to consult as part of the Gateway process, including NSW Roads and Maritime Services, NSW Rural Fire Service and the Biodiversity Conservation Division.

During the exhibition period, 339 community members visited the *Have your say* site; there were 98 downloads.

As previously noted, 28 submissions were received. The key matters identified in the submissions have been considered in the *Key Issues* section of this report. A summary of the submissions and a planning response to the matters raised is provided as an attachment to this report.

All individuals/groups and agencies that made a submission have been notified of this matter being reported to Council.

In re-exhibiting the revised Planning Proposal and draft DCP amendments, Council will follow the same community engagement processes as were undertaken when the Planning Proposal was publically exhibited in late 2019. Those people who made a submission to the first exhibition, will be advised of the re-exhibition.

Throughout the planning process, internal consultation in relation to the proposal has occurred with a range of staff from across the organisation including Transport and Stormwater Network, Water and Sewer, Environmental Services, Regulatory Services, Development Assessment Planners, Development Engineers and Community Place.

### **Planning and Policy Implications**

The proposal is consistent with the *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* as the site is identified in the short-term for service industrial development.

In preparing the Planning Proposal, Council has been required to follow the procedures set out the NSW Government's *A Guide for the Preparation of LEPs and A Guide to Preparing Planning Proposals* and Council's *Planning Proposals Policy*.

The exhibition phase of the process has enabled the proponent, residents, business owners/organisations and state government agencies the opportunity to review and make comment of the proposal before a final decision is made.

### **Financial and Economic Implications**

The costs to Council in preparing the planning proposal and site specific development controls are partly covered by rezoning fees that have been paid by the proponent in accordance with Council's Schedule of Fees and Charges, at the time of payment. There is no additional fee for the second exhibition.

There are no changes proposed to Council's Section 7.11 or Section 7.12 Development Contributions Plans, or Development Servicing Plans for Water and

Sewer, in connection with the planning proposal. Development contributions will apply to the future development of the land.

There is no dedication of land or payment of a monetary contribution required in connection with the planning agreement.

The up-front cost of extension of services to the land including a suitable intersection off Houston Mitchell Drive to serve future development will be at the expense of the developer. Ongoing costs associated with establishment and management of the E2 zoned land, including provision of a landscaped buffer along Houston Mitchell Drive and Ocean Drive, will be at the expense of the developer/landowner.

Long-term maintenance and replacement of developer provided assets as a consequence of the rezoning and development of the land for industrial purposes (for example roads, water mains, sewerage, stormwater, footpaths and street lighting) will be an ongoing expense to Council.

### **Attachments**

1.  Proponents Revised Concept Plan Houston Mitchell Drive
2.  Planning Proposal - PP2014-14.1 Houston Mitchell Drive V2.1 February 2021
3.  Draft amendment to PMHC Development Control Plan 2013 Part B3 Objective 18 Bushfire Hazard management
4.  Draft Site Specific Development Control Plan - Houston Mitchell Drive Employment Lands
5.  Houston Mitchell Drive Planning Proposal - Summary of Submissions Public Exhibition 2019
6.  Planning Agreement Offer - Houston Mitchell Drive 28 09 2020

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**Item:** 13.14

**Subject:** BRIERLEY HILL ENVIRONMENTAL LAND EAST PLANNING AGREEMENT

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

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### 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 enter into the Brierley Hill Environmental Land East Planning Agreement (Attachment 1) which relates to Development Application (DA2008 - 440) for subdivision of land at The Point Drive, Port Macquarie.**

### Executive Summary

Council has received an offer from Brierley Hill Pty Ltd to enter into a planning agreement in connection with Development Application (DA2008 - 440) for the purposes of a residential subdivision at The Point Drive, Port Macquarie.

The Planning Agreement specifically relates to Lot 1139 & 1140 DP 1248153 and Lot 1032 DP 1231419, which contain the residue environmental land left over from the residential subdivision. The subject lots have already been dedicated to Council and there is currently a Security Bond in place to ensure the ongoing maintenance of the land by the Developer, until such time as a planning agreement has been implemented.

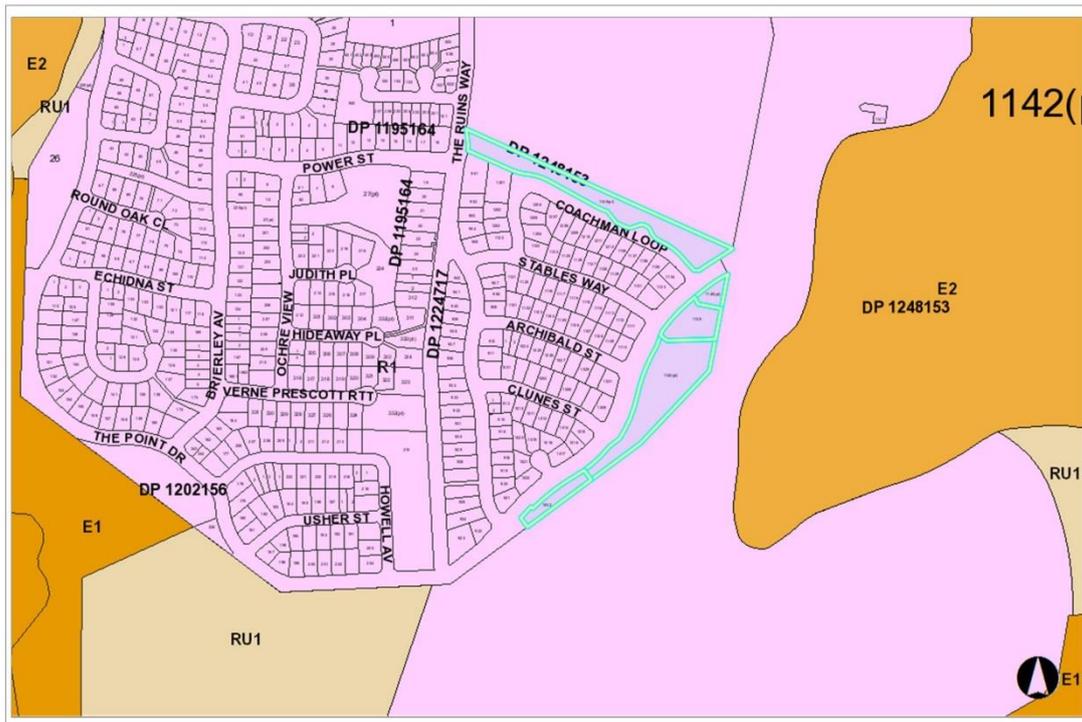
The proposed Planning Agreement (**Attachment 1**) provides for the following:

- Payment of a monetary contribution to be held and applied by the Council towards the ongoing management of environmental land at Brierley Hill.

### Discussion

Council has received an offer to enter into a Planning Agreement in connection with DA2008 - 440 for the purposes of a residential subdivision at The Point Drive, Port Macquarie.

The location of the relevant lots associated with the Planning Agreement, zoning and surrounding development are outlined in the following maps:





The proposed Planning Agreement specifically relates to Lot 1139 & 1140 DP 1248153 and Lot 1032 DP 1231419, which contain the residue environmental land left over from the residential subdivision. The subject lots have already been dedicated to Council and there is currently a Security Bond in place to ensure the ongoing maintenance of the land by the Developer, until such time as a planning agreement has been implemented.

The Security Bond held by Council is for the amount of \$68,640.00. The figure is based on the costs associated with the establishment and 10 year management of the land, as required by the Vegetation Management Plan (VMP) attached to DA2008 - 440. At this point, the environmental land has been both established and maintained by the Developer for a couple of years.

The Planning Agreement will subsequently allow the Developer to make a monetary contribution to be held and applied by the Council towards the ongoing management of the subject environmental land at Brierley Hill. The payment of the monetary contribution will allow the release of the Security Bond back to the Developer, whilst providing sufficient funds for Council to co-ordinate and manage the environmental land into the future. The monetary contribution in the Planning Agreement has been calculated to be \$52,800.00, which accounts for works and management of the land carried out by the Developer, since the Security Bond was paid.

It should be noted that the Planning Agreement also allows for the above monetary contribution to be further reduced or increased, depending on the status of the environmental land and timing of when Council takes on the management obligation of the land/VMP. In particular, the Planning Agreement still requires DA2008 - 440 to be modified as a trigger to allow the release of the Security Bond. If the Developer continues to manage the site whilst this occurs, the 10 year VMP management period is further reduced and so too does the associated management costs.

As the subject land is already in Council ownership, the above approach is considered a more appropriate mechanism to allow the funding and management of the land.

Council’s Natural Resources Team have also reviewed the Planning Agreement and are supportive of the approach and funding amount.

Drafting of the new Planning Agreement has been finalised and copies signed by the relevant parties, forming an irrevocable offer, subject to Council agreeing to and executing the document.

**Options**

It is recommended that Council enter into the Planning Agreement on the basis that the land has already been dedicated to Council and the monetary contribution will allow for the appropriate management of the environmental land.

Council could choose not to enter into the Planning Agreement. However, this results in a complex situation whereby the Developer is required to carry out ongoing environmental management works on Council land. In addition, the Planning Agreement provides a more secure monetary mechanism for the works, rather than relying on a Security Bond.

**Community Engagement and Internal Consultation**

Public notification of the Planning Agreement commenced on 8 December 2020 with a notice on Council’s website and information on Council’s ‘Have Your Say’ web page. Notification concluded on 26 January 2021. During the notification period, one (1) submission was received.

Submission	Issue
1. Philip Lloyd	Although reference is made to an agreement about vegetation clearing/works, there seems no specific reference to this in the provided documentation. Given the increasing loss of koala habitat and movement corridors, this seems a massive oversight. Nothing in this document or process seems to address the almost definite negative impact and further pressures on our overburdened and congested road network particularly in this area. Nor does any consideration of likely impact on other infrastructure such as water supply seem to have been considered. This looks more like the simple rubber stamping of ongoing poorly planned and considered

		<p>population growth. Developers make massive profits then throw a little Council's way while our region and existing residents suffer the consequences.</p>
	<p><b>Response/ Comment:</b></p>	<p>The subject Planning Agreement is to resolve the ongoing management and associated funding of environmental land that has already been dedicated to Council.</p> <p>The Planning Agreement also does not involve any vegetation clearing but is rather about re-vegetating land that has been dedicated to Council and is seeking a contribution from the Developer to ensure such works occur with limited cost to the community.</p> <p>Issues around traffic and servicing would have been considered in the original DA2008 - 440, which is not the subject of re-consideration, the Planning Agreement or this report.</p>

The proposed Planning Agreement has relevance to DA2008 - 440, which approved the subdivision that created the subject lots. In this case, the Planning Agreement was unable to be exhibited at the same time as the DA2008 - 440, which had already been determined.

**Planning and Policy Implications**

The Planning Agreement conforms to Council's Planning Agreement Policy.

**Financial and Economic Implications**

The Planning Agreement is designed to ensure that the costs of establishing and managing the dedicated environmental land are met for a 10 year period, as required by the VMP attached to DA2008 - 440. Beyond that timeframe, as has been Council's standard practice in planning agreements, the management responsibility for the environmental land rests with Council on behalf of the community.

The current expectation is that the post 10 year management funding for the area will be obtained from rate revenue, including rates from the 100+ lots created by DA2008 - 440.

**Attachments**

1.  Draft Brierley Hill Environmental Land East Planning Agreement

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Subject: CONFIDENTIAL SESSION

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**RECOMMENDATION**

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

**Item 15.01 T-19-10 Supply and Delivery of Road Construction Materials**

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-20-35 Port Macquarie-Hastings Council Managed Print 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.

**Item 15.03 T-21-12 IT Hardware Replacement Project**

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 15.04 RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project**

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

**Item 15.05 T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction**

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

**Item 15.06 T-20-36 Maria River Road Upgrade - Design and Environmental Approvals**

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 15.07 T-20-37 Construction of Gordon Street Rehabilitation**

**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.**