

# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 21 April 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 21 April 2021

## Items of Business

| <b>Item</b> | <b>Subject</b>  | <b>Page</b>      |
|-------------|---|------------------|
| 01          | Acknowledgement of Country .....  | <u>1</u>         |
| 02          | Local Government Prayer .....   | <u>1</u>         |
| 03          | Apologies.....  | <u>1</u>         |
| 04          | Confirmation of Minutes .....   | <u>1</u>         |
| 05          | Disclosures of Interest.....  | <u>31</u>        |
| <b>06</b>   | <b>Mayoral Minute</b>   |                  |
| 07          | Confidential Correspondence to Ordinary Council Meeting.....                          | <u>35</u>        |
| 08          | Public Forum - Matters Not On The Agenda.....   | <u>36</u>        |
| 09          | Public Forum - Matters On The Agenda .....  | <u>37</u>        |
| <b>10</b>   | <b>Leadership and Governance.....</b>   | <b><u>38</u></b> |
| 10.01       | Status of Reports From Council Resolutions.....                                       | <u>39</u>        |
| 10.02       | Mayoral Discretionary Fund Allocations - 4 March to 7 April<br>2021 .....             | <u>48</u>        |
| 10.03       | 2021 Destination & Visitor Economy Conference.....                                    | <u>49</u>        |
| 10.04       | Disclosure of Interest Return .....   | <u>51</u>        |
| 10.05       | Policy Review - Fraud and Corruption Prevention Policy .....                          | <u>53</u>        |
| 10.06       | Code of Meeting Practice .....  | <u>55</u>        |
| 10.07       | Memorandum of Understanding With Norfolk Island Regional<br>Council .....             | <u>57</u>        |
| 10.08       | Policy Review - Public Interest Disclosure Internal Reporting<br>Policy .....         | <u>60</u>        |
| 10.09       | Additional Relief Measures for Flood and Storm Impacted<br>Residents .....            | <u>62</u>        |
| 10.10       | Monthly Budget Review - March 2021 .....  | <u>64</u>        |
| 10.11       | Investments - March 2021 .....  | <u>69</u>        |
| 10.12       | Community Poll - Fluoride .....   | <u>74</u>        |
| 10.13       | Media Contact with Councillors .....  | <u>79</u>        |
| <b>11</b>   | <b>Your Community Life.....</b>   | <b><u>81</u></b> |
| 11.01       | Recommended Items from the Mayor's Sporting Fund Sub-<br>Committee - April 2021 ..... | <u>82</u>        |
| 11.02       | Disaster Recovery Committee Update .....  | <u>83</u>        |
| 11.03       | Prioritisation of Sporting Infrastructure Projects .....                              | <u>86</u>        |
| <b>12</b>   | <b>Your Business and Industry</b>   |                  |
|             | Nil   |                  |
| <b>13</b>   | <b>Your Natural and Built Environment .....</b>                                       | <b><u>91</u></b> |

|       |   |            |
|-------|---|------------|
| 13.01 | Petition - Flood Gates at North Haven.....  | <u>92</u>  |
| 13.02 | Recommended Item from Coast Estuary and Floodplain<br>Advisory Sub Committee - North Brother Local Catchments<br>Flood Study - DRAFT Floodplain Risk Management Study<br>and Plan (FRMSP).....  | <u>94</u>  |
| 13.03 | DA2018 - 353.3 Modification to Commercial Premises and<br>Tourist and Visitor Accommodation including Clause 4.6<br>variation to Clause 4.3 (Height of Buildings) and Clause 4.4<br>(Floor Space Ratio) of Port Macquarie-Hastings Local<br>Environmental Plan 2011 at Lot 123 DP 1219042, Clarence<br>Street, Port Macquarie ..... | <u>103</u> |
| 13.04 | DA2020 - 715 - Residential Flat Building with Strata<br>Subdivision including Clause 4.6 Variation to Clause 4.4<br>(Floor Space Ratio) Under Port Macquarie-Hastings Local<br>Environmental Plan 2011 LOT 1 and LOT 2 DP 758852, NO.<br>26-28 William Street, Port Macquarie .....   | <u>106</u> |
| 13.05 | State Environmental Planning Policy Koala Habitat Protection<br>2021 .....  | <u>108</u> |
| 13.06 | Lake Cathie - Illaroo Road Revetment Wall - Report on<br>Community Engagement Outcomes.....   | <u>114</u> |
| 14    | Items To Be Dealt With By Exception   |            |
| 15    | <b>Confidential Matters</b>   |            |
|       | Motion to move into Confidential Session .....  | <u>118</u> |
| 15.01 | T-20-41 Kew Main Street Upgrade   |            |

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

1. That the Minutes of the Ordinary Council Meeting held on 17 March 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 24 March 2021 be confirmed.
3. That the Minutes of the Extraordinary Council Meeting held on 31 March 2021 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 (via Skype and joined the meeting after it had commenced)  
Councillor Geoff Hawkins

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Infrastructure (Dan Bylsma)  
Director Strategy and Growth (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5:30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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*RESOLVED: Hawkins/Griffiths*

4. That the Minutes of the Ordinary Council Meeting held on 17 February 2021 be confirmed.
5. That the Minutes of the Extraordinary Council Meeting held on 3 March 2021 be confirmed.

*CARRIED: 5/0*

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

*AGAINST: Nil*

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

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Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) and (5) of the Local Government Act 1993 in relation to Item 13.08 Fernbank Creek and Sancrox Planning Investigation as she has family with interest in the land.

Councillor Turner declared a Non-Pecuniary, Significant Interest in Item 12.01 - Event Sponsorship Program Grant - Round 2 2021, the reason being that Councillor Turner has a close business relationship with one of the grant applicants mentioned in consideration of this item.

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#### **06.01 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL**

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*RESOLVED: Pinson*

That Council:

1. Determine the composition of the Chief Executive Officer's Performance Review Panel for the period until the September 2021 Local Government Elections to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.
  2. Note that Councillor Geoff Hawkins is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
  3. Note that Councillor Rob Turner is the Councillor nominated by Council on the Chief Executive Officer performance review panel for the subject period.
  4. Delegate to the Chief Executive Officer's Performance Review Panel the entire process of performance management, including discussions about
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performance, reporting and performance reviews for the period until the September 2021 local government elections.

5. Determine that there will be an informal performance review undertaken prior to the 2021 Local Government Elections.

*CARRIED: 5/0*

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

*AGAINST: Nil*

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## **06.02 SUPPORT FOR THE SAFETY OF WOMEN IN THE WORKPLACE**

### **MOTION**

*MOVED: Pinson*

That Council:

1. Request the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor MP, in support of the recent rallies that have been held Australia-wide to highlight the importance of women being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.
2. Strongly urge all parliaments of Australia to update their legislation to reflect womens' safety in the workplace.

Councillor Alley joined the meeting, the time being 5:43pm.

### **AMENDMENT**

*MOVED: Intemann/Hawkins*

That the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor MP, in support of the recent rallies that have been held Australia-wide to highlight the importance of women and all people being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.

### **THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 1/5*

*FOR: Intemann*

*AGAINST: Alley, Griffiths, Hawkins, Pinson and Turner*

### **THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Pinson*

That Council:

1. Request the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor MP, in support of the recent rallies that have been held Australia-wide to

- 
- highlight the importance of women being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.
2. Strongly urge all levels of government of Australia to update their legislation to reflect women's safety in the workplace.

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

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

*RESOLVED: Griffiths/Intemann*

That Council determine that the attachments to Item Numbers 12.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

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**

*RESOLVED: Alley/ Griffiths*

That Standing Orders be suspended to allow Items 10.02, 10.03, 10.04, 10.05, 10.06, 10.08, 10.09, 11.02, 11.03, 12.01, 13.01, 13.02, 13.04, 13.06, 13.08 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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**10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 FEBRUARY TO 3 MARCH 2021**

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*RESOLVED: Pinson/Griffiths*

That Council note the Mayoral Discretionary Fund allocations for the period 4 February to 3 March 2021 inclusive.

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

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**10.03 AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK (ABEF)**

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*RESOLVED: Intemann/Griffiths*

That Council adopt the recommendation to implement the Australian Business Excellence Framework (ABEF).

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

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**10.04 NOTICE OF MOTION - OCEAN DRIVE DUPLICATION - INTEREST COMPONENT OF LOAN FUNDING**

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*RESOLVED: Pinson/Hawkins*

That Council:

1. Note the resolution from the Extra-Ordinary Council Meeting held on 3 March 2021 where Council resolved (in part) to: "Fund the \$30 million for the Ocean Drive Duplication project by borrowing \$25 million and funding \$5 million from Council Reserves in order to progress the construction tender advertisement as a priority".
2. Note that borrowings for the project will likely be repaid over 20 years.
3. Request the Chief Executive Officer write to Hon Leslie Williams MP (Member for Port Macquarie) and request State Government support to fund the interest component associated with the loan funding for the project, with Council then funding the \$25 million in principal repayments.

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

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## 10.05 QUESTION WITH NOTICE - MEDIA CONTACT WITH COUNCILLORS

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### MOTION

*MOVED: Hawkins/Intemann*

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.

### AMENDMENT

*MOVED: Pinson/Griffiths*

That Council:

1. Note the current Port Macquarie-Hastings Council Media Relation Policy.
2. Update the policy to reflect the title of Chief Executive Officer as opposed to the title of General Manager.
3. Note the following under the current Media Relations Policy - 3.1 Authorised spokespersons:  
*The Mayor shall be the principal spokesperson for Council and represent the views of Council on its decisions, plans and priorities. In instances where the Mayor is not available, either the Deputy Mayor or Chief Executive Officer shall be the spokesperson, or a Councillor may be delegated this responsibility, with the agreement of the Mayor or Chief Executive Officer. Councillors have a right to express their own personal opinion and will ensure that any opinion expressed is acknowledged as being their own personal opinion and not that of Council.*
4. Note the following under the current Media Relations Policy - 3.2 Approval:  
*All media releases, statements, announcements and other media communications will be developed in consultation with and approved by Council's authorised spokesperson and distributed to the media by the Communications Team.*

### THE AMENDMENT WAS PUT AND WAS LOST

LOST: 2/4

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann and Turner

### THE MOTION WAS PUT AND CARRIED

*RESOLVED: Hawkins/Intemann*

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.

CARRIED: 6/0

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

AGAINST: Nil

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**10.06 DRAFT OPERATIONAL PLAN 2021-2022, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION**

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*RESOLVED: Turner/Griffiths*

That Council:

1. Place the Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 18 March to 16 April 2021:
  - a) Draft Operational Plan 2021-2022.
  - b) Draft Fees and Charges 2021-2022.
  - c) Draft Revenue Policy 2021-2022.
  - d) Draft Rating Maps 2021-2022.
2. Note that a further report will be tabled at the June 2021 meeting of Council for the adoption of the 2021-22 IP&R documents, 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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**10.08 INVESTMENTS - FEBRUARY 2021**

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*RESOLVED: Hawkins/Turner*

That Council note the Investment Report for the month of February 2021.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**10.09 CLIMATE EMERGENCY DECLARATION CONSIDERATIONS**

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The Director of Strategy and Growth tabled and amended Attachment 2 to this Item.

**MOTION**

*MOVED: Intemann/Turner*

That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests,
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- 
- Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
  3. Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:
    - a) higher mortality and morbidity from heat stress.
    - b) injury and mortality from increasingly severe weather events.
    - c) increases in the transmission of vector-borne diseases.
    - d) food insecurity resulting from declines in agricultural outputs.
    - e) a higher incidence of mental ill-health.
  4. Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.
  5. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
  6. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including inter-generational equity, community wellbeing and safety.
  7. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.
  8. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.
  9. Request the Chief Executive Officer, as a priority:
    - a) Finalise the Sustainability Framework.
    - b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets.
    - c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.
  10. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even Global level, seeking strong leadership in mitigating the impacts of climate change.
  11. Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.
  12. Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.
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## **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems.
3. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
4. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability.
5. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and co-ordinated approach across all Council functions.
6. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance.
7. Request the Chief Executive Officer, as a priority:
  - a) Finalise the Sustainability Framework and
  - b) Work with the Sustainability Sub-Committee to develop a Climate Change Policy, Climate Change Strategy and Action Plan.
8. Not declare a Climate Emergency, but rather make representations to Local, State and Federal Government seeking leadership in mitigating the impacts of climate change in conjunction with the adoption of a Port Macquarie-Hastings Climate Change Policy.
9. Receive a report on the progress of items 7(a) and (b) above to the May 2021 Council Meeting.

## **THE AMENDMENT WAS PUT AND WAS 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. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests, Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.

2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
3. Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:
  - a) higher mortality and morbidity from heat stress.
  - b) injury and mortality from increasingly severe weather events.
  - c) increases in the transmission of vector-borne diseases.
  - d) food insecurity resulting from declines in agricultural outputs.
  - e) a higher incidence of mental ill-health.
4. Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.
5. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
6. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including inter-generational equity, community wellbeing and safety.
7. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.
8. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.
9. Request the Chief Executive Officer, as a priority:
  - a) Finalise the Sustainability Framework.
  - b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets.
  - c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.
10. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even Global level, seeking strong leadership in mitigating the impacts of climate change.
11. Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.
12. Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.

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

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## 11.02 FORMATION OF ABORIGINAL ADVISORY GROUP

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Councillor Hawkins left the meeting, the time being 7:34pm.

Councillor Hawkins returned to the meeting, the time being 7:36pm.

*RESOLVED: Pinson/Griffiths*

That Council:

1. Establish an Aboriginal Advisory Group to support on-going engagement with local Aboriginal stakeholders.
2. Rescind the currently suspended Aboriginal Advisory Committee.
3. Adopt the Aboriginal Advisory Group Charter.
4. Call for expressions of interest from the community and identified organisations to be members of the Aboriginal Advisory Group for a four-year term.
5. Request the Chief Executive Officer table a future report seeking Council endorsement of the membership of the Aboriginal Advisory Group.
6. Note that the newly formed group will be required to adopt an agreed name at their first meeting.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **11.03 BAIN PARK MASTER PLAN - POST PUBLIC EXHIBITION COMMUNITY ENGAGEMENT**

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The Director of Development and Environment tabled an amended Attachment 2 to this Item.

#### **MOTION**

*MOVED: Griffiths/Pinson*

That Council defer adoption of the Bain Park Master Plan following further information to Council and receive a further report to the June 2021 Council Meeting.

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

#### **FORESHADOWED MOTION**

*RESOLVED: Alley/Turner*

That Council:

1. Note the information contained within the Bain Park Master Plan Public Exhibition Outcomes Report - February 2021 (Attachment 1).
2. Recognise the community engagement that has been undertaken regarding the Draft Bain Park Master Plan, and thank the key stakeholder groups and community for their feedback.
3. Adopt the amended Draft Bain Park Master Plan (Rev 4) (Attachment 2), which includes minor amendments as outlined in this report.
4. Request the Chief Executive Officer consider funding opportunities for implementation of the Bain Park Master Plan through development of future Operational Plans and relevant State and Federal government grant programs.
5. Note that further community consultation is to be undertaken and a further report to Council before actioning any stage of the master plan.

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

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## 12.01 EVENT SPONSORSHIP PROGRAM GRANT - ROUND 2 2021

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Councillor Turner declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:08pm.

*RESOLVED: Pinson/Intemann*

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the 2021 Event Sponsorship Program Round 2, in the total amount of \$20,500 to:

| Event Name, Organiser & Ranking   | Sponsorship Recommended |
|---|-------------------------|
| 1. Festival of the Sun (Sand Events Pty Ltd)                              | \$5,000                 |
| 2. Dropknee Sessions (Clayton Pickworth)                                  | \$2,500                 |
| 3. David 'Goose' Gosby Memorial (Port Macquarie Bodyboarding Association) | \$3,000                 |
| 4. MotoFest Wauchope (Motorcycle Friendly Town Wauchope)                  | \$5,000                 |
| 5. Winter Wonderland (North Haven Bowling & Recreation Club Ltd.)         | \$5,000                 |
| Total allocated this round  | \$20,500                |

*CARRIED: 5/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann and Pinson*  
*AGAINST: Nil*

Councillor Turner returned to the meeting, the time being 8:14pm.

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## 13.01 NOTICE OF MOTION - TRAFFIC NETWORK

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*RESOLVED: Hawkins/Pinson*

That Council:

1. Note the rapid growth in population of the Port Macquarie Hastings (PMH) Local Government Area (LGA), with the growth likely to continue at an accelerating rate into the future.
2. Note the impact this is having on many aspects of the liveability of the PMH LGA, but especially on the region's road network.
3. Note that the Pacific Highway and Oxley Highway are critically important major thoroughfares for our local community (key components of our local traffic network), but fall outside Council's area of responsibility for strategic planning and funding.

4. Urgently seek alignment and support from the State Government to adopt an Integrated Strategic Network “Masterplan” approach to upgrading the road network for the community focusing on priority projects as below (for example), irrespective as to whether they are Local or State roads, notwithstanding the fact that almost all these projects will likely require significant funding contributions from State and / or Federal Governments.
  - Oxley Highway Upgrade - Wrights Road to Lake Road
  - Lake Road duplication and upgrade - Ocean Drive to Oxley Highway
  - John Oxley Drive duplication and upgrade - Wrights Road to The Ruins Way
  - Pacific Highway intersection upgrades
  - Boundary Street duplication and upgrade
  - Alternative access into the Health and Education Precinct
  - Alternative access to the Airport
  - Improved east/west connections from Ocean Drive to Oxley Highway
  - King Creek Road / Oxley Highway intersection
  - Ocean Drive duplication (through Lake Cathie)
  - Revisit the Bonny Hills bypass route selection
5. Request the Chief Executive Officer to prioritise a Councillor / staff workshop to develop the network planning further, confirm the individual projects within a staged/phased framework and develop a community engagement plan with Local, State and Federal Government representatives to seek their input and support.
6. Develop a Joint Local Government / State Government “Integrated Strategic Road Network Masterplan” outlining the strategic priority projects and indicative timeframes, with a report back to Council in July 2021 to outline the Plan.
7. Engage with the Federal Government so that (principally via local members) they are at all times well informed and current with respect to Council’s priorities and likely funding pressure points.

CARRIED: 6/0

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

AGAINST: Nil

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### **13.02 QUESTION WITH NOTICE - TIDAL POOL AT OXLEY BEACH, PORT MACQUARIE**

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#### **MOTION**

*MOVED: Turner/Intemann*

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council Meeting addressing the question regarding the proposed tidal pool at Oxley Beach, Port Macquarie as listed.

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**AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Note that it is not the role of Council to engage and manage consultation on Development Projects of Community Groups.
2. Acknowledge \$500,000 of funding by the State Government to Port Macquarie Tidal Pool Committee Incorporated.
3. Acknowledge \$4.5 million of committed funding by the Federal Government to Port Macquarie Tidal Pool Committee Incorporated.
4. Acknowledge two community petitions presented to Council in excess of 18,000 signatures in support of the Tidal Pool.
5. Acknowledge that Council has no role in the project and that it is community led to this point.
6. Request the Chief Executive Officer note the above and provide a report to the April 2021 Council Meeting in response to the question proposed by Councillor Turner.

**THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 2/4*

*FOR: Griffiths and Pinson*

*AGAINST: Alley, Hawkins, Intemann and Turner*

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Turner/Intemann*

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council Meeting addressing the question regarding the proposed tidal pool at Oxley Beach, Port Macquarie as listed.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**13.04 PACIFIC HIGHWAY INTERSECTION WITH HOUSTON MITCHELL DRIVE**

*RESOLVED: Griffiths/Turner*

That Council

1. Note the information provided in this report.
2. Continue to advocate to the Member for Port Macquarie, Leslie Williams MP, for urgent safety upgrades at this intersection.
3. Request from Transport for NSW its criteria for safety upgrades on state roads.
4. Note that the Federal Member for Lyne, Dr D Gillespie MP, on 18 February 2021 called on the NSW Government to complete the planning process for the upgrade of major intersections including the provision of inter-changes and fly-overs to this intersection.

- 
5. Request the Federal Member for Lyne, Dr D Gillespie MP, urgently advocate for blackspot funding for the Houston Mitchell Drive and Pacific Highway intersection.

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

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**13.06 PP2011 - 9.3: REVISED PLANNING PROPOSAL REQUEST - SOUTH BLACKWOOD STREET, PORT MACQUARIE**

**APPLICANT/OWNER: VILRO PTY LTD**

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**MOTION**

*MOVED: Turner/Intemann*

That Council:

1. Note the report.
2. Defer further consideration of the matter and request the Chief Executive Officer to seek an extension of time for the finalisation of this Planning Proposal from the Department of Planning, Industry and Environment (DPIE) under the Public Spaces Legacy Program.
3. Receive a further report upon receipt of a response from the Department of Planning, Industry and Environment to consider this matter.
4. Request the Chief Executive Officer write to the Member for Port Macquarie, Leslie Williams MP, to seek her support, and to also seek the support of the Minister for Planning, for an extension of time for the finalisation of this Planning Proposal.

**AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the identification of the Planning Proposal Application by Love Project Management Pty for finalisation by 30 June 2021 under the NSW Public Spaces Legacy Program.
2. Note the significant work undertaken by the Proponent and landholder since Council's resolution of June 2019 to achieve a residential development outcome on Lot 499 DP1258597; protection of Koala habitat under SEPP Koala Habitat, and other positive environmental outcomes.
3. Not support the revised Planning Proposal Application submitted in January 2021 to rezone Part Lot 499 DP1258597, Port Macquarie on the grounds of unresolved and significant environmental issues and inconsistency with section 1.3 object (e) of the Environmental Planning and Assessment Act, 1979.
4. For the reasons outlined in 3 above, not forward the revised Planning Proposal to the Department of Planning, Industry and Environment for a

Gateway Determination under Section 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.

5. Advise the Proponent that a new combined Planning Proposal Application and Development Application (DA) may be considered, based on a limited release area identified in Figure 2 of the report, and addressing:
  - a) the recommendations of the NSW Biodiversity Conservation Division of the Department of Planning Industry and Environment letter to Council dated 24 February 2021.
  - b) the requirements of Council's Planning Proposal Policy.
6. Notify the Department of Planning Industry and Environment of Council's decision.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 1/5  
FOR: Pinson

AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner

**THE MOTION WAS PUT AND CARRIED**

RESOLVED: Turner/Intemann

That Council:

1. Note the report.
2. Defer further consideration of the matter and request the Chief Executive Officer to seek an extension of time for the finalisation of this Planning Proposal from the Department of Planning, Industry and Environment (DPIE) under the Public Spaces Legacy Program.
3. Receive a further report upon receipt of a response from the Department of Planning, Industry and Environment to consider this matter.
4. Request the Chief Executive Officer write to the Member for Port Macquarie, Leslie Williams MP, to seek her support, and to also seek the support of the Minister for Planning, for an extension of time for the finalisation of this Planning Proposal.

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

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

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Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 in this Item, left the room and was out of sight during the Council's consideration. The time being 9:15pm.

*RESOLVED: Turner/Intemann*

That Council:

1. Note the preparation of the draft Fernbank Creek and Sancrox Villages Structure Plan and endorse this document for public exhibition for a period of not less than 28 days, subject to Item 2 below.
2. Note that public exhibition of the draft Fernbank Creek and Sancrox Villages Structure Plan will not commence until such time as a Gateway Determination in relation to the Le Clos Sancrox Planning Proposal, facilitating public exhibition of this Planning Proposal, is issued by the New South Wales Minister for Planning and Public Spaces.
3. Endorse the Planning Proposal in Attachment 3 of this report (the Le Clos Sancrox 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 Lots 1-52 DP0776681 and part of Lot 1 DP1009991 in accordance with the Planning Proposal.
4. Forward the Planning Proposal to the New South Wales Minister for Planning and Public Spaces for a Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
5. Delegate authority to the Chief Executive Officer to make any required minor or administrative amendments to the above documentation prior to public exhibition, should the documents proceed through to public exhibition.
6. Request that the Chief Executive Officer prepare draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal. This documentation is to be provided to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan.
7. Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.
8. Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Griffiths returned to the meeting, the time being 9:22pm.

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## 14 ITEMS TO BE DEALT WITH BY EXCEPTION

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*RESOLVED: Turner/Alley*

That Items 10.01, 10.07, 11.01, 13.03, 13.05, 13.07 be considered as a block resolution.

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

*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.

Item 10.02 Mayoral Discretionary Fund Allocations - 4 February to 3 March 2021, has been addressed previously within the meeting.

Item 10.03 Australian Business Excellence Framework (ABEF), has been addressed previously within the meeting.

Item 10.04 Notice of Motion - Ocean Drive Duplication - Interest Component of Loan Funding, has been addressed previously within the meeting.

Item 10.05 Question With Notice - Media Contact with Councillors, has been addressed previously within the meeting.

Item 10.06 Draft Operational Plan 2021-2022, Fees and Charges, Revenue Policy, and Rating Maps Documents for Public Exhibition, has been addressed previously within the meeting.

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## **10.07 MONTHLY BUDGET REVIEW - FEBRUARY 2021**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

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

Item 10.08 Investments - February 2021, has been addressed previously within the meeting.

Item 10.09 Climate Emergency Declaration Considerations, has been addressed previously within the meeting.

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## **11.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - FEBRUARY 2021**

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*BLOCK RESOLVED: Turner/Alley*

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

1. Stella Tijou receive \$350.00 to assist with the expenses she will incur travelling to and competing in Harvey Norman Tarsha Gale Cup. Stella has been selected as a member of the St George Dragons U19's Girls Rugby League Team. The competition is being played at various venues throughout NSW including Newcastle, Sydney, Penrith & Camden.

Item 11.02 Formation of Aboriginal Advisory Group, has been addressed previously within the meeting.

Item 11.03 Bain Park Master Plan - Post Public Exhibition Community Engagement, has been addressed previously within the meeting.

Item 12.01 Event Sponsorship Program Grant - Round 2 2021, has been addressed previously within the meeting.

Item 13.01 Notice of Motion - Traffic Network, has been addressed previously within the meeting.

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Item 13.02 Question With Notice - Tidal Pool at Oxley Beach, Port Macquarie, has been addressed previously within the meeting.

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**13.03 ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the feedback received from the community on the Draft Roadside Vegetation Management Policy during the exhibition period.
2. Note the amendments to the Draft Roadside Vegetation Management Policy.
3. Adopt the Roadside Vegetation Management Policy for implementation.

Item 13.04 Pacific Highway Intersection with Houston Mitchell Drive, has been addressed previously within the meeting.

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**13.05 PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE, NORTH HAVEN**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Commence the process to formally close the section of public road known as Granny Bell Lane, North Haven, as legislated under the Roads Act 1993, with the intent to transfer the land to the owners of 17 Granny Bell Lane.
2. Publicly exhibit the intent to close the public road for twenty-eight (28) days as per Part 4 Division 3 of the Roads Act 1993.
3. Request the Chief Executive Officer bring a report back to the 19 May 2021 Ordinary Council meeting detailing the outcome of the public exhibition, including any submissions received.

Item 13.06 PP2011 - 9.3: Revised Planning Proposal Request - South Blackwood Street, Port Macquarie  
APPLICANT/OWNER: Vilro Pty Ltd, has been addressed previously within the meeting.

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### **13.07 ACQUISITION OF EASEMENT FOR WATER SUPPLY - OXLEY HIGHWAY, SANCROX**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Pay compensation in the amount of \$5,000 (GST Exclusive) to the owner of Lot 2 Deposited Plan 1085627, Ditchfield Holdings Pty Limited, for the acquisition of an easement for water supply shown as (A) in plan of acquisition Deposited Plan 1268955.
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 13.08 Fernbank Creek and Sancrox Planning Investigation, has been addressed previously within the meeting.

Councillor Hawkins left the meeting, the time being 9:25pm.

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### **CONFIDENTIAL SESSION**

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*RESOLVED: Griffiths/Intemann*

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-20-38 Provision of Lifeguard 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, prejudice the commercial position of the person who supplied it.

Item 15.02 T-20-04 Provision of General Concreting 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, prejudice the commercial position of the person who supplied it.

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

*CARRIED: 5/0*

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

*AGAINST: Nil*

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Councillor Hawkins returned to the meeting, the time being 9:26pm.

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### **15.01 T-20-38 PROVISION OF LIFEGUARD SERVICES**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Accept the Tender from Surf Life Saving Service Pty Ltd for the Lump Sum of \$3,108,002 (exclusive of GST) for a 5-year period commencing on 21 July 2021 and also include service option 1 at a cost of \$342,343 as outlined in the report to extend the season to provide a year round Lifeguard Service at Town Beach.
2. Affix the seal of Council to the necessary document(s).
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-38.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **15.02 T-20-04 PROVISION OF GENERAL CONCRETING SERVICES**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Accept the schedule of rates tendered from the following Tenderers, to be appointed to a panel arrangement for the Provision of General Concreting Services for a two (2) year period commencing 1 May 2021:
    - a) Category 1 Kerb & Guttering
      - i) B and B Baker Constructions Pty Ltd
      - ii) Hunter Wide Civil Pty Ltd
    - b) Category 2 General Concreting Services
      - i) B and B Baker Constructions Pty Ltd
      - ii) the trustee for the Baker Family Trust & the trustee for the Dobson Family Trust & the trustee for the Farlow Family Trust & the trustee for the I Farlow Trust & others
      - iii) Hunter Wide Civil Pty Ltd
    - c) Category 3 Drainage
      - i) B and B Baker Constructions Pty Ltd
      - ii) Hunter Wide Civil Pty Ltd
    - d) with two (2) further one (1) year period options to extend, such option(s) to be for the benefit of Council and may be exercised only by Council in its sole discretion.
  2. Affix the seal of Council to the necessary documents.
  3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-04.
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*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

*MOVED: Intemann/Griffiths*

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

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, 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 9:29pm.

.....  
Peta Pinson  
Mayor

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**PRESENT**

**Members:**

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

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Strategy and Growth (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)

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This meeting was held remotely and electronically through Skype  
and is live streamed on Council's YouTube channel.  
The meeting opened at 4:01pm.

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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 on line.

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**02 APOLOGIES**

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*RESOLVED: Intemann/Griffiths*

That the apology received from Councillor Alley be accepted.

*CARRIED: 5/0*  
*FOR: Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**03 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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#### **04.01 RELIEF MEASURES FOR FLOOD AND STORM IMPACTED RESIDENTS**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Note the provisions included in Council's Rates and Charges Hardship Assistance Policy for property owners who have had a house, facility or outbuilding determined by the responsible government agency to be destroyed or damaged as a result of a natural disaster.
2. Waive the fees and charges as detailed in this report, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency. These fees and charges include:
  - a) Interest on rates and charges.
  - b) Direct debit dishonour fees.
  - c) Tipping fees for local government area residents and businesses' flood damaged waste, including building materials, furniture, fittings, personal items at Council's waste transfer stations as at 22 March 2021.
  - d) Fees for bulk kerbside collection of flood damaged waste for local government area residents.
  - e) Relevant Council fees and charges associated with building / construction.
  - f) Fees for food shop inspections.
  - g) Fees for public health inspections.
  - h) Animal impound and maintenance fees
  - i) Fees to alter an existing sewerage management facility under section 68.
  - j) Licence fees / application fees for activities on Council-managed land.
  - k) Fees for the use of the Innovation Hub.
  - l) Road Occupation fees under Section 138 for clean-up purposes.
3. Delegate approval to the Chief Executive Officer 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 March 2021 Flood and Storm Emergency.
4. Extend the above Rates and Charges provisions to non-residential property owners.
5. Request the Chief Executive Officer to consider contacting the Chairs of the Sub-working Groups of the COVID-19 Recovery Working Group, for their assistance in a community-led recovery.
6. Note that contact has been made with BlazeAid regarding their possible assistance, especially in terms of repairing fences destroyed during this disaster event.

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7. Congratulates the Chief Executive Officer, Directors and staff in moving quickly and decisively to enact Council's Business Continuity (Emergency) Plan and also for working seamlessly with multiple State, Federal and other agencies to implement significant support initiatives for our community.
  8. Request the Chief Executive Officer to urgently contact the Federal members, Dr David Gillespie MP, Federal Member for Lyne and Mr Pat Conaghan MP, Federal Member for Cowper, to request immediate deployment of Australian Defence Force personnel to specific areas of concern in our region to assist with clean-up and recovery.
  9. Request the Chief Executive Officer to provide an update report on this matter to the June 2021 Ordinary Council meeting.

*CARRIED: 5/0*  
*FOR: Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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The meeting closed at 4:25pm.

.....  
Peta Pinson  
Mayor

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**PRESENT**

**Members:**

Councillor Peta Pinson (Mayor)  
Councillor Rob Turner  
Councillor Sharon Griffiths  
Councillor Geoff Hawkins

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Corporate Performance (Rebecca Olsen)  
Acting Director Development and Environment (Dan Croft)  
Director Infrastructure (Dan Bylsma)  
Director Strategy and Growth (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 4:00pm.

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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 viewing on line.

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**02 APOLOGIES**

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*RESOLVED: Griffiths/Turner*

That the apologies received from Councillor Intemann and Councillor Alley be accepted.

*CARRIED: 4/0*  
*FOR: Griffiths, Hawkins, Pinson and Turner*  
*AGAINST: Nil*

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### **03 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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#### **04.01 TEMPORARY WAIVING OF FEES FOR FERRY SERVICES**

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*RESOLVED: Pinson/Griffiths*

That Council:

1. Waive the fees and charges associated with the use of Council's ferry services until 30 April 2021, effective from 28 March 2021.
2. Credit any pre-purchased passes for ferry use over this period in the new pass purchase cycle.
3. Continue to record ferry usage data during this period for the purposes of future consideration of extension to ferry hours.

*CARRIED: 4/0*  
*FOR: Griffiths, Hawkins, Pinson and Turner*  
*AGAINST: Nil*

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The meeting closed at 4:04pm.

.....  
Peta Pinson  
Mayor

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

**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><br>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><br>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><br>May participate in consideration and voting.                           |
| <b>For the reason that:</b>  |  |
| <b>Name:</b><br><br><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><br><i>[insert full name of councillor]</i>  |   |
| <b>In the matter of</b><br><i>[insert name of environmental planning instrument]</i>  |   |
| <b>Which is to be considered at a meeting of the</b><br><i>[insert name of meeting]</i>   |   |
| <b>Held on</b><br><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<br><i>(the <b>identified land</b>)</i>              |   |
| Relationship of identified land to councillor<br><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).<br><input type="checkbox"/> An associated person of the councillor has an interest in the land.<br><input type="checkbox"/> An associated company or body of the councillor has interest in the land. |
| <b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>   |   |
| Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i><br><i>[Tick or cross one box]</i>  | <input type="checkbox"/> The identified land.<br><input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.  |
| Current zone/planning control<br><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<br><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<br><i>[Tick or cross one box]</i>   | <input type="checkbox"/> Appreciable financial gain.<br><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

**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.

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

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Item: 08

Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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Residents can speak in the Public Forum - Matters Not On The Agenda of the Ordinary Council Meeting on any Council-related matter not listed on the agenda (except those items listed at clause 4.26 of the Council adopted Code of Meeting Practice.

A maximum of five speakers in the Public Forum - Matters Not On The Agenda is allowed at any one Council Meeting.

Each speaker has five minutes to address the meeting. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters Not On The Agenda, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak in Public Forum' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

#### Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- A speaker cannot ask questions of Council.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- If you have any documentation to support your presentation, provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.26):
  - a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
  - a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
  - a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
  - a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the council,
  - a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The Meeting is recorded and will be made available to the public on Council's website.
- Members of the public may quietly enter and leave the Meeting at any time.

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Item: 09

Subject: PUBLIC FORUM – MATTERS ON THE AGENDA

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Residents can request to speak in the Public Forum of the Ordinary Council Meeting on any agenda item listed on the agenda as either:

- In support of the recommendation
- In opposition of the recommendation

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition of the recommendation” are allowed on any one agenda item per Council Meeting.

Each speaker has five minutes to address the Council. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters On The Agenda, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak On Agenda Item' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

#### Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council on an agenda item, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- A speaker cannot ask questions of Council.
- The item will then be debated by Council.
- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition of' the recommendation on any one (1) agenda item.
- Each speaker will be allocated a maximum of five (5) minutes to address Council and this time is to be strictly enforced.
- If you have any documentation to support your presentation, please provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The Meeting is recorded and will be made available to the public on Council's website.
- Members of the public may quietly enter and leave the Meeting at any time.

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are 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:** Chief Executive Officer, Dr Clare Allen

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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 |
|---|---------------------------|---|-------------------|--|-------------------------------------|
| Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition         | 20/11/19<br>Item 13.13    | The land acquisition is no longer required and as such there will be no exhibition of a land classification and hence no post exhibition report | DDE               | Feb-20<br>Aug-20<br>Oct-20<br>Feb-21<br>Mar-21<br>Apr-21 | remove                              |
| Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie | 19/06/19<br>Item 13.06    | Reported in March 2021. Further report in June 2021.  | DDE               | Nov-20<br>Mar-21<br>Apr-21                               | remove                              |
| MOU - Norfolk Island Regional Council - income and expenditure administration.            | 20/03/19<br>Item 09.02    | Awaiting confirmation of financial data   | CEO               | Feb-21<br>Mar-21   | Apr-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> |
|--|--------------------------------------|---|--------------------------|---|--|
| Draft Code of Meeting Practice   | 23/09/2020<br>Item 10.11             | Waiting Councillor workshop on the Code of Meeting Practice prior to the final consideration of Council | CEO                      | Feb-21<br>Mar-21                              | Apr-21                                     |
| Media Contact With Councillors   | 17/03/21<br>Item 10.05               |   | DSG                      |   | Apr-21                                     |
| Developments, Public Place & Events Waste Minimisation and Management Policy - impacts, fees, feedback           | 03/06/2020<br>Item 13.01             |   | DGP                      |   | May-21                                     |
| Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew   | 17/06/2020<br>Item 13.03             | Awaiting further supporting documentation from the proponent.   | DDE                      | Sep-20<br>Oct-20<br>Mar-21                    | May-21                                     |
| Naming of Roads in Laurieton   | 15/07/2020<br>Item 11.02             | A new proposed name has been identified. Notify for public comment in April.                            | DDE                      | Sep-20<br>Nov-20<br>Mar-21<br>Apr-21          | May-21                                     |
| Lake Cathie - Illaroo Road Revetment Wall - Report on community engagement outcomes and future recommended steps | 12/08/2020<br>Item 15.03             | Community consultation ends March / April   | DDE                      | Mar-21  | May-21                                     |
| Biodiversity Investigations and Stewardship Sites  | 23/09/2020<br>Item 15.07             | Awaiting consultant's report.   | DDE                      | Mar-21  | May-21                                     |
| PMHC Sustainability Advisory Sub-  | 18/11/2020<br>Item 10.17             | Recruitment will start in March.  | DDE                      | Mar-21  | May-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> |
|--|--------------------------------------|---|--------------------------|---|--|
| Committee - Membership   |                                      |   |                          |   |  |
| Mid North Coast Joint Organisation   | 09/12/2020<br>Item 10.03             | Awaiting MNCJO March meeting minutes  | CEO                      | Mar-21<br>Apr-21                              | May-21                                     |
| Bonny Hills Reserves Draft Master Plan - post exhibition   | 09/12/2020<br>Item 11.02             | Delayed due to workload redirected to flood event recovery efforts                  | DDE                      | Apr-21  | May-21                                     |
| Sewage Issues in Bonny Hills   | 17/02/2021<br>Item 06.01             |   | DI                       |   | May-21                                     |
| Water Supply Policy 2021   | 17/02/2021<br>Item 10.19             |   | DI                       |   | May-21                                     |
| Ferry Services   | 17/02/2021<br>Item 13.04             | Delayed due to workload redirected to flood event recovery efforts                  | DI                       | Apr-21  | May-21                                     |
| Progress of the Sustainability Framework, Climate Change Policy, Climate Change Strategy and Action Plan | 17/03/2021<br>Item 10.09             |   | DSG                      |   | May-21                                     |
| Proposed sale and closure of Granny Bell Lane, North Haven - post exhibition                             | 17/03/2021<br>Item 13.05             |   | DI                       |   | May-21                                     |
| Tidal Pool at Oxley Beach, Port Macquarie  | 17/03/2021<br>Item 13.02             | Delayed due to workload redirected to flood event recovery efforts                  | DSG                      | Apr-21  | May-21                                     |
| Trialling Of Parklets In The Port Macquarie Town Centre  | 16/05/18<br>Item 10.02               | Council is still working the relevant approvals - current occupations October 2021. | DSG                      | Aug-20  | Jun-21                                     |
| Classification as "Operational" Land - 52 John Oxley Drive,  | 20/06/18<br>Item 14.05               | On hold as per CEO advice   | SG                       | Mar-20<br>Nov-20<br>Mar-21<br>Apr-21          | Jun-21                                     |

| Report  | Date & Item of Resolution | Status   | Reporting Officer | Previous Anticipated Date/s for Report         | Current Anticipated Date for Report |
|---|---------------------------|--|-------------------|--|-------------------------------------|
| Port Macquarie - post exhibition.   |                           |  |                   |  |                                     |
| Council owned lots at North Shore - Progress of Sale                                | 19/09/18<br>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<br>Feb-20<br>Sep-20<br>Mar-21<br>Apr-21 | Jun-21                              |
| Draft s9.11 Airport Business Park Roads Contribution Plan                           | 20/05/2020<br>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<br>Item 13.01  | To be considered in conjunction with development of the Regional Integrated Transport Strategy (RITS)  | DDE               | Dec-20   | Jun-21                              |
| Land classification - Lot 1 DP 545926 1 Commerce Street, Wauchope - post exhibition | 23/09/2020<br>Item 15.03  | On public exhibition   | DSG               | Mar-21<br>Apr-21                               | Jun-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> |
|---|--------------------------------------|--|--------------------------|---|--|
| Establishment of a "Fly Neighbourly Agreement"  | 21/10/2020<br>Item 12.01             | Stakeholder engagement continuing, including local aircraft operators and statutory authorities (eg CASA)                                  | DCP                      | Feb-21<br>Apr-21                              | Jun-21                                     |
| Sustainability and Climate Change Strategy - adaptation initiatives   | 09/12/2020<br>Item 13.06             |  | DDE                      |   | Jun-21                                     |
| Key intersections for upgrade - costs and prioritisations   | 09/12/2020<br>Item 13.01             | Delayed due to workload redirected to flood event recovery efforts   | DI                       | Apr-21  | Jun-21                                     |
| 2021-2022 IP&R Documents - post exhibition  | 17/03/2021<br>Item 10.06             |  | DCP                      |   | Jun-21                                     |
| Relief Measures for Flood and Storm Impacted Residents - Update Report  | 24/03/2021<br>Item 04.01             |  | DCP                      |   | Jun-21                                     |
| PP2011 - 9.3: Revised Planning Proposal Request - South Blackwood Street, Port Macquarie - response from DPIE | 17/03/2021<br>Item 13.06             |  | DDE                      |   | Jun-21                                     |
| Traffic Network   | 17/03/2021<br>Item 13.01             |  | DI                       |   | Jul-21                                     |
| Land acquisition for future parallel taxiway at Port Macquarie Airport - post exhibition                      | 12/08/2020<br>Item 12.05             | Awaiting Ministers response to our application made in October 2020. Notification periods are lengthy and a report to Council would not be | DDE                      | Dec-20<br>Mar-21                              | Aug-21                                     |

| Report  | Date & Item of Resolution | Status                          | Reporting Officer | Previous Anticipated Date/s for Report                   | Current Anticipated Date for Report |
|---|---------------------------|---------------------------------|-------------------|--|-------------------------------------|
|   |                           | possible before August.         |                   |  |                                     |
| Bushfire Disaster Recovery Funding  | 17/02/2021<br>Item 10.17  |                                 | DSG               |  | Aug-21                              |
| COVID19 Recovery and Stimulus Projects  | 17/02/2021<br>Item 12.02  |                                 | DSG               |  | Aug-21                              |
| Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits. | 10/08/16<br>Item 12.01    |                                 | DDE               |  | 2021 (estimate)                     |
| Tuffins Lane Sporting Fields - Terms of Agreement   | 14/12/16<br>Item 06.02    | Awaiting Catholic Parish advice | CEO               | Oct-18<br>Mar-19<br>Apr-19<br>Jul-19<br>Dec-19<br>Jun-20 | TBA                                 |
| Aboriginal Advisory Group Membership  | 17/03/2021<br>Item 11.02  |                                 | DSG               |  | TBA                                 |
| Fernbank Creek and Sancrox Planning Investigation -   | 17/03/2021<br>Item 13.08  |                                 | DDE               |  | TBA                                 |

| Report                | Date & Item of Resolution | Status | Reporting Officer | Previous Anticipated Date/s for Report | Current Anticipated Date for Report |
|-----------------------|---------------------------|--------|-------------------|--|-------------------------------------|
| Gateway Determination |                           |        |                   |  |                                     |

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  |                             |   |
| 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 18/11/2020 Item 13.01 |
| 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        | Feb, Sep   |                             |   |
| Long Term Energy Strategy – Progress   | DDE               | Biannual        | May, Nov   |                             |   |
| Economic Development Strategy - Progress (20/11/2013 - Item 10.03)                     | DSG               | Biannual        | May, Nov   |                             |   |
| Update on Site Specific Planning Proposal Requests                                     | DDE               | Biannual        | Jun, Dec   |                             |   |

| Report   | Reporting Officer | Reporting Cycle | Month         | Altered Report Date | Reason for Altered Date            |
|--|-------------------|-----------------|---------------|---------------------|------------------------------------|
| 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           |                     |                                    |
| 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-   | DCP               | Annually        | Nov           |                     |                                    |

| Report  | Reporting Officer | Reporting Cycle | Month | Altered Report Date | Reason for Altered Date |
|---|-------------------|-----------------|-------|---------------------|-------------------------|
| shifting that have been identified<br>(21/10/15 - Item 09.04)           |                   |                 |       |                     |                         |
| Performance of Property Investment Portfolio<br>(20/11/19 - Item 10.17) | DDE               | Annually        | Nov   |                     |                         |
| Code of Conduct Complaints Annual Report                                | DGP               | Annually        | Dec   |                     |                         |

**Attachments**

Nil

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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 MARCH TO  
7 APRIL 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 that there were no Mayoral Discretionary Fund allocations for the period 4 March to 7 April 2021 inclusive.**

**Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 4 March to 7 April 2021.

**Discussion**

There have been no allocations by the Mayor from the Mayoral Discretionary Fund during this reporting period:

**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.

**Attachments**

Nil

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**Item: 10.03**

**Subject: 2021 DESTINATION & VISITOR ECONOMY CONFERENCE**

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

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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 Councillor Rob Turner be granted permission to attend Day 2 of the 2021 Destination & Visitor Economy Conference in Port Macquarie on 27 May 2021.**

### **Executive Summary**

Council is hosting the 2021 Local Government NSW Destination & Visitor Economy Conference to be held in Port Macquarie at Sails Resort from 26 to 28 May 2021.

Councillor Rob Turner has indicated his interest in attending Day 2 of the Conference on Thursday, 27 May 2021.

As per Council's policy "Payment of Expenses and Provision of Facilities to Councillors", a Council resolution is required for the Mayor or Councillors to represent Council at a conference.

### **Discussion**

The 2021 Destination & Visitor Economy Conference will be held in Port Macquarie from 26 to 28 May 2021.

Councillor Rob Turner has indicated his interest in attending Day 2 of the Conference as the Chair of the Economic & Cultural Development Portfolio.

A copy of the Conference brochure is attached for information.

### **Reporting Requirements for Conferences**

As per the policy, the Mayor, Councillor or Councillors attending a conference are required to provide a report in writing to Council on attendance at the conference. The report must be submitted to the Chief Executive Officer within one month of attendance at the conference.

**Options**

Council has the option to approve or decline the attendance of Councillor Turner on Day 2 of the Conference.

**Community Engagement and Internal Consultation**Internal Consultation

- Chief Executive Officer
- Councillor Rob Turner

**Planning and Policy Implications**

This report satisfies the requirements of Council's policy "Payment of Expenses and Provision of Facilities to Councillors".

**Financial and Economic Implications**

The 2020-2021 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for the Mayor and Councillors. The attendance by Councillor Turner can be funded from within this budget allocation.

The cost to attend Day 2 of the Conference is \$425.00.

**Attachments**

1.  2021 LGNSW Destination and Visitor Economy Conference Brochure

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**Item: 10.04**

**Subject: DISCLOSURE OF INTEREST RETURN**

**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 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. Chief Executive Officer.**
- 2. Project Manager.**

### **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. Chief Executive Officer.
2. Project Manager.

Clause 4.24 requires the General Manager (or Chief Executive Officer) 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.
- Chief Executive Officer.
- Project Manager.

**Planning and Policy Implications**

There are no planning or policy implications.

**Financial and Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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**Item: 10.05**

**Subject: POLICY REVIEW - FRAUD AND CORRUPTION PREVENTION  
POLICY**

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

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### **Alignment with Delivery Program**

1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community.

### **RECOMMENDATION**

**That Council adopt the draft Fraud and Corruption Prevention Policy and Plan.**

#### **Executive Summary**

Council's Fraud Prevention Policy has been reviewed as part of the cyclic review process. Several enhancements have been included in this review and it is recommended that Council adopt the revised Fraud and Corruption Prevention Policy and Plan.

#### **Discussion**

As part of Council's cyclic review process for its policies, Council's Fraud Prevention Policy has been reviewed. Several enhancements have been made that are detailed below:

- Addition of a message from the Mayor and Chief Executive Officer.
- Addition of a The Policy has been expanded to address corruption prevention as well as fraud prevention.
- Council did not previously have a Fraud and Corruption Prevention Plan which has now been developed.
- Inclusion of a whistleblower hotline to allow anonymous reporting of fraud or corruption within the organisation.

It is noted that this draft Policy and Plan have been reviewed by members of Council's Audit, Risk and Improvement Committee as well as the Executive Team.

#### **Options**

Council may resolve to adopt the draft Policy and Plan or amend these documents prior to adoption.

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

The draft Policy and Plan has been reviewed by members of the Audit, Risk and Improvement Committee during an out-of-session circulation of the draft Policy and

Plan. Comments received from the committee members were incorporated into the draft Policy and Plan.

The draft Policy and Plan has also been reviewed by members of the Executive Team during an out-of-session circulation of the draft Policy and Plan.

**Planning and Policy Implications**

Once adopted, the previous Fraud Prevention Policy will be rescinded and the adopted Policy and Plan will be Council's Fraud and Corruption Prevention Policy and Plan.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Fraud and Corruption Prevention Policy
2.  Draft Fraud and Corruption Prevention Plan

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**Item: 10.06**

**Subject: CODE OF MEETING PRACTICE**

**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 reputation through transparency, good decision making and living Council's Values.

### **RECOMMENDATION**

**That Council adopt the draft Code of Meeting Practice.**

#### **Executive Summary**

A Council, under the *Local Government Act 1993* may adopt a Code of Meeting Practice that regulates the conduct of Council and committee meetings.

The Draft Code of Meeting Practice has been developed using the Model Code of Meeting Practice that was prescribed on 14 December 2018.

Council is considering modifying some of the non-mandatory provisions of the code, particularly around the conducting of public forums along with some administrative amendment to its Code of Meeting Practice.

#### **Discussion**

A Council, under the *Local Government Act 1993* may adopt a Code of Meeting Practice that regulates the conduct of Council and committee meetings.

Council is considering modifying some of the non-mandatory provisions of the code, particularly around the conducting of public forums along with some administrative amendment to its Code of Meeting Practice.

At its meeting held 23 September 2020, Council resolved:

*That Council:*

- 1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days commencing 1 October 2020.*
- 2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, for a period of not less than 42 days commencing 1 October 2020.*
- 3. Note that a further report will be tabled at the December 2020 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.*

The Draft Code of Meeting Practice was placed on public exhibition from 1 October 2020 to 13 November 2020 and submissions were invited from members of the public. No submissions were received from the public.

Councillors had requested additional time to consider the draft Code of Meeting Practice which is why a further report was not considered at the December 2020 Ordinary Council meeting.

The most significant change to the Code of Meeting Practice is the way Council will provide a public forum opportunity for the public. This will no longer be conducted as part of the Council meeting but instead occur during a separate session, usually two (2) days before the Council meeting. This will provide Councillors more time to consider what members of the public have presented and request additional information if required. Presently this cannot happen with the public forum occurring as part of the same meeting that the matter is considered.

### **Options**

Council may resolve to adopt the draft Code of Meeting Practice as attached to this report or adopt an amended version.

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

The Draft Code of Meeting Practice was placed on public exhibition from 1 October 2020 to 13 November 2020 and submissions were invited from members of the public. No submissions were received from the public.

### **Planning and Policy Implications**

Adopting the attached Code will result in changes to how Council will conduct Council meetings.

### **Financial and Economic Implications**

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

### **Attachments**

1.  Draft Code of Meeting Practice

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Item: 10.07

Subject: MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND  
REGIONAL COUNCIL

Presented by: Chief Executive Officer, Dr Clare Allen

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### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

### RECOMMENDATION

#### That Council:

1. Note the information provided within this report.
2. Note that the Memorandum of Understanding between Port Macquarie-Hastings Council and Norfolk Island Regional Council has concluded.

### Executive Summary

In late 2016, Council was approached by the Australian Government's Department of Infrastructure and Regional Development to seek Council's involvement in offering support to the newly established Norfolk Island Regional Council (NIRC).

Council entered into a Memorandum of Understanding (MOU) with the Norfolk Island Regional Council in March 2017 for the sharing of information and experience relevant to Local Government practices in New South Wales.

This memorandum of understanding was extended at Council's Ordinary meeting of 20 March 2019 for a period of 2 years. Council also requested as part of this resolution that a report be presented to the February 2021 Ordinary Council meeting regarding the income and expenditure for administering the MOU with Norfolk Island Regional Council.

This report addresses the income and expenditure for administering and participating in the Norfolk Island Regional Council MOU.

### Discussion

At the Ordinary Council meeting held 15 March 2017, Council resolved:

*That Council delegate authority to the General Manager to enter into a Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.*

Further to this, at the Ordinary Council meeting held 20 March 2019, Council resolved:

*That Council:*

1. *Delegate authority to the General Manager to enter into a two year extension to the Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.*
2. *Request the General Manager present a report to Council in February 2021 as to income and expenditure for administrating the Memorandum of Understanding with the Norfolk Island Regional Council.*

It is noted that the Memorandum of Understanding with the Norfolk Island Regional Council has now expired.

With regard to the income and expenditure implications for administrating the MOU with the Norfolk Island Regional Council, there has been little impact on Council.

Council has provided assistance with a number of requests that have not included any direct costs associated with the MOU other than staff time.

Initially, requests for assistance by Council were more frequent and included requests such as the following.

Digital Technology/Records:

- Provided information on Civica Authority upgrades and features;
- Provided copies of Civica Authority user guides;
- Provided some knowledge transfer on TRIM/Records policies, manuals etc;

Governance & Procurement:

- Provided advice to the risk and internal audit officer of Norfolk Island March 2018, regarding the audit, risk and improvement committee. This involved a telephone meeting and providing information in emails.

Management/IPR:

- Permission to form an incorporated body in public interest – referred to Division of Local Government;
- Responded to questions in relation to Controlling Interests in Corporations;
- Responded to information on Council's Statutory Report; and
- Provided templates for Annual Reporting –Part A – Community Report Card and Part B – Statutory Information.

More recently, Council also hosted the Norfolk Island WHS Officer in October 2019 for a week to demonstrate our systems and processes and provided some follow up material after the visit.

Council has also performed \$735 of Development Assessment work over the period of the MOU however this was funded by Norfolk Island Regional Council and it was not a cost incurred by Council. Council has also provided informal advice on development matters over the course of the MOU.

Interaction between Council and the Norfolk Island Regional Council has reduced over the period of the MOU. The MOU was initially put in place to assist Norfolk Island Regional Council implement the requirements of the NSW Local Government Act however it would appear that this level of assistance is no longer required under a formal agreement. It is not deemed necessary to re-enter into a formal MOU with Norfolk Island Regional Council as Council would provide assistance informally if ever requested, as it would for any NSW Council that requested assistance.

**Options**

Council may note the report or resolve to proceed in some other matter.

**Community Engagement and Internal Consultation**

No consultation has occurred with regard to this matter.

**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: 10.08**

**Subject: POLICY REVIEW - PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY**

**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 reputation through transparency, good decision making and living Council's Values.

### **RECOMMENDATION**

**That Council adopt the draft Public Interest Disclosure Internal Reporting Policy.**

#### **Executive Summary**

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

This policy was last reviewed in December 2018 and is now necessary to review to incorporate the on-line reporting facility as well as other minor amendments into the policy.

#### **Discussion**

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

Under the policy, wrongdoing refers to corrupt conduct; maladministration; serious and substantial waste of public money; breach of the GIPA Act; and Local government pecuniary interest contravention. This policy provides a framework for reporting this wrongdoing as well as protection for the reporter from reprisals.

This policy was last reviewed in December 2018 and is now necessary to review to incorporate the on-line reporting facility as well as other minor amendments into the policy such as an updated and expanded disclosures officer list.

As this policy closely reflects the template policy as provided by the NSW Ombudsman's office, the draft policy was not publically exhibited.

It is recommended that the draft Public Interest Disclosure Internal Reporting be adopted.

**Options**

Council may:

- Adopt the draft policy as attached to this report
- Adopt an amended policy
- Request the policy to be placed on public exhibition

**Community Engagement and Internal Consultation**

Public submissions have not been sought with regard to this policy as it closely reflects the template policy as released by the NSW Ombudsman's Office dated July 2020. Minor amendments have been made to this template policy to reflect specific requirements for Council including the provision of telephone and on-line reporting services as well as an updated and expanded disclosures officers list.

**Planning and Policy Implications**

This report recommends the adoption of the Public Interest Disclosure Internal Reporting Policy.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Public Interest Disclosure Internal Reporting Policy

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**Item: 10.09**

**Subject: ADDITIONAL RELIEF MEASURES FOR FLOOD AND STORM 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 waive the following fees and charges, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency:**

- 1. Fees to install or construct a sewerage management facility under section 68 on a flood impacted property.**
- 2. New Owners Administration Fee for flood impacted properties with settlement dates between 1 February 2021 and 30 April 2021.**

### **Executive Summary**

Council adopted a range of relief measures for flood and storm impacted residents at extraordinary meetings held 24 March 2021 and 31 March 2021. These measures included the waiving of a number of fees and charges to assist owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency. It is proposed to expand on the waiving of these fees to include the new owners administration fee and fees under section 68 for the installation or construction of a sewerage management facility for properties impacted by the floods.

### **Discussion**

Council adopted a range of relief measures for flood and storm impacted residents at extraordinary meetings held 24 March 2021 and 31 March 2021. This included the waiving of a number of fees and charges to assist owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency. These fees covered areas such as tip fees, building and construction, certain licence and application fees and interest on rates and charges. The waiving of these fees is to assist the community to clean up the affected areas without the burden of Council costs and to rebuild or reopen businesses after many people have been devastated by the flooding.

In light of further and ongoing analysis in relation to community needs during this period, it is proposed to further expand on the waiving of the above fees to include the new owners administration fee and fees under section 68 for the installation or construction of a sewerage management facility for properties impacted by the floods.

**Options**

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

**Community Engagement and Internal Consultation**

Consultation has occurred with the Director Corporate Performance and the Director Development and Environment.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The direct assistance measures noted above will inevitably have an impact on Council's financial position, largely in the form of forgone revenue. Assessment of the flood and storm damage is ongoing and the overall impact will vary depending on the volume / nature of damage. Therefore, whilst there will be a financial impact in relation to the above measures, it is not possible to reliably estimate the likely cost to Council at this stage. As these impacts become clearer in this evolving situation, any adjustments required to the budget will be dealt with through the Monthly Financial Update reports to Council.

**Attachments**

Nil

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**Item: 10.10**

**Subject: MONTHLY BUDGET REVIEW - MARCH 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 "March 2021 Adjustments" section of the Monthly Budget Review – March 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 March 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 March 2021 to \$125,133 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          |
| February Review                                  | Balanced         | \$0                |
| March Review                                     | Surplus          | \$220,000          |
| <b>Forecast Budget Position for 30 June 2021</b> | <b>Shortfall</b> | <b>(\$125,133)</b> |

**Discussion**

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

**March 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 "March 2021 Budget Review".

**March Budget Adjustments**

Council was awarded a Grant totalling \$0.253m during the month of March 2021 for the enhancement to security screening at the Port Macquarie Airport. Of this \$0.01m will be spent in the current financial year with the remainder to be spent in 2021-22.

A Budget Variance was also approved by Executive relating to the delivery of a new irrigation system at Lank Bain Sports Ground for \$0.063m.

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<br>Original<br>Budget<br>‘\$000 | Carry<br>Overs<br>‘\$000 | Approved<br>Adj YTD<br>‘\$000 | Prior<br>Month<br>Forecast<br>‘\$000 | Current<br>Month<br>Adj ‘\$000 | 2020-21<br>Full Year<br>Forecast<br>‘\$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                               | 220                            | 36,276                                     |
| Interest Received  | 6,490                                   |                          |                               | 6,490                                |                                | 6,490                                      |
| Grants and Contributions   | 44,517                                  | 2,897                    | 3,425                         | 50,839                               | 10                             | 50,849                                     |
| Other Operating Receipts   | 4,109                                   |                          | 407                           | 4,516                                |                                | 4,516                                      |
| <b>Expenses from continuing operations</b>                                       |   |                          |                               |                                      |                                |  |
| Employee Costs   | (54,590)                                |                          | (58)                          | (54,648)                             |                                | (54,648)                                   |
| Materials and Contracts  | (42,330)                                | (3,244)                  | (348)                         | (45,921)                             | (10)                           | (45,931)                                   |
| 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>3,984</b>                  | <b>34,092</b>                        | <b>220</b>                     | <b>34,312</b>                              |
| <b>Restricted Asset Movements</b>  |   |                          |                               |                                      |                                |  |
| Transfer from Restricted Assets  | 68,784                                  | 8,411                    | (10,912)                      | 66,283                               |                                | 66,283                                     |
| Transfer to Restricted Assets  | (52,930)                                |                          | (6,552)                       | (59,482)                             |                                | (59,482)                                   |
| <b>Net Revenues (Used in)/Provided by in Restricted Assets</b>                   | <b>15,854</b>                           | <b>8,411</b>             | <b>(17,464)</b>               | <b>6,801</b>                         | <b>0</b>                       | <b>6,801</b>                               |
| <b>Property, Plant and Equipment Movements</b>                                   |   |                          |                               |                                      |                                |  |
| Purchase of Assets   | (84,892)                                | (8,064)                  | 13,811                        | (79,145)                             |                                | (79,145)                                   |
| 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>13,811</b>                 | <b>(85,645)</b>                      | <b>0</b>                       | <b>(85,645)</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>(52,522)</b>                      | <b>-</b>                       | <b>(52,302)</b>                            |
| Add Back: Non Cash Items   | 52,177                                  |                          |                               | 52,177                               |                                | 52,177                                     |
| <b>Budget Surplus/(Shortfall)</b>  | <b>(677)</b>                            | <b>-</b>                 | <b>331</b>                    | <b>(345)</b>                         | <b>220</b>                     | <b>(125)</b>                               |

*Note that 'Other Operating Payments' includes items such as electricity, street lighting, insurances, waste levy, emergency services levies.*

**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 \$125,133.

**March 2021 Flood Response**

During the month of March 2021 the Local Government Area was affected by adverse weather conditions resulting in serious flooding to the entire region. This flooding impacted many residents, whose property and/or income sources have been significantly affected. As such, Council resolved at the Extra-Ordinary Council meeting held on 24th March 2021 to implement a number of local financial relief measures to support members of the community and local businesses who have been impacted by the floods. These direct assistance measures will inevitably have an impact on Council's financial position, largely in the form of forgone revenue.

This flooding also caused widespread damage to Council infrastructure and assets, as well Council incurring an array of costs associated with the clean-up. This will likely have a significant impact on Council's Operational Plan. From a cost perspective, whilst disaster funding status has been granted, Council may still experience flood related costs which are not specifically provided for under such agreements. Therefore, there may be further financial impacts not yet known.

Assessment of these financial impacts is ongoing. There will be a financial impact in relation to the above factors, both in the current financial year and in 2021-2022, and Management is finalising estimates of the full cost to Council as well as funding mechanisms for these impacts.

As these impacts become clearer in this evolving situation, any adjustments required to the budget will be dealt with through future Monthly Financial Update reports to Council.

**Statement by Responsible Accounting Officer**

*"The adopted original budget result for 2020-2021 was a shortfall of \$676,730. As at 31 March 2021, this shortfall position has decreased to \$125,133. 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 remainder of the financial year”.*

**Attachments**

1.  March 2021 Budget Review

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**Item: 10.11**

**Subject: INVESTMENTS - MARCH 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 March 2021.**

#### **Executive Summary**

- Total funds invested as at 31 March 2021 equals \$343,606,460.
- Interest for the month of March was \$532,551.
- The year-to-date investment income of \$4,938,266 represents 78% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 2.04% above the benchmark (2.11% against 0.07%), benchmark being the Bank Bill reference rate as at 31 March 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 +2.22% p.a., outperforming bank bills by 2.11% p.a. and around 11 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 2020, 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 60% 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 March 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 March 2021, the investments held by Council totalled \$343,606,460 and were attributed to the following funds:

|                        |                    |
|------------------------|--------------------|
| General Fund           | 149,616,454        |
| Waste Fund             | 20,047,004         |
| Water Fund             | 118,446,258        |
| Sewer Fund             | 54,002,277         |
| Sanctuary Springs Fund | 47,448             |
| Broadwater             | 1,447,019          |
|                        | <hr/>              |
|                        | <b>343,606,460</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.

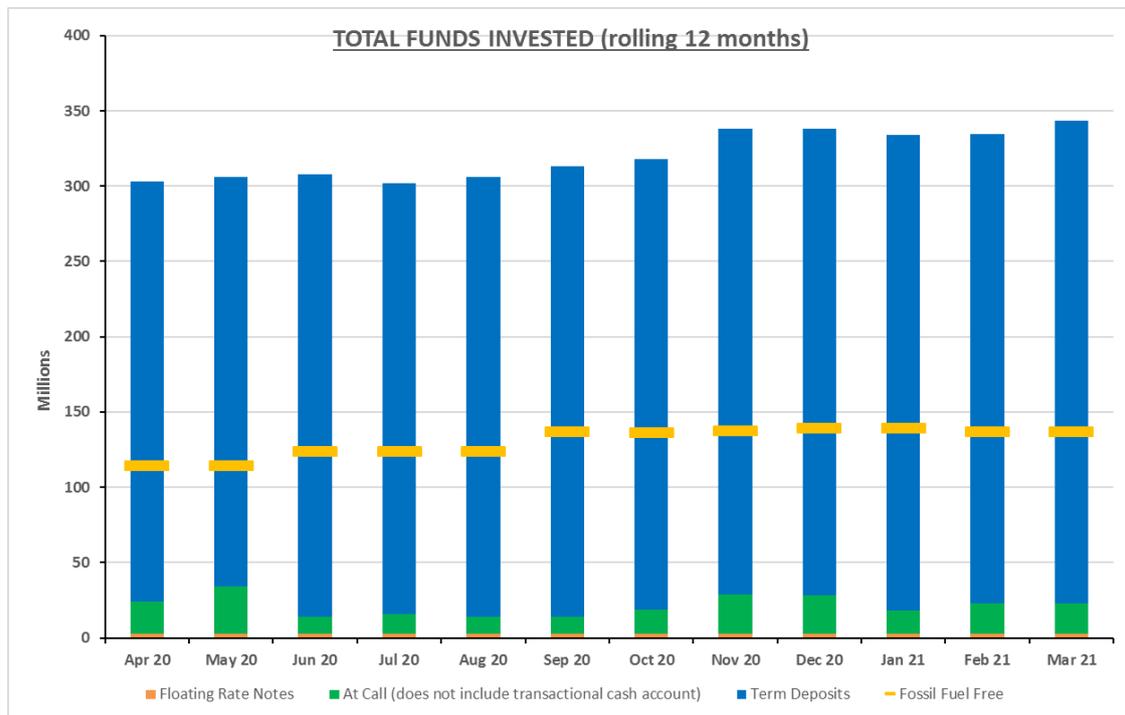
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$343,606,460), and total investments held as per Imperium’s attached monthly report (\$343,663,067). 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 31/03/21 (\$) | Amount invested at 31/03/21 (%) |
|---|-------------------------------|------------------------------|----------------------------------|---------------------------------|
| Yes   | 59,530,000                    | 63.31%                       | 206,606,460                      | 60.13%                          |
| No  | 34,500,000                    | 36.69%                       | 137,000,000                      | 39.87%                          |
|   | <b>94,030,000</b>             |                              | <b>343,606,460</b>               |                                 |

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



During the month of March, total investments increased by \$9m over the February 2021 figure. The majority of this increase (\$7m) can be attributed to the February rate instalment that was due on the 28<sup>th</sup> February. The 28<sup>th</sup> was a Sunday so the majority of this instalment was not received into Council’s ledgers until the first week in March.

Council also received \$1.7m for the Local Roads and Community Infrastructure Program during the month.

**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 2.04% above the benchmark (2.11% against 0.07%) and year to-date income is 78% of the total annual budget.

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

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

**Certification**

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

*Nicole Spencer*  
*Responsible Accounting Officer*

**Attachments**

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

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Item: 10.12

Subject: COMMUNITY POLL - FLUORIDE

Presented by: Strategy and Growth, Jeffery Sharp

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Note the resolution from the Ordinary Council Meeting of 15 July 2020 for Council to conduct a Community Poll in conjunction with the next Local Government elections, scheduled for 4 September 2021 to read “Yes or No: Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”
2. Note the resolution from the Ordinary Council Meeting of 17 February 2021 that states:  
*That Council:*
  1. *Note the resolution from the Ordinary Council Meeting of 15 July 2020 for Council to conduct a Community Poll in conjunction with the next Local Government elections, scheduled for 4 September 2021 to read “Yes or No: 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 in the order of \$60,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.*
  3. *Request the Chief Executive Officer to advise Councillors by April 2021 on possible options, with approximate cost, for ways to determine community opinion on local water fluoridation which would be superior to or add weight to the 4 September 2021 Community Poll. For example by also engaging residents not on the electoral roll and young people, and/or by not being associated with the September 2021 council elections.*
  4. *Note that the Hon Shelley Hancock, Minister for Local Government, has expressed concern about Council holding the Community Poll.*
  5. *Request the Chief Executive Officer to write to Minister Hancock outlining local concerns about water fluoridation and requesting her advice on how Council might have those concerns addressed.*
  6. *Request the Chief Executive Officer to commence arranging for an information sheet to both inform the community on local water*

*fluoridation, and provide Yes and No arguments as referred to in point 1 above.*

3. **Note the possible engagement options available as requested in accordance with item 3 of the resolution of 17 February 2021 as detailed in this report.**
4. **Determine an engagement option from those detailed in the report.**

### **Executive Summary**

In April 2021, Council resolved the following:

*That Council:*

1. *Note the resolution from the Ordinary Council Meeting of 15 July 2020 for Council to conduct a Community Poll in conjunction with the next Local Government elections, scheduled for 4 September 2021 to read “Yes or No: 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 in the order of \$60,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.*
3. *Request the Chief Executive Officer to advise Councillors by April 2021 on possible options, with approximate cost, for ways to determine community opinion on local water fluoridation which would be superior to or add weight to the 4 September 2021 Community Poll. For example, by also engaging residents not on the electoral roll and young people, and/or by not being associated with the September 2021 Council elections.*
4. *Note that the Hon Shelley Hancock, Minister for Local Government, has expressed concern about Council holding the Community Poll.*
5. *Request the Chief Executive Officer to write to Minister Hancock outlining local concerns about water fluoridation and requesting her advice on how Council might have those concerns addressed.*
6. *Request the Chief Executive Officer to commence arranging for an information sheet to both inform the community on local water fluoridation, and provide Yes and No arguments as referred to in point 1 above.*

This report provides options to consider community opinion on local water fluoridation for Councillors to consider as per item 3 above.

### **Discussion**

On the 15 July 2020 Council resolved to conduct a community poll in conjunction with the next Local Government elections to read “Yes or No: Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

This decision has been widely reported and has attracted both criticism (as being an expensive exercise, having questionable health benefits, doubtful research integrity and unlikely legal viability) but also welcomed as an opportunity for all members of the community to express their support for or against fluoride in the water supply.

The driver behind Council resolving to conduct a poll gauging support or otherwise for the fluoridation of the local water supply is to ensure that community views and values are gathered and that these views and opinions deliver a recommendation to Council on the level of public support for or opposition to water fluoridation.

Section 14 of the Local Government Act 1993 provides for Council to take a poll of electors for its information and guidance on any matter. The results of a poll are non-binding and participation by electors is voluntary.

There are other means in which a Council may determine community opinion. We frequently engage with members of the community on many issues of interest and concern to community. A key part of engagement is education, ensuring that community is informed fully about the issues for which Council is seeking opinion.

It is desirable that any research undertaken seeks to not only gauge an effective representation of community sentiment but also produce robust and reliable results that inform decision making.

It is not well understood how widespread the issue is across the whole community as opposed to pockets of interest groups. To that end, in order to provide additional information for Council in accordance with the resolution above, staff sought to:

- determine whether a poll or other research methodology is the best way to gauge public opinion on the issue of water fluoridisation
- determine how to gauge the level of concern around the issue of water fluoridisation and amount of time, resource and financial investment required so that ultimately a recommendation could be delivered to Council on the level of public support for, or opposition to water fluoridation.

In seeking to explore alternate nodes of research and engagement with community, it became clear that the proposed language and framing used in the questioning is not balanced, is inappropriate for a robust, unbiased survey and may be open to challenge.

Historically there is a lack of trust in Council. It is hard to build trust through a simple research poll such as the one suggested and there is a risk that this poll framed in this way may create conflict and exacerbate trust concerns.

There is a risk that public confidence in the Council's decision making is further undermined if we proceed with the poll. It is desirable to understand attitudes to water fluoridation by facilitating meaningful engagement that builds trust in Council decision making.

Water fluoridation is complex and involves a considerable body of scientific literature and time is required to understand the different aspects of water fluoridation in order to develop a meaningful dialogue around water fluoridation.

The following summarises the potential methods to ensure the Council is informed of community sentiment surrounding the fluoridation of the water supply:

#### Poll

A poll conducted at the local government election provides an opportunity for every member of the community who is registered to vote, to also respond to the poll.

A poll excludes elements of the community, particularly those not able to vote such as young people. The results of a poll are non-binding and participation by electors is voluntary. One of the key limitations of a poll is that it does not lend itself to informed

decision making and may open Council to criticism to pursuing a partisan point of view not based on public opinion which could easily be interpreted as “push polling”. Results from the poll would be made available within days of the local Government Election to be held on the 4 September 2021.

The approximate cost for the electoral commission to conduct the poll alongside the Council elections would be \$60,000-\$65,000.

An additional budget of \$15,000 would enable a standard A4 information sheet to be prepared, printed and distributed at polling booths supported by paid printed and online advertising in the lead up to the election to assist inform voters with information that support both sides of the argument.

#### Online survey

Results from an online survey do not represent the broader community but rather the views of community members who are likely to opt-in to fill in a survey, or to be highly engaged.

Online opt-in methods for measuring support for different projects and actions are effective when wanting to determine the opinions of those with a vested interest in the topic, but not when wanting to obtain accurate opinions and attitudes of the whole community.

Any community survey that relies on an opt-in data collection method is much more likely to obtain results that over represent the extreme.

An online survey is not recommended.

#### Quantitative Telephone survey

Interviewing residents by telephone (mobile & landline) will provide the largest potential sample and ensure relevant samples of demographic representativeness and inclusiveness.

A telephone survey also provides the opportunity for us to better understand more about the profile of each respondent e.g. their access to town water, their level of knowledge, their awareness of education programs and resources as well as key demographic information.

The indicative cost for a random telephone based survey of 400-700 participants which is representative of the community is \$20,000 - \$30,000.

#### Qualitative workshops & forums plus quantitative survey

The relative importance of fluoride treatment in the water supply against other competing interests of our community has not been determined.

A more open methodology which allows for the exploration of a complete range of attitudes and opinions such as in-person workshops and qualitative techniques allow for open dialogue, communication and provides an opportunity to build trust between our community and Council.

This allows divergent views to be put and explored and then better inform a subsequent random representative survey to be undertaken with statistically valid sample of the community that is balanced and abides by rigorous research principles and design practices. This model can ensure that experts on all sides of the argument are consulted and involved to ensure that a representative, robust and reliable survey of voter attitudes and intentions is delivered.

The proposed cost for this research methodology is \$45,000.

It is imperative that in light of the recent flood event that Council is seen to be using public funds in a considered, careful and responsible manner.

**Options**

Councillors may wish to consider alternate options to holding a poll.

Should alternate research options to a poll be determined, the timing for implementation of these options will need to be considered by Councillors

**Community Engagement and Internal Consultation**

Internal consultation has occurred in the drafting of this report.  
External consultation has been conducted with two Australian based research companies.

**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: 10.13**

**Subject: MEDIA CONTACT WITH COUNCILLORS**

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

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### **Alignment with Delivery Program**

1.1.6 Continue to promote access by the community to Councillors.

### **RECOMMENDATION**

**That Council note the current Port Macquarie-Hastings Council Media Relations Policy.**

#### **Discussion**

At the Ordinary Council Meeting held on the 17 March 2021, Council resolved:

*That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.*

Attached to this report is the current Port Macquarie-Hastings Council Media Relations Policy.

This policy provides a framework for all Council Officials in the dealings with the Media. Whilst the policy is due to be reviewed in 2022, it will be reviewed in the first quarter of the 2021/22 financial year.

#### **Options**

Council may wish to seek a review of the policy prior to the first quarter of the next financial year.

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

This policy was adopted by Council following a period of public exhibition.

#### **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.  Media Relations Policy Adopted 2018 09 19

# 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: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - APRIL 2021

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

1. Keira Johnson, Matt Olsen and Andrew Olsen each receive \$350.00 to assist with the expenses they will incur travelling to and competing at the Australian Junior Beach Volleyball Championships in Coolangatta, Queensland. They have been selected as members of the NSW Under 18's Youth Beach Phoenix Program (previously known as the Junior Beach State Volleyball Team Program).
2. Maddison Drewitt receive \$500 to assist with the expenses she will incur travelling to and competing at the Australian National Hockey Championships in Launceston, Tasmania. Maddison has been selected as a member of the NSW Under 18's Women's Field State Hockey Team.

### Executive Summary

The Mayor's Sporting Fund Sub-Committee met on Thursday 1 April 2021 and considered applications for financial assistance from Keira Johnson, Matt Olsen and Andrew Olsen who are travelling to compete in the Australian Junior Beach Volleyball Championships in Coolangatta, Queensland, and Maddison Drewitt who is travelling to compete at the Australian National Hockey Championships in Launceston, Tasmania.

The Sub-Committee reached consensus on Item 08 (attached) and submits the above recommendation for Council's approval.

### Attachments

1.  Attachment 1 - Consensus Item 08 Mayor's Sporting Fund Sub-Committee Meeting 2021 04 01

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**Item:** 11.02

**Subject:** DISASTER RECOVERY COMMITTEE UPDATE

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

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### Alignment with Delivery Program

2.1.2 Advocate for, support and coordinate emergency services.

### RECOMMENDATION

#### That Council:

1. **Note the establishment of the PMHC Recovery Committee.**
2. **Note the terms of reference & membership of the PMHC Recovery Committee and its sub committees.**

### Executive Summary

The report informs the Council of the establishment of the Port Macquarie-Hastings Council Recovery Committee, its terms of reference, membership and subcommittees.

### Discussion

The severe weather event and flooding that began on the 19 March 2021 has been declared a natural disaster by the NSW State Government.

As a consequence of this declaration, the local Port Macquarie-Hastings Council Recovery Committee (PMHCRC) has been established which is chaired by Port Macquarie Hastings Council's Director of Strategy & Growth, who is the appointed Recovery Coordinator.

Many State and Federal government agencies have responsibility for responding to the consequences of the natural disaster. In addition to these, are a myriad of charitable organisations, local groups and volunteers upon who the community rely.

The purpose of the PMHCRC is to coordinate the recovery response in the region. Its terms of reference and current membership is included at Attachment 1 & 2.

The key functions of the PMHCRC are to:

- Develop and coordinate the implementation of the Recovery Action Plan (with an agreed transition/exit strategy) that aligns with local assessments and plans.
- Ensure that relevant stakeholders, especially the communities affected, are involved in the development and implementation of recovery objectives and strategies and are kept informed of progress made.
- Identify, pre-empt and manage local and regional recovery issues and trends.
- Ensure that recovery activities are in line with the NSW Recovery Plan.

- Schedule and participate in a Recovery Committee debrief process.

To ensure that these functions are achieved, two subcommittees have also been established that report through to the PMHCRC.

The **Health & Well Being Subcommittee** will provide specialised support and advice to the PMHCRC in relation to health and wellbeing recovery issues related to the flooding event and compounded by bushfires, drought and COVID-19 pandemic.

Key functions include the development of an action plan to prioritise and progress issues that have health and wellbeing impacts such as:

- mental health needs of flood impacted communities
- coordination of health and wellbeing initiatives
- identify, pre-empt and manage local and recovery issues and trends.

The **Infrastructure, Waste & Environment Subcommittee** will provide specialised support and advice to the PMHCRC in relation to infrastructure, flood waste and environment recovery issues.

Key functions include the development an Infrastructure, Waste and Environment action plan to address and manage:

- waste generated by the event
- asset and infrastructure assessment and recovery
- water quality
- access issues caused by road and bridge disruptions
- property knock down, reconstruction and approvals.

Terms of reference and membership of these two sub committees are attached.

### **Options**

Council may note the report or resolve to proceed in some other matter

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

Consultation has been undertaken internally and with various agencies as listed.

### **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-Hastings Council Recovery Committee Terms of Reference
2.  Port Macquarie-Hastings Council Recovery Committee Current Membership
3.  Port Macquarie-Hastings Council Infrastructure Waste & Environment Recovery Subcommittee Terms of Reference
4.  Port Macquarie-Hastings Council Infrastructure Waste & Environment Recovery Subcommittee Membership
5.  Port Macquarie-Hastings Health & Wellbeing Recovery Subcommittee Terms of Reference
6.  Port Macquarie-Hastings Council Health & Wellbeing Subcommittee Membership

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**Item:** 11.03

**Subject:** PRIORITISATION OF SPORTING INFRASTRUCTURE PROJECTS

**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:**

- 1. Note the information contained within this report;**
- 2. Endorse the Port Macquarie Aquatic Facility as a major strategic infrastructure project and as such, pursue progression of this project as a standalone item and as an urgent priority to seek external funding for the project noting the risk of failure of the existing facility;**
- 3. Prioritise the delivery of the Thrumster Sporting Fields, Rainbow Beach Sports Fields and Hastings Regional Sporting Fields in this respective order to meet capacity and growth demands within the LGA;**
- 4. Investigate and seek funding from external revenue sources to support the collected \$7.11 contributions in funding the sporting infrastructure projects noting the above prioritisation order;**
- 5. Continue to investigate and seek funding from external revenue sources to implement facility improvements at the Port Macquarie Regional Stadium to ensure it remains a premier sporting venue within the LGA;**
- 6. Reflect the above prioritisation of sporting infrastructure projects when the annual Recreation Action Plan review is undertaken and reported to the July meeting of Council.**

#### **Executive Summary**

This report details and seeks endorsement for the prioritisation of delivery of four significant sporting infrastructure projects that are currently in the planning stages for the community, being the Hastings Regional Sporting Complex, Rainbow Beach Sports Fields, Thrumster Sporting Fields and Port Macquarie Aquatic Facility.

#### **Discussion**

Sport and recreation is an integral part of our social fabric, generating community cohesion and attracting visitors to the region. With our rapidly expanding community and increased participation in sport across the region, our sporting facilities have reached maximum capacity and availability for training, events and passive recreation is becoming more challenging to accommodate all user groups. In responding to this demand and recognising the complexities of providing and maintaining sporting facilities that meet the needs of our current and future population, planning has continued under the guidance of Council's Recreation

Action Plan to progress various sporting and recreational projects for our community. Four major infrastructure projects that are currently at varying stages of design following extensive and ongoing community consultation are the Hastings Regional Sporting Complex, Rainbow Beach Sports Fields, Thrumster Sporting Fields and Port Macquarie Aquatic Facility. Whilst detailed costings for each of these projects is yet to be finalised, initial cost estimates forecast that the combined construction costs of these projects will be in excess of \$100 million. It is acknowledged that Council do not have the required funds available to be able to deliver all projects in the short to medium term and as such, it is necessary to prioritise the delivery of these assets for the community.

The following overview of each project is provided to inform decision making on the way forward with delivery of these projects. In doing so, it is noted that the ultimate delivery of all four projects is still the desired outcome, however, priorities for funding and delivering these must be determined in order to adjust construction timeframes and inform discussions with key community stakeholders for each project.

#### Hastings Regional Sporting Complex

The Hastings Regional Sporting Complex project (refer **Attachment 1**) was initiated following the sale of the Tuffins Lane Sporting Fields and the emerging uncertainty around the long-term availability of these fields for our growing community.

Through project initiation and planning, engagement had been undertaken with key stakeholders encompassing the Wauchope and broader community, event organisers, local cricket association representatives and Cricket NSW who have proposed a Centre of Excellence within the facility. Recent community engagement to date with user groups has been low, however, current demand suggests the need still exists for additional cricket fields within the LGA, with Stage 1 of this project to provide for 3 fields. It has been noted that should Council deem this project to be a lower priority and delivery timeframes adjusted, 3 new cricket fields could be accommodated at Thrumster (1 field) and Rainbow Beach (2 fields).

The project is currently behind schedule due to external influences with detailed design for the facility due for completion in June 2021. Stage 1 construction costs are estimated at \$12 million and Stage 2 costs are yet to be determined (which would include building costs and access/road improvements).

#### Rainbow Beach Sports Fields

The Rainbow Beach Sports Fields (refer **Attachment 2**), to be located between the urban growth areas of Lake Cathie and Bonny Hills, has been planned to address the capacity demands currently being experienced at the existing Lake Cathie facility and to meet the longer-term needs of this expanding population base.

Strong community engagement in relation to the new facility is ongoing. Community user groups have formed a proactive volunteer committee to support planning of the facility and with the intention of forming a volunteer management committee following construction completion. The committee has representation from Football, AFL, Cricket, Rugby League, the Lake Cathie Progress Association and Lake Cathie Public School.

The project is in the advanced stages with detailed design due for completion by June 2021 and the construction of the facility listed within Council's draft 2021/22 Operational Plan and as a short-term priority in the Recreation Plan (2021/22 - 2022/23). With a full construction estimate sitting at \$9 million, and a funding allocation of approximately \$6 million under S7.11 (development contributions) funds to be collected, staging options are currently being assessed in order to consult with the user groups committee on Stage 1 inclusions. It is proposed that external funding sources will be explored for completion of the facility.

#### Thrumster Sporting Fields

As with the Rainbow Beach Sports Fields (refer **Attachment 3**), the planned Thrumster Facility will be developed within a rapidly expanding urban growth area within our LGA. Construction of the facility is currently listed within Council's Recreation Action Plan as a medium term-priority with delivery by the end of the 2024/25 financial year.

In addition to providing participation opportunities for cricket, hockey and passive recreational users from the Sovereign Hills community, the facility will be home to a High Performance Football Centre, as supported by Council at their December 2017 meeting, and provide elite pathways for local athletes.

Strong engagement to date with Football Mid North Coast has identified ongoing economic development opportunities to be realised from the facility including regional carnivals and the hosting of A-League matches, with the Newcastle Jets also supporting development of the facility. Further to this, the opportunity to potentially host a Women's World Cup team's training camp at the venue in mid-2023 has resulted in a desire for construction of the facility to be fast-tracked.

Discussions around the development of this facility have also focused on the strategic opportunity in relocating the current football high performance program from Wayne Richards Park which will allow for the Port Macquarie Football Club to relocate to this venue from Macquarie Park, which the new Aquatic Facility is to be located on.

Detailed design for the facility is currently underway and due to be finalised by December 2021. The estimated construction cost to deliver the precinct in its entirety is \$21 million. \$15 million of this is for Stage 1 which would deliver the High Performance Football Centre and allow for the potential hosting of a Women's World Cup team. An allocation of \$5.3 million against construction costs is contained within the S7.11 Open Spaces Contribution Plan, noting these developer contributions have not been collected to date.

#### Port Macquarie Aquatic Facility

The development of a new aquatic facility within Port Macquarie to replace the existing pool complex is an ongoing long-term project with various community engagement taking place over the past 20 years.

Whilst the current facility was fit-for-purpose when built in 1966, it has reached the end of its useful life and is leaking daily. There is significant risk of failure of the current facility with ongoing maintenance and equipment replacement required to continue to extend its longevity. Additionally, it does not meet the needs of our growing community, including the key stakeholder groups of the facility which encompasses passive recreational swimmers, persons with a disability, swimming squads (elite, triathlon and masters), learn to swim students and major event organisers.

In September 2019, Macquarie Park was reconfirmed as the community's and Council's preferred site for the facility and the project is listed as an immediate to medium-term priority (2021 - 2025) in Council's Recreation Action Plan. It is currently in the concept development phase with further community consultation to be undertaken on this project in the coming months.

Whilst detailed costings are yet to be undertaken, based on other contemporary aquatic facilities constructed in recent years, this is estimated to be in the vicinity of \$50 million. It is acknowledged that this is a significant cost with approximately 26.7% of this cost being able to be drawn from the S7.11 Open Space Contributions Plan.

#### Port Macquarie Regional Stadium

In addition to the above four new infrastructure projects, the importance of maintaining and upgrading where required our existing sporting facilities to continue to meet the needs of user groups is acknowledged. Currently, the premier sporting facility within the LGA is the Port Macquarie Regional Stadium which accommodates local user groups and attracts major events such as the NSW Touch Football State Cups and Nitro Circus. Noting the unconfirmed construction timeframe for the Thrumster Facility, the Port Macquarie Regional Stadium was also nominated as the venue within Council's bid for Port Macquarie to potentially host a Women's World Cup team's training camp in 2023.

The venue is continuing to age and several improvements have been identified that would enhance the quality of this venue and support the longevity of the facility's use by user groups. Further upgrade opportunities will continue to be identified in consultation with key stakeholders and it is proposed that external funding will be sought through appropriate grant programs to implement these improvements as funding becomes available.

#### **Options**

Council may choose to:

1. Adopt the recommendations contained within this report.
2. Request further information in relation to the prioritisation of sporting infrastructure projects within the LGA
3. Adopt a different priority order.

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

Extensive consultation has occurred with the community, land managers, government agencies, Council staff, and other key stakeholders with an interest in

sport and recreation at the time of progressing each of these projects through their respective planning stages. This includes:

- Progression of design and approvals for Port Macquarie Aquatic Facility following confirmation of Macquarie Park as the community preferred site.
- Engagement with sporting user groups associated with provision of new sporting facilities at Rainbow Beach Sports Fields, Hastings Regional Sporting Fields and Thrumster Sporting Fields.

No further external engagement was considered necessary given that these projects were adopted following an extensive community engagement process and this report proposes prioritisation of project delivery rather than the removal of projects from Council's longer-term planning for sporting infrastructure within the LGA.

A Councillor Briefing was held on 24 March 2021.

### **Planning and Policy Implications**

There are no policy implications in relation to this report.

As outlined in this report, the projects are at varying stages of planning and are reflected within the current Operational Plan, draft 2021/22 Operational Plan and/or Council's Recreation Action Plan. Adoption of the recommendations contained within this report would require adjustments of construction timeframes within these key planning documents.

### **Financial and Economic Implications**

Each project has significant financial implications as noted within this report. Whilst there is not the capacity to presently fund all projects, funding for prioritised projects will be sought through various sources including S7.11 contributions, and State and Federal funding opportunities. However, it must be noted that allocations within the Open Space Contributions Plan against these projects have predominantly not been collected as yet due to developer deferrals.

The planning and delivery of high-quality recreational and sporting assets is expected to provide a positive economic impact for the Port Macquarie-Hastings LGA by contributing to event attraction and the area being a great place to live.

### **Attachments**

1.  Hastings Regional Sporting Complex Concept Plan
2.  Rainbow Beach Sports Fields Concept Plan
3.  Thrumster Sporting Fields Concept Plan

# 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:** PETITION - FLOOD GATES AT NORTH HAVEN

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

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### Alignment with Delivery Program

4.1.2 Develop and implement annual maintenance and preventative works program for water supply assets.

### RECOMMENDATION

#### That Council:

1. **Note the petition received by residents at North Haven regarding the flood gates at North Haven.**
2. **Determine if it wishes to take any action in relation to the petition.**

#### Executive Summary

A petition has been received by Council from 140 residents of North Haven regarding the flood gates at North Haven.

In accordance with Council's "Petitions Policy", petitions lodged with Council containing 100 signatures or more will be included on the agenda of the next available Ordinary Council Meeting of Council where the agenda has not already been determined with a recommendation for notation. Council shall consider the petition and a Councillor will need to move a motion, which will be required to be seconded, to either note the petition as recommended or to act on the petition in some way.

#### Discussion

Council has received a petition dated 6 April 2021 from residents at North Haven stating:

*"We, the undersigned, wish to bring to Council's attention the lack of maintenance to the flood gates at North Haven. We believe that this contributed to houses in the area being inundated by water from the creek that should have flowed through the gates to the Camden Haven River. It is our contention that because the gates have not been maintained properly they did not function as they were designed to do. We suggest an urgent review and request some proof that these gates will be on the maintenance schedule from now on."*

A copy of the petition is attached with personal information removed.

**Options**

Council has the option to note the petition and take no further action or act on the petition in some way.

**Community Engagement and Internal Consultation**

Members of the community have submitted the petition to Council for consideration.

**Planning and Policy Implications**

This petition is submitted to Council as per Council's adopted "Petitions Policy".

Should Council decide to act in some way regarding the petition, there could be planning implications into the future.

**Financial and Economic Implications**

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

Should Council decide to act in some way regarding the petition, there could be financial implications into the future.

**Attachments**

1.  Petition - Flood Gates at North Haven

Item: 13.02

Subject: **RECOMMENDED ITEM FROM COAST ESTUARY AND FLOODPLAIN ADVISORY SUB COMMITTEE - NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)**

Presented by: Infrastructure, Dan Bylsma

### Alignment with Delivery Program

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### RECOMMENDATION

That Council:

1. Place the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan on public exhibition for a period not less than 28 days.
2. Receive a further report detailing the submissions received from the public during the exhibition period at the June 2021 Ordinary Council Meeting.

### Executive Summary

The Coast, Estuary and Floodplain Advisory Sub Committee met on 25 February 2021, reaching consensus on Item 6 (**Attachment 1**) and now submits the above recommendation for Council consideration and determination.

A copy of the Coast Estuary and Floodplain Advisory Sub-committee resolution is attached below for reference:

|  |
|--|
| <p><b>06 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)</b></p> <hr/> <p>Mark Edenborough and report author Lee Jacobs provided a presentation on the North Brother Flood Study.</p> <p>CONSENSUS:</p> <p>That the Coast Estuary and Floodplain Advisory Sub-Committee:</p> <ol style="list-style-type: none"> <li>1. Endorse the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan with the noted amendments requested by SES.</li> <li>2. That the team refer to DPIE Crown Lands in relation to land status and placement of works and that any significant changes are brought back to the Committee for consideration.</li> <li>3. Recommend that the amended North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan be reported to Council and be placed on public exhibition.</li> </ol> |
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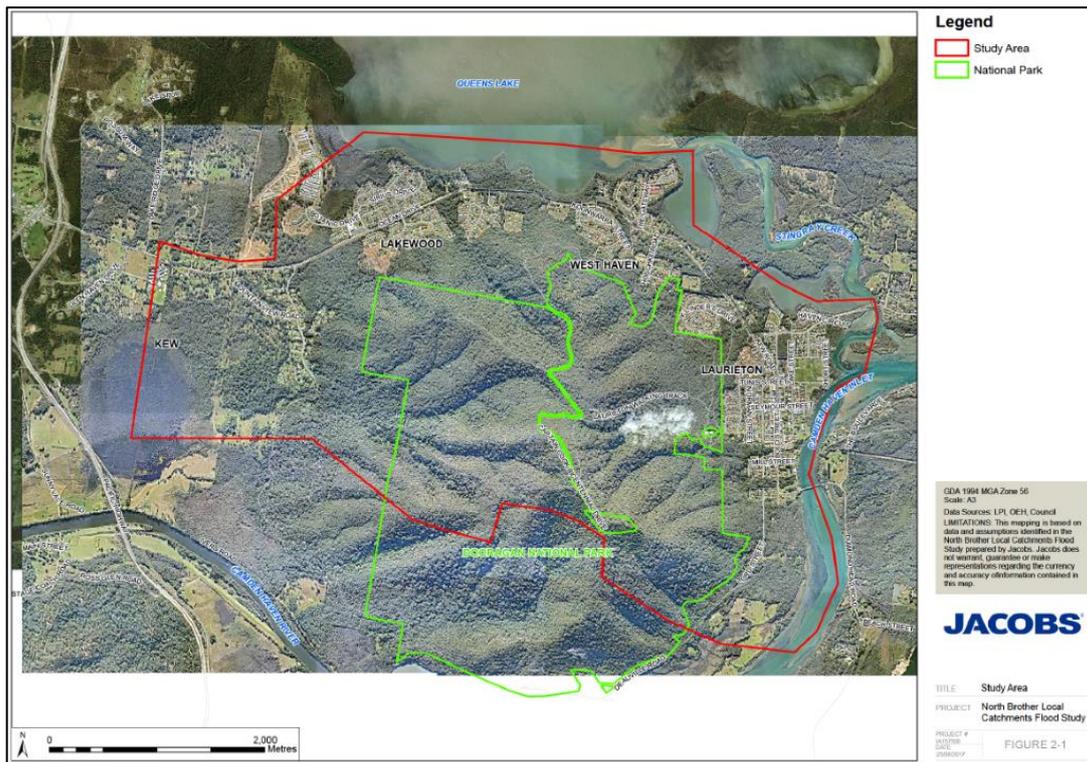
**Discussion**Project Background

Since early 2017, Port Macquarie-Hastings Council has been working with specialist consultants, Jacobs Group Australia (Jacob's) to undertake the North Brother Local Catchments Flood Study, the Floodplain Risk Management Study and the Floodplain Risk Management Plan project.

Objectives of this project include:

- Develop and calibrate hydrologic and hydraulic models to estimate flooding conditions for a range of design events and for a climate change scenario;
- Identify flood problem priority areas and identify and assess structural and non-structural mitigation measures to manage flood risk;
- Review existing planning, policy and emergency management plans for gaps and inconsistencies relating to floodplain planning, then develop proposed amendments to address residual flood risk;
- Prioritise the works and measures, including economic and multi criteria appraisal of options;
- Develop an implementation program for recommended works and measures including timing, responsibility and sources of funding;
- Conduct consultation with the community and key stakeholders throughout the study to obtain information and intelligence for input into the study;
- Gauges the perceptions of the community on flooding matters;
- Obtain feedback on the findings and recommendations of the study;
- Understand the behaviour of local catchment flash flooding from North Brother Mountain and the flood risk that it poses to the community; and,
- Identify and develop measures to manage the impact of flooding and guide strategic planning for future development of the area.

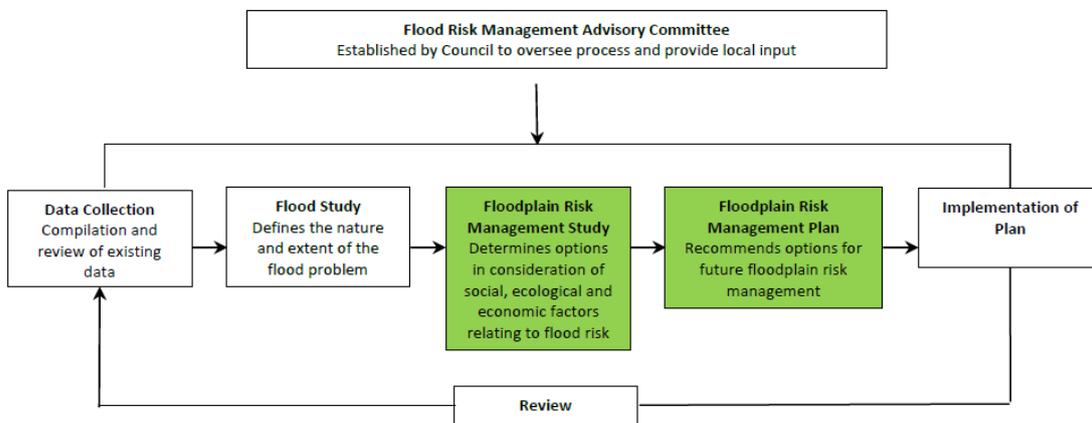
The study covers the villages of Laurieton, West Haven, Lakewood, Kew and Deauville at the Base of the North Brother Mountain, as shown below:



Current Status

Following the adoption of the North Brother Local Catchments Flood Study by Council at the 17 July 2019 Ordinary Council Meeting, Council entered Phase 2 of this ongoing project to complete the Floodplain Risk Management Study (FRMS) and the Floodplain Risk Management Plan (FRMP).

The development of the Floodplain Management Plans follows guidelines established in the NSW Government’s Floodplain Development Manual (2005) outlined below (current stage is highlighted green):



Phase 2 of the project has the following aims.

- Identify, assess and evaluate management options for the floodplain in respect of both existing and proposed developments (FRMS), and

- Adopt a plan of management for the flood risks identified (FRMP).

As part of the early investigations for the preparation of the Floodplain Risk Management Study and Plan (FRMSP) The *North Brother Local Catchments Flood Study Working Draft Options Assessment Report* was prepared in early 2020, outlining:

- The scale of above floor level flooding likely to be experienced within the catchment;
- Identification of sensitive properties and critical infrastructure;
- Initial identification of flood hazard categories and risk classifications;
- Prioritisation of risks and high risk locations;
- Likely costs of flood damage within the catchment; and
- An initial range of both structural and non-structural flood mitigation options including;
  - Development of remedial works concept plans and hydraulic modelling options for high risk locations;
  - Voluntary purchase of high hazard properties;
  - Section 10.7 Zoning Certificates to include notation regarding flood hazard identified by the Flood Study phase of this project;
  - Update Council's LEP to include the North Brother Local Catchments Flood Mapping;
  - Update Council's Flood Policy to both refer to the North Brother Local Catchments Flood Study and update the policy to include provisions relating to overland flooding;
  - Implementation of Flood Depth Signage within the Catchment;
  - Development of a Flood Education Program for the Catchment;
  - Consultation with high flood risk facilities and occupants of dwellings subject to high flood hazard regarding management of flood risk on the site.

Following internal review and consultation with the Coast, Estuary and Floodplain Advisory Sub Committee, the *Working Draft Options Report* was reported to Council on 1 July 2020 and subsequently placed on public exhibition for a period of not less than 28 days.

Following conclusion of the public exhibition period, a further report was presented to Council at the 23 September 2020 Ordinary Council Meeting summarising the engagement activities undertaken and response from the community. Council subsequently resolved as follows:

*RESOLVED: Intemann/Griffiths*

*That Council:*

- 1. Acknowledge the submissions made during the exhibition period and thank those landowners for this input into this ongoing project.*
- 2. Advise those landowners who made submissions of the outcome of Council's consideration of this matter,*
- 3. Endorse the North Brother Local Catchments Flood Study Draft Options Assessment Report, and*
- 4. Incorporate the community feedback obtained via the abovementioned exhibition process into the Floodplain Risk Management Study and Plan phase of the project.*

Utilising the results of the community exhibition process, Jacobs have subsequently prepared the attached *North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan (FRMSP)* (**Attachment 2**).

The North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan (FRMSP)

The attached FRMSP document formally identifies, assess and evaluates management options to address the risks identified by the *North Brother Local Catchments Flood Study*.

The FRMSP ultimately aims to adopt a plan of management for those flood risks based on rigorous options assessment and prioritisation. Building on the *Working Draft Options Report 2020*, the FRMSP defines and assesses a range of both structural and non-structural flood risk management measures for suitability as summarised below:

*Non-structural measures*

Non-structural measures considered include property modification measures such as voluntary **house purchases** and **voluntary house raising** in addition to **Council redevelopment of high hazard properties**. These are flagged as a potential option for further consideration by Council. **Flood proofing and flood compatible design** of properties is also being promoted.

**Amendments to planning instruments and controls (LEP, existing Flood Policy)** have also been investigated and recommendations including the provision of **Flood Planning Level Mapping** have been made regarding these measures.

**A new Overland Flood Policy** is recommended to be developed to allow greater flexibility for Council in administering appropriate development controls which are better aligned with overland flooding. This future policy should be developed having regard to all known stormwater 'hotspot' areas and not just the North Brother catchment.

Response modification measures are recommended included **flood depth signage** on roads, **updates to emergency management and planning** and **flood education and awareness**. Development of a flash flood warning system for the study area was also considered but not recommended.

With regard to the above non-structural measures and the proposed upcoming public exhibition, the proposal to make **amendments to planning instruments and controls** and the provision of **Flood Planning Level Mapping** has the most widespread potential community impact of all proposed options on the basis that this proposal will result in restrictions on development in floodway areas, similar with the mainstream Flood Policy. This would apply to 273 lot parcels where there are floodway areas on the lot. See maps C-3(A-E) in the attached FRMSP document for details of locations impacted by this proposed mapping.

It is crucial that landowners be made aware of this proposed mapping and be provided with opportunity to provide comment during the proposed exhibition process.

### *Structural Measures*

In addition to the above non-structural measures, the following short-list of six combinations of structural mitigation have been further analysed. Each option was tested for the following storm events to assess the improvements that may be realised to modelled flooding conditions by each option:

- 0.2 Exceedances per Year (EY),
- 5% Annual Exceedance Probability (AEP),
- 2% Annual Exceedance Probability (AEP),
- 1% Annual Exceedance Probability (AEP), and
- 1% Annual Exceedance Probability (AEP) with climate change event

Locations of structural mitigation measures are as follows:

- Kirmington Terrace to Pelican Court, West Haven - Option 4B
  - Provision of 2 x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, running across Ocean Drive and under The Gateway.
  - Re-profile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag
- Tunis Street Overland Flow Path, Laurieton - Option 6A
  - Construct/raise berm between the natural flow path and the diversion channel above Blackbutt Crescent to reduce overflows into the diversion channel
- Tunis Street Overland Flow Path, Laurieton - Options 6B, C, D & E
  - Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation

- Construct new diversion channel behind Peach Grove properties north of Tunis Street
- Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m in length).
- Upgrade and extend drainage in Gow Place to consist of 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line.
- Lake Street at Seymour Street, Laurieton - Option 8B
  - Install debris control structure at existing or proposed upgraded culvert inlet
- St Joseph's School, Laurieton - Option 9B
  - Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required

The assessed options are described, and their modelled performance is summarised within the attached draft FRMSP report.

Regarding the abovementioned options, Council should note that the Coast, Estuary and Floodplain Advisory Sub Committee meeting resolution of 25 February 2021 required that DPIE Crown Lands be consulted on any potential Crown Lands impacts of the abovementioned structural measures prior to reporting the FRMSP to Council and ultimately placing the report on Public Exhibition. Further feedback from Crown Lands is included in **Attachment 3**.

#### *Prioritisation of mitigation measures*

The Draft Floodplain Risk Management Plan provides input into the strategic and statutory planning roles of Councils. It provides a steering document to enable Council to effectively manage flood liable land moving forward. It also suggests an implementation plan based on **priorities of floodplain risk management measures** and **availability of funding**.

The Draft Plan, assessed the merit of each of the abovementioned proposed floodplain risk management measures utilising a multi-criteria analysis assessing each option against the following criteria:

- Impact on Flood behaviours
- Number of benefitted properties
- Technical feasibility
- Benefit/Cost ratio
- Financial Feasibility
- Environmental and Economic Benefits
- Impact on Risk to Life
- Impact on the NSW State Emergency Service (SES)
- Long term performance

- Legislative permissibility
- Social impacts

Further details on the criteria and scoring are shown in Table 9-1 of the attached FRMSP. Each structural and non-structural mitigation measure has subsequently been assigned a priority for consideration by the Committee, Council and the Community as shown in the **Attachment 4**. The identified priorities have been estimated to have total direct costs in the order of **\$17,657,000**, though this figure does not include staff costs of certain identified measures, ongoing staff costs and maintenance of the structural measures, nor costs to be borne by others. The Draft Plan does not commit Council to spending this amount, only to identify priorities and their costs to be considered for future Operational Plans

Consultation with the community is now sought in order to ultimately adopt a Floodplain Risk Management plan that aims to both manage and mitigate the risks of flooding to the community.

Council staff intend to place the *North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan* on public exhibition for the community to have its say. A detailed community consultation strategy being developed in consultation with Council's Engagement and Communication teams and Jacobs Group.

Note the Draft Floodplain Risk Management Plan remains as "Draft" status until such time that it is adopted by Council.

### The Next Steps

Prior to further assessment and ultimately adoption of mitigation measures for the catchment, community engagement is sought ensure that the options and priorities presented align with community expectations and adequately address the risks.

### **Options**

Council may choose to:

1. Adopt the recommendations contained within this report or
2. Request further information in relation to the North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan or
3. Resolve in some other manner.

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

Council staff have developed an engagement plan for the proposed exhibition of the North Brother Local Catchments Floodplain Risk Management Study and Plan and are proposing to undertake the following:

- Mail out to all landowners in the study area to advise of the FRMSP and exhibition.

- Mail out to local Chamber of Commerce, Aboriginal Land Council and relevant state emergency agencies and landowners,
- Advertising of the exhibition period via notices, including via Council's social media channels.
- Updated project website and online survey.
- Conduct two community face to face pop-up information sessions.
- Attending various targeted site meetings/discussions with individual residents/landowners on a sub-catchment/neighbourhood basis.

Internal consultation has been undertaken throughout the project, most recently via the Coast Estuary and Floodplain Advisory Sub Committee and resultant follow-up consultation with DPIE Crown lands.

The Department of Planning, Industry and Environment have also been consulted on the Floodplain Risk Management Study and Plan.

### **Planning and Policy Implications**

There are no immediate policy implications in relation to this report. Any flood or overland flow policy changes recommended via the final Management Plan will be subject to a stand-alone Council approval and associated community consultation process.

### **Financial and Economic Implications**

There are no immediate financial or economic implications in relation to this report. Any future works that may be undertaken based on recommendations in the final Management Plan will be subject to stand-alone Council approvals.

### **Attachments**

1.  Report and Recommendations from Coast Estuary and Floodplain Sub Committee 25 February 2021
2.  North Brother Local Catchments - DRAFT Floodplain Risk Management Study and Plan
3.  Crown Lands DPIE Consultation Feedback
4.  Draft Prioritised Mitigation Measures

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Item: 13.03

Subject: DA2018 - 353.3 MODIFICATION TO COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, CLARENCE STREET, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

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Applicant: David Pensini  
Owner: Yogi Bear Holdings Pty Ltd  
Estimated Cost: N/A  
Parcel no: 65374

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That modification to DA2018 - 353.3 for a Commercial Premises and Tourist and Visitor Accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a modification to a previous approved commercial premises and tourist and visitor accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, ten (10) submissions were received.

The Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 represents a variation to the standard exceeding 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel.

The proposal was considered by Council's Development Assessment Panel (**Attachment 1**) on 18 March 2021 where the following was resolved:

*“That it be a recommendation to Council that modification to DA2018 - 353.3 for a Commercial Premises and Tourist and Visitor Accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions, subject to the following:*

*1. Prior to consideration of the matter by the elected Council, the applicant submit the following information for assessment by Council staff:*

*a) Shadow diagrams demonstrating that the proposal has a nil or minor impact on the swimming pool at the Port Pacific Building to the south of the subject site.*

*b) An amended Clause 4.6 variation report to support the building height variation, noting that the National Construction Code requirements for fire sprinklers were not in force at the time of the original approval and justification that the building height variation achieves a better planning outcome.”*

The applicant has subsequently provided additional information in response to this resolution. Staff have reviewed the information. The shadow diagram provided (**Attachment 2**) demonstrates nil shadow impacts to the swimming pool at the Port Pacific building. The revised clause 4.6 variation to building height (**Attachment 3**), incorporates the now National Construction Code requirements for fire sprinklers as a means of further justification for the building height variation providing a better planning outcome.

This report recommends that the development application be approved subject to the amended conditions included in **Attachment 4**.

### Options

Council has the following options in determining the development application:

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

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

### Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, ten (10) submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  DA2018 - 353.3 DAP Report
2.  DA2018 - 353.3 Shadow Diagrams
3.  DA2018 - 353.3 Revised Clause 4.6 Objection to Building Height
4.  DA2018 - 353.3 Recommended Conditions

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Item: 13.04

Subject: DA2020 - 715 - RESIDENTIAL FLAT BUILDING WITH STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4 (FLOOR SPACE RATIO) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 LOT 1 AND LOT 2 DP 758852, NO. 26-28 WILLIAM STREET, PORT MACQUARIE

Report Author: Development Assessment Planning Coordinator, Patrick Galbraith-Robertson

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|                 |  |
|-----------------|--|
| Applicant:      | Salsbury Gardens Pty Ltd CARE King and Campbell Pty Ltd    |
| Owner:          | East Wing Corporation Pty Ltd and Salsbury Gardens Pty Ltd |
| Estimated Cost: | \$14.3 Million   |
| Parcel no:      | 25377 and 25378  |

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That DA2020 - 715 for a residential flat building with strata subdivision including Clause 4.6 variation to Clause 4.4 (floor space ratio) at Lots 1 & 2, DP SEC 65 DP758852, No. 26-28 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, eight (8) submissions were received.

The proposal was considered by Council's Development Assessment Panel on 18 March 2021 (**Attachment 1**) where the following resolution was made:

*"That it be a recommendation to Council that DA2020 - 715 for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at Lots 1 & 2, DP SEC 65 DP758852, No. 26-28 William*

*Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below.*

- *Additional condition in Section D of the consent to read: 'The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.'*

This report recommends that the development application be approved subject to the amended conditions (to address the DAP resolution above) included in **Attachment 2**.

### Options

Council has the following options in determining the development application:

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

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

### Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, eight (8) submissions were received. These submissions have been considered in the assessment report to the DAP on 18 March 2021.

The assessment report and recommended conditions of consent have been prepared with internal consultation.

### Planning and Policy Implications

The assessment report presented to DAP is included here in **Attachment 1** and it includes consideration of relevant planning legislation applicable to the proposed development.

### Financial and Economic Implications

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

### Attachments

1.  DA2020 - 715 - DAP Report
2.  DA2020 - 715 - Recommended Conditions of Consent

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Item: 13.05

Subject: STATE ENVIRONMENTAL PLANNING POLICY KOALA HABITAT PROTECTION 2021

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.8.1 Ensure all Council operations comply with environmental standards and regulations.

### RECOMMENDATION

#### That Council:

1. Note that Council will be required to implement the Koala Habitat Protection SEPP 2020 and 2021 as it applies to the Port Macquarie-Hastings Local Government Area.
2. Request the Chief Executive Officer to provide an update to Council regarding any future updates to the relevant codes or SEPPs.
3. Request the Chief Executive Officer to write to the Mrs Leslie Williams Member for Port Macquarie and the Minister for Planning Mr Rob Stokes and urge consideration for rural lands on the North Coast to be included within Koala Habitat Protection SEPP 2021 and for private native forestry (forestry) be retained in Council's Local Environmental Plan as a landuse that is permitted with consent or prohibited in the identified zones.

#### Executive Summary

On 17 March 2021 a new State Environmental Planning Policy Koala Habitat Protection 2021 (Koala SEPP 2021) was enacted. The SEPP currently applies to all zones other than rural (RU1, RU2 and RU3) where Koala SEPP 2020 continues to apply. In essence, Port Macquarie-Hastings Council (alongside all North Coast Councils) currently have two Koala SEPP's applying to the development of land.

On 8 March 2021, the NSW Government stated that the Private Native Forestry (PNF) and Local Land Services (LLS) codes would be revised and that once the codes were finalised and passed into legislation the following will occur:

1. Koala SEPP 2020 will be repealed and Koala SEPP 2021 will apply to the remaining land.
2. Dual consent provisions for PNF in local environmental plans will be removed through the Koala SEPP 2021.
3. Rural zoned lands in Port Macquarie-Hastings Council LGA will be excluded from the Koala SEPP 2021 as it is currently written.

At the present time it remains unclear if rural zoned lands that are *excluded from Koala SEPP 2021 provisions*, will also lose their ability to be included into future Koala Plans of Management.

To further explain the recent changes, the Frequently asked Questions developed by NSW Planning, Industry and Environment are included as **Attachment 1**.

This report presents information as per the resolution (excerpt below) from [Council Ordinary Meeting 21 October 2020](#), in particular item 3:

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### 13.03 KOALA RECOVERY STRATEGY ANNUAL REPORT

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*RESOLVED: Intemann/Alley*

That Council:

1. Note the information presented in the Koala Recovery Strategy annual update report.
2. Resolve to postpone major actions identified in the Koala Recovery Strategy pending the outcome of a review and update of the Koala Recovery Strategy due to be completed 2021-2022, with the exception of the following:
  - a) Continue to deliver educational actions that align with the purpose and aim of the adopted Koala Recovery Strategy and that are achievable in the short term whilst the review and update are being completed.
  - b) Investigate a feasibility study into engineering solutions to address koala road strike at identified locations to be included in the draft Operation Plan for 2021-2022.
  - c) Continue to participate in the NSW OEH/Joint Organisation Koala Partnership to improve koala habitat protection measures in the region.
3. Request the General Manager to keep Councillors advised of the situation regarding proposed changes at the state level that affect Koala protection, and opportunities for Council to lobby for clearer protection measures.

*CARRIED: 7/0*

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

*AGAINST: Nil*

The report also outlines the potential implications of the changes to the legislation and Council Local Environmental Plan. Given these implications this report also recommends that Council write to the Member for Port Macquarie and the Minister for Planning to raise its concerns.

### Discussion

#### Background

On 1 March 2020 State Environmental Planning Policy (SEPP) 44 was repealed and replaced by SEPP Koala Habitat Protection 2019 (Koala SEPP 2019). A draft Guideline for the Koala SEPP 2019 was released on 28 February 2020 which was to:

1. Guide Council's on how to prepare Koala Plans of Management (KPoM's).
2. Define the criteria and requirements for applicants and consent authorities regarding development on lands identified within the SEPP mapping.
3. Guide Council's on how to implement the Ministerial Direction 2.6 Koala Habitat Protection.
4. Inform the wider community on the role of the SEPP to protect koalas and their habitat.

The main differences between SEPP 44 and Koala SEPP 2019 were:

1. Core koala habitat definition changed,
2. Koala feed tree species expanded to 42 tree species for the North Coast Koala Management Area,
3. Two maps were released to enable:
  - a. a streamlined process for DA assessment
  - b. Koala Plan of Management (KPoM) development.

At the time, Councils and stakeholders were not given the opportunity to provide input to the mapping or the guidelines which resulted in negative feedback to the NSW State Government. Subsequent consultation resulted in a delay in the Guidelines publication.

Previously adopted but unapproved (under SEPP 44) Comprehensive Koala Plans of Management were able to be submitted for approval under *Clause 17* of the newly enacted Koala SEPP 2019. Councils were also encouraged to develop 'control plans' (mitigation measures) that specifically dealt with koala management issues to be addressed within DA's with 'low or no direct impact on koalas or habitat (Tier 1 Assessment)' as outlined in Part 3 of the Koala SEPP 2019.

The SEPP also identified that future KPoM's for local government areas were subsequently required to:

1. Only include areas that were identified on the *Site Investigation Area Map*, and
2. Include significant survey to be undertaken across those areas to establish *core koala habitat*.

On 16 October 2020 Koala SEPP 2019 was amended and the associated Guideline finalised and published. The same week, the *Local Land Services (LLS) Amendment (Miscellaneous) Bill 2020* was presented to [NSW Parliament](#).

#### Local Land Services (LLS) Amendment (Miscellaneous) Bill 2020

Given the timing of this Bill, it received significant attention across a wide stakeholder demographic.

*The key issues with the LLS Amendment (Miscellaneous) Bill 2020 if enacted are as follows:*

- Prevents Local Environment Plans from requiring development consent for Private Native Forestry (PNF). Under the Port Macquarie- Hastings LEP development consent is currently required for Forestry;
- It doubles the duration for PNF plans (to 30 years);
- Allows the carrying out of 'allowable activities' on 'rural regulated land' and 'allowable activity land' (any land that has been rezoned from rural zoning to environmental zoning) **without authorisation** (currently clearing in these zones requires development consent under Council's LEP);
- Prevents the inclusion of core koala habitat identified by an approved KPoM from being designated as category 2 regulated land under the LLS Act (and therefore allowing land clearing of core koala habitat in rural areas),

- Removes the ability of a SEPP or LEP to require development consent for the clearing of native vegetation in rural zones; and
- May extend the provisions for allowable activities (unregulated clearing) into all SEPPs on land to which the *LLS Act* applies (coastal wetland, littoral rainforest and environmental zones).

In addition, the Bill conflicts with the:

- findings of the 2019 NSW Upper House Inquiry into koalas and their habitat,
- NSW Minister for the Environment commitment to double NSW koala populations by 2050,
- findings of the NSW Audit Office (2019); and
- 2019 Natural Resources Commission review of the Land Management Framework.

### Current Situation

The *LLS (Miscellaneous) Amendment Bill 2020* was voted down at the second reading and sent to Inquiry to the Portfolio Committee No. 7 - Planning and Environment. The hearings for the Inquiry were scheduled for the last week of March 2021 but have since been cancelled as a result of the enactment of Koala SEPP 2021.

### Koala Habitat Protection SEPP 2020

As a result of the *LLS Amendment (Miscellaneous) Bill 2020* being voted down, the NSW Government repealed Koala SEPP 2019 and introduced Koala SEPP 2020 as until such time as a new Koala Habitat Protection SEPP 2021 could be introduced. Koala SEPP 2020 is mostly a reiteration of SEPP 44, such as:

1. reducing Schedule 2 koala 'feed trees' back to the original ten species,
2. removing the maps produced under Koala SEPP 2019,
3. requiring a Koala Plan of Management (KPoM) for development on land >1ha (where applicable) that is without an approved KPoM, and introduced
4. *the exemption of land damaged or destroyed by a bush fire for up to five years, enabling the clearing of koala use trees.*

[Koala Habitat Protection SEPP 2020](#) will continue to apply to land zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry as an interim measure until the Private Native Forestry (PNF) and Local Land Services (LLS) codes have been revised. Once the codes are finalised and reflected in legislation the Koala SEPP 2020 will be repealed and the Koala SEPP 2021 will apply to the remaining land

### Koala Habitat Protection SEPP 2021

[Koala Habitat Protection SEPP 2021](#) was made and commenced on 17 March 2021. In the Port-Macquarie Hastings Council LGA it does not apply to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry. The Koala SEP 2021 aims to help reverse the decline of koala populations by ensuring habitation is considered during the development assessment process, and provide Councils a

process to manage habitat through development of KPOMs

The following are potential areas of concern for Council:

1. As with Koala SEPP 2019, the Guidelines relating to Koala SEPP 2021 have not been released, nor has the Site Investigation Area mapping. As these two things are critical in administering Koala SEPP 2021. It is difficult for Councils to determine how koalas and their habitat may be protected without this information.
2. The SEPP pre-empts the outcomes of the Parliamentary Inquiry into the *Local Land Services Amendment (Miscellaneous) Bill 2020* and the Private Native Forestry review.
3. The proposed measures are inconsistent with the findings of the NSW Upper House Inquiry into Koalas and their habitat, 2019 findings of the NSW Audit office and independent review of the land management framework conducted by the Natural Resources Commission in 2019.
4. There has been no consultation with the various agencies, organisations and individuals who are undertaking koala conservation and recovery actions across NSW under funding initiatives as a result of the Black Summer fire season impacts. Subsequently, areas where restoration activities have taken place will remain unknown and could be at risk of vegetation clearing in the future.
5. While still in force, Koala SEPP 2020 *Clause 16* (below) directs Councils to identify all koala habitat and put in place mechanisms to protect it through making or amending a LEP or applying special provisions within a DCP. However, it is unclear how much longer Koala SEPP 2020 will remain as it is tied to the *LLS Amendment (Miscellaneous) Bill 2020* and codes for PNF.

State Environmental Planning Policy (Koala Habitat Protection) 2020 [NSW]  
Part 4 Other environmental planning measures

## Part 4 Other environmental planning measures

### 16 Surveys, environment protection zones and development control plans

- (1) In order to give effect to the aims of this Policy, a council of a local government area listed in Schedule 1 must—
  - (a) survey the land within its area so as to identify areas of potential koala habitat and core koala habitat, and
  - (b) consider making or amending a local environmental plan—
    - (i) to include land identified as a core koala habitat within an environment protection zone, or
    - (ii) to identify land that is a core koala habitat and apply special provisions to control the development of that land, and
  - (c) consider preparing an appropriate development control plan for land that is or adjoins a core koala habitat.
- (2) Subclause (1)(a) does not apply to a council that has, before the commencement of this clause, carried out a survey to identify areas of potential koala habitat and core koala habitat in relation to the whole of its local government area.

**Options**

Council may choose to:

1. Adopt the recommendations contained within this information report or
2. Request further information in relation to the report; or
3. Resolve in some other manner.

**Community Engagement and Internal Consultation**

On 24 March 2021 the Office of Local Government wrote to the Premier of NSW to express their disappointment on the lack of consultation with LGNSW and councils on the Koala SEPP 2021. In their attached (**Attachment 2**) letter they state:

*“The NSW Government signed the Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships with LGNSW on 14 October 2019, committing to “consult with and seek the views of LGNSW in advance of introducing any laws or significant policy initiatives that will impact on the local government sector”. You have failed to do that in the case of Koala SEPP 2021.”*

In addition, other NSW North Coast Councils have expressed concern regarding the exclusion of rural lands and changes to the PNF legislation which will result in impacts to the Koala population.

The timing of advocacy is significant, as the *LLS Amendment (Miscellaneous) Bill 2020* is currently before the Legislative Council (with hearings recently deferred due to the Koala SEPP 2021 enactment) and the PNF codes are not yet released.

**Planning and Policy Implications**

At this time due to ambiguity of Koala SEPP 2021 it is difficult to identify the planning and policy implications. This will be forthcoming when further details are made available.

**Financial and Economic Implications**

Nil.

**Attachments**

1.  FAQ - SEPP (Koala Habitat Protection) 2021 - DPIE
2.  LGNSW to Premier-Koala SEPP 2021 - March 2021

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**Item: 13.06**

**Subject: LAKE CATHIE - ILLAROO ROAD REVETMENT WALL - REPORT ON COMMUNITY ENGAGEMENT OUTCOMES**

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

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### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.**
- 2. Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.**
- 3. Request the Chief Executive Officer to write to Leslie Williams Member for Port Macquarie seeking advice regarding any available government funding for coastal protection works at Illaroo Road.**

#### **Executive Summary**

Community engagement for the Illaroo Road Revetment Wall Cost Benefit Analysis (CBA) and Funding Model requirements of the NSW Government Coast & Estuary Grants was carried out between February and April 2021.

The scope of the community consultation was to:

- Inform directly and indirectly impacted property owners of the cost implications of the revetment wall proposal.
- Provide the CBA and Funding model reports for consideration.
- Assess the capacity and willingness to pay of the directly impacted property owners.

The community was engaged with through written materials and community meetings held with directly and indirectly impacted property owners and stakeholders and through one on one discussions. Feedback was gathered through the Have Your Say platform and directly from the interested parties.

The community meetings and feedback submissions contained the following key messages:

- There was a strong rejection of the Beneficiary Pays options from the Funding Model report.
- There is no capacity and willingness to pay by directly impacted residents.

- Concerns were raised regarding the revetment wall option, including the high cost, inclusion of public amenities in the design, visual impact, loss of beach and potential end effects and erosion at the extremities.

This report provides feedback from the engagement for Council's information.

### Discussion

The Illaroo Revetment Wall project Cost Benefit Analysis (CBA) and Funding Model works were completed by Marsden Jacob Associates (MJA) in 2020. The reports provided information on financial modelling in line with NSW Department of Planning Infrastructure and Environment (DPIE) requirements, an assessment of eligibility of the range of funding models and options that are currently available, and a recommendation for a preferred funding model under the Coast and Estuary Grants framework.

The CBA and Funding Model were reported to the 12 August 2020 Ordinary Council Meeting where the following resolution was reached:

*RESOLVED: Intemann/Hawkins*

*That Council:*

- 1. Note the information provided in this report.*
- 2. Incorporate the Lake Cathie Coastal Zone Management Plan (CZMP) actions into the new Lake Cathie Bonny Hills Coastal Management Program (CMP).*
- 3. Undertake direct engagement and consultation with impacted properties to explain the Revetment Wall options and cost implications and to assess the capacity and their willingness to pay for a Revetment Wall.*
- 4. Following completion of direct engagement and consultation with impacted properties, receive a further report from the Director, Development and Environment detailing the outcomes of this engagement and future recommended steps in this project including details of the proposed community consultation/engagement for the broader community.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

In response to items 3 and 4 of the Council resolution the scope of the community consultation was to:

- Inform directly and indirectly impacted property owners of the cost implications of the revetment wall proposal.
- Provide the CBA and Funding model reports for consideration.
- Assess the capacity and willingness to pay of the directly impacted property owners.

The community was informed through the provision of letters, background summary brochures, Frequently Asked Questions sheets and redacted reports (property details and costs attributed to properties removed).

Two community meetings were held with representatives from Council, Marsden Jacob consultants and Department of Planning, Industry and Environment coastal specialist. The first meeting was a private meeting with directly impacted property owners and the second was with a broader community stakeholder group.

Councils Have Your Say webpage was used for the community to access the documentation, meeting bookings, lodgement of submissions and to ask questions relating to the project.

A letter was sent to stakeholders advising the final community meeting initially to be held on the 31st March 2021 was cancelled following community feedback strongly rejecting the findings and recommendations of the CBA and Funding Model reports.

During the formal feedback period Council received 53 submissions from directly impacted property owners and the community. All submissions received from directly impacted owners indicated no capacity or willingness to pay for the wall. 17 submissions were received via the Have Your Say platform. Refer to the Illaroo Road Revetment Wall - Engagement Report - April 2021 (**Attachment 1 - Appendix 1**) for a list of the submissions received and responses.

The community meetings and feedback submissions contained the following key messages:

- There was a strong rejection of the Beneficiary Pays options from the Funding Model report.
- There is no capacity and willingness to pay by directly impacted residents.
- Concerns were raised regarding the revetment wall option, including the high cost, inclusion of public amenities in the design, visual impact, loss of beach and potential end effects and erosion at the extremities.

On 1 April 2021, Council's Coast, Estuary and Floodplain Advisory Sub Committee met to review the Draft Community Engagement Report - April 2021 and provide additional community feedback. The Committee feedback was that the Draft Report was in line with their experiences and community sentiment received on the issue. Some of the community representatives of the Coast, Estuary and Floodplain Advisory Sub Committee expressed their reservation regarding Council's decision to put the beneficiary pays letter, CBA and Funding Model reports to the community.

### Community Engagement

The Illaroo Road Revetment Wall - Engagement Report April 2021 (**Attachment 1**) provides a summary of the engagement process, community sentiment on the CBA and Funding Model and the beneficiary pays option. The Appendix of the report includes:

- Submissions received and responses
- Community meeting minutes - 18 and 23 February 2021
- Questions and Answers flyer.

A Councillor briefing was held on 14 April 2021 to discuss the engagement feedback and a further briefing is scheduled for 26 May 2021.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  Illaroo Road Revetment Wall - Engagement Report April 2021

**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-20-41 Kew Main Street Upgrade**

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

2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.