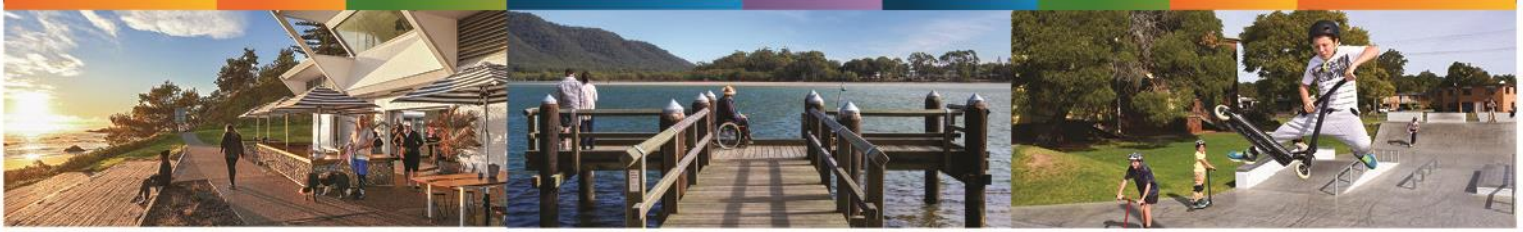




PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Wednesday 16 February 2022

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5:30pm

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Wednesday 16 February 2022

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

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

Item: 02**Subject: REMOTE ATTENDANCE AT MEETING**

RECOMMENDATION

That Council accede to the request of Councillors to attend the meeting by remote means.

Item: 03**Subject: LOCAL GOVERNMENT PRAYER**

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 05**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

1. That the Minutes of the Ordinary Council Meeting held on 3 November 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 13 January 2022 be confirmed.
3. That the Minutes of the Extraordinary Council Meeting held on 25 January 2022 be confirmed.

PRESENT

Members:

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

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Rebecca Olsen)
Director Community Planning and Environment (Melissa Watkins)
Director Community Infrastructure (Dan Bylsma)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Executive Assistant to the Mayor (Linda Kocis)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil.

03 LOCAL GOVERNMENT PRAYER

Captain Rebecca Gott from the Salvation Army delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Griffiths/Alley

That the Minutes of the Ordinary Council Meeting held on 13 October 2021 be confirmed.

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

06 DISCLOSURES OF INTEREST

Councillor Alley declared a pecuniary interest in Item 12.10 - Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011, the reason being he is the Parish Treasurer and serves on the Parish Council of the Anglican Parish of the Camden Haven. From time to time, the Parish makes decisions to purchase or develop property which may include property that is relevant to this report item. It is possible that the changes recommended in the report could result in a financial gain or loss to the Parish.

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 12.09 - Le Clos Sancroix Planning Proposal, the reason being she has family members who live in the area of the planning proposal.

Mayor Pinson declared a pecuniary interest in Item 09.10 - Property Investment Portfolio - 2021 Annual Update, the reason being she has an interest in one of the properties up for sale by Council.

Mayor Pinson declared a pecuniary interest in Item 12.04 - North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - Post Exhibition, the reason being that she has interest in a property that falls within the Study Area.

07 MAYORAL MINUTES

Nil.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Alley

That Council determine that the attachments to Item Number 9.16 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

SUSPENSION OF STANDING ORDERS

RESOLVED: Griffiths/Alley

That Standing Orders be suspended to allow Items 09.10, 09.13, 09.14, 09.19, 12.01, 12.02, 12.04, 12.05, 12.06, 12.07, 12.09, 12.10, 12.11 and 12.14 not in the block be brought forward and considered next.

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

09.10 PROPERTY INVESTMENT PORTFOLIO - 2021 ANNUAL UPDATE

Mayor Pinson declared a pecuniary interest in this item, left the meeting and took no part in the discussion or voting thereon, the time being 5:38pm.

Deputy Mayor Intemann assumed the Chair.

RESOLVED: Alley/Griffiths

That Council note the update provided on the Property Investment Portfolio as provided in this 2021 Annual Update report.

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

Mayor Pinson returned to the meeting, the time being 5:39pm and assumed the Chair.

09.13 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

RESOLVED: Hawkins/Intemann

That Council:

1. Adopt the annual financial statements for the year ended 30 June 2021, as submitted, together with the auditor's report.
2. Note the resolutions of the Audit, Risk and Improvement Committee at its Extra-Ordinary meeting held on 22 October 2021 as detailed in the body of the report.
3. Request the Chief Executive Officer prepare a communications strategy to promote a broad understanding of the need for the collection, retention and use of funds held in reserves.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

09.14 2020-2021 ANNUAL REPORT

RESOLVED: Turner/Griffiths

That Council:

1. Adopt the 2020-2021 Annual Report, comprising Part A and Part B, and the End of Term Report.
2. Submit the adopted 2020-2021 Annual Report to the Minister for Local Government by 30 November 2021.
3. Publish the adopted 2020-2021 Annual Report and the End of Term Report on Council's website and make copies of the reports available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2020-2021.

CARRIED: 6/0

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

AGAINST: Nil

09.19 RELIEF MEASURES FOR THE IMPACTS OF COVID-19

RESOLVED: Turner/Hawkins

That Council:

1. Note the significant impacts on the local community of the COVID-19 Pandemic and the significant financial assistance provided by Council, via relief measures, to those affected members of the community.
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2. Waive application fees and park hire fees for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138) for a further period up to 30 June 2022 for 'regular' local events from the date of recommencement, (e.g. markets) or waive fees for next event for irregular or new events. These will be assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity, and excludes driveway / footpath works and power charges incurred.
 3. Waive monthly rental fees for the Port Macquarie Senior Citizens Facility for a further period of 6 months up to 30 June 2022.
 4. Note that remaining measures that had been implemented will revert to pre-COVID-19 adopted fees and charges status from 1 January 2022.
 5. Note that members of the community can seek assistance in times of hardship under the provisions of Council's Rates and Charges Hardship Assistance Policy.

CARRIED: 6/0

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

AGAINST: Nil

12.01 NOTICE OF MOTION - HOUSTON MITCHELL DRIVE AND PACIFIC HIGHWAY INTERSECTION - NEED FOR OVERPASS

RESOLVED: Pinson/Hawkins

That Council:

1. Note the submission received by the Bonny Hills Progress Association Inc, as attached to the report and request the Chief Executive Officer to forward a copy of the report to the Member for Port Macquarie, the Hon Leslie Williams MP; the Federal Member for Lyne, the Hon Dr Gillespie MP and the Deputy Premier of NSW, the Hon Paul Toole MP.
2. Note temporary safety upgrades currently being undertaken by the State Government at the Houston Mitchell Drive and Pacific Highway intersection.
3. Note the recent decision of the Federal Government to fund an overpass at the intersection of Harrington Road and the Pacific Highway.
4. Note GHD 2018 report identifying an overpass would be required by 2026.
5. Note PMHC Urban Growth Management Strategy 2017-2036 reference to population growth (page 17).
6. Note PMHC Draft Local Housing Strategy 2021-2041.
7. Note the Ordinary Council Meeting resolution of 21 July 2021 in relation to Item 12.08 - Integrated Strategic Transport Network Update, in particular Point 3 Priority Ratings:
3(b) Short to Medium Term:
(iv) Houston Mitchell Drive / Pacific Highway intersection grade separation upgrade.
8. Note the Media Release dated 1 November 2021 by the Member for Port Macquarie, the Hon Leslie Williams MP which, amongst other things, states that with respect to the Houston Mitchell Drive / Pacific Highway intersection she is "continuing to advocate for a graded separation (overpass) at this location", as tabled.

-
9. Amend the Integrated Strategic Transport Network Plan Priorities list by:
- Adding a new Short-Term Priority Project as follows: "Detailed Designs for a Houston Mitchell Drive / Pacific Highway Overpass".
 - Replacing the words in 3(b)iv) above "Houston Mitchell Drive / Pacific Highway intersection grade separation upgrade" with the following: "Construction of an overpass at the Houston Mitchell Drive / Pacific Highway Intersection."

CARRIED: 6/0

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

AGAINST: Nil

12.02 RAWDON ISLAND BRIDGE UPDATE

RESOLVED: Intemann/Griffiths

That Council note the information provided in the Rawdon Island Bridge Update report.

CARRIED: 6/0

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

AGAINST: Nil

12.04 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - POST EXHIBITION

Mayor Pinson declared a Pecuniary Interest in this item, left the meeting and took no part in the discussion or voting thereon, the time being 6:27pm.

Deputy Mayor Intemann assumed the Chair.

RESOLVED: Turner/Alley

That Council:

- Note the feedback received from the community on the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan during the public exhibition period.
- Thank all those residents and landowners who made submissions during the recent public exhibition period.
- Endorse the Draft Floodplain Risk Management Study and Plan subject to the amendments listed in the report.
- Request the Chief Executive Officer consider funding opportunities for implementation of the North Brother Local Catchments Floodplain Risk Management Plan through development of future Operational Plans and relevant State and Federal government grant programs.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 6:28pm and resumed the Chair.

12.05 LOCAL STRATEGIC PLANNING STATEMENT

RESOLVED: Turner/Griffiths

That Council:

1. Note the progress of actions identified in Council's Local Strategic Planning Statement - Shaping our Future 2040 (LSPS).
2. Note Council's intention to review the LSPS to ensure alignment with Council's new Community Strategic Plan (Imagine 2050) and the revised North Coast Regional Plan following adoption of both Plans.
3. Receive updates on the implementation of actions identified within the LSPS on an annual basis.

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

12.06 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BI-ANNUAL REPORT

RESOLVED: Intemann/Turner

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. Receive a further update report in June 2022 regarding the progress of site specific Planning Proposal requests.

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

12.07 INTEGRATED STRATEGIC TRANSPORT NETWORK PLAN

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information provided in this report.
2. Note that Council is undertaking an organisational realignment and workforce plan to improve Council's timely, efficient delivery in achieving key asset priorities, including those projects identified for the Integrated Strategic Transport Network Plan.

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

12.09 LE CLOS SANCROX PLANNING PROPOSAL

Councillor Griffiths left the meeting, the time being 06:41pm.

RESOLVED: Intemann/Turner

That Council:

1. Progress to public exhibition of the "Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Amendment No 59) - Le Clos Sancrox" as included as Attachment 1 to this report, for a period of not less than 28 days.
2. Progress the draft contributions and finance documentation (draft Planning Agreement) for the Le Clos Sancrox Planning Proposal to cover all relevant contributions.
3. Ensure that all relevant documentation (including the draft Planning Agreement) is exhibited, approved by Council, and ready for submission to Regional Planning before 13 May 2022.

CARRIED: 5/0

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 6:54pm.

12.10 PLANNING PROPOSAL - 2021 ADMINISTRATIVE REVIEW OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

Councillor Ally declared a pecuniary interest in this Item, left the meeting and took no part in the discussion or voting thereon, the time being 6:54pm.

RESOLVED: Turner/Griffiths

That Council:

1. Prepare a draft Planning Proposal pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the eight issues as generally described in this report.
2. Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Director Community, Planning and Environment to make any minor mapping updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
4. Receive a report following the public exhibition period on any submissions received.

CARRIED: 5/0

FOR: Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 6:57pm.

12.11 LAKE CATHIE DREDGING

RESOLVED: Pinson/Griffiths

That Council:

1. Note the media release dated 19 October 2021 from The Hon. Leslie Williams, Member for Port Macquarie requesting Council to considering dredging the Lake Cathie lagoon.
2. Acknowledge that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.
3. Request the Chief Executive Officer to write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the issue of extensive wait times for Crown license applications and request additional resources are provided.
4. Request the Chief Executive Officer write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the approvals process for the Coast and Estuary Grants program requesting streamlining of grant announcements.
5. Request the Chief Executive Officer to write to The Hon. Leslie Williams, Member for Port Macquarie to advise that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.

CARRIED: 6/0

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

AGAINST: Nil

12.14 DA2020 - 958.01 ALTERATIONS AND ADDITIONS TO ECO TOURIST FACILITY, INCLUDING CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD UNDER CLAUSE 7.14, LOT 100 & 101 DP 754444, 743 OCEAN DRIVE, GRANTS BEACH

RESOLVED: Griffiths/Intemann

That DA2020 - 958 for Alterations and Additions to EcoTourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 (exceeding the total gross floor area for an Eco-tourist Facility) at Lot 100 & 101, DP 754444, No. 743 Ocean Drive, Grants Beach, be determined by granting consent subject to the recommended conditions.

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

13 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Intemann/Griffiths

That Items 09.01, 09.02, 09.03, 09.04, 09.05, 09.06, 09.07, 09.08, 09.09, 09.11, 09.12, 09.15, 09.16, 09.17, 09.18, 09.20, 10.01, 10.02, 11.01, 12.03, 12.08, 12.12 and 12.13 be considered as a block resolution.

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

RESOLVED: Intemann/Griffiths

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

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Intemann/Griffiths

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

09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 30 SEPTEMBER TO 20 OCTOBER 2021

BLOCK RESOLVED: Intemann/Griffiths

That Council note the Mayoral Discretionary Fund allocation for the period 30 September to 20 October 2021 inclusive.

09.03 PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE COUNCILLORS

BLOCK RESOLVED: Intemann/Griffiths

That Council note the professional development undertaken by Councillors since the September 2016 elections.

09.04 EXTENSION OF MEMBERSHIP OF INDEPENDENT MEMBERS TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

BLOCK RESOLVED: Intemann/Griffiths

That Council extend the membership of Grahame Marchant and Stephen O'Rourke to Council's Audit, Risk and Improvement Committee until such time Council conducts an expression of interest for these independent positions.

09.05 POLICY REVIEW - COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the public submissions received in response to the draft Councillor Induction and Professional Development Policy.
 2. Adopt the Councillor Induction and Professional Development Policy.
 3. Thank those who made submissions on this draft policy and notify them of Council's resolution in the matter.
 4. Rescind the current Councillor Professional Development Policy and the Councillor Induction Policy.
-

09.06 DISCLOSURES REGISTER - ANNUAL RETURN 2019-2020 - OUTSTANDING RETURNS

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the Annual Disclosure Returns for the following positions:
 - a) Environmental Engineer.
2. Note that the outstanding Annual Disclosure returns for the following positions be presented to Council once the designated person has returned from leave:
 - a) Transport Engineer (on extended leave).

09.07 LEGAL FEES

BLOCK RESOLVED: Intemann/Griffiths

That Council note the information in the Legal Fees report.

09.08 CODE OF CONDUCT COMPLAINT STATISTICS

BLOCK RESOLVED: Intemann/Griffiths

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2020 to 31 August 2021.

09.09 POLICY REVIEW - SPONSORSHIP POLICY - POST EXHIBITION

BLOCK RESOLVED: Intemann/Griffiths

That Council adopt the Sponsorship Policy as presented.

Item 09.10 Property Investment Portfolio - 2021 Annual Update, has been addressed previously within the meeting.

09.11 MONTHLY BUDGET REVIEW - OCTOBER 2021

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Adopt the adjustments in the "October 2021 Adjustments" section of the Monthly Budget Review – October 2021 report and associated attachment.
 2. Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.
-

09.12 INVESTMENTS - OCTOBER 2021

BLOCK RESOLVED: Intemann/Griffiths

That Council note the Investment Report for the month of October 2021 (as at 18 October 2021).

Item 09.13 Annual Financial Statements for the Year Ended 30 June 2021, has been addressed previously within the meeting.

Item 09.14 2020-2021 Annual Report, has been addressed previously within the meeting.

09.15 2017-2022 DELIVERY PROGRAM AND 2021-2022 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2021

BLOCK RESOLVED: Intemann/Griffiths

That Council note the 2017-2022 Delivery Program and 2021-2022 Operational Plan Quarterly Progress Report as at 30 September 2021.

09.16 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2021

BLOCK RESOLVED: Intemann/Griffiths

That Council note the Quarterly Budget Review Statement for the September 2021 Quarter.

09.17 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the information on the financial impact of cost shifting for the 2020-2021 financial year.
 2. Note that any future reports or updates on cost shifting to be determined by Council following the election if required.
-

09.18 BOUNDARY ADJUSTMENT

BLOCK RESOLVED: Intemann/Griffiths

That Council make application to Her Excellency the Honourable Margaret Beazley - Governor of New South Wales, Minister of Local Government and MidCoast Council to approve a minor boundary adjustment from MidCoast Council to Port Macquarie-Hastings Council.

Item 09.19 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

09.20 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2021-2022.
 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.
 3. Acknowledge the tremendous efforts of development assessment staff in realising the \$3million grant under the State's Public Spaces Legacy Fund program.
-

10.01 DISABILITY INCLUSION ACTION PLAN ANNUAL PROGRESS REPORT

BLOCK RESOLVED: Intemann/Griffiths

That Council note the Disability Inclusion Action Plan 2020-2021 Annual Progress report.

10.02 PLAN OF MANAGEMENT FOR COUNCIL MANAGED COMMUNITY CROWN RESERVES

BLOCK RESOLVED: Intemann/Griffiths

That Council, in accordance with Sections 38, 39,40 and 40A of the Local Government Act 1993:

1. Receive and note the draft Council Managed Crown Land Plan of Management.
 2. Forward the draft Council Managed Crown Land Plan of Management to the land owner, Crown Lands (NSW Department of Planning, Industry and Environment), seeking endorsement to proceed to public exhibition of the draft Plan of Management.
 3. Delegate authority to the Director Community, Planning and Environment to revise the draft Council Managed Crown Land Plan of Management in accordance with any direction received from Crown Lands, prior to placing on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days.
 4. Bring the final version of the Council Managed Crown Land Plan of Management to a future Council meeting for consideration and adoption.
-

11.01 UPDATE ON IMPACTS OF COVID-19 ON THE PORT MACQUARIE-HASTINGS ECONOMY

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the analysis provided in the report.
2. Note the broad based impacts COVID-19 has had on the local economy and acknowledge a continued focus will be required from Council and other levels of government to support recovery.

Item 12.01 Notice of Motion - Houston Mitchell Drive and Pacific Highway Intersection - Need for Overpass, has been addressed previously within the meeting.

Item 12.02 Rawdon Island Bridge Update, has been addressed previously within the meeting.

12.03 MANAGEMENT OF RECYCLED WATER

BLOCK RESOLVED: Intemann/Griffiths

That Council note the information provided in the Management of Recycled Water report.

Item 12.04 North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - post exhibition, has been addressed previously within the meeting.

Item 12.05 Local Strategic Planning Statement, has been addressed previously within the meeting.

Item 12.06 Update on Site Specific Planning Proposal Requests - Bi-Annual Report, has been addressed previously within the meeting.

Item 12.07 Integrated Strategic Transport Network Plan, has been addressed previously within the meeting.

12.08 KEY INTERSECTIONS FOR UPGRADE

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the prioritisation list and indicative costs of intersection upgrades in this report.
2. Note that key identified intersection upgrades will be incorporated into the Joint Integrated Strategic Transport Network Plan.

Item 12.09 Le Clos Sancroix Planning Proposal, has been addressed previously within the meeting.

Item 12.10 Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011, has been addressed previously within the meeting.

Item 12.11 Lake Cathie Dredging, has been addressed previously within the meeting.

12.12 LAND ACQUISITION - GILLMAN WAY, THRUMSTER

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Pay compensation in the amount of \$41,678 (GST Exclusive) to the owners of Lot 1 Deposited Plan 1273983, PM Land Pty Ltd, for the acquisition of that part of Lot 1 Deposited Plan 1273983 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1275372.

-
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing expenses.
-

12.13 LAURIETON TOWN CENTRE MASTER PLAN

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Note the engagement done to date to develop the Laurieton Town Centre Master Plan.
2. Place the draft Laurieton Town Centre Master Plan on an extended public exhibition period from 15 November 2021 to 28 January 2022.

Item 12.14 DA2020 - 958.01 Alterations and Additions to Eco Tourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14, Lot 100 & 101 DP 754444, 743 Ocean Drive, Grants Beach, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

MOVED: Griffiths/Alley

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 14.01 Infinity Total Protection

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

Item 14.02 T-21-24 Technology Infrastructure Management Agreement

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

Item 14.03 T-21-38 Supply and Delivery of One (1) Landfill Compactor

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

prejudice the commercial position of the person who supplied it.

Item 14.04 T-21-41 Supply and Delivery of Three (3) 10m3 Garbage Compactor Bodies

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 14.05 T-21-36 Bicentennial Walkway Stage 1 - Major Civil Package

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 14.06 T-21-13 Water & Sewer Client Side Engineering Support Services & T-21-14 Water & Sewer Design Services Panel Arrangement

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.07 T-21-34 Professional Services Contract for Ocean Drive Duplication Contract Manager

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 14.08 T-21-43 Fixing Country Bridges - Detailed Design of Multi Span Bridges

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 14.09 T-21-10-21 Purchase of additional timber for Bril Bril Bridge

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

RESOLVED: Griffiths/Hawkins

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

14.01 INFINITY TOTAL PROTECTION

RESOLVED: Griffiths/Alley

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act 1993, not invite tenders for a cyber-security architecture solution due to extenuating circumstances being risk of creating inherent gaps in the security posture leaving Council enterprises unprotected from sophisticated attacks.
2. Accept the proposal from Checkpoint Software Technologies (Australia) Pty limited for their Checkpoint Infinity solution at a value of \$392,354 (ex GST) over a 36 month period.
3. Maintain the confidentiality of the documents and consideration in respect of the cyber-security architecture requirements and products and this report.

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

14.02 T-21-24 TECHNOLOGY INFRASTRUCTURE MANAGEMENT AGREEMENT

RESOLVED: Griffiths/Alley

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement arrangement LGP115 IT&C Products, Services & Consulting, from S5 Technology Group Pty Ltd to provide Infrastructure Support Services at a value of \$461,098.44 (exclusive of GST) for a fixed period of 36 months commencing 10 November 2021 for T-21-24 Technology Infrastructure Management Agreement.
2. Note the Chief Executive Officer, under existing delegation to the General Manager, will execute the contract documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Quotation T-21-24.

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

14.03 T-21-38 SUPPLY AND DELIVERY OF ONE (1) LANDFILL COMPACTOR

RESOLVED: Griffiths/Intemann

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement panel arrangement LGP419 Supply of Plant, Machinery and Equipment, from Liebherr Australia Pty Ltd:
 - a) for the Lump Sum of \$883,000.00 (exclusive of GST) for T-21-38 Supply and Delivery of One (1) Landfill Compactor.
 - b) for the Lump Sum of \$50,000.00 (exclusive of GST) for the 5 year Extended Warranty option.
 - c) including the trade in offer for the P7634 Tana E380 Landfill Compactor from Liebherr Australia Pty Ltd for \$163,636.37 (excluding GST).
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-21-38.

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

14.04 T-21-41 SUPPLY AND DELIVERY OF THREE (3) 10M3 GARBAGE COMPACTOR BODIES

RESOLVED: Intemann/Alley

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation, through Local Government Procurement panel arrangement NPN1.15-2 Specialised Trucks, from Garwood International Pty Ltd for the Lump Sum of:
 - a) \$307,500.00 (exclusive of GST) for T-21-41 Supply and Delivery of Three (3) 10m³ Garbage Compactor Bodies.
 - b) \$1,473.00 per vehicle (exclusive of GST) for the supply and installation of the Auto Bin Lift.
 - c) \$5,340.00 per vehicle (exclusive of GST) for the supply and installation of the Surround Camera System.
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-21-41.

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

14.05 T-21-36 BICENTENNIAL WALKWAY STAGE 1 - MAJOR CIVIL PACKAGE

RESOLVED: *Hawkins/Turner*

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from Building Heights Pty Ltd for the Lump Sum of \$3,367,885.44 (exclusive of GST) for T-21-36 Bicentennial Walkway Stage 1 - Major Civil Package.
2. Accept the offer from Building Heights Pty Ltd for Provisional Item: P1 Town Wharf Maintenance Scope TfNSW/MIDO for the Lump Sum of \$48,707.10 (exclusive of GST).
3. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-36.

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

14.06 T-21-13 WATER & SEWER CLIENT SIDE ENGINEERING SUPPORT SERVICES & T-21-14 WATER & SEWER DESIGN SERVICES PANEL ARRANGEMENT

RESOLVED: *Intemann/Griffiths*

That Council:

1. Note that in accordance with Section 377 of the Local Government Act 1993, the Chief Executive Officer, under existing delegations to the General Manager, may accept:
 - a) a tender for T-21-13 Water & Sewer Client Side Engineering Support Services; and
 - b) tenders for T-21-14 Water & Sewer Design Services Panel Arrangement,and present a further report to a future meeting of Council after contract award for Council's information.
2. Maintain the confidentiality in respect of Request for Tenders T-21-13 and T-21-14.

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

14.07 T-21-34 PROFESSIONAL SERVICES CONTRACT FOR OCEAN DRIVE DUPLICATION CONTRACT MANAGER

RESOLVED: Intemann/Griffiths

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from R B Ausling & Associates Pty Ltd for the Lump Sum of \$1,634,000.00 (exclusive of GST) for T-21-34 Professional Services Contract for Ocean Drive Duplication Contract Manager.
2. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
3. Maintain the confidentiality and the documents and consideration in respect of Request for Tender T-21-34.

CARRIED: 6/0

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

AGAINST: Nil

14.08 T-21-43 FIXING COUNTRY BRIDGES - DETAILED DESIGN OF MULTI SPAN BRIDGES

RESOLVED: Griffiths/Alley

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the tender from MU Group Consulting Pty Ltd for the Lump Sum of \$549,490.00 (exclusive of GST) and with a Schedule of Rates for T-21-43 Fixing Country Bridges - Detailed Design of Multi Span Bridges.
2. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-43.

CARRIED: 6/0

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

AGAINST: Nil

14.09 T-21-10-21 PURCHASE OF ADDITIONAL TIMBER FOR BRIL BRIL BRIDGE

RESOLVED: Griffiths/Alley

That Council:

1. Note the revised value of contract RFQ-21-13 for Bril Bril Bridge - Timber Supply with Coffs Harbour Hardwoods Trading Pty Limited
2. Maintain the confidentiality of the documents and consideration in respect to Contract Number RFQ-21-13.

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

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

The meeting closed at 7.39pm.

.....
Peta Pinson
Mayor

PRESENT

Members:

Mayor Peta Pinson (Mayor)
Councillor Lauren Edwards (by remote)
Councillor Sharon Griffiths
Councillor Lisa Intemann
Councillor Nik Lipovac (by remote)
Councillor Danielle Maltman
Councillor Adam Roberts
Councillor Rachel Sheppard (by remote)
Councillor Josh Slade

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Rebecca Olsen) (by remote)
Director Community, Planning and Environment (Melissa Watkins) (by remote)
Director Community Infrastructure (Dan Bylsma) (by remote)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 12:04pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: Roberts/Slade

That Council accede to the request of Councillors Edwards, Lipovac and Sheppard to attend the meeting by remote means.

CARRIED: 9/0
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,
Sheppard and Slade
AGAINST: Nil

03 APOLOGIES

Nil.

04 DISCLOSURES OF INTEREST

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 05.01 - Opening Lake Cathie, the reason being that Councillor Maltman is a non-financial life member of Revive Lake Cathie.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 10.01 - Notice of Motion - Proposed Road Closure - Part Pacific Drive, North of Home Street, Port Macquarie, the reason being that Councillor Intemann is the only sitting Councillor who was present at the 2017 Council meeting, the subject of the motion.

Mayor Pinson declared a Pecuniary, Significant Interest in Item 10.02 - EOI-21-05 Flood Recovery Works - Civil Construction, the reason being that Mayor Pinson has an interest in a company owned by her husband who is in civil construction. The registered name of the company is Stabilcorp and has been recommended to be included on the approved procurement list for related works.

05.01 OPENING LAKE CATHIE

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

MOTION

MOVED: Pinson

That Council:

1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.
2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.
3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.
4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.
5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.
6. Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.
7. Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.
8. Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.
9. That the Chief Executive Officer be requested to expedite the coastal management program.

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note the importance of this issue to a large number of members of our community.
2. Note the complexity of issues regarding Lake Cathie from a legislative and environmental sense.
3. Request the Chief Executive Officer provide a briefing to Councillors on the relevant considerations such that this issue can be debated at the February 2022 Ordinary Council Meeting.

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson

That Council:

1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.
2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.
3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.
4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.
5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.
6. Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.
7. Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.
8. Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.
9. That the Chief Executive Officer be requested to expedite the coastal management program.

CARRIED: 7/2

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards and Sheppard

06.01 CREATION OF OFFICE OF DEPUTY MAYOR

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be the Mayoral term.

-
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office Deputy Mayor to be one (1) year.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson/Griffiths

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be the Mayoral term.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 8/1

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Edwards

The Chief Executive Officer, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Rachel Sheppard, nominated by two Councillors and accepted by Councillor Sheppard.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Adam Roberts, nominated by two Councillors and accepted by Councillor Roberts.

The Returning Officer then called for a show of hands in favour of Councillor Sheppard for Deputy Mayor.

The Returning Officer then called for a show of hands in favour of Councillor Roberts for Deputy Mayor.

The Returning Officer declared Councillor Adam Roberts elected to the Office of Deputy Mayor for the Mayoral period as resolved by Council.

The Chief Executive Officer congratulated Councillor Adam Roberts on his election to the Office of Deputy Mayor.

Deputy Mayor, Councillor Adam Roberts, thanked the Council for his election as Deputy Mayor.

06.02 FEBRUARY 2022 ORDINARY COUNCIL MEETING DATE

RESOLVED: Roberts/Intemann

That Council:

1. Conducts the February 2022 Ordinary Council meeting at 5.30pm on Wednesday 16 February 2022.
2. Determine the times and dates of the remainder of Ordinary Council meetings for 2022 at the February 2022 Ordinary Council meeting.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

06.03 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

RESOLVED: Pinson/Griffiths

That Council:

1. Note the Special Conference to be held between 28 February 2022 and 2 March 2022, and those Councillors wishing to attend to advise the Chief Executive Officer.
2. Determine that the voting delegates be the first four (4) Councillors to report to the Chief Executive Officer of their intent to attend the Special Conference to be held between 28 February 2022 and 2 March 2022.
3. Note that the Chief Executive Officer and Mayor will also attend the Conference.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

06.04 COUNTBACK ELECTION

RESOLVED: Intemann/Griffiths

That Council make the following declaration:

Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Port Macquarie-Hastings Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

*CARRIED: 9/0
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,
Sheppard and Slade
AGAINST: Nil*

09.01 NOTICE OF MOTION - ORBITAL ROAD

MOTION

MOVED: Roberts/Pinson

That Council:

1. Discontinue any investigations, planning, and funding for new roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs and land owners within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Defer debate of this agenda item until the first ordinary meeting of Council, after Councillors have received appropriate briefing.
2. Note the importance of this matter to the residents and businesses effected by the Orbital Road corridor.
3. Note the complexity of this matter in terms of likely significant strategic and financial implications for Council discontinuing investigations of the noted Orbital Road corridor.
4. Request the Chief Executive Officer provide a briefing for Councillors as to the relevant considerations, including strategic and financial implications for Council.
5. Request the Chief Executive Officer provide the briefing in point 3 within a time frame to facilitate debate in the February open Council meeting.

LOST: 4/5

FOR: *Edwards, Intemann, Lipovac and Sheppard*
AGAINST: *Griffiths, Maltman, Pinson, Roberts and Slade*

THE AMENDMENT WAS PUT AND LOST

AMENDMENT

MOVED: Edwards/Sheppard

1. Discontinue any investigations, planning, and funding for new major roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs, land owners and biodiversity values within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

LOST: 4/5

FOR: *Edwards, Intemann, Lipovac and Sheppard*
AGAINST: *Griffiths, Maltman, Pinson, Roberts and Slade*

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. Discontinue any investigations, planning, and funding for new roads and vehicular links within the shown Orbital Road Corridor that significantly and unreasonably affects homes, businesses, clubs and land owners within the corridor area, as well as the wider visual amenity.
2. Remove the term 'Orbital Road', 'Orbital Road Corridor' and any reference to similar, on any and all infrastructure related planning documentation of Council being developed now and in the future and make reference to its specific exclusion from future infrastructure planning activities.
3. Continue to prioritise individual road upgrades, duplications and links across the Port Macquarie-Hastings Local Government Area, including any existing and new links, but excluding those discontinued as a result of point 1 (above), that will work towards mitigating traffic congestion issues as part of the broader Port Macquarie-Hastings Regional Integrated Transport Strategy and Integrated Strategic Network Masterplan, and that will also inform an updated Urban Growth Management Strategy and consider criteria and values identified by the Port Macquarie Transport Network Planning Project.
4. That Councillors be briefed on these matters at the earliest opportunity.

CARRIED: 7/1

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Sheppard

ABSTAIN: Edwards

CONFIDENTIAL SESSION

RESOLVED: Roberts/Griffiths

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.

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

Item 10.01 Notice of Motion - Proposed Road Closure - Part Pacific Drive, North of Home Street, Port Macquarie

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.

Item 10.02 EOI-21-05 Flood Recovery Works - Civil Construction

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.

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

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

RESOLVED: Griffiths/Slade

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

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

10.01 NOTICE OF MOTION - PROPOSED ROAD CLOSURE - PART PACIFIC DRIVE, NORTH OF HOME STREET, PORT MACQUARIE

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

MOTION

MOTION: Griffiths/Pinson

That Council:

1. Note the intent of Councillors to provide members of the public with clarity and transparency about what transpired regarding Council's dealings with Pacific Drive matter in question.
2. Authorises immediately the disclosure of all information relied upon by Councillors, including the report and minutes, with respect to the discussion at, or business of, Item 15.02 of the Ordinary Meeting of Council held 15 March 2017 concerning the subject of "Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie."
3. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

AMENDMENT

MOTION: Sheppard/Edwards

That Council:

1. Defer this agenda item for one month, until the next Ordinary Council Meeting (February 16th, 2022), until Councillors have undertaken induction and received briefing outlined in 2 below.

2. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Griffiths/Pinson

That Council:

1. Note the intent of Councillors to provide members of the public with clarity and transparency about what transpired regarding Council's dealings with Pacific Drive matter in question.
2. Authorises immediately the disclosure of all information relied upon by Councillors, including the report and minutes, with respect to the discussion at, or business of, Item 15.02 of the Ordinary Meeting of Council held 15 March 2017 concerning the subject of "Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie."
3. Request the Chief Executive Officer provide Councillors with a briefing on this matter.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

10.02 EOI-21-05 FLOOD RECOVERY WORKS - CIVIL CONSTRUCTION

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the chair, left the room and was out of sight during the Council's consideration, the time being 2:05pm.

Deputy Mayor Roberts assumed the Chair.

RESOLVED: Griffiths/Intemann

That Council:

1. In accordance with section 169(4)(a) of the Local Government (General) Regulation 2021, list the following applicants as a recognised contractor on the approved procurement list for Flood Recovery Works - Civil Construction until 31 December 2024:
 - Aitken Civil Engineering Pty Ltd,
 - Azbuild Pty. Limited,
 - Burnett Civil Pty Ltd,
 - Coffs Harbour City Council t/as Coastal Works,
 - Ditchfield Contracting Pty. Limited,

-
- D.S.A. Contracting Pty Ltd,
 - Durack Civil Pty Ltd,
 - Earthtec Pty Ltd,
 - Eire Constructions Pty Ltd,
 - Engineering and Civil Contractors Pty Ltd,
 - Fortade Group Pty Ltd,
 - GC Civil Contracting Pty Ltd,
 - Gleeson Civil Engineering Pty Ltd,
 - GPM Marine Constructions Pty Ltd,
 - Keegan Civil Pty Ltd,
 - Local Land Services t/as Soil Conservation Service,
 - Magnum Haulage & Excavations Pty Ltd,
 - Pan Civil Pty Ltd,
 - Piling & Concreting Australia (PCA) Pty Ltd,
 - P.J. Warner Australia Pty Limited t/as Warner Company,
 - RIX Asset Maintenance Pty Limited,
 - Stabilcorp Pty Ltd,
 - Symal Infrastructure Pty Ltd, and
 - XXXDirtworx Pty Limited t/as M.C Dirtworx.
2. Maintain the confidentiality of the documents and consideration in respect of Expression of Interest EOI-21-15.

CARRIED: 8/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Roberts, Sheppard and Slade

AGAINST: Nil

Mayor Pinson returned to the meeting and assumed the Chair, the time being 2:10pm.

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

The meeting closed at 2:14pm.

.....
Peta Pinson
Mayor

PRESENT

Members:

Mayor Peta Pinson (Mayor)
Councillor Adam Roberts (Deputy Mayor)
Councillor Sharon Griffiths (by remote)
Councillor Lisa Intemann (by remote)
Councillor Nik Lipovac
Councillor Danielle Maltman
Councillor Rachel Sheppard
Councillor Josh Slade

Other Attendees:

Chief Executive Officer (Dr Clare Allen) (by remote)
Director Business and Performance (Rebecca Olsen) (by remote)
Director Community, Planning and Environment (Melissa Watkins) (by remote)
Director Community Infrastructure (Dan Bylsma) (by remote)
Director Community Utilities (Jeffery Sharp) (by remote)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 10:01am.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: Sheppard/Maltman

That Council accede to the request of Councillors Griffiths and Intemann to attend the meeting by remote means.

CARRIED: 8/0

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

03 APOLOGIES

RESOLVED: Sheppard/Lipovac

That the apology received from Councillor Edwards be accepted.

CARRIED: 8/0

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 MAYORAL MINUTES

Nil.

06.01 NOTICE OF MOTION - GRAFFITI

MOTION

MOVED: Pinson/Roberts

That Council:

1. Note the Minutes of the 15 September 2021 Ordinary Council Meeting, Item 10.02 Notice of Motion – Increase In Graffiti In The Local Area.
2. Note the cost to community in terms of clean up and reputation due to increasing levels of graffiti and vandalism.
3. Note updated information on Port Macquarie-Hastings Council website for community to report graffiti.
4. Request the Chief Executive Officer make available funds through the existing asset maintenance budgets to fund monetary rewards to reduce the impact of graffiti and vandalism of Council property.
5. Request the Chief Executive Officer develop in consultation with community stakeholders a (Draft) Graffiti in Public Places Policy (utilising powers under the Graffiti Control Act 2008 (NSW)) which aims to assist in the prevention, rectification and/or timely removal of graffiti on Council assets, including the offer of a reward of up to the value of \$5,000 for information leading to persons being identified as being responsible for defacing and/or damaging Council property within the Local Government Area.

6. Advertise an expression of interest for volunteers to join 'Graffiti Blasters' to assist Council with removing graffiti within an appropriate timeframe.
7. Request the Chief Executive Officer schedule an urgent meeting with Superintendent District Commander, Mr Shane Cribb, Mayor Peta Pinson, Deputy Mayor Adam Roberts, Councillors and Director of Community, Planning and Environment to discuss increasing vigilance relating to acts of graffiti and vandalism.
8. Request the Chief Executive Officer to apply for grant funding to install CCTV cameras strategically in Town Square and Town Green.
9. Request the Chief Executive Officer to bring back a report to July 2022 Ordinary Council Meeting to report on the progress of the above actions.
10. Write to relevant stakeholders (including NBN Co Limited, Essential Energy, Transport for NSW, Telstra Corporation and other entities as identified by the Chief Executive Officer) requesting that they take more proactive measures to identify and remove graffiti from their infrastructure and to invite them to work collaboratively with Council and the NSW Police Force on graffiti prevention and removal initiatives.
11. Write to Port Macquarie-Hastings State and Federal Members, advising of the action taken by Council to improve public safety and amenity.

AMENDMENT

MOVED: Intemann/Sheppard

That Council:

1. Note the Minutes of the 15 September 2021 Ordinary Council Meeting, Item 10.02 Notice of Motion – Increase In Graffiti In The Local Area.
2. Note the cost to community in terms of clean up and reputation due to increasing levels of graffiti and vandalism.
3. Note updated information on Port Macquarie-Hastings Council website for community to report graffiti.
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-
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 11. Write to Port Macquarie-Hastings State and Federal Members, advising of the action taken by Council to improve public safety and amenity.
 12. Ensure that youth voices are heard in these discussions.

LOST: 3/5

FOR: Intemann, Lipovac and Sheppard
AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Defer this item until the 16 February 2022 Council Meeting.
2. Request the Chief Executive Officer provide a Councillor Briefing as soon as possible prior to 16 February 2022 to cover aspects including the evidence for effectiveness of the reward system and CCTV usage.

LOST: 1/7

FOR: Sheppard
AGAINST: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson/Roberts

That Council:

1. Note the Minutes of the 15 September 2021 Ordinary Council Meeting, Item 10.02 Notice of Motion – Increase In Graffiti In The Local Area.
2. Note the cost to community in terms of clean up and reputation due to increasing levels of graffiti and vandalism.
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4. Request the Chief Executive Officer make available funds through the existing asset maintenance budgets to fund monetary rewards to reduce the impact of graffiti and vandalism of Council property.
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- persons being identified as being responsible for defacing and/or damaging Council property within the Local Government Area.
6. Advertise an expression of interest for volunteers to join 'Graffiti Blasters' to assist Council with removing graffiti within an appropriate timeframe.
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 11. Write to Port Macquarie-Hastings State and Federal Members, advising of the action taken by Council to improve public safety and amenity.

CARRIED: 7/1

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Sheppard

The meeting closed at 10:42am.

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the 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) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the 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.*

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

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

Councillor's Signature: **Date:**

This form is to be retained by the council's 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.

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

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

Item: 07.01**Subject: MAYORAL MINUTE - CHIEF EXECUTIVE OFFICER'S
PERFORMANCE REVIEW PANEL****Mayor, Peta Pinson**

RECOMMENDATION**That Council:**

- 1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 1 February 2022 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 Sharon Griffiths is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.**
- 3. Delegate to the Chief Executive Officer's Performance Review Panel the entire process of performance management, including discussions about performance, reporting and performance reviews for the period ending 1 February 2022.**

Discussion

The Director General of the Division of Local Government issued Guidelines in July 2011 for the Appointment and Oversight of General Managers. It is noted that this applies to Council's Chief Executive Officer. The Guidelines recommend that the Chief Executive Officer's Performance Review Panel comprise the Mayor, the Deputy Mayor, a Councillor nominated by Council and a Councillor nominated by the Chief Executive Officer.

The Guidelines further provide that the whole process of performance management be delegated to the Chief Executive Officer's Performance Review Panel including the conduct of performance reviews, reporting the findings and recommendations of those reviews to Council and the development of the performance agreement.

The Standard Contract for General Managers requires that the performance of the General Manager (Chief Executive Officer) must be formally reviewed at least annually. As the timing of this first review falls after the upcoming elections, it is recommended that an informal review be undertaken prior to the elections and the composition of the panel be reviewed following the elections for a formal performance review to be conducted no later than March 2022. At all times those Councillors not on the Chief Executive Officer's Performance Review Panel can contribute to the process by providing feedback to the Mayor or other panel members on the Chief Executive Officer's performance.

Attachments

Nil

Item: 08**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING****Presented by: Chief Executive Officer, Dr Clare Allen**

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Number 09.11 and 09.17 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No:	09.11
Subject:	Legal Fees
Attachment Description:	Legal matters greater than \$10,000 2021/2022 Financial Year
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (<i>Local Government Act 1993 - Section 10A(2)(d)(i)</i>).

Item No:	09.17
Subject:	Quarterly Budget Review Statement - December 2021
Attachment Description:	Confidential - December 2021 Quarterly Budget Review - Consultancy Engagements
Confidential Reason:	Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (<i>Local Government Act 1993 - Section 10A(2)(c)</i>).

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 09.01

Subject: OATH OR AFFIRMATION OF OFFICE

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note that the Mayor and all Councillors undertook their Oath, or Affirmation, of Office before Council's Chief Executive Officer on Monday 10 January 2022.

Executive Summary

As per the Local Government Act 1993, the Mayor and Councillors are required to undertake an Oath or Affirmation of Office prior to attendance of their first Council meeting.

Discussion

The Local Government Act, Section 233A states:

- "(1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

- (3) *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
- (4) *Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
- (5) *Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
- (6) *The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise)."*

Options

There are no other options as it is a requirement under the Local Government Act that the Mayor and Councillors take an Oath or Affirmation of Office.

Community Engagement & Internal ConsultationInternal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

Nil

Item: 09.02

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Chief Executive Officer, Dr Clare Allen

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
Key and critical transport infrastructure - review existing structure and resource base to increase its delivery	04/08/2021 Item 09.06		DCI	Mar-22	Reported in Nov-21. Complete.
Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew	17/06/2020 Item 13.03	Awaiting further supporting documentation from the proponent.	DCPE	Sep-20 Oct-20 Mar-21 May-21 Jul-21 Sep-21	Remove from schedule - will be included in Biannual Report - Update on Site Specific Planning Proposal Requests in Jun-22
Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew -	19/05/2021 Item 14.01	Negotiations for disposal are still underway	DCPE	Aug-2021 Sep-21	Feb-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
outcomes of disposal process					
Bushfire Disaster Recovery Funding	04/08/2021 Item 09.14		DCPE		Feb-22
COVID-19 Recovery and Stimulus Projects Update	04/08/2021 Item 11.01		DCPE		Feb-22
T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields - completion of negotiation process	04/08/2021 Item 14.01	Still negotiating with the preferred tenderers	DCI	Oct-21 Nov-21	Feb-22
T-21-42.03 Rawdon Island Bridge - Repair Contractor	13/10/2021 Item 14.05		DCI		Feb-22
T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package	13/10/2021 Item 14.08		DCI		Feb-22
Establishment of a "Fly Neighbourly Agreement"	21/10/2020 Item 12.01	Currently with CASA for review	DBP	Feb-21 Apr-21 Jun-21 Nov-21	Mar-22
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Delayed until after the LG election	DCPE	Apr-21 May-21 Jun-21 Jul-21 Sep-21	Mar-22
T-20-41 Kew Main Street Upgrade	21/04/2021 Item 15.01	Negotiations ongoing and awaiting design information from consultant	DCI	Jun-21 Jul-21 Sep-21 Nov-21 Feb-22	Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Staff are responding to Mayoral minute (Lake Cathie opening strategy).	DCPE	Jun-21 Sep-21 Feb-22	Mar-22
Developments, Public Place & Events Waste minimisation and Management Policy - outcomes of engagement	19/05/2021 Item 12.02	Initial engagement undertaken with local waste management (skip bin) operators. Further investigation required regarding Council's fees and charges, and corresponding construction and demolition waste policy provisions as part of a broader review of Council's Waste Strategy proposed in line with OP action 4.1.7.27.	DCU	Nov-21	Mar-22
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06	Due to the high number of submissions received it is proposed to brief the incoming Council on the Draft Strategy and report to Council in the first quarter of 2022.	DCPE	Oct-21	Mar-22
Joint Integrated Transport Network Plan - final draft for public consultation	21/07/2021 Item 12.08		DCI		Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie Aquatic Facility - post exhibition	21/07/2021 Item 10.03	The project Steering Group at its August 2021 meeting resolved to maintain the project on hold until after the December 2021 elections. A Councillor Briefing will be held in early 2022 to update the new Council on the project and next steps.	DCPE	Oct-21	Mar-22
Dunbogan Beach - Upgrades	13/10/2021 Item 10.03		DCPE		Mar-22
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07	Council resolved on 13/10/21 to report the IP&R suite of documents including the CSP to the Mar-22 Council meeting.	DCPE	Oct-21 Feb-22	Mar-22
Draft Community Strategic Plan	13/10/2021 Item 09.12		DCPE		Mar-22
T-21-54 Replacement of Filtration membranes - Camden Haven Waste Water Treatment Plant	13/10/2021 Item 14.06	Work still being undertaken on this tender	DCU	Feb-22	Mar-22
T-21-13 Water & Sewer Client Side Engineering Support Services & T-21-14 Water & Sewer Design Services	03/11/2021 Item 14.06	Contract not awarded yet	DCI	Feb-22	Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Panel Arrangement - post contract award					
Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011 - post exhibition	03/11/2021 Item 12.10	Public exhibition anticipated in Jan/Feb 2022. Report to Council in Apr-22 following assessment of submissions received.	DCPE		Apr-22
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Minister Kean advised of possible sites of interest in Oct 2020. Work is being done on a further report to Council. Report delayed until after the LG election. Councillor briefing to be held prior to May-22 meeting.	DCPE	Mar-21 May-21 Jul-21 Sep-21 Feb-22	May-22
Bushfire Mitigation - Progress Report	13/10/2021 Item 12.04		DCPE		May-22
Policy Rescissions - post exhibition	13/10/2021 Item 09.05	Still on exhibition	CEO	Feb-22	Mar-22
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	Further investigation is required to determine the most efficient approach to the land reclassification.	DCPE	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Jun-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	The development of a new Contributions Plan will be incorporated in the program for review of Council developer contributions framework.	DCPE	Dec-20 Jun-21 Oct-21	Jun-22
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Councillor Briefing to newly elected Council in early 2022	DCI	Oct-21 Nov-21 Feb-22	Jun-22
Bridge Management Policy	21/07/2021 Item 12.03	Delayed due to current workload with Rowdon Island Bridge	DCI	Dec-21	Jul-22
Graffiti - Update Report	25/01/2022 Item 06.01		DCPE		Jul-22
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on. Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Aug-22
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the	10/08/16 Item 12.01		DCPE		2024 (estimate)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.					
Draft 2022-2032 Economic Development Strategy - post exhibition	13/10/2021 Item 11.01		DCPE		TBA - early 2022
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DCPE	Monthly	Every		no MSF meeting held
Rawdon Island Bridge - Progress Report (21/07/2021 Item 12.03)	DCI	Monthly	Every		
Opening Lake Cathie (13/01/2022 Item 05.01)	DCPE	Monthly	Every		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Sep		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DCPE	Biannual	May, Nov	Feb-22	new strategy on exhibition
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
Recreation Action Plan – Status	DCPE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	Annually	Aug		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken (04/08/2021 - Item 10.01)	DCPE	Annually	Aug		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Annual Report of the Activities of the Mayor's Sporting Fund	DCPE	Annually	Sep		
Council Meeting Dates	CEO	Annually	Sep	Jan-22	Due to postponement of LG election
Creation of Office - Deputy Mayor	CEO	Annually	Sep		
Audit Committee Annual Report	CEO	Annually	Sep		
Annual Report of Disability Discrimination Act Action Plan	DCPE	Annually	Sep		
Legislative Compliance Register	CEO	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		
Local Strategic Planning Statement (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

Attachments

Nil

Item: 09.03**Subject: STATUS OF COUNCIL POLICIES****Presented by: Chief Executive Officer, Dr Clare Allen**

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 provided in the Status of Council Policies report.

Executive Summary

Council considered a report in October 2021 regarding the status of Council policies. Through a number of reasons including the postponement of the elections and effects of COVID, a significant number of Council policies were out of date and required reviewing at that time. Council was provided a proposed schedule for these policies to be reviewed and considered by Council to bring Council's policies up to date.

This report provides an update to the progress of policies being reviewed.

Discussion

An important component of public sector governance is establishing key policies and ensuring they are clear, available, regularly updated and monitored for compliance.

In the past Council had made a concentrated effort to improve the currency of Council Policies and implement a process to monitor and maintain the currency of Council adopted policies. Unfortunately, this process has lost focus following many competing priorities over the past year with a review being undertaken to better manage the policies of Council.

A policy review schedule was presented to Council in October 2021 which included proposed dates for policies to come back to Council for consideration. After careful consideration in some instances it was determined a better way to manage these policies would be to consolidate multiple policies into an overarching policy, reducing the need for additional policies. This will delay the process by a short period to review these policies however it is believed the benefit of this approach outweighs the short delay. There have also been significant impacts on the workforce from the Omicron outbreak which has affected the ability to review some of the policies initially

scheduled to be considered in February 2022. An updated schedule of policy review is attached for the information of Councillors.

Options

Council may resolve as recommended or in some other way.

Community Engagement & Internal ConsultationInternal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning & Policy Implications

There are no planning implications in relation to this report. Policy implications are favourable, the currency, relevance and effectiveness of policies will improve and further support governance and risk management.

Financial & Economic Implications

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

Attachments

1.  Status of Council Policies

Item: 09.04

Subject: COUNCIL MEETINGS DATES FOR 2022

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

- 1. Set the Ordinary Council Meeting dates for the remainder of 2022 as the third Thursday of each month (with the exception an earlier meeting in December due to the proximity of Christmas) being:**
 - 17 March (Taking the Council to the Community - Wauchope)
 - 21 April
 - 19 May
 - 16 June
 - 21 July
 - 18 August
 - 15 September
 - 20 October (Taking the Council to the Community - Laurieton)
 - 17 November
 - 8 December
- 2. Set the Ordinary Council meetings commence at 10:00am on the dates as listed in 1 above.**

Executive Summary

It is proposed that the Council Meeting Schedule for the remainder of 2022 be based on the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas); and that the March and October Council Meetings be set aside for the "Taking the Council to the Community" program.

Discussion

It is proposed to set the Council Meeting schedule for the remainder of 2022 on a cycle of the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas).

The proposed meeting schedule for the remainder of 2022 is as follows:

- 17 March (Taking the Council to the Community - Wauchope)
- 21 April

- 19 May
- 16 June
- 21 July
- 18 August
- 15 September
- 20 October (Taking the Council to the Community - Laurieton)
- 17 November
- 8 December

It is also proposed that Ordinary Council meetings commence at 10am on each of the days listed above.

Options

An alternative meeting schedule and/or cycle may be adopted.

Community Engagement and Internal Consultation

- Chief Executive Officer
- Group Manager Governance
- Governance Support Officer

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.05

Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 21 OCTOBER 2021 TO 2 FEBRUARY 2022

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Mayoral Discretionary Fund allocations for the period 21 October 2021 to 2 February 2022 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 21 October 2021 to 2 February 2022.

Discussion

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

Donation to Bonny Hills SLSC 24 hour rowing challenge fundraiser for "Gotcha 4 Life"	\$561.83
Donation to Bonny Hills Progress Association fundraiser for defibrillator for community hall	\$500.00
2 x Remembrance Day Wreaths	\$160.00
Floral Bouquet for former Mayor Frank Harrison on passing of wife	\$75.00
Gold Sponsorship - Hastings Education Fund	1,000.00
Total allocation	\$2,296.83

Options

This report is for noting only.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

The allocation made during this reporting period was funded from the Mayoral Discretionary Fund as included in the 2021-2022 Operational budget.

Attachments

Nil

Item: 09.06**Subject: ELECTORAL FUNDING OBLIGATIONS OF NEWLY ELECTED
MAYORS AND COUNCILLORS****Presented by: Chief Executive Officer, Dr Clare Allen**

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 as provided in this report.

Executive Summary

Political parties and other electoral participants in New South Wales must disclose political donations every six months. A half-yearly political donation disclosure form includes political donations made and received. The NSW Electoral Commission have requested that this information be included on the first meeting of the new Council for the information of the Mayor and Councillors.

Discussion

Elected members must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission for the remainder of their term.

There are 3 types of disclosures to submit each year as an elected member: two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

In relation to the 2021/2022 financial year, an elected member must also submit disclosures in their capacity as a candidate. These being two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred.

The relevant periods each disclosure covers and the lodgement periods for disclosures for 2021/2022 are:

Disclosure type	Disclosure period	Disclosure lodgement period	Disclosure due
1 st half-yearly political donations disclosure	1 July 2021 to 31 December 2021	1 January 2022 to 25 February 2022	25 February 2022
2 nd half-yearly political donations disclosure	1 January 2022 to 30 June 2022	1 July 2022 to 28 July 2022	28 July 2022
Annual electoral expenditure disclosure	1 July 2021 to 30 June 2022	1 July 2022 to 22 September 2022	22 September 2022

If an elected member was the lead candidate of a group of candidates at the local government elections they must submit the above disclosures not only as a candidate and elected member, but also on behalf of the group.

If no political donations are made or received or no electoral expenditure is incurred, 'Nil' disclosure forms must still be submitted.

Disclosures can be made through [Funding and Disclosure Online](#), the NSW Electoral Commission's secure, accessible and convenient online portal for electoral participants.

Detailed information about disclosures is available on the NSW Electoral Commission [website](#).

Elected member contact details

Elected members who have not provided the NSW Electoral Commission with up-to-date contact details are requested to do so as soon as possible by emailing fdc@elections.nsw.gov.au.

A current email address and mobile number for each elected member is required so that the NSW Electoral Commission can send notifications about when and how to disclose political donations and electoral expenditure. Elected members who do not comply with disclosure requirements could be penalised, including a fine or prosecution.

This information is provided to remind the Mayor and Councillors of their obligations with respect to electoral funding obligations.

Options

This is for notation only.

Community Engagement and Internal Consultation

Nil

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  NSW Electoral Commission Disclosing Political Donations Fact Sheet

Item: 09.07

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

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

- 1. Water and Sewer Investigations Engineer.**
- 2. Coast Estuary and Flood Coordinator.**
- 3. Strategic Environmental Projects Coordinator.**
- 4. Shelter Team Leader.**

Executive Summary

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

Discussion

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

1. Water and Sewer Investigations Engineer.
2. Coast Estuary and Flood Coordinator.
3. Strategic Environmental Projects Coordinator.
4. Shelter Team Leader.

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 ConsultationInternal Consultation

- Group Manager Governance.
- Chief Executive Officer.
- Water and Sewer Investigations Engineer.
- Coast Estuary and Flood Coordinator.
- Strategic Environmental Projects Coordinator.
- Shelter Team Leader.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.08

Subject: NOTICE OF MOTION - COUNCIL COMMITTEES, WORKING PARTIES, GROUPS

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

RECOMMENDATION

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
 - Airport Advisory Group
 - Coast, Estuary and Floodplain Advisory Sub-Committee
 - Community Inclusion Committee
 - Cultural Steering Group
 - Economic Development Steering Group
 - Hastings Bushfire Management Committee
 - Port Macquarie Transport Network Community Consultative Committee
 - Sustainability Advisory Sub-Committee
 - Town Centre Master Plan Sub-Committee.
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
 - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
 - Marrungbalbu Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Development Assessment Panel
 - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
4. Maintain existing hall and facility management committees at the discretion of the CEO.
5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.

6. **Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.**
7. **Determine to rescind the Councillor Portfolio Protocol.**
8. **Not re-establish the Councillor Portfolio system.**
9. **Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:**
 - **Transport and Stormwater Program Steering Group**
 - **Water and Sewer Program Steering Group**
 - **Recreation, Buildings and other Assets Program Steering Group.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 09.09

Subject: NOTICE OF MOTION - RATE FREEZE

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

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2022/2023 financial year that freezes Ordinary and Special Rates at the 2021/2022 level.**
- 2. Request the Chief Executive Officer prepare a draft Long Term Financial Plan to accompany (1) above as part of the Integrated Planning & Reporting process for the 2022/2023 financial year, that freezes Ordinary and Special Rates at the 2021/2022 levels for the period 1/7/2022 to 30/6/2025 inclusive and that the report to Council addresses how the financial impact of the rate freeze might be mitigated.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 09.10

Subject: NOTICE OF MOTION - PORT MACQUARIE-HASTINGS BLUEPRINT

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

RECOMMENDATION

That Council:

1. Immediately establish a Project Working Group to develop an Action Plan for the development of a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its March 2022 Ordinary Meeting effective immediately following the February 2022 Ordinary Meeting to include consideration of the key strategic priorities for the Local Government Area, with a focus on but not limited to the following:
 - Roads, traffic Management and delivery
 - Affordable housing and housing affordability
 - Land use planning
 - Infrastructure (water, sewer and stormwater) planning and delivery
 - Amenity
 - Vegetation Management
 - Sporting Facilities
 - Connectivity (Physical and Digital)
 - Emergency and risk management
 - Industry, Tourism and Economic Development Opportunities
2. Appoint the Mayor and Deputy Mayor to Co-Chair the Project Working Group with the administrative support of the Chief Executive Officer and Council Staff as determined by the Chief Executive Officer.
3. Receive and consider the Project Action Plan from the Project Working Group, including estimated costings and timeframes to develop a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its March 2022 Ordinary Meeting.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 09.11

Subject: LEGAL FEES

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Legal Fees report.

Executive Summary

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

Attached is a confidential file that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2021-2022 financial year as at the end of December 2021.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

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

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

That Council:

1. *Note the information in the Legal Fees report.*

2. Request the General Manager to provide an updated report quarterly to Council.

Attached is a confidential file that provides the information that relates to point 2 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2021-2022 financial year as at the end of December 2021.

The attachment titled "Legal matters greater than \$10,000 2021/2022 Financial Year" is confidential as it contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (*Local Government Act 1993* - Section 10A(2)(d)(i)).

Options

Council can resolve to request further information.

Community Engagement and Internal Consultation

Internal Consultation

- Chief Executive Officer
- Director Business and Performance

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1. Confidential - Legal matters greater than \$10,000 2021/2022 Financial Year (Confidential)

Item: 09.12

Subject: POLICY REVIEW - MAYORAL DISCRETIONARY FUND POLICY

Presented by: Chief Executive Officer, Dr Clare Allen

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:

- 1. Place on public exhibition from for a minimum of 28 days, the draft Mayoral Discretionary Fund Policy.**
- 2. Note that a further report will be tabled at the April 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

Council's current Policy for the Mayoral Discretionary Fund was last adopted by Council in July 2012. Following the recent Council election and duration since it was last considered by Council it is appropriate to review this policy.

Discussion

The Mayoral Discretionary Fund Policy has been reviewed with the following amendments:

- Distinguished between a Mayoral reception and Civic reception. A Mayoral reception is a much smaller event that may be granted for example if a citizen from the Port Macquarie-Hastings area gains national recognition for an achievement while a Civic reception may be a visit by a member of the royal family for example. Civic receptions are much larger in scale and far more costly and it is recommended they should be budgeted for separately and not funded from the discretionary fund.
- Costs associated with the Mayor attending events representing Council should not be funded from the discretionary fund. Example, wreaths for Anzac Day services are not discretionary and should be funded elsewhere allowing those funds to be used at the Mayor's discretion.

Options

Council has the option to not adopt the draft Mayoral Discretionary Fund for exhibition or amend the draft policy.

Community Engagement and Internal ConsultationCommunity Engagement

This draft policy will be put on 28 days public exhibition for comment.

Internal Consultation

- Mayor
- Chief Executive Officer
- Director Business and Performance
- Director Community, Planning and Environment
- Director Community Utilities
- Director Community Infrastructure
- Group Manager Governance


Planning and Policy Implications

This report considers the review of the Mayoral Discretionary Fund policy. Following the exhibition period and consideration by Council, this policy may become Council's adopted Mayoral Discretionary Fund policy.

Financial and Economic Implications

The amount available for the Mayoral Discretionary Fund annually is determined in conjunction with the budget process for each particular year.

Attachments

1.  Draft Policy - Mayoral Discretionary Fund

Item: 09.13

Subject: POLICY REVIEW - PRIVACY MANAGEMENT PLAN

Presented by: Chief Executive Officer, Dr Clare Allen

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 Privacy Management Plan as attached to this report.

Executive Summary

Port Macquarie-Hastings Council is committed to protecting the privacy of our customers, business contacts, Councillors, employees, contractors and volunteers.

This Plan has been developed in order to outline that Council collects and holds personal and health information for the purpose of facilitating its business. It is important that the use of this information is confined to the purpose for which it was acquired. In order to properly manage the personal information it holds, it is essential for the provisions of this Plan to be observed by Councillors, employees, contractors and volunteers.

The *Privacy and Personal Information Protection Act 1998* (PPIPA) requires Council to prepare and implement a Privacy Management Plan. The Information and Privacy Commission guidelines for Privacy Management Plans recommend review at least every two years. This Plan outlines how Port Macquarie-Hastings Council complies with the legislative requirements of the PPIPA, the *Health Records and Information Privacy Act 2002* (HRIPA) and the *Privacy Code of Practice for Local Government* (Code).

Discussion

The Privacy Management Plan has been reviewed with only minor grammatical amendments being required.

Options

Council has the option to adopt the draft Privacy Management Plan as attached or amend it in some way.

Community Engagement and Internal ConsultationCommunity Engagement

Nil.

Internal Consultation

- Chief Executive Officer
- Director Community, Planning and Environment
- Director Business and Performance
- Director Community Infrastructure
- Director Community Utilities
- Group Manager Governance
- Internal Ombudsman
- Chief Information Officer
- People and Culture Manager

Planning and Policy Implications

This report considers the review of the Privacy Management Plan. Following adoption by Council, this will become Council's adopted Privacy Management Plan.

Financial and Economic Implications

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

Attachments

1.  Draft Privacy Management Plan

Item: 09.14

**Subject: REQUEST TO ATTEND AUSTRALIAN GOVERNANCE SUMMIT
2022 - MARCH 2022 - COUNCILLOR SHARON GRIFFITHS**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council approve the attendance of Councillor Sharon Griffiths at the Australian Governance Summit 2022 to be held virtually from 2 to 3 March 2022.

Executive Summary

The Australian Governance Summit 2022 will be held virtually from 2 to 3 March 2022.

Councillor Sharon Griffiths has expressed an interest in attending the summit as part of her professional development.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors Policy", a Council resolution is required for Councillor attendance at conferences.

Discussion

The Australian Governance Summit 2022 will provide a forum to network and hear expert insights into the critical issues facing organisations in the current corporate environment and will feature sessions on:

- Australia's Economic Future: The Directors' View
- Cyber Security Risk: Taking Action Before It's Too Late
- The Board's Role in Preventing Sexual Harassment
- Living in Interesting Times: Australia's Geopolitical Challenges
- Employee Well-being in a COVID world
- How Boards Work: And How They Can Work Better in a Chaotic World
- Climate Change: The Next Challenge
- The Workforce of Tomorrow
- Building Culturally Diverse Boards
- Directors and Digital Transformation
- Update on the Regulatory Environment

Options

Council has the option of approving or declining the attendance of Councillor Griffiths at the Australian Governance Summit 2022.

Community Engagement & Internal Consultation

Internal consultation has occurred with:

- Chief Executive Officer
- Councillor Griffiths

Planning & Policy Implications

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy. Under this policy Councillor Griffiths will be required to report back to Council with the outcomes of the summit.

Financial & Economic Implications

The 2021-2022 budget contains an allocation for expenses relating to conferences and out of pocket expenses for Councillors. The attendance of Councillor Griffiths at the Summit can be funded from within this budget allocation.

As attendance will be virtual, there will be no additional costs for accommodation or travel.

Attachments

Nil

Item: 09.15

**Subject: REQUEST TO ATTEND NSW COASTAL CONFERENCE - MAY 2022
- COUNCILLOR DANIELLE MALTMAN**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council approve the attendance of Councillor Danielle Maltman at the NSW Coastal Conference to be held from 31 May to 2 June 2022.

Executive Summary

The NSW Coastal Conference will be held in Kingscliff from 31 May to 2 June 2022.

Councillor Danielle Maltman has expressed an interest in attending the conference as part of her professional development.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors Policy", a Council resolution is required for Councillor attendance at conferences.

Discussion

The NSW Coastal Conference will provide a forum to network and hear expert insights covering ICOLLS, seawalls, coastal erosion, pollution and the impact of drought on our coastal area and will feature presentations from:

- Byron Shire Council
- Central Coast Council
- Eurobodalla Shire Council
- Sutherland Shire Council
- MidCoast Council
- City of Newcastle Council
- Bega Valley Shire Council

Options

Council has the option of approving or declining the attendance of Councillor Maltman at the NSW Coastal Conference.

Community Engagement & Internal Consultation

Internal consultation has occurred with:

- Chief Executive Officer
- Councillor Maltman

Planning & Policy Implications

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy. Under this policy Councillor Maltman will be required to report back to Council with the outcomes of the conference.

Financial & Economic Implications

The 2021-2022 budget contains an allocation for expenses relating to conferences and out of pocket expenses for Councillors. The attendance of Councillor Maltman at the Summit can be funded from within this budget allocation.

Attachments

Nil

Item: 09.16

Subject: MONTHLY BUDGET REVIEW - JANUARY 2022

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the adjustments in the "January 2022 Adjustments" section of the Monthly Budget Review – January 2022 report and associated attachment.**
- 2. Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of January 2022.

The Council adopted 2021-2022 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report reduce the subsequent budget shortfall position to \$337,633 at the end of January 2022, as outlined in the below table.

Monthly Budget Review Summary

Original Budget as at 1 July 2021	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
October Review	Surplus	\$18,636
January Review	Surplus	\$65,560
Forecast Budget Position for 30 June 2022	Shortfall	(\$337,366)

** No reports in November and December due to no Council meetings*

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 2021-2022 budget position along with the proposed movement of funds to accommodate any changes.

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

January 2022 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2022" on page 3 of this report. Further details on individual transactions are provided in Attachment "January 2022 Budget Review".

Apprentices Rebate and Street Lighting Sundry Income, as well as savings in the Governance and Landcare Support areas, totalling \$66k have been brought to account this month, in turn reducing the deficit position.

Expenditure incurred in relation to the March 2021 Flood Response of \$1,610k has also been brought to account with a funding source of grants. Natural Disaster Funding is expected to be received to cover related expenditure, however until claims are lodged and approved, there is some uncertainty over the final amounts that will be paid. Should these differ from the above amounts, alternate funding sources will need to be determined.

Other grants and contributions totalling \$3,208k were recognised during the month. These include grants for Ocean Drive Duplication (\$1,350k), Pembroke Road (\$1,564k), Rollands Plains Road Guardrail (\$235k), Council's Libraries (\$72k) and Rainbow Beach Sporting Fields (\$64k).

Reserve transfers were required this month for works on Flynn's Beach Seawall (\$10k), funded from the Environmental Levy Reserve. In addition, the Waste Levy expenditure was reassessed and reduced, with funds being returned to the waste reserve, (\$489k), and higher than anticipated beach permit revenue (\$30k) was transferred to reserve.

Budget Variance Requests were approved by Executive for Camden Haven Wastewater Treatment Plant (\$600k), Thrumster Recycled Water Main (\$809k) and Kerb and Gutter works (\$150k).

Other adjustments are accounting entries only, or movements between projects, and have no impact on Council's budget position.

An adjustment of \$1.2m was recognised in the August Monthly Budget Review Report in relation to Rawdon Island, resulting in a shortfall of approximately \$427k that will need to be funded by savings in other areas over the coming months. It is noted that further costs are to be incurred in relation to repair works or alternate crossing works and these costs are likely to be significant. A funding source, including potential grant funding, will need to be determined. Should a funding source not be available, borrowings may be required. Once budget impacts and funding sources have been clarified, these will be brought to account.

Forecast Budget Statement for the Year Ended 30 June 2022

	2021-22 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	2021-22 Full Year Forecast '\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	108,390		0	108,390		108,390
User Charges and Fees	39,588		0	39,588	30	39,618
Interest Received	5,455		0	5,455		5,455
Grants and Contributions	60,845	2,785	9,797	73,427	4,817	78,244
Other Operating Receipts	5,458		(159)	5,299	483	5,782
Expenses from continuing operations						
Employee Costs	(55,268)		(482)	(55,750)	(381)	(56,131)
Materials and Contracts	(45,201)	(2,104)	(436)	(47,741)	(67)	(47,808)
Depreciation	(50,236)		0	(50,236)		(50,236)
Interest Paid	(2,158)		0	(2,158)		(2,158)
Other Operating Payments	(15,352)		308	(15,044)	459	(14,585)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	48,521	681	9,028	58,230	5,341	63,571
Restricted Asset Movements						
Transfer from Restricted Assets	38,796	6,146	1,115	46,057	1,419	47,476
Transfer to Restricted Assets	(55,466)		0	(55,466)	(519)	(55,985)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	1,115	(9,409)	900	(8,509)
Property, Plant and Equipment Movements						
Purchase of Assets	(67,573)	(6,827)	(10,546)	(84,946)	(6,175)	(91,121)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(74,073)	(6,827)	(10,546)	(91,446)	(6,175)	(97,621)
Financing Activities Movements						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
Net Revenues (Used in)/Provided by Financing Activity	(11,014)	0	0	(11,014)	0	(11,014)
Net Result (Incl Depreciation)	(53,236)	0	(403)	(53,639)	66	(53,573)
Add Back: Non Cash Items	53,236		0	53,236		53,236
Budget Surplus/(Shortfall)	0	0	(403)	(403)	66	(337)

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 result in the budget position of a shortfall of \$337,366.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2021-2022 was a balanced budget. As at 31 January 2022, this position is changed to a budget shortfall of \$337,366 and this position is unacceptable. All budgets will need to be closely monitored with the view to reduce this shortfall position during the remainder of the financial year”.

Attachments

1.  January 2022 Budget Review

Item: 09.17

Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Quarterly Budget Review Statement for the December 2021 Quarter.

Executive Summary

This report will detail Council's progress against the original and revised 2021-2022 budget as at the end of the second quarter being 31 December 2021.

Discussion

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

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

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

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

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

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

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

CARRIED: 8/0

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

AGAINST: Nil

Confidential Attachment 2 titled "December 2021 Quarterly Budget Review - Consultancy Engagements (Confidential)" relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (Local Government Act 1993 - Section 10A(2)(c)).

Budget Progress Commentary

The variances listed below should be read in conjunction with **Attachment 1** (December 2021 Quarterly Budget Review Statement).

Income and Expenses – QBRs Page 1

Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$103.221m	\$103.786m	+\$0.565m	100.5%
<i>Rates revenue is in line with YTD budget.</i>			

User Fees and Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$17.433m	\$16.356m	-\$1.077m	93.8%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Water User Charges: - \$1.168m - Waste Management: + \$0.629m - Airport Fees: - \$0.897m <p><i>Water User Charges are below budget. This is due to budgets being weighted in the first half of the year. Across the full year, these charges appear in line with budget and will continue to be monitored.</i></p> <p><i>Waste Management revenue is above YTD budget. This is attributed to an increase in waste generated from the November storm event (and to a lesser extent the continuation of clean up from the March 2021 flood event). This will</i></p>			

continue to be monitored in the third quarter and an adjustment processed if required.

Airport Fees income is below YTD budget. This is due to the impacts of lockdowns and restrictions associated with COVID-19 in the first half of the year. This will continue to be monitored in the third quarter and an adjustment processed if required.

Interest and Investment Income

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.728m	\$2.838m	+\$0.110m	104.1%
<i>Interest and Investment Income is slightly higher than YTD budget due to slightly higher than predicted balances available for investment.</i>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.450m	\$2.446m	-\$0.004m	99.8%
<i>Other Revenues is in line with YTD budget.</i>			

Operating Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$6.525m	\$6.443m	-\$0.082m	98.7%
<i>Operating Grants and Contributions is in line with YTD budget, with the minor variance due to the timing of grant receipts.</i>			

Capital Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$12.300m	\$24.652m	+\$12.352m	200.4%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Roads & Bridges: + \$11.361m - Developer Contributions: + \$1.671m <p><i>Grant funds have been received in advance for several Roads and Bridges projects. These include \$8m for the Ocean Drive Duplication and \$1.095m for Fixing Local Roads.</i></p> <p><i>Developer contributions are above budget as at the end of the December quarter. This variance is due to the timing of contribution receipts and the level of development activity. This activity will continue to be monitored and if required a budget adjustment will be recommended.</i></p>			

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
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\$28.079m	\$27.374m	-\$0.705m	97.5%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Salaries & Wages: - \$1.169m - Superannuation: + \$0.306m <p><i>The favourable variation in salaries and wages is due to vacant positions and the timing of employees taking leave during Q2.</i></p> <p><i>Superannuation is above budget due to the timing of payroll processes for the Christmas/New Year period.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$1.128m	\$0.875m	-\$0.253m	77.6%
<p><i>Interest on Loans is in line with YTD budget. Borrowing Costs overall are under budget due to the timing of Tip Amortisation journals.</i></p>			

Materials & Contracts

YTD Budget	YTD Actual	Budget Variance	% Expended
\$27.384m	\$22.728m	-\$4.656m	83.0%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Fleet Management: - \$0.587m - Events: - \$0.375m - Waste Contract Admin: - \$0.391m - Waste Disposal: - \$0.261m - Transport & Traffic: - \$0.277m - Glasshouse: - \$0.249m - Transformation: - \$0.141m - Sewerage Services: - \$0.140m <p><i>The variance in Fleet Management is due to Plant Recoveries being higher than budgeted and timing of depot maintenance, in addition to fuel, scheduled maintenance and registration and insurance being less than budgeted. This will continue to be monitored and any underspends transferred to reserve at year-end.</i></p> <p><i>Events are under YTD budget. This is due to COVID restrictions impacting events in the first half of the budget year.</i></p> <p><i>The variance in Waste Contract Admin and Waste Disposal is due to the timing of contractor invoices for Organics, Domestic and Commercial Waste.</i></p> <p><i>Transport & Traffic is running under budget with levels of road maintenance being weather dependent with the greatest need arising in wet weather conditions and the timing of the roads program in particular also generally in the second half of the year. This will continue to be monitored and adjusted if needed.</i></p>			

Glasshouse variances are due to reduced expenditure within the venue. COVID restrictions impacted this area. Refer separate report in agenda.

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

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$25.118m	\$24.984m	-\$0.134m	99.5%
<i>Depreciation is in line with YTD Budget.</i>			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$7.606m	\$7.075m	-\$0.531m	93.0%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Waste Levy: - \$0.302m - Electricity: - \$0.229m <p><i>The variance in Waste Levy is timing only, with the December levy processed in January.</i></p> <p><i>Electricity expenditure is below YTD budget for the first half of the year. Costs will be monitored in the next quarter for possible budget adjustments if required.</i></p>			

Asset Disposal

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

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$39.562m	\$44.988m	+\$5.426m	113.7%
<p><i>Projects with major budget variances include:</i></p> <ul style="list-style-type: none"> - Rawdon Island Bridge Structural Repairs: + \$3.176m <i>Budget adjustment for \$1.2m processed as part of the September Monthly Budget Review. Further budget adjustments required are currently being assessed.</i> - March 2021 Flood Response: + \$1.522m <i>Identification and restoration of works to restore assets to their pre-flood condition. Expected to be covered by Natural Disaster grant funding, with an adjustment included in the January Monthly Budget Review.</i> - Ocean Drive Duplication: + \$0.651m <i>Grant funded project. A budget adjustment has been included in the January Monthly Budget Review.</i> - 			

- *Gordon Street Pavement Reconstruction: - \$0.459m
Timing only. Project subsequently complete and on budget.*
- *Thrumster Recycled Water Interim Supply Rising Main: - \$0.458m
Timing only. Variance due to December progress claims not processed until January.*
- *Pembroke Road: - \$0.401m
Timing of contractor payments only. Project on track.*

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

Progress details for particular capital projects can be found in the report "2021-2022 Operational Plan - Six Monthly Progress Report as at 31 December 2021" which is also on the agenda of the Ordinary Council Meeting for February 2022 and contained within the business paper.

Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 31 December 2021 was 1.59% which was 1.56% above the benchmark of 0.03%.

Key Performance Ratios – QBRs Page 4

The budget variations and carry-overs that have been adopted throughout the financial year have not had a material impact on a number of the forecasted T-Corp ratios set out in the adopted original budget. The Rates & Annual Charges Outstanding ratio is projected to be slightly worse than expected due to the impacts of the COVID-19 pandemic, however this is still within benchmark.

Contracts and Other Expenses – QBRs Page 5-6

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

Statement by Responsible Accounting Officer

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

Responsible Accounting Officer Statement

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 31 December 2021 indicates that Council's projected financial position at 30 June 22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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

**Nicole Spencer**

December 31, 2021

Responsible Accounting Officer - Port Macquarie-Hastings Council

Options

Council may adopt the recommendation or amend as required.

Community Engagement & Internal Consultation

Not applicable


Planning & Policy Implications

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

Financial & Economic Implications

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 30 June 2022, is a surplus of \$1.205m and this result is satisfactory. However, there is currently a budget deficit for the 2021-2022 financial year which will need to be remedied during the remainder of the year through favourable budget variations.

Attachments

1.  December 2021 Quarterly Budget Review Statement
2. Confidential - December 2021 Quarterly Budget Review - Consultancy Engagements (Confidential)

Item: 09.18

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

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

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

Executive Summary

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

Six Monthly Progress Reports are provided against the Delivery Program and are a legislated requirement of the NSW Government's Integrated Planning and Reporting Framework. Meeting targets in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the 2017-2022 Delivery Program.

Quarterly reports to Council and the community provide information on the progress of all actions in the 2021-2022 Operational Plan.

Attachment A - Statistical Overview by Community Theme.

Attachment B - Six Monthly Exception Report - this report details each Operational Plan action, activity or project that is currently experiencing delays and is reported as Off Track.

Attachment C - Capital Works by Location - this listing provides a status overview of capital works by LGA area.

Attachment D - Six Monthly Progress Report as at 31 December 2021 - this report provides full details on all Operational Plan line items with concise and accurate commentary on progress and status for each. It also outlines the links from the Community Strategic Plan, Delivery Program objective and Operational Plan action, activity and/or project that is being delivered.

DiscussionOverview - Delivery Program

The Delivery Program outlines the Councillors' commitment to the Port Macquarie-Hastings community during their term of office. Objectives in the Delivery Program represent what the Council aims to deliver and serves as a guide for Council's Executive and staff when developing the annual Operational Plan.

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

In a broad context, the Delivery Program enables Council to deliver the community's aspirations for the future. These aspirations are described in the Towards 2030 Community Strategic Plan. The Delivery Program objectives are categorised under the following Community Themes:

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

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

Overview - Operational Plan

Each Operational Plan action enables the objectives to be achieved and supports delivery of the vision and goals outlined in the Community Strategic Plan.

The 2021-2022 Operational Plan contains **439** Corporate Performance Indicators (CPIs) and are associated directly to Operational Plan actions. As at 31 December 2021, **91%** (399) are On Track for delivery and **9%** (40) are reported as Off Track.

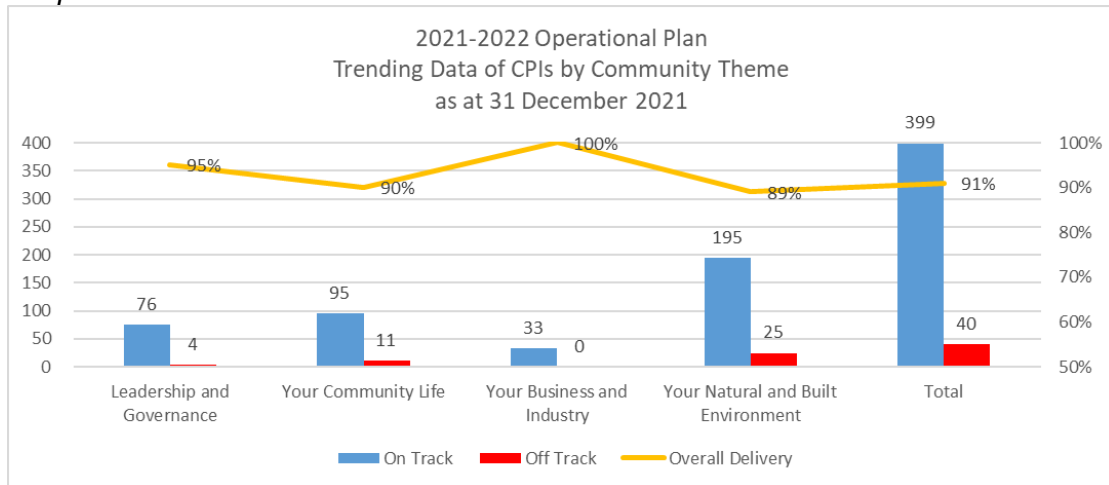
Table 1 and Graph 1 provides a summary of the total number of CPIs and status by Community Theme.

Table 1:

2021-2022 Operational Plan Summary of CPIs				
Community Theme	Total	On Track	Off Track	Overall Delivery
Leadership and Governance	80	76	4	95%
Your Community Life	106	95	11	90%
Your Business and Industry	33	33	0	100%
Your Natural and Built Environment	220	195	25	89%

Total	439	399	40	91%
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Graph 1:



Options

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

Community Engagement and Internal Consultation

Internal consultation was undertaken with:

- Chief Executive Officer, Directors, Group Managers and all staff reporting against the annual 2021-2022 Operational Plan;
- Corporate Reporting Analyst;
- Integrated Planning and Reporting Development Officer;
- Planning & Reporting Officer.

Planning and Policy Implications

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

Financial and Economic Implications

There are no direct financial implications in relation to this report. Quarterly Budget Review Statements (QBRs) align with the reporting period referenced in this report.

Attachments

1. ATT A: Statistical Overview by Community Theme
2. ATT B: Six Monthly Exception Report
3. ATT C: Capital Works by Location
4. ATT D: Six Monthly Progress Report as at 31 December 2021

Item: 09.19

Subject: INVESTMENTS - NOVEMBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 30 November 2021 was \$351,644,992.
- Interest for the month of November was \$419,990
- The year-to-date investment income of \$2,266,565 represents 44% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.58% above the benchmark (1.60% against 0.02%), benchmark being the Bank Bill reference rate as at 30 November 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 1.79% p.a., outperforming bank bills by 1.77% p.a. This has been very strong given deposit rates have reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA would like to see the following economic indicators improve before considering increasing interest rates: unemployment rate of around 4.25%, actual inflation within 2-3% range and wage growth surpassing +3%. The RBA Board has indicated a rate rise is more likely in 2024, with 2023 plausible.
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income as interest rates remain low, as opposed to loss of capital.
- Council's exposure to institutions that fund fossil fuels is 63% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m 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 are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

Development Activity

This Council has experienced large development growth in recent years and this cycle of activity will see larger amounts of developer contributions being received during those years. The purpose of these contributions is to fund infrastructure associated with the growth of an area and consequently are for new infrastructure and are future focussed. The funds cannot be spent on existing infrastructure. There are specific contribution plans which dictate which projects can be funded from these funds and many of the projects are not ready for completion yet (or are not yet needed as growth levels do not yet require the infrastructure). To complicate matters, Councils cannot spend these funds on projects that are not listed in the relevant contribution plans.

Water and Sewer

Port Macquarie-Hastings Council is a water authority. Not every Council is (as separate Water Authorities exist e.g. Sydney Water and Hunter Water). The provision of water and sewer services requires large capital investment, with large projects often occurring cyclically and requiring a combination of reserve funds and borrowing to fund these large infrastructure requirements.

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 30 November 2021, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 November 2021, the investments held by Council totalled \$351,644,992 and were attributed to the following funds:

General Fund*	143,657,529
Waste Fund	20,951,009
Water Fund	125,354,407
Sewer Fund	60,075,030
Broadwater	1,550,754
Sanctuary Springs	56,263
	351,644,992

**Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.5m.*

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.

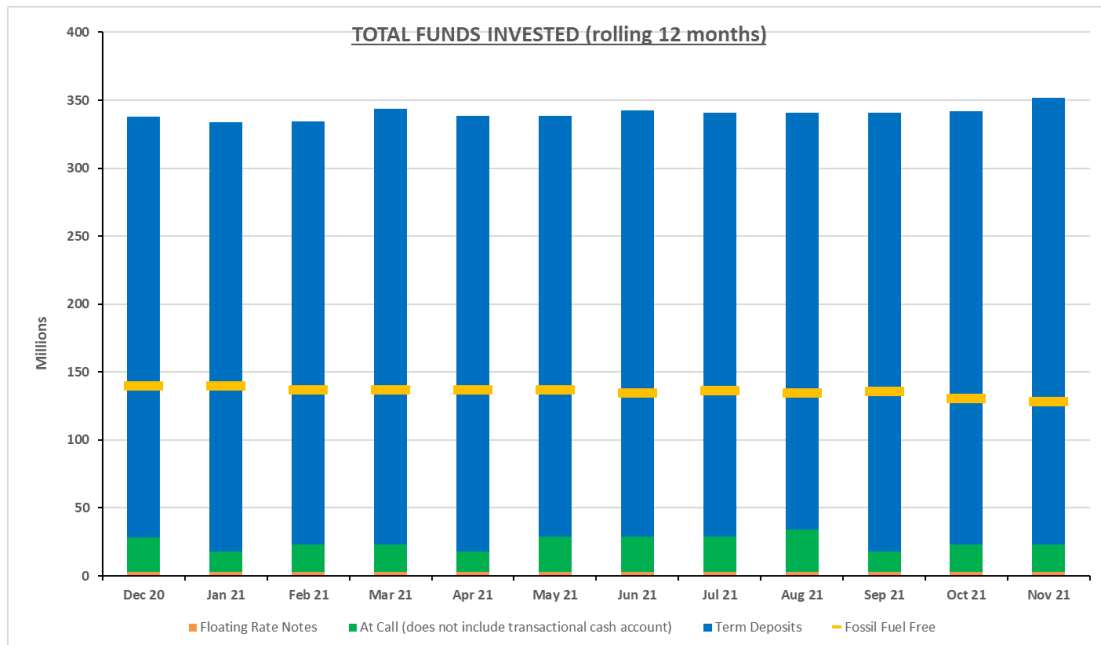
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$351,644,992), and total investments held as per Imperium's attached monthly report (\$351,682,486). 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 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 30/11/21 (\$)	Amount invested at 18/10/21 (%)
Yes	67,020,000	83.75%	223,144,992	63.46%
No	13,000,000	16.25%	128,500,000	36.54%
	80,020,000		351,644,992	

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



The value of Council's investments as at 30 November was \$5m higher than October due to Council receiving grant funding from Transport NSW totalling \$3.9m and the Quarter 2 Financial Assistance Grant funding of \$1.2m resulting in surplus funds which were invested during November 2021.

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 1.58% above the benchmark (1.60% against 0.02%) and year to-date income is 44% 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 Investment Report - November 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - November 2021

Item: 09.20

Subject: INVESTMENTS - DECEMBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 31 December 2021 was \$353,650,972.
- Interest for the month of December was \$439,214
- The year-to-date investment income of \$2,705,779 represents 53% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.56% above the benchmark (1.59% against 0.03%), benchmark being the Bank Bill reference rate as at 31 December 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 1.75% p.a., outperforming bank bills by 1.72% p.a. This has been very strong given deposit rates have reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA would like to see the following economic indicators improve before considering increasing interest rates: unemployment rate of around 4.25%, actual inflation within 2-3% range and wage growth surpassing +3%. The RBA Board has commented that they want to see inflation sustained within the target band.
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income as interest rates remain low, as opposed to loss of capital.
- Council's exposure to institutions that fund fossil fuels is 65% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m 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 are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

Development Activity

This Council has experienced large development growth in recent years and this cycle of activity will see larger amounts of developer contributions being received during those years. The purpose of these contributions is to fund infrastructure associated with the growth of an area and consequently are for new infrastructure and are future focussed. The funds cannot be spent on existing infrastructure. There are specific contribution plans which dictate which projects can be funded from these funds and many of the projects are not ready for completion yet (or are not yet needed as growth levels do not yet require the infrastructure). To complicate matters, Councils cannot spend these funds on projects that are not listed in the relevant contribution plans.

Water and Sewer

Port Macquarie-Hastings Council is a water authority. Not every Council is (as separate Water Authorities exist e.g. Sydney Water and Hunter Water). The provision of water and sewer services requires large capital investment, with large projects often occurring cyclically and requiring a combination of reserve funds and borrowing to fund these large infrastructure requirements.

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 December 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 December 2021, the investments held by Council totalled \$353,650,972 and were attributed to the following funds:

General Fund*	147,946,348
Waste Fund	20,097,985
Water Fund	125,924,501
Sewer Fund	58,076,562
Broadwater	1,552,528
Sanctuary Springs	53,048
	353,650,972

**Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.5m.*

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.

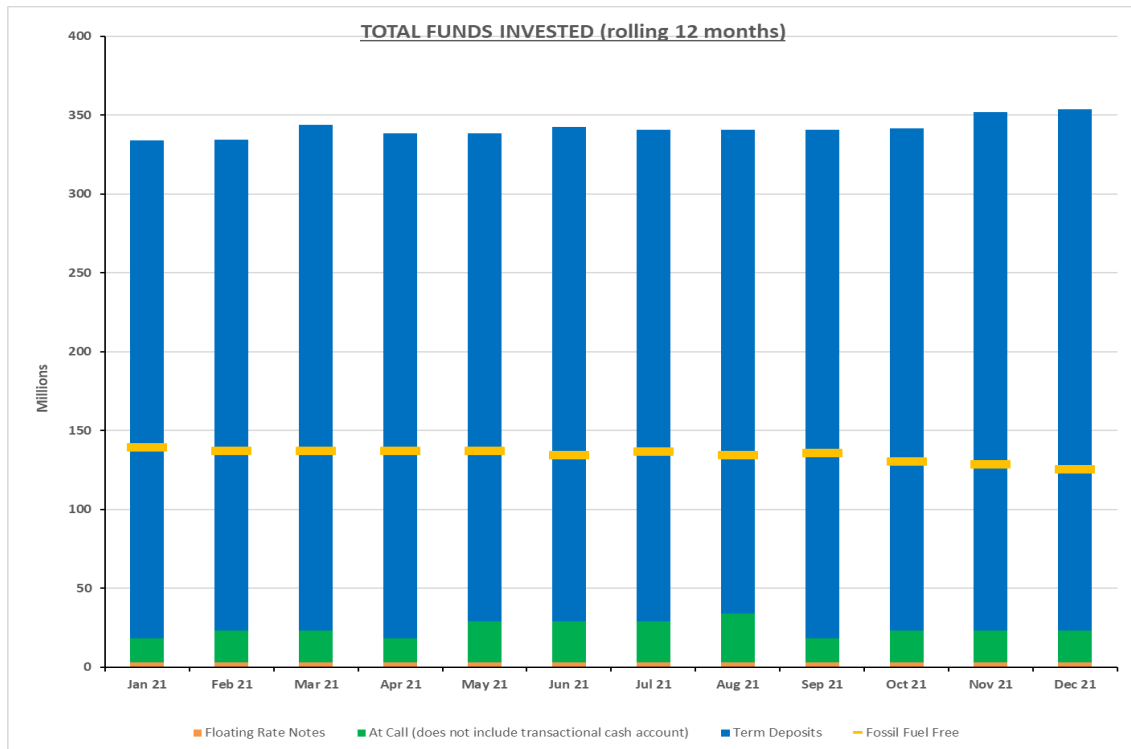
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$353,650,972), and total investments held as per Imperium's attached monthly report (\$353,687,212). 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 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/12/21 (\$)	Amount invested at 18/10/21 (%)
Yes	72,020,000	80%	228,150,972	64.51%
No	18,000,000	20%	125,500,000	35.49%
	90,020,000		353,650,972	

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



The value of Council's investments as at 31 December was \$2m higher than November due to Council receiving grant funding from Transport NSW totalling \$1.41m and the Quarterly rates received at the end of November. These surplus funds were invested during December 2021.

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 1.56% above the benchmark (1.59% against 0.03%) and year to-date income is 53% 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 Investment Report - December 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - December 2021

Item: 09.21

Subject: INVESTMENTS - JANUARY 2022

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment Report for the month of January 2022.

Executive Summary

- Total funds invested as at 31 January 2022 was \$348,656,953.
- Interest for the month of January was \$438,264
- The year-to-date investment income of \$3,144,043 represents 61% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.55% above the benchmark (1.58% against 0.03%), benchmark being the Bank Bill reference rate as at 31 January 2022.

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 1.71% p.a., outperforming bank bills by 1.68% p.a. This has been very strong given deposit rates have reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA Board has indicated that that data and forecasts do not warrant an interest rate rise in 2022, however 2023 is plausible. The RBA's 'patience' to bear higher levels of inflation may well be tested throughout 2022-2023, as it would like to see wages growth move closer to +3% before lifting rates.
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income as interest rates remain low, as opposed to loss of capital.
- Council's exposure to institutions that fund fossil fuels is 64% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m 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 are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

Development Activity

This Council has experienced large development growth in recent years and this cycle of activity will see larger amounts of developer contributions being received during those years. The purpose of these contributions is to fund infrastructure associated with the growth of an area and consequently are for new infrastructure and are future focussed. The funds cannot be spent on existing infrastructure. There are specific contribution plans which dictate which projects can be funded from these funds and many of the projects are not ready for completion yet (or are not yet needed as growth levels do not yet require the infrastructure). To complicate matters, Councils cannot spend these funds on projects that are not listed in the relevant contribution plans.

Water and Sewer

Port Macquarie-Hastings Council is a water authority. Not every Council is (as separate Water Authorities exist e.g. Sydney Water and Hunter Water). The provision of water and sewer services requires large capital investment, with large projects often occurring cyclically and requiring a combination of reserve funds and borrowing to fund these large infrastructure requirements.

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 January 2022, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 January 2022, the investments held by Council totalled \$348,656,953 and were attributed to the following funds:

General Fund*	147,847,981
Waste Fund	19,001,804
Water Fund	124,861,028
Sewer Fund	55,363,237
Broadwater	1,534,091
Sanctuary Springs	48,812
	348,656,953

**Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.2m.*

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.

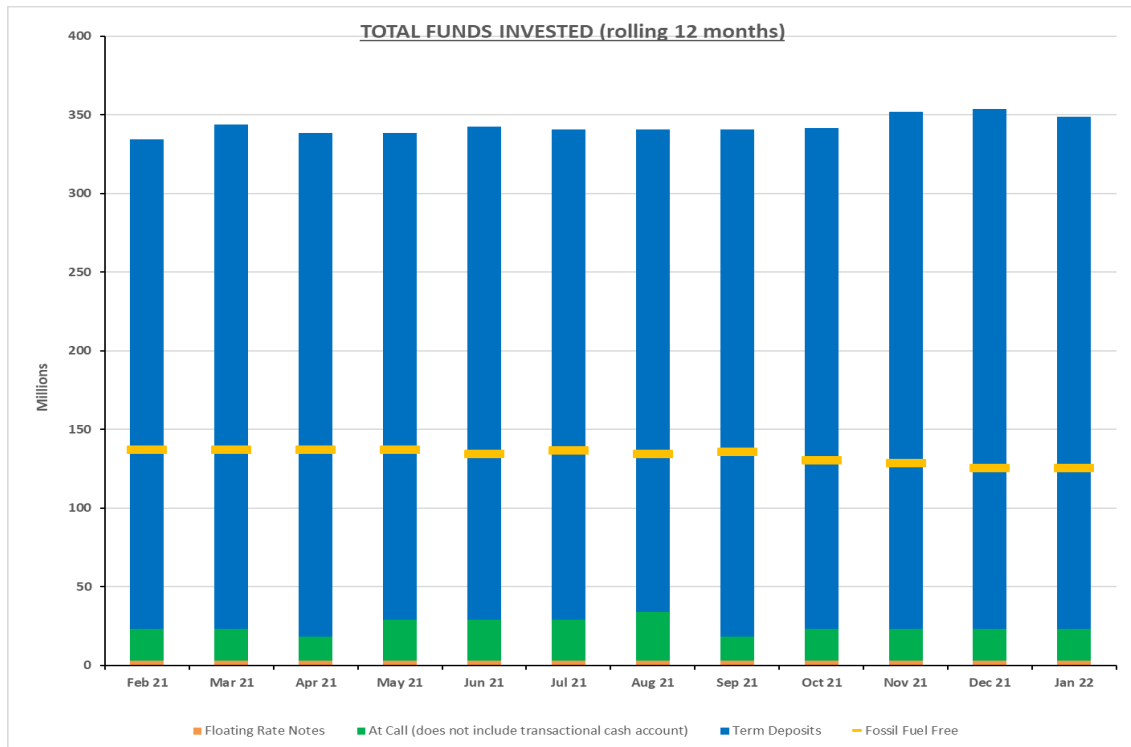
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$348,656,953), and total investments held as per Imperium's attached monthly report (\$348,689,962). 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 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/01/22 (\$)	Amount invested at 31/01/22 (%)
Yes	72,020,000	80%	223,156,953	64%
No	18,000,000	20%	125,500,000	36%
	90,020,000		348,656,953	

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



The value of Council's investments as at 31 January was \$5m lower than December due to maturity of a term deposit on 31st January. This is purely a timing variance across end of month and funds are to be reinvested in February.

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 1.55% above the benchmark (1.58% against 0.03%) and year to-date income is 61% 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 Investment Report - January 2022
2.  Port Macquarie-Hastings Council Portfolio Valuation - January 2022

Item: 09.22

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

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

This report provides details of the Glasshouse finances for the 2021-22 financial year (as at 31 December 2021), including the updated status of Glasshouse loan balances.

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

Discussion

COVID-19 (to 31 December 2021)

On 26 June 2021, the NSW Government *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* reintroduced a range of restrictions on entertainment facilities such as the Glasshouse, including limiting the theatre capacity to 50% (294 seats).

On 11 October 2021, the *Public Health (COVID-19 General) Order 2021* increased the capacity limit to 75% (441 seats) and restricted access to unvaccinated adults, allowing access only to fully vaccinated adults (including patrons and staff).

On 15 December 2021, the *Public Health (COVID-19 General) Order 2021* increased the capacity limit to 100% and permitted unrestricted access to patrons and staff irrespective of vaccination status.

The attached Financial Statement shows the impact of the various COVID-19 restrictions at 31 December 2021, with operating income down 63.5% on the corresponding 6-month period to 31 December 2019 (pre-COVID). This reduction

in pre-COVID income has been offset by a 35% reduction in operating costs in the corresponding 6-month period to 31 December 2021.

Operating income at 31 December 2021 (\$327,020) has increased by 116.4% over the corresponding period to 31 December last year (\$151,133), noting that both periods were impacted by COVID-19 Public Health Order restrictions.

Operating costs at 31 December 2021 (\$1,464,642) have increased by 8.4% over the corresponding period to 31 December last year (\$1,351,175).

Overall the operating deficit at 31 December 2021 of \$1,137,623 represents a 5.2% (\$62,419) reduction (saving) on the deficit at 31 December 2020 and a 15.3% (\$205,987) reduction (saving) against the year to date operating budget.

Background

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

Accordingly, this report provides details of the Glasshouse finances for the 2021-22 financial year as at 31 December 2021, including the updated status of Glasshouse loan balances, and provides an update on progress against the Actions identified in the Glasshouse Plan 2020 - 2022.

Glasshouse Finances

This report and the attached Financial Statement present the financial performance of the Glasshouse Venue for the second quarter of the 2021-22 financial year (1 October 2021 to 31 December 2021) and the financial year to date (1 July 2021 to 31 December 2021). The commentary in this report refers to the operating deficit / shortfall (before interest and depreciation).

Whilst forecasting the impact of COVID-19 restrictions was challenging, in summary, while income is down 57% on the year to date budget, operating costs have also been reduced by 31% against the year to date budget, resulting in the operating deficit at 31 December 2021 being under budget - a position that is \$205,987 better than predicted.

The operating deficit for the financial year to date (before interest and depreciation) is a deficit/shortfall of \$1,137,623 against a budget of \$1,343,610.

Operating income at 31 December 2021 (\$327,020) has increased by 116.4% over the corresponding period to 31 December last year (\$151,133), noting that both periods were impacted by COVID-19 Public Health Order restrictions.

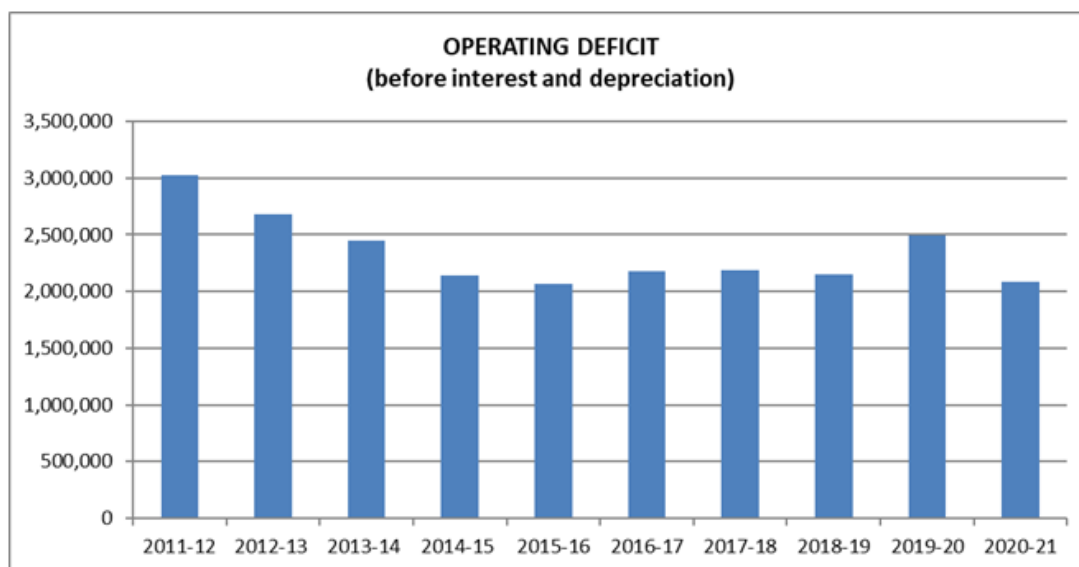
Operating costs at 31 December 2021 (\$1,464,642) have increased by 8.4% over the corresponding period to 31 December last year (\$1,351,175).

The attached Financial Statement shows the impact of the various COVID-19

restrictions at 31 December 2021, with operating income down 63.5% on the corresponding 6-month period to 31 December 2019 (pre-COVID). This reduction in pre-COVID income has been offset by a 35% reduction in operating costs in the corresponding 6-month period to 31 December 2021.

Income and expenditure for the January - June 2022 period will continue to be monitored closely in line with NSW Government public health orders to manage the year-end budget position.

To provide some historical context on the end of year result, the deficit / shortfall for the Glasshouse for the 2011-12 financial year was \$3,020,491. The annual operating results since this time are represented below:



Following a change in strategic direction, the average operating deficit has been in the order of \$2.1 million per annum since 2014-15. The increase in 2019-20 was a direct result of COVID-19 and the closure of the venue in March 2020. During the fourth quarter of the 2019-20 financial year, no net income was received, however operating costs were still incurred with staff managing the significant number of event cancellations, reschedules and promotor refunds, along with crediting, transferring or refunding patron tickets during the period.

Glasshouse Loan Balances

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

The outstanding balance of the borrowings that are repaid through general revenue, as at 31 December 2021, is \$7,228,735. This demonstrates that over \$20.7 million has already been repaid, with loans expected to be repaid by 2027.

Glasshouse Plan 2020 - 2022 Actions

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

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

4.7 Cultural performance measure

The following table includes Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 31 December 2021):

Performance Indicator	2018-19 Actual	2019-20 Actual	2020-21 Actual	2021-22 Actual
	<i>Jul-Dec</i>	<i>Jul-Dec</i>	<i>Jul-Dec</i>	<i>Jul-Dec</i>
Visitation (Glasshouse)	143,560	141,849	34,863	31,116
Visitation (Gallery)	29,110	22,124	10,343	6,982
Visitation (VIC)	57,424	56,740	N/A	N/A
Visitation (website)	87,801	98,351	35,172	46,070
Utilisation (%) (theatre)	48%	51%	12%	13%
Utilisation (%) (studio)	33%	52%	15%	14%
Utilisation (%) (meeting rooms)	50%	38%	21%	14%
Average attendance (%) (theatre)	68%	66%	68%	65%
Average attendance (%) (studio)	81%	58%	91%	57%
Number of tickets processed	43,725	42,738	5,763	4,274
Percentage of tickets sold online	33%	45%	13%	41%

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

Options

This is an information report.

Community Engagement and Internal Consultation

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

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

Planning and Policy Implications

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

Financial and Economic Implications

This report provides details of the Glasshouse finances for the 2021-22 financial year (as at 31 December 2021), including the updated status of Glasshouse loan balances.

The attached Financial Statement shows the impact of the various COVID-19 restrictions at 31 December 2021, with operating income down 63.5% on the corresponding 6-month period to 31 December 2019 (pre-COVID). This reduction in pre-COVID income has been offset by a 35% reduction in operating costs in the corresponding 6-month period to 31 December 2021.

Operating income at 31 December 2021 (\$327,020) has increased by 116.4% over the corresponding period to 31 December last year (\$151,133), noting that both periods were impacted by COVID-19 Public Health Order restrictions.

Operating costs at 31 December 2021 (\$1,464,642) have increased by 8.4% over the corresponding period to 31 December last year (\$1,351,175).

Overall the operating deficit at 31 December 2021 of \$1,137,623 represents a 5.2% (\$62,419) reduction (saving) on the deficit at 31 December 2020 and a 15.3% (\$205,987) reduction (saving) against the year to date operating budget.

Attachments

1.  Glasshouse Financial Statement December 2021
2.  Update on Glasshouse Plan 2020 - 2022 Actions - February 2022

Item: 09.23

Subject: SALE OF SURPLUS LAND - 178 NANCY BIRD WALTON DRIVE, KEW

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the resolutions of Council made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01 Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew.**
- 2. Note the subsequent tender process undertaken for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew as outlined in this report.**
- 3. Decline to accept any of the offers received for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew noting that the contract for sale is subject to and conditional upon Council obtaining development consent for the required plan of subdivision and its subsequent registration by the Registrar General.**
- 4. Proceed with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.**
- 5. Subject to obtaining development consent and registration of the plan of subdivision, offer the surplus land at 178 Nancy Bird Walton Drive, Kew for sale by way of open tender utilising a registered real estate agent.**
- 6. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount determined by Council's consultant valuer post development consent and prior to offering the land for sale.**
- 7. Allocate the sale proceeds to Council's Waste Reserve should a successful sale be completed.**
- 8. Note that a further report will be presented to Council detailing the outcomes of the disposal process.**
- 9. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.**

Executive Summary

This report provides an overview of the tender process undertaken for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew in accordance with the Council resolutions made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01.

In the interests of probity and good governance, this matter is being referred to Council for further consideration.

Given Council's dual role in this matter, that of landowner and Consent Authority, and the perceived conflict of interest between these functions, the report recommends that Council decline to accept any of the offers received, and to proceed separately with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.

Subject to approval and registration, Council may then proceed to offer the surplus land for sale without the encumbrance of the subdivision process and perceived conflict of interest in Council determining a development application where Council is also under contract as the landowner to receive a commercial benefit.

Discussion

At the Ordinary Council meeting held on 19 May 2021, Council resolved in part (as below) to dispose of surplus land at 178 Nancy Bird Walton Drive, Kew, being Lot 1, Deposited Plan 729726 and Lot 100 (Part), Deposited Plan 1130726, and comprising 12,793m² land in total. The property is zoned IN2 Light Industrial and is positioned adjacent to the Pacific Highway at the northern end of the village of Kew.

*14.01 SALE OF SURPLUS LAND - 178 NANCY BIRD WALTON DRIVE KEW
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair, left the room and was out of sight during the Council's consideration, the time being 8:38pm.

The Deputy Mayor assumed the Chair.

RESOLVED: Griffiths/Hawkins

That Council:

- 1. Dispose of surplus land at 178 Nancy Bird Walton Dr, Kew, being Lot 1, Deposited Plan 729726 and Lot 100 (Part), Deposited Plan 1130726, and comprising 12,793m² land in total, by a private treaty sale utilising a registered real estate agent.*
- 2. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount as detailed in the body of this report.*
- 3. Allocate the sale proceeds to Council's Property Reserve should a successful sale be completed.*
- 4. Note that a further report will be presented to Council detailing the outcomes of the disposal process.*
- 5. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.*

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

In accordance with the Council resolution, the land was offered for sale in November 2021 via registered real estate agent Raine and Horne Commercial. During November, the agent received multiple enquiries and offers. To ensure a fair and equitable process for all prospective purchasers, the property listing was updated as a tender process, providing all interested parties an additional 2-week period to undertake due diligence and submit final offers by 3 December 2021.

Eight (8) formal offers were received by Raine and Horne Commercial during the tender period.

At the time of offering for sale, and as outlined in the report to the May 2021 Ordinary Council meeting, it was proposed to offer the property for sale on the basis that Council would complete the required subdivision of Lot 100, DP 1130726 and consolidation with Lot 1, Deposited Plan 729726 prior to exchanging contracts. This was proposed to ensure that Council did not allocate financial resources to the subdivision prior to securing a purchaser.

As shown below, the draft contract for sale for the proposed Lot 1, 178 Nancy Bird Walton Drive, Kew included additional clauses (Special Conditions) specifying that completion of the contract would be subject to and conditional upon Council obtaining development consent for the plan of subdivision and its subsequent registration by the Registrar General. Either party could rescind the contract in the event that Council was unable to obtain approval and registration within 12 months of the date of contract.

42 PLAN OF SUBDIVISION

42.1 Completion of this contract is subject to:

- (a) the Vendor obtaining the approval of the Port Macquarie-Hastings Council (the "Approval") on terms acceptable to the Vendor; and
- (b) the subsequent registration by the Registrar General (the "Registration")

of the plan of subdivision, a copy of which is annexed hereto marked 'A' (the "Plan").

42.2 The Vendor warrants to use the Vendor's best endeavours to obtain the Approval and the Registration of the Plan as quickly as possible, but if for any reason such Approval and Registration cannot be obtained within 12 months from the date hereof then either party shall be at liberty to rescind this contract by notice in writing to the other whereupon the provisions of Clause 19 hereof shall apply.

In this case, Council would be acting in dual capacities, that as the vendor / landowner and separately as Consent Authority for the required development application.

Noting the potential conflict of interest that may be perceived between Council's dual roles in this matter, in the interests of probity and good governance, this matter is being referred to Council for further consideration.

It is acknowledged that this process of further consideration was not communicated to tenderers prior to the close of submissions, however the interests of probity and

good governance are considered to outweigh the reputational risk that may be realised through this additional process.

While Council has the option to accept the highest offer received, it is recommended that Council decline to accept any of the offers received, and to proceed separately with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.

As shown in the plan below, the site comprises a narrow strip of bushland between the current route of the Pacific Highway and Nancy Bird Walton Drive, being the former highway route. It has wide and angled frontage to both roads with steep embankments along much of the road boundaries. The central western section is elevated above a cutting and slopes from a level platform to more moderate and steep terrain, falling in a south-easterly direction to an acoustic mound adjacent to the north bound lanes of the Pacific Highway.



The site has a number of constraints. Sections of dense scrub and scattered mature trees would require clearing for development of the land. Extensive shaping of the site would also be required to provide suitable platform for construction. Access is available via a small service road off the eastern side of Nancy Bird Walton Drive, adjacent to Number 166. That access is not considered a suitable formal access and

construction of a permanent access along the southern stretch of the western boundary would be a more appropriate long-term access solution.

It is understood that the development assessment process for the required subdivision / consolidation will need to give consideration to the ultimate purpose of the subdivision, being light industrial, warehouse and related land uses permitted within the IN2 Light Industrial zone. This will include, though not limited to, the clearing of native vegetation required or likely to be required, building envelopes, any bushfire asset protection zones, access roads, driveways, services, sewer lines, and new boundary fence lines.

It is considered appropriate for Council as the landowner to progress these detailed planning investigations necessary to submit a development application for the required plan of subdivision.

Subject to development approval and registration of the plan of subdivision, Council will then be at liberty to offer the surplus land for sale without the encumbrance of the subdivision process and perceived conflict of interest in Council determining a development application where Council is also under contract as the landowner to receive a commercial benefit.

It is noted that given the commercial interests of Council as the landowner, Council as the Consent Authority would refer the development for assessment to an independent third party to remove any potential conflict of interest.

Noting Council's broader strategic property investment objectives aimed at supporting the long-term financial sustainability of Council and improving the delivery of services to the community, it is proposed to develop a property strategy framework in 2022 to guide decision-making and ensure probity, transparency and equity in Council's commercial property dealings.

Options

Council has the option to:

1. Recommended - noting the potential conflict of interest that may be perceived between Council's dual roles in this matter, decline to accept any of the offers received and proceed separately with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General; or
2. Not Recommended - accept the highest offer received and enter into a contract for sale with the highest bidder subject to and conditional upon Council as the landowner obtaining development consent for the required plan of subdivision and its subsequent registration by the Registrar General.

Community Engagement and Internal Consultation

Due to the commercial nature of this item, there has been no community engagement in relation to this report.

Correspondence from a group of local residents and business owners in Kew was received by the Chief Executive Officer in November 2021 during the tender period,

expressing probity and transparency concerns with the sale process, and requesting that Council accept the highest unconditional offer producing the best possible financial result for residents. The correspondence also requested consideration of some of the proceeds from the sale being reinvested in the Kew local community and the proposed Kew Main Street Upgrade project.

All prospective purchasers that submitted offers have been informed of the additional process and further consideration to be given to this matter by Council.

Internal consultation has occurred with the Council Executive Group.

Planning and Policy Implications

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

Noting Council's broader strategic property investment objectives aimed at supporting the long-term financial sustainability of Council and improving the delivery of services to the community, it is proposed to develop a property strategy framework in 2022 to guide decision-making and ensure probity, transparency and equity in Council's commercial property dealings.

Financial and Economic Implications

Resolution 3 made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01, allocated the sale proceeds to Council's Property Reserve should a successful sale be completed.

It should be noted that the subject land is currently owned by the Waste Fund, and as such, subject to development consent and completion of a successful sale, the net proceeds of the sale will be returned to the Waste Reserve.

It is also noted that while there were eight (8) offers received during the recent tender period, there is no guarantee that the same number of offers and / or the same highest financial bid will be received from a future tender process post development approval.

Attachments

Nil

Item: 09.24

Subject: GRANT APPLICATIONS BIENNIAL REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2021-22 financial year to date.

Executive Summary

Grants from State and Federal Government support the delivery of a range of Council services and infrastructure for our community. This report provides an update on Council's grant applications and outcomes since July 2021.

This report continues our biennial reporting to Council, in February and August each year.

In the six months since 1 July 2021, Council has applied for 57 grants totalling over \$115 million and, to date, has been successful in securing \$2.4m with \$529k Council co-contribution. Approximately two-thirds of the applications submitted are still being assessed and awaiting a funding outcome. This compares to a total of 82 applications submitted in the preceding 12-months (2020-2021) to the value of \$77 million with \$45.9 million in funding secured and Council co-contribution of \$8.19 million.

Discussion

Every year, Council applies for, or obtains, a significant number of grants to support the delivery of a range of services and infrastructure for our community. We continue to work closely with local members and representatives in other levels of government to advocate for positive grant outcomes and apply for all appropriate opportunities. Council's Director Community, Planning, Environment will provide a grant status report to Federal and State elected members every two months to keep them informed of current grant project status and grants sought.

Activity over the last six months

The Council Grants Register (Attachment 1) details grant applications made, successfully, unsuccessfully, or outcome unknown for the 2021-2022 financial year to date.

During the first six-months of the 2021-2022 financial year, Council has applied for 57 grants totalling over \$115 million. Council has been advised of the success of some of these applications with highlights including:

- \$300k Hydrodynamic modelling update Lake Innes / Lake Cathie;
- \$70k Illaroo road coastal hazard protection options review and co-design, Lake Cathie;
- \$1.56m Renewal of Pembroke Road, Telegraph Point;
- \$181k Rocks Ferry Reserve Boat Ramp and Pontoon, Wauchope;
- \$70k Hydrographic Dilution Study Kooloonbung Creek (oyster industry) Port Macquarie; and
- \$15k Laurieton Alive Summer Nights Markets.

Council staff have contributed some 327 hours in the preparation of grant applications in the last six months.

The State Government continues to provide funding programs for infrastructure, primarily for road rehabilitation and bridge replacement. An example is the NSW Fixing Local Roads Grant, where it obligated Council to pursue applications that may have a low percentage of a positive outcome such as the *\$25m Lorne Road Upgrade* as an outside chance to secure much needed funding. Unfortunately, this application was not successful. In spite of making multiple applications, Council has only received funding for one project under Rounds 2 and 3, noting also in Round 1 we received \$17m with Kempsey Council for Maria River Road, plus five other projects valued to a total of \$4.4m.

During the reporting period, the State Government announced its second and final round of the Fixing Country Bridges Program. For Round 1 we were successful in securing \$17m for 17 Bridges. Noting this is a once in a generation funding opportunity to replace wooden bridges for Round 2 we applied for an ambitious 32 bridges totalling \$74m. The applications are currently being assessed and we expect an outcome to be announced in April 2022.

In terms of supporting community members and groups seeking grants, the Port Macquarie-Hastings Council Grant Finder website was launched on 1 December 2020 and can be found at pmhc.grantguru.com.au. This site provides a free search engine for Council staff, businesses, community groups, sporting clubs and event organisers to search for grants and funding and to access grant writing tips, resources and advice for seeking Council approvals. It has an average of 89 unique visitors per month using the grant search engine, with visitors able to search over 1,240 grants worth \$67.5B.

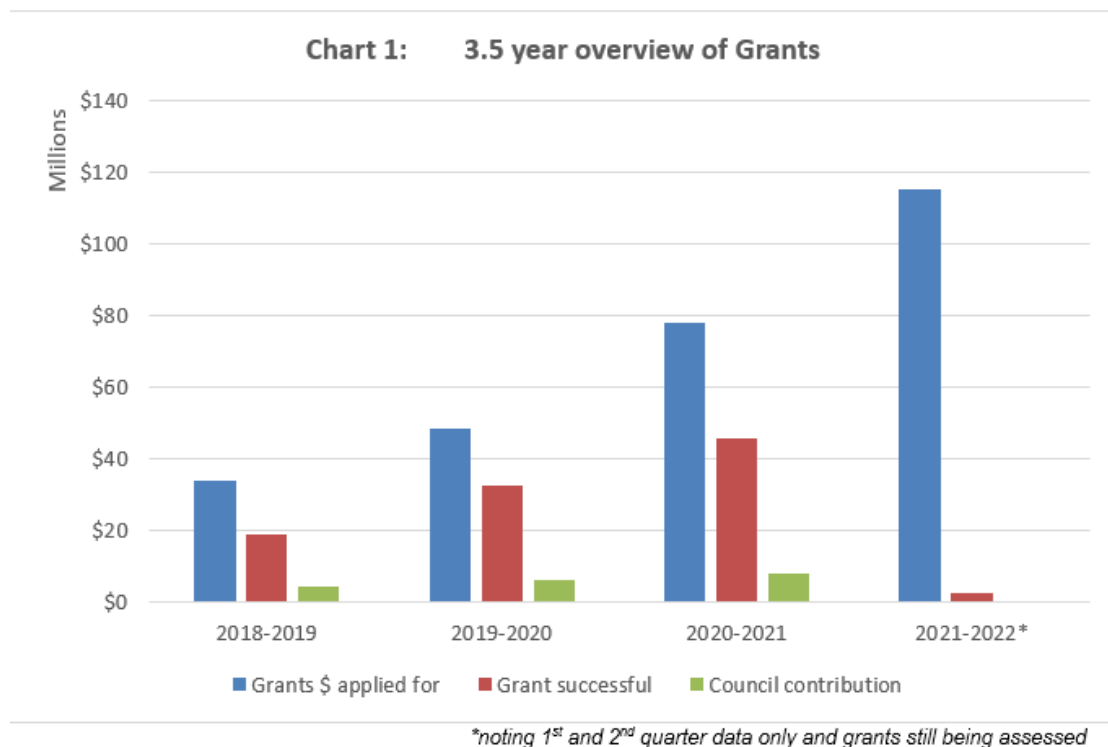
Council also provides land-owner consent and letters of support for sporting clubs, event managers and community organisations so they can more easily apply for their own grants and turn their ideas into reality. Over the reporting period, Council provided 56 such letters in support of community-led projects and events. Aspiring grant applicants can submit a simple online form to request our support by visiting

<https://www.pmhc.nsw.gov.au/Your-Council/Grants-and-Scholarships/Project-consent>

Broader trend analysis

The following chart (collated from the Grants Register) shows an overview of the last 3.5 years and demonstrates a strong increase in grant submissions. Council employed a dedicated Grants Officer in October 2019 to identify grants, coordinate applications, negotiate with funding bodies and manage reporting and acquittals.

It should be noted that there are still \$5.4m in applications from the 2020/21 and \$76m from 2021/22 year to date, awaiting an outcome.



Options

Council may choose to:

1. Note the information contained in the 'Grant Application Biannual Report'; or
2. Request additional information.

Community Engagement and Internal Consultation

All staff developing grant applications were consulted in finalising the Grants Register at Attachment 1.

The Council has a commitment to support community group grant applications by assisting them with information, data, and letters of support and land-owner approval where applicable. These community-based grants acquired by community groups are not included in this report, nor are grants disbursed by Council to our community.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. It is noted, however, that the timing of grants received and project implementation/delivery can have implications for Council's Operational Program delivery.

Financial and Economic Implications

There are no direct economic implications in relation to this report. It is noted that if successful in receiving grants, often there is a requirement for Council to provide matched funding. Additionally, further resources are required to not only implement the grant funded project, but also to complete an acquittal at the end of the project term and for many projects, to provide regular progress reports as the grant funds are expended.

Grants from various sources are an important source of funding for a wide variety of Council activities. Many grant-funded projects result in the use of local suppliers and contractors, which contributes significantly to local economic activity. This has been a particular focus in response to COVID-19 impacts.

Attachments

1.  All Council Grant Funding Applications Register 2021 to 2022

Item: 09.25

Subject: BUSHFIRE DISASTER RECOVERY FUNDING

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the Bushfire Disaster Recovery Funding Report which provides an update on the Council and community projects funded by the NSW and Commonwealth Government bushfire recovery funds.**
- 2. Note that, in accordance with established six-monthly reporting, a further update report will be provided at the August 2022 Council meeting.**

Executive Summary

Bushfire Recovery funding received in early 2020 from State Government (\$250k) and Federal Government (\$1.4M) is supporting the delivery of 43 Council, business, community services and infrastructure projects relating to bushfire preparedness and recovery across our Local Government Area (LGA).

Resilience NSW funded a Community Recovery Officer 12-month temporary position and allocated \$220k funding that included \$70k for program expenditure. This position and funding has been extended for an additional 12-months to August 2022.

Council was also awarded a \$250k grant from Resilience NSW for a second 12-month Community Recovery Officer position, including \$30k program and \$120k for a council-led small grants program for community resilience and recovery projects.

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

A further progress report will be presented to the August 2022 Ordinary Council meeting.

Discussion

At the 4 August 2021 Ordinary Council meeting, it was resolved:

09:14 BUSHFIRE DISASTER RECOVERY FUNDING

BLOCK RESOLVED: *Hawkins/Alley*

That Council note:

- 1. The Bushfire Disaster Recovery Funding Report which provides an update monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.*
- 2. That a further update report will be provided at the February 2022 Council meeting.*

Project Updates

Attachments 1 and 2 provides an overview of progress for the 43 projects funded by:

- \$250,000 NSW State Government Bushfire Community Resilience and Economic Recovery Fund Phase 1. All funded projects were completed by 30 May 2021; and
- \$1,416,667 Commonwealth Bushfire Disaster Recovery Funding provision to Council. 20 projects are complete with 13 projects still being progressed, with all funded projects to be completed by 30 June 2022.

Both funding bodies have provided extensions as a result of COVID-19 impacts. Delayed and partially-completed projects include:

- \$50,000 Long Flat Hall construction of disability friendly toilet and linking paths;
- \$40,000 Bellangry - Woodlands Reserve works; and
- \$20,000 Laurieton Arts Hall/ Longworth Park improvement.

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

- \$300,000 Wauchope Showground new amenities and new stable rows, enabling evacuation site for residents and their horses;
- \$50,000 Kendall Showground upgraded toilet amenities and refurbished kitchen with commercial stove and fridge to enable catering for emergency crews, volunteers and evacuees;
- \$20,000 Construction of Kindee Hall disability accessible toilet;
- \$45,000 Bunyah Local Aboriginal Land Council provisioning of PPE for cultural burning team;
- \$60,000 Gratitude murals and 'Christmas Bell' virtual performances and thank you to RFS volunteers; and
- \$25,000 Pappinbarra RFS installation of water tank, cage for generator and new awning.

\$250,000 NSW Bushfire Recovery & Resilience Funding - Phase 2

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

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

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

- \$30,000 for a Rural Resilience and Recovery Program to be delivered by the Community Recovery Officer; and
- \$100,000 allocation for an additional temporary Community Recovery Officer position. The intention of the role will be to support and facilitate community based projects that assist in the recovery of our regions and lead to long term community resilience. This complements the NSW and Commonwealth Governments under Category A of the Disaster Recovery Funding Arrangements (DRFA) that currently funds our 24-month temporary Community Recovery Officer position which finishes in August 2022.

Further Bushfire Recovery Funding Opportunities

In December 2021, the Australian Government *Preparing Australia Program* called for applications. The program aims to make Australia stronger in the face of natural disasters like bushfires, floods and cyclones, and reduce the cost of recovery support. Council submitted a \$99,500 grant for the replacement of the flood damaged revetment wall at Westport Park, with the rock armour to help future flood-proof the site. Noting that Council received \$1.1m NSW Government funding to expand the Westport Park Playground, if successful, this project will help protect the asset.

Options

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

Community Engagement and Internal Consultation

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

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

Planning and Policy Implications

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



Financial and Economic Implications

Council has received the \$1.4M Commonwealth funding, \$250,000 State funding and the recent \$250,000 Resilience NSW funding, and submits quarterly reports to access milestone funding for the \$440,000 for the Community Recovery Officer temporary position and program expenditure. It is intended that the projects being delivered as a result of this funding will support community and economic recovery across our region.

As is noted, the program includes two temporary Recovery Officer positions within Council.

There is also a requirement for project management and liaison provided by staff who have remit of identified projects. These costs will be covered within existing Council salary allocations.

Attachments

1.  Project Update \$250k NSW Bushfire Community Resilience and Economic Recovery Fund
2.  Project Update \$1.4m Commonwealth Bushfire Disaster Recovery Funding

Item: 09.26

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

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the Development Activity and Assessment System Performance report for the second quarter of 2021-2022.**
- 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.**

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the October to December 2021 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

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

Discussion

1. Development Activity and Assessment System Performance

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

The monthly average number of Development Applications (DAs) received for the first 2 quarters of 2021-2022 was 94, compared to a monthly average of 99 in 2020-2021 and 83 in 2019-2020. Whilst slightly down on the previous year's monthly average, it continues to be a very positive sign of confidence in the Port-Macquarie-Hastings, with building and construction activity continuing to be strong.

This confidence in the sector is also apparent in the monthly average number of planning certificates issued, with the year to date average being 288, compared to the 2020-2021 monthly average of 277. Building and plumbing inspection numbers remain at record levels with a monthly year to date average of 480 inspections,

compared to 456 monthly average in 2020-2021. Staff are however beginning to hear from builders that supply chains are being increasingly affected by the pandemic so this may see reduction in inspections over the coming months.

Similar to DAs, there has been a slight reduction in Construction Certificates (CCs) and Roads Act applications during the first 2 quarters of 2021-2022 compared to the monthly average in 2020-2021, with a monthly average of 42 CCs and 46 Roads Act applications being received. This is compared to the 2020-2021 monthly average of 48 CCs and 55 Roads Act applications.

There has been a more significant decrease in plumbing and drainage applications received, with a monthly average of 80 being received for the year to date compared to the monthly average of 95 for 2020-2021. One of the factors in this reduction has been the commissioning of the small village sewerage schemes and completion of the majority of connections to the new network.

Whilst monthly average application volumes are slightly down on the previous year's monthly average it is noted that there is a significant backlog of applications and this is likely to influence processing times and data over the coming months'

Table 1 - Applications Received and Determined

						Second Quarter		
Applications Received and Determined	2019-20 Monthly Average	2020-21 Monthly Average	2020 - 21 TOTAL	2021-22 TOTAL	2021-22 Monthly Average	Oct-21	Nov-21	Dec-21
Development Application Received	83	99	1184	563	94	82	113	74
Development Application Approved	76	90	1079	488	81	67	103	68
Development Application Refused/Withdrawn/Rejected	4	5	57	7	1	1	1	0
DA Modifications Received	13	17	200	102	17	18	22	9
DA Modifications Determined	12	16	193	99	17	14	24	11
Complying Development Certificates Received (Council)	10	9	106	40	7	8	6	0
Complying Development Certificates Determined (Council)	7	5	65	28	5	8	6	3
Complying Development Certificates Determined (Private Certifier)	17	19	233	187	31	31	23	26
Construction Certificates - Building Work Received (Council)	45	48	576	252	42	45	39	32
Construction Certificates - Building Work Determined (Council)	44	43	514	244	41	27	57	34
Construction Certificates - Building Work Determined (Private Certifier)	39	22	261	123	25	N/A	6	5
Plumbing & Drainage Received	82	95	1142	482	80	72	58	83
Plumbing & Drainage Determined	81	87	1045	429	72	48	36	37
Subdivision Works Certificates Received	9	8	99	60	10	6	13	13
Subdivision Works Certificates Determined	8	8	98	45	8	5	11	10
Subdivision Certificates Received	9	7	88	39	7	6	7	3
Subdivision Certificates Determined	8	8	100	46	8	4	9	4
Strata Certificates Received	3	1	9	13	2	3	2	3
Strata Certificates Determined	4	1	8	15	3	0	1	6
Roads Act Applications Received	40	55	665	276	46	43	41	34
Roads Act Applications Determined	35	49	585	254	42	34	45	36
Planning Certificates Issued	245	277	3319	1730	288	333	335	252
Building Inspections Undertaken	461	456	5470	2881	480	399	464	320
Planning Proposals (received)				4	1	0	1	1
Building Information Certificates (received)				35	6	5	2	5
Building Information Certificates (determined)				50	7	4	6	8

Application processing data and longer-term trends for the various application types is provided in **Table 2**. For DAs, monthly gross average processing times for the year to date was 68 days, being the same the monthly average for the 2020-2021 period. It is worth noting that PMHC's gross average processing time is still well below the NSW average of 91 days.

The monthly net average processing days for works certificates for the quarter was 66 days, compared to a 73-day monthly average in 2020-2021, representing a significant improvement. The gross average data for works certificates is considerably greater than the net average due to a number of applications that have been on 'stop the clock' while officers are waiting for necessary information. Staff are working to improve the lodgement review process to improve the quality of applications being received. Significant improvements have been realised in monthly averages for the processing of subdivision certificates, with the gross monthly average for year to date being 59 days compared to the monthly average of 94 days in 2020-2021. Processing times may be impacted over the coming months noting the

difficulty on recruiting the vacant development engineering position and the increasing backlog of applications.

Table 2 - Application Processing Times

Processing Days	PMHC 2019 - 20 Monthly Average	2020 - 21 Monthly Average	Second Quarter			2021-22 Monthly Average
			Oct-21	Nov-21	Dec-21	
Development Application Net Median Days	37	41	54	43	49	45
Development Application Gross Median Days	56	50	85	54	69	60
Development Application Net Average Days	42	47	54	47	52	48
Development Application Gross Average Days	61	68	85	64	70	68
Complying Development Net Average Days	13	21	25	17	28	25
Complying Development Gross Average Days	15	25	29	24	67	42
Building Construction Certificate Net Average Days	9	14	20	20	13	22
Building Construction Certificate Gross Average Days	66	61	55	60	55	61
Plumbing and Drainage Net Average Days	18	21	25	31	32	34
Plumbing & Drainage Gross Average Days	53	60	69	73	68	76
Subdivision Works Certificates Net Average Days	39	73	100	70	82	66
Subdivision Works Certificates Gross Average Days	77	99	100	93	107	125
Subdivision and Strata Certificates Net Average Days	44	48	54	70	35	44
Subdivision and Strata Certificates Gross Average Days	91	94	78	81	38	59
Roads Act Net Average Days	13	19	32	34	15	20
Roads Act Gross Average Days	39	37	42	63	39	45

2. Applications determined under delegation including Clause 4.6 - Exceptions to Development Standards

Table 3 below lists DAs that have been determined during the quarter which have included a Clause 4.6 exception to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Table 3 - Variations to Development Standards

Application	Property	Extent of Variation
DA2021 - 461.1	14 Chancellors Drive, Thrumster	9.3%
DA2021 - 227.1	18 Lighthouse Road, Port Macquarie	7.4%
DA2016 - 298.2	68 Church Street, Port Macquarie	8%
DA2021 - 954.1	40 The Parade, North Haven	2.57%
DA2021 - 904.1	14 Sirius Close, Port Macquarie	8.1%

This information is provided for notation by Council in accordance with the Department of Planning, Industry and Environment Circular PS 08-003.

Options

This is an information report.

Community Engagement and Internal Consultation

Development assessment statistics are discussed internally as the key indicator of system performance.

Ongoing engagement on development activity and process improvement is also undertaken through the Construction Industry Action Group (CIAG) forum.

Planning and Policy Implications

There are no planning or policy impacts.

Financial and Economic Implications

This report does not have direct financial or economic implications. However, monitoring the performance of the development assessment system is an important undertaking given the role of development regulation in the broader economy and the need to minimise costs to business and the community in managing development.

Attachments

Nil

Item: 09.27

Subject: POLICY REVIEW - CONTROL OF BURNING

Presented by: Community, Planning and Environment, Melissa Watkins

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:

- 1. Adopt the revised draft Control of Burning Policy for the purpose of public exhibition.**
- 2. Publically exhibit the draft Policy for a period of not less than 28 days from 17 February 2022 until 17 March 2022.**
- 3. Note that a further report will be tabled at the April 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The original Control of Burning Policy (the Policy) was first adopted in September 2000 when the Protection of the Environment Operations (Control of Burning) Regulation 2000 commenced. Since the adoption of the original Control of Burning Policy, it has been amended in 2006, 2008 and 2018. A link to the existing Policy is available here: [Control of Burning Policy Port Macquarie Hastings Council \(nsw.gov.au\)](https://www.nsw.gov.au/control-of-burning-policy-port-macquarie-hastings-council)

The Policy was adopted and implemented to control burning activities on land within the Port Macquarie-Hastings local government area in accordance with the relevant legislation; currently the Protection of the Environment Operations Act 1997 and Protection of the Environment (Clear Air) Regulation 2021. The policy provides an avenue for Council staff to approve burning of dead and dry vegetation, grown in specified land use zones without additional application costs to the resident, or internal administrative processes. Without the policy, any person within these zones wanting to burn off vegetation that is not exempt under the Regulation, would need to apply for approval from Council. In addition, the policy guides the assessment of individual applications for burning activities in other zones, and encourages residents to utilise more sustainable disposal methods, and reduce local air pollution.

The Control of Burning Policy has been reviewed and is still considered relevant. There are no material changes to the policy regarding requirements, however since the last review there have been changes to legislation, references and staff titles. These are identified in the table below and a draft amended policy is attached to this report as **Attachment 1**. Minor formatting and grammatical improvements have also been made.

Discussion

The Control of Burning Policy has been reviewed with the following amendments:

Old Reference	New Reference
Protection of the Environment Operations (Clean Air) Regulation 2010	Protection of the Environment Operations (Clean Air) Regulation 2021
Standards for Pile Burn, Rural Fire Service	Standards for Pile Burning, Rural Fire Service
Before you light that Fire, Rural Fire Service 2012	Before you light that Fire, Rural Fire Service 2020
Group Manager (Regulatory Services)	Group Manager Environment & Regulatory Services

Options

Council has the option to not adopt the draft Control of Burning Policy for exhibition.

Community Engagement and Internal ConsultationCommunity Engagement

It is recommended that the policy be placed on public exhibition for not less than 28 days.

Internal Consultation

No further consultation was considered necessary prior to public exhibition as no changes are proposed.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  DRAFT Control of Burning Policy

Item: 09.28

Subject: POLICY REVIEW - LIQUID TRADE WASTE POLICY

Presented by: Community Utilities, Jeffery Sharp

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:

- 1. Place the draft Liquid Trade Waste Policy on public exhibition from 21/02/2022 until 21/03/2022 (28 days).**
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The Liquid Trade Waste Policy was last reviewed by Council in 2018. As part of the NSW Best Practice Management of Water Supply and Sewerage Framework, this policy ensures sound regulation and pricing of sewerage and liquid trade waste.

Originally due to be reviewed in 2020, the review was deferred noting that the Liquid Trade Waste Management Guidelines issued by NSW Government were then under review, ultimately being updated and re-issued in 2021. The intent and objectives of these Guidelines have not changed, but there have been some slight variations to acceptance limits and categorisation of some discharges and activities. Changes made have been incorporated into Council's updated draft policy.

The Liquid Trade Waste Policy has been reviewed and an updated draft is attached for consideration to place on public exhibition for 28 days.

Discussion

The Liquid Trade Waste Policy has been reviewed with the following amendments:

- The policy has been split into a shorter, high level Policy to define the scope and objectives
- The detailed management information and application pathways (the remainder of the previous policy) have been incorporated into a new 'Liquid Trade Waste Management Procedure'
- Minor amendments have been made in line with the update of the NSW Department of Planning, Industry and Environment's Liquid Trade Waste

- Management Guidelines, 2021. These include slight definition changes, altered and specified categorisation criteria, and reviewed substance acceptance limits
- Note that since the 2021 Council realignment, the structure of Community Utilities Group continues to develop, and pending resources, there is anticipated to be further changes to this procedure which will not change the scope or objectives of the policy (e.g. to move to an online approval process).

Options

Council has the option to resolve as recommended or request further information on the Liquid Trade Waste Policy prior to public exhibition.

Community Engagement and Internal Consultation

Internal Consultation was been undertaken with the following staff:

- Director Community Utilities
- Group Manager Governance and Executive Services
- Group Manager Community Utilities Planning and Design
- Group Manager Community Utilities Operations

Planning and Policy Implications

There are no planning and policy implications in relation to this report. The current Liquid Trade Waste Policy will remain in force until such time as an update policy is adopted.

Financial and Economic Implications

One of the NSW Government's intended outcomes of the Liquid Trade Waste Policy is to achieve full cost recovery from non-residential sewerage and trade waste services. Currently, Council's resourcing of this area does not allow strict enforcement of all relevant inspections and monitoring and therefore associated fees and charges may not be being fully applied. The recent realignment giving a particular focus on Community Utilities and the improvement of these services is anticipated to alleviate this issue and allow for thorough implementation of all requirements and related charges.

Attachments

1.  DRAFT - Policy - Liquid Trade Waste
2.  DRAFT - Procedure - Liquid Trade Waste Management Procedure

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 10.01

**Subject: NOTICE OF MOTION - WAUCHOPE RIVERSIDE SCULPTURAL TRAIL
- ZOETROPE**

Councillor Griffiths has given notice of her intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer to provide a report to the March 2022 Ordinary Meeting of Council regarding the removal of the Zoetrope Sculpture.**
- 2. Note that the existing public art along the Wauchope Riverside Sculptural Trail was the subject of discussion during the recent Rocks Ferry Redevelopment Engagement Process.**
- 3. Note that a draft Master Plan for Rocks Ferry Reserve addressing the recent flood impacts and the Public Art is being developed and will be the subject of a future briefing of Councillors.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 10.02

Subject: BAIN PARK MASTER PLAN, STAGES 1 AND 2 COMMUNITY ENGAGEMENT

Presented by: Community, Planning and Environment, Melissa Watkins

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:

- 1. Endorse the Stakeholders and Community Engagement Methodology to enable the Bain Park Stage 1 project to progress.**
- 2. Endorse the decision-making framework for the Bain Park Project.**
- 3. Note the extent of stakeholder and community engagement undertaken on the Bain Park Master Plan since September 2019.**

Executive Summary

The Bain Park Master Plan (Master Plan) (**Attachment 1**) was adopted at the 17 March 2021 Ordinary Council Meeting following extensive community and stakeholder engagement between September 2019 and December 2020.

In adopting the Master Plan, Councillors noted in the 17 March 2021 Resolution that further community consultation would be undertaken and a further report to Council be made before actioning any stage of the Master Plan.

The Resolution also requested 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.

In July 2021, Council was successful in an application for the NSW Public Spaces Legacy Program grant of \$3 million. The grant (shared across three projects) includes \$1,450,000 for the construction of stages one and two of the Bain Park Master Plan. The scope of work is included the discussion section of this report.

This report details the proposed stakeholder and community engagement methodology that the Community Engagement team will undertake to ensure stakeholders and the community have an opportunity to contribute to the detailed design of elements (included in stages one and two) identified in the Master Plan. These elements are included in the Master Plan as a series of statements to ensure key feedback and Council's commitment to ongoing consultation is at the forefront as

the project progresses. Key stakeholders co-authored the statements during the finalisation of the draft Master Plan.

The statements, level of engagement and key stakeholders are detailed in a table in the discussion section of this report.

The challenge in implementing the Master Plan is to balance the mix of stakeholder and community preferences with our commitment to deliver recreational facilities to encourage a healthy, inclusive and vibrant community now and into the future.

The proposed engagement methodology includes a decision-making framework to enable a focused approach to deliverables and a means of reaching consensus on these elements. The proposed Bain Park Master Plan Working Group (Working Group) will be made up of one or two members of each of the stakeholder groups listed in the Master Plan. We will also invite Community Council Action Team (CCAT) members to join the Working Group as community representatives. If the Working Group cannot achieve consensus, decisions will be referred to the Recreation, Property and Other Projects Steering Group.

Discussion

About the Master Plan

Bain Park is an important cultural and recreational space for the community and a number of groups who both use and activate the space. Located in the heart of the Wauchope CBD, Bain Park attracts locals and visitors alike; it is a key community space, playing host to markets and events year-round.

The vision for the Master Plan is to transform the existing space into a dynamic community hub, which provides opportunities for recreation, arts, education and culture. The Master Plan will accommodate a wide range of future community uses including events, performances, movie screenings, expos, etc. while factoring in adjacent community facilities that have a strong connection to the Park and the CBD.

A series of comprehensive engagement activities (undertaken between September 2019 and December 2020) have informed the Master Plan, which provides a guide for future development of this space.

Please see Bain Park Master Plan (**Attachment 1**).

Stakeholder and Community Engagement History - Overview

The table below shows the timeline of engagement activities and Master Plan revisions. Outcomes of these engagement activities are detailed in:

- Community Engagement Report A - Bain Park Master Plan - November 2019 (Attachment 2).
- Community Engagement Report B - Bain Park Master Plan - October 2020 (Attachment 3).
- Public Exhibition Outcomes Report - Bain Park Master Plan - February 2021 (Attachment 4).

These reports have been included in previous Council Reports and are included again in this report for ease of reference.

Initial Engagement Sep – Oct 2019	Stage 2 Engagement Aug – Oct 2020	Stage 3 Engagement Nov 2020 – Feb 2021	March 2021
<ul style="list-style-type: none"> • Have Your Say • Pop-up in the park • Planning workshop • Wauchope Community Arts Council consultation 	<ul style="list-style-type: none"> • Key Stakeholder consultation • Focus group meetings • Master Plan updates • Stakeholder acceptance of Revision 3 	<ul style="list-style-type: none"> • Have Your Say • Pop-ups in Bain Park and Wauchope IGA • Social and print media • Signage in Bain Park • Posters in High St shops 	Bain Park Master Plan (Rev 5) Adopted by Council
Community Engagement Report A: Nov 2019	Community Engagement Report B: Oct 2020	Public Exhibition Outcomes Report: Feb 2021	
Draft Bain Park Master Plan (Rev 0) Mar 2020	Draft Bain Park Master Plan (Rev 1) Jun 2020 (Rev 2) Sep 2020 (Rev 3) Sep 2020	Draft Bain Park Master Plan (Rev 4) Feb 2021	

17 March 2021 Council Resolution: Bain Park Master Plan - Post Public Exhibition Community Engagement

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.

Note that the attachments referred to in this resolution are attached to this report:

- Public Exhibition Outcomes Report - Bain Park Master Plan - February 2021 (**Attachment 4**)
- Draft Bain Park Master Plan (Rev 4) is superseded by Bain Park Master Plan (**Attachment 1**)

NSW Public Spaces Legacy Program

On 5 August 2020 the Department of Planning, Infrastructure and Environment (DPIE) announced the launch of a \$250 million NSW Public Spaces Legacy Program as part of ongoing work to protect the health of the community, provide economic and jobs stimulus in response to the COVID-19 pandemic and deliver a legacy of safe, quality public and open space.

The program incentivised local councils to accelerate their assessments of development applications (DAs) to create new development capacity and meet demand for housing and employment over the next decade.

In July 2021, Council secured \$3 million in grant funding which was allocated across the following projects:

Bain Park Master Plan Implementation	\$1,450,000
Westport Park Destination Playground	\$1,100,000
Town Beach Amphitheatre	\$450,000

For further information, visit: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/NSW-Public-Spaces-Legacy-Program>

Project Delivery

Phase	List of key tasks	Start Date	End Date
1 Project initiation & Planning	<ul style="list-style-type: none"> Project initiation and planning activities (PMF) Seek endorsement of detail project plan from funding partner Pre-lodgement for Part 5 approval Site investigations 	01/09/21	30/09/21
2 Procure Design Services	<ul style="list-style-type: none"> Procurement planning documents and approvals Let to market Evaluate submissions and award 	01/10/21	30/11/21
3 Design & Approvals	<ul style="list-style-type: none"> Concept design Community & Stakeholder Engagement (consult) Final concept and Cost Estimate Community & Stakeholder Engagement (inform) Part 5 Approval Detail Design and Cost Estimate Construction Documentation 	01/12/21	30/12/22
4 Procure Construction	<ul style="list-style-type: none"> Procurement planning documents & approvals (stages 1 & 2 only) Let to market Evaluate submissions & award 	01/07/22	31/07/22
5 Construction	<ul style="list-style-type: none"> Community & Stakeholder Engagement (inform) Execution of works Test, commission and handover 	01/08/22	31/12/22

6	Project Opening	Official project opening with key stakeholders	01/01/23	30/01/23
7	Project Evaluation	Evaluation that project deliverables have been met	01/02/23	30/04/23

Note that we have submitted a request to DPIE for a six-month extension of time for each of the three projects. The outcome of this request is pending, if accepted, the timeline shown above will change.

Bain Park Master Plan Implementation Stages 1 and 2 - Scope of Work

The grant funding is for the design and construction of stages one and two of the Master Plan. The Infrastructure Planning and Delivery team will run a request for tender process to appoint an external consultant to undertake detailed design and construction of stages one and two.

Deliverables for these stages are:

- Road frontage (High Street) to Bain Park upgraded to enhance street frontage and open up views into the park.
- New playground and bike track constructed at south east of park (existing playground and bike track demolished)
- Decomposed granite surface below trees with up lights and free-form "Gaudi" inspired seating.
- Design and provision of in-ground plug and power for future removable Christmas tree.
- Significant interpretive sculpture with up lighting to entrance plaza to enhance street presence and draw people into the park.
- Signage wall incorporating existing Bain Park gates and up lighting at main entrances to park.
- Large trees, low understory planting and a wide paved entrance promenade with 4m solar pole lights to reinforce visual connectivity to High Street and open views into Bain Park.
- 3.5m wide promenade path with 4m solar pole lights and WiFi.
- Formal arrangement of large native trees to replace existing centenarian trees.
- Power provisions incorporated to western alignment of path for markets.
- Existing pavement & access in front of Waterman's café retained.
- Design of auxiliary site electrical, water, and sewer servicing.
- Demolition of the existing bike track, park, and redundant paths.



Stage 1 - \$680,000 for main entrances, interpretive sculptures and promenade path



Stage 2 - \$790,000 for shaded playground, pump track and sculptural seating area

Extract from the Bain Park Master Plan showing the extent of Stages 1 & 2.

Out of Scope:-

The following items are not included in the scope of works for stages one and two:

- Shaded water play area (Stage 5). However, provisions for future servicing to be included. Potentially staged delivery.
- Removable Christmas tree.
- Generating alternative designs to the adopted Master Plan
- Updating the Plan of Management.
- Ongoing maintenance and operational costs.
- BBQ shelters and BBQs (however design to make allowance for these future works).
- Demolition of existing BBQ shelter.
- Design and provision new War Memorial (design to make allowance for these future works).
- Design and provision of "Human Sun Dial" (design to make allowance for these future works).
- Design and provision of removable Christmas tree (however design to make allowance for these future works).
- Essential Energy works and approvals.
- Items detailed in future implementation stages (4, 5, 6 & 7 of the Master Plan).

Key Stakeholders

In addition to the broader community, Council will engage with the external stakeholders listed below.

The Master Plan lists the following key stakeholders:

- Wauchope Community Arts Council
- Wauchope Chamber of Commerce and Industry
- Wauchope Rotary
- Bunyah Local Aboriginal Land Council
- Lions Club Wauchope
- Wauchope District Heritage Society
- Local residents

Other stakeholders include:

- Centenarian plaque family members
- Volunteer recognition businesses, families and community groups
- Girl Guides (Rotary Youth Hall user group)
- Patchwork Quilters (Rotary Youth Hall user group)
- Omnicare
- St Joseph's School Wauchope
- Local businesses
- Artists
- Aboriginal Advisory Group (Council)
- Accessibility Working Group (Council)
- Wauchope Community Council Action Team (CCAT)
- Wauchope RSL Sub-branch
- Other stakeholders as required

Stakeholder and Community Engagement Methodology

Acknowledging the extent and validity of prior community and stakeholder engagement and feedback (which has informed the Master Plan); the focus of the current methodology is to seek feedback from identified stakeholders and the community on the detail design of stages one and two deliverables.

Purpose of Engagement

- Seek feedback from targeted stakeholders and the community on the detailed design of the Master Plan, in particular stages one and two.
- Comply with the 17 March 2021 Council meeting resolution to undertake further consultation prior to any stages of the Master Plan being actioned.
- Act on the statements included in the Master Plan for continuing engagement.
- Identify community led/funded projects that could be constructed in parallel to funded stages (e.g. sundials / war memorial / public toilet upgrade).
- Identify and engage with a broad range of community members and groups to ensure that they are aware of the project and can give feedback.
- Provide clear, consistent and timely information about the project to stakeholders and the community.
- Ensure consultation with stakeholders and the community is consistent with key messages.
- Share community insight and work with the consultant to ensure engagement outcomes and key stakeholder requirements are incorporated into the concept design.

Reference Group

A reference group will be established made up of a maximum of two representatives from each of the following key stakeholder groups listed in the Master Plan along with CCAT members, who will represent the community.

Key stakeholder groups listed in the Master Plan:

- Wauchope Community Arts Council (WCAC)
- Wauchope District Historical Society (WDHS)
- Wauchope Chamber of Commerce and Industry (WCCI)
- Wauchope Rotary Club (WRC)
- Wauchope Lions Club (WLC)
- Bunyah Aboriginal Land Council (Bunyah LALC)
- Local residents

Given the range of deliverables in stages one and two, we will consult other stakeholders as required however; they will not form part of the Reference Group (for example, families of those honoured on the centenarian plaques).

The Reference Group will be empowered to make decisions on behalf of the community on identified design elements. The appointed consultant will integrate this as much as possible into the detailed design (within design and budget constraints).

Staff will report Reference Group decisions to the Recreation, Property and Other Projects Steering Group, which will be the determining body for any impasses. The Recreation, Property and Other Projects Steering Group comprises the following staff:

- Melissa Watkins - Chairperson - Director Community, Planning Environment
- Nicole Spencer - Group Manager Finance Services
- Lucilla Marshall - Group Manager Community
- Ashley Grummitt - Group Manager Commercial Business Services
- Gary Randall - Group Manager Organisational Project Delivery

Additional attendees/invitees of the Group are:

- Executive Group (CEO and Directors)
- Josh Bennie - Acting Senior Project Manager
- Kristy Williams - Recreation & Buildings Project Officer
- Craig Luff - Senior Landscape Architect
- Charlotte Coyle - Content Producer
- Katherine Lynch (Secretariat)
- Councillors (to be confirmed)

The broader community will also be engaged using Have Your Say and inviting feedback on elements such as the playground inclusions - for example, what type of equipment they would like. The community will be kept informed through cross media platforms and other means, such as park pop-ups or non-contact or online methods at key milestones.

Professional Public Art Reference Panel

The Cultural Development Officer, Economic and Cultural Development will coordinate the selection and commissioning of the public art elements contained in the Master Plan. A Professional Public Art Reference Panel (PPARP) will be convened to review and assess applications and make recommendations to Council. Artwork designs and artists will be selected through an Expression of Interest process, adhering to Council's Public Art Policy and Guidelines.

Statements Included in the Master Plan

The Master Plan provides for ongoing consultation with key stakeholders prior to the commencement of detailed design. It includes the following statements that will inform the engagement activities and extent of engagement for stages one and two. We have used the IAP2 spectrum of participation framework to identify the engagement level for each deliverable. Definitions of each engagement level are included after the table.

Deliverable	Statements from Master Plan	Engagement level	Stakeholders
Stages one and two			
Overarching statements	<p>The following stakeholders (Identified Stakeholders) will be included in the detailed design process for the park.</p> <ul style="list-style-type: none"> • Wauchope Community Arts Council (WCAC) • Wauchope District Historical Society (WDHS) • Wauchope Chamber of Commerce and Industry (WCCI) • Wauchope Rotary Club (WRC) • Wauchope Lions Club (WLC) • Bunyah Aboriginal Land Council (Bunyah LALC) • Local residents <p>Flexibility in the staging of works depending on funding, condition of existing assets, and priorities as identified by the community.</p>	Involve / Collaborate	As listed - grouped as 'identified stakeholders'
Road frontage to Bain Park upgraded to enhance street frontage and open up views into park.	No statement.	Inform	Identified stakeholders Community Local businesses
New playground and bike track constructed at south east of park.	<p>No statement.</p> <p><i>We will seek community and stakeholder input into playground inclusions.</i></p>	Involve	Identified stakeholders Community Omnicare St Joseph's school
Decomposed granite surface below trees with up lights and free-form "Gaudi" inspired seating.	The design of all public art introduced to the park will be subject to community consultation. Public art shall leverage opportunities for cultural and historical expression through working with public artists and in consultation with Bunyah Local Aboriginal Land Council and abovementioned community groups.	Involve	Identified stakeholders Bunyah LALC Community Artists
Design and provision of in-ground plug and power for future removable Christmas tree.	No statement.	Consult	Identified stakeholders Wauchope Chamber of Commerce and Industry

Deliverable	Statements from Master Plan	Engagement level	Stakeholders
Significant interpretive sculpture with up lighting to entrance plaza to enhance street presence and draw people into park.	The design of all public art introduced to the park will be subject to community consultation. Public art shall leverage opportunities for cultural and historical expression through working with public artists and in consultation with Bunyah Local Aboriginal Land Council and abovementioned community groups.	Involve	Identified stakeholders Bunyah LALC Community Artists
Signage wall incorporating Bain Park gates and up lighting at main entrances to park.	Community consultation will be undertaken on any change to the historic entry gates during the public exhibition stage and prior to the commencement of detailed design. Incorporation of the Bain Park Gates at the High Street entry (replica gates and two remaining pillars to be installed at the Avondale Street entry).	Involve	Identified stakeholders WDHS Community
Large trees, low understory planting and a wide paved entrance promenade with 4m solar pole lights to reinforce visual connectivity to High Street & open views into Bain Park.	No statement.	Inform	Identified stakeholders Community
3.5m width promenade path with 4m solar pole lights & wifi. Formal arrangement of large native trees to replace existing centenarian trees. Power provisions incorporated to western alignment of path for markets.	Community consultation will be undertaken on any changes/reinterpretation into the design for the centenarian trees and plaques, and the volunteer memorial (specific consultation with businesses and individuals listed on the sign). A note that weed trees will not be removed until new feature trees are planted and established on the promenade. Council will seek opportunities to incorporate wayfinding signage to direct visitors to other heritage and cultural precincts in the area.	Involve	Identified stakeholders Families of Centenarian tree plaques Businesses and individuals listed on the Memorial to Volunteers WDHS
Existing pavement & access in front of existing café retained.	Any expansion of the footprint/inclusion of outdoor dining for the commercial premises in the park will be subject to community consultation both during the public exhibition stage and prior to the commencement of detailed design.	Inform	Key Stakeholders Community
Design of auxiliary site electrical, water, and sewer servicing.	No statement.	Inform	As required
Demolition of the existing bike track, park, and redundant paths.	No statement.	Inform	Key Stakeholders Community
Out of scope community group funded opportunities			
War memorial Funded by the Wauchope RSL sub-branch	Inclusion of a war memorial in the west of the park.	Consult	Wauchope RSL sub-branch
Interpretive displays	Inclusion of opportunities to reference Wauchope's history, culture and environment. This may be explored through a variety of mediums including use of locally sourced materials, interpretive signage / art / installations / detailing.	Involve	WDHS
Sundials	Inclusion of a sundial (location to be based on solar study and compatibility with adjacent activities within the master plan).	Consult	Lions Club
Existing toilet block replaced. New toilets to include adult change table (8 on plan)	Options for relocation and upgrade of public toilets (including but not limited to the inclusion of adult change table) into the park if existing Wauchope Community Arts Hall and Wauchope Rotary Youth Hall buildings are retained.	Consult	WCAC / Rockin' with Dave Accessibility Working Group
Out of scope/future stage statements			
Preliminary investigations and design options outlined for upgrades to community buildings	Recognition that Wauchope Community Arts Council has a preference to retain, upgrade and	Involve / Collaborate	Wauchope Arts Council

Deliverable	Statements from Master Plan	Engagement level	Stakeholders
(12a Youth Hall / 12b Community Arts Hall). Property building assessment / renovate	<p>potentially move the existing Arts Hall to the proposed site of the new building.</p> <p>The design of the proposed new Wauchope Community Arts Hall (Arts Hall) and Wauchope Rotary Youth Hall (Youth Hall) facilities will be fit for purpose.</p> <p>Wauchope Community Arts Council, Wauchope Rotary Club and other existing user groups will be a part of the design process for their respective facilities.</p> <p>No construction/demolition of the Arts Hall or Youth Hall will occur without prior consultation with both parties. This includes negotiating the design options and staging to ensure the current Arts Hall and Youth Hall can continue until the new buildings are completed. If that is not possible agreement on downtime and interim accommodation will be sought.</p> <p>Port Macquarie-Hastings Council will, during the building concept design stage, research and investigate options for keeping the Arts Hall so Wauchope and the Mid North Coast can have a facility that reflects the culture and atmosphere of the current hall with the benefits of a modernisation facelift.</p> <p>The current managers of the Arts Hall and the Youth Hall will be the future managers of either new or retained facilities.</p> <p>Options to retain, move or upgrade the existing Wauchope Community Arts Hall and Wauchope Rotary Youth Hall, including improved connectivity from the buildings to the park (if existing structures retained in-situ and other possibilities for parking from Avondale Street with a driveway up beside Omnicare property boundary).</p> <p>Options for relocation and upgrade of public toilets (including but not limited to the inclusion of adult change table) into the park if existing Wauchope Community Arts Hall and Wauchope Rotary Youth Hall buildings are retained.</p>		<p>Wauchope Rotary Club</p> <p>Youth Hall users:</p> <ul style="list-style-type: none"> • Quilters • Girl Guides
Other	<p>Clear demarcation of land titles and boundaries.</p> <p>Increased size of shelter located in north east of park.</p> <p>Demarcation of accessible parking and 'parents with prams' spaces to be included in detailed design.</p> <p>Options for electric car charging and e-bikes to be included in detailed design.</p>	Inform	Key Stakeholders

Spectrum of participation

Council uses the International Association or Public Participation (IAP2) Spectrum as a general guide to assessing the anticipated level of engagement required. This Spectrum is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. The Spectrum is used internationally, and it is found in public participation plans around the world.

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Engagement Activities

Council has planned a range of engagement activities between February and May 2022 to ensure that the community and targeted stakeholders have the opportunity to learn about the draft concept design, ask questions and provide feedback. Activities include:

- Internal stakeholder briefing sessions
- Establishment of working group
- Establishment of an artist's panel and call for Expressions of Interest
- Working group/stakeholder consultation sessions
- Community pop-up information sessions (or alternative no-contact option)
- Online survey (for some elements) - Have Your Say
- Signage, posters and supporting corporate communications

Options

Council has the option to:

1. Accept the recommendations as listed; or
2. Propose an amendment to the recommendations.

Community Engagement and Internal Consultation

The following plans are included in the Detailed Project Plan for this project and form part of Council's Project Management Framework. The plans are considered 'live documents' that are updated as necessary and guide the engagement and communication activities for the project.

- Community Engagement Plan
- Communications Plan
- Public Art Plan

The Organisational Project Delivery team is managing the Bain Park Master Plan Implementation. The Recreation, Property and Building Team developed the initial design for the Master Plan, which underwent five revisions during the community consultation process before being adopted by Council.

The Community Engagement team developed the proposed engagement methodology and decision-making framework in consultation with the Group Manager, Community; Director, Community, Planning and Environment and the Recreation, Property and Other Projects Steering Group.

Key external stakeholders identified in the Master Plan have been notified of the grant status, proposed engagement methodology (high level overview), and this Council Report.

Planning and Policy Implications

The site is Council Managed Crown Land and zoned as RE1 (Public Recreation) in accordance with the Port Macquarie-Hastings Local Environmental Plan. The majority of proposed works included in the Master Plan will be considered Exempt Development or Development permitted without consent in accordance with State Environmental Planning Policy (Infrastructure) 2007.

The proposed new community facility buildings (stage 3 of the Master Plan) will require Development Approval.

The Master Plan has also been included in the draft Plan of Management for Council Managed Crown Reserves - this is pending approval by Crown Lands to proceed to public exhibition.

Native Title advice has been obtained and checks completed for Aboriginal Land and Native Title claims. Support from the Bunyah Local Aboriginal Land Council as part of our due diligence for this project has also been sought.

Financial and Economic Implications

The total budget estimate for delivery of the Master Plan is \$6.56 million, which includes approximately \$1.9 million for landscaping, shelters and furniture, \$2.1 million for a new community centre, \$850,000 for car parking and road upgrades, \$530,000 for lighting and irrigation, \$790,000 for shaded playground and pump track, and \$390,000 for a shaded water play area.

Estimates have been applied to the delivery stages below.

- Stage 1 - \$680,000 for main entrances, interpretive sculptures and promenade path
- Stage 2 - \$790,000 for shaded playground, pump track and sculptural seating area
- Stage 3 - \$2,950,000 for new buildings, upgrade of old toilets, and upgrade of car parks
- Stage 4 - \$720,000 for amphitheatre, covered stage and multi-purpose lawn
- Stage 5 - \$390,000 for shaded water play area
- Stage 6 - \$500,000 for shelters, perimeter landscaping and outdoor dining area

- Stage 7 - \$530,000 for irrigation, lighting and Wi-Fi





In July 2021, Council secured \$1.45 million under the NSW Public Spaces Legacy Program to deliver stages one and two of the Master Plan. This allocation forms part of the \$3 million obtained under this grant for our region, which was allocated across the following projects:

Bain Park Master Plan Implementation	\$1,450,000
Westport Park Destination Playground	\$1,100,000
Town Beach Amphitheatre	\$450,000

The grant agreement deadline for project completion is 31 December 2022. Council must complete each milestone and stages 1 and 2, to the satisfaction of the NSW Department, by 31 December 2022. We are currently in negotiation for a six month extension for the completion of all three projects.

Financial implications will also be realised in the form of future operation and maintenance costs. An uplift in maintenance budget will be required to cover changes brought on by the Bain Park Master Plan, and to increase the level of service to that of a regional level park (i.e. equivalent to the level of service applied to Town Green in Port Macquarie).

Attachments

1.  Bain Park Master Plan
2.  Community Engagement Report A - Bain Park Master Plan - November 2019
3.  Community Engagement Report B - Bain Park Master Plan - October 2020
4.  Public Exhibition Outcomes Report - Bain Park Master Plan - February 2021

Item: 10.03

**Subject: T-21-15 STAGE 1 CONSTRUCTION OF RAINBOW BEACH
SPORTING FIELDS**

Presented by: Community Infrastructure, Dan Bylsma

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:

- 1. Note the information provided regarding the successful negotiations and tender award to Glascott Landscape and Civil Pty Ltd for the lump sum of \$6,076,727.26 (excluding GST) for T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields.**

Executive Summary

The purpose of this report is to advise Council of the results of tender negotiations and tender award for T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields.

Following the August 2021 Council meeting, negotiations were entered into with Glascott Landscape and Civil Pty Ltd (Glascott), and a contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021* was awarded on 29 October 2021.

The Rainbow Beach Sporting Fields is identified as a key priority within Council's Recreation Action Plan 2020-2025 to support growth and quality of various sporting codes in the region.

Discussion

The development of the Rainbow Beach Sporting Fields aligns with Council's Recreation Action Plan 2017-2025 and will provide new public facilities in this growth area of the LGA, addressing capacity demands currently experienced by various sporting user groups.

The Stage 1 works will generally include detailed earthworks, construction of stormwater drainage lines, sporting field construction and turf establishment (including in-field subsoil and irrigation), field lighting, car parking, a playground, surrounding pathways, urban infrastructure and site landscaping. In total, the project will deliver the following facilities:

- 2 cricket fields (featuring synthetic pitches),
- 4 soccer (football) fields,
- 1 AFL field, and
- 1 multi-purpose netball/basketball court.

Following an open Request for Tender (RFT) in May/June 2021, Council declined to accept any of the tenders submitted.

At the August 2021 Council meeting, it was resolved:

That Council:

1. *In accordance with clauses 178(1)(b) and 178(3)(e) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields and enter into negotiations with Glascott Landscape and Civil Pty Ltd or any person that submitted a tender in response to Request for Tender T-21-15, with a view to entering into a contract for Stage 1 Construction of Rainbow Beach Sporting Fields.*
2. *Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the Tender Evaluation Panel considers that the preferred tenderer has demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender, and that inviting fresh tenders likely will not achieve a superior outcome and will unduly delay the project.*
3. *Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.*
4. *Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-15.*

The purpose of this report is to provide Council with information in relation to point 3 of the above resolution.

The Tender Evaluation Panel's (TEPs) recommended negotiating with Glascott Landscape and Civil Pty Ltd (Glascott) to achieve a desirable contract outcome for Stage 1 Construction of Rainbow Beach Sporting Fields.

A negotiation plan was developed to ensure the process was undertaken in a fair and accountable manner.

Two negotiation meetings were held during September 2021 to discuss alternative options to provide cost savings towards the potential contract.

As the subject of negotiation was technical options for construction, a number of clarifications were sent between parties. To ensure probity was maintained, correspondence was coordinated through the Project Manager and A/Senior Procurement Officer.

On the basis of the negotiation team's advice regarding the Steering Groups accepted alternative options, a revised offer was submitted by Glascott on 20 October 2021 which was accepted.

Options

This report is provided for information.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the negotiation and award of this tender:

- Project Manager.
- Senior Project Manager.
- Recreation and Facilities Manager.
- Parks and Open Spaces Coordinator.
- Electrical Projects Officer.
- Senior Landscape Architect.
- Group Manager Organisational Project Delivery.
- Group Manager Procurement.
- Steering Group for the Rainbow Beach Sporting Fields Project.

External consultation was undertaken for technical advice during the negotiations:

- AgEnviro Solutions Pty Ltd.

Planning and Policy Implications

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

Financial and Economic Implications

The revised tender still exceeded the available project budget; however, the Steering Group was able to resolve the budget deficiency by identifying other contributing funding sources.

The final total Stage 1 Construction contract was awarded for \$6,076,727.26.

Attachments

Nil

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

RECOMMENDATION

That Council:

- 1. Note the progress of Council's COVID-19 Recovery and Stimulus Projects, as detailed in the report.**
- 2. Note a further update report will be provided at the August 2022 Council Meeting.**

Executive Summary

This report provides an update on the COVID-19 Recovery and Stimulus Projects which have been funded by Council and the Federal Government in 2020 and more recently, including the funded priorities of Council's COVID-19 Recovery Working Group which was active from April-July 2020.

The projects focus on a range of economic, social and cultural recovery initiatives to support and stimulate in those areas most impacted by COVID-19. Projects are funded and delivered in the 2020-2021, 2021-2022 and 2022-2023 financial years from the following streams:

- \$1,492,870 was allocated under the Council COVID-19 Relief Reserve Fund to help future-proof the community and support recovery; and
- Funding has been allocated in three rounds under the Australian Government's Local Roads & Community Infrastructure program.
 - Phase 1: \$1,826,618
 - Phase 2: \$3,439,640
 - Phase 3: \$3,653,236

Discussion

At the 4 August 2021 Ordinary Council Meeting, it was resolved as follows:

11.01 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

That Council:

- 1. Note the progress of projects in the COVID-19 Recovery and Stimulus Projects report.**

2. *Note a further update report will be provided at the February 2022 Council Meeting.*

\$1,492,870 Council COVID-19 Relief Reserve Funded Projects

Attachment 1 provides an overview of progress for the 28 Council-funded projects with 17 of these now complete.

The delivery of these projects (with support by a range of local businesses, where possible) provides a valuable injection of funds for our local community and economy to support what will be a long road to recovery. Whilst there are a range of short-term projects included in the project list that aimed to support jobs in the recent past/immediate future, there are also initiatives which support longer-term jobs growth.

Completed project highlights include:

- Website Food and Wine Trail Tourism Development (\$30,000);
- Wauchope Rotary Youth Hall external repaint (\$40,000);
- Laurieton new multi-courts netball and basketball (\$115,000);
- Additional investment in tourism PR and Marketing (\$140,000); and
- Three grant writing workshops in Wauchope, Laurieton and Port Macquarie, and development of our Grant Finder website (\$45,000).

It is anticipated that most of the 10 projects still underway will be completed by June 2022. Unfortunately, the March 2021 flood event and subsequent redirection of staff focus to flood remediation projects has caused some delays.

Australian Government Local Roads & Community Infrastructure Program
Phase 1, 2 and 3

The Australian Government has funded 34 projects in our LGA under this scheme with the aim to boost economic and social recovery. This has placed significant pressure on Council's delivery teams and unfortunately many projects have been delayed due to a re-allocation of resources to flood recovery projects. Refer **Attachment 2** and **3** for a status report on all 34 projects. In particular, it can be noted that we have received an extension of time for many Phase 2 projects as a result of flood recovery priorities.

Recently completed projects include:

- Port Macquarie and the installation of Solar PV at Port Macquarie Airport (\$140,000);
- Lake Cathie Foreshore Reserve picnic tables and shelters, BBQ hut, linking footpath and shade sail over playground (\$280,000);
- Rural Road Safety line marking Wauchope and surrounds (\$100,000);
- Lake Cathie 3on3 basketball court (\$70,000);
- Port Macquarie Town Beach 3on3 basketball court (\$70,000);
- Kendall Tennis Club new tennis court (\$150,000);
- Pioneer Park Comboyne upgrade (\$100,000); and
- Long Flat Recreation Grounds facility upgrade (\$100,000).

Projects commenced and scheduled for completion in the next two months include:

- Long Flat Tennis Court facility upgrade (\$100,000);
- Log Wharf Telegraph Point Upgrade (\$50,000); and
- Wayne Richards Park bike pump track and dirt jump runs (\$350,000).

Additional \$3.6M Australian Government Local Roads and Community Infrastructure (LRCI) Phase 3.

The \$3.6M Phase 3 extension of the LRCI Program is a temporary, targeted stimulus measure responding to the serious, ongoing economic impacts of COVID-19. This program extension aims to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

As per the funding agreement, the Federal Members for Lyne and Cowper were consulted on the nominated projects.

Council will submit proposed projects in February 2022 to the Department of Infrastructure, Transport, Regional Development and Communications. We hope to receive approval of eligible projects in April 2022, with the Government requiring a project completion deadline of 30 June 2023.

Options

Council may determine to:

1. Note the information contained in the 'COVID-19 Recovery and Stimulus Projects Report'; or
2. Requests additional information.

Community Engagement and Internal Consultation

Staff delivering projects were consulted in finalising the COVID-19 Recovery and Stimulus Projects Report at **Attachment 1, 2 and 3.**

Planning and Policy Implications

The \$1.8M and \$3.4M Local Roads and Community Infrastructure funded projects and the \$1.49M Council Relief Reserve funded projects are included in the 2021-2022 Operational Plan. There are no planning and policy implications in relation to this report. The new LRCI Phase 3 funded projects are to be included in the 2022/23 Operational Plan, when approved by the Federal Government.

Financial and Economic Implications

The additional \$3.6M Local Roads and Community Infrastructure Phase 3 funding will come on top of an already significant capital works program for 2022-2023. The delivery of these projects (with support by a range of local businesses, where possible) will provide a valuable injection of funds for our local community and economy to support us on the road to recovery.

Whilst there are a range of short-term projects included in the project list to support jobs in the recent past/immediate future, there are also initiatives which we expect will support both immediate and longer-term jobs growth. It is also recognised that some projects will attract on-going maintenance costs, as Council assumes the responsibilities of asset owner.

Attachments

1.  Attachment 1 Council \$1.49m COVID Relief Reserve Funding
2.  Attachment 2 \$1.8m Australian Government LRCI Program Phase 1
3.  Attachment 3 \$3.4m Australian Government LRCI Program Phase 2

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 12.01

Subject: NOTICE OF MOTION - CLIMATE CHANGE

Councillor Griffiths has given notice of her intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Rescind the 'Climate Change Emergency Declaration' that was made by Port Macquarie-Hastings Council at the March 2021 Ordinary Council Meeting.**
- 2. Request the Chief Executive Officer to revise the adopted Climate Change Response Policy to reflect Item 1 above.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 12.02

Subject: NOTICE OF MOTION - LAKE CATHIE MANAGEMENT

Councillor Maltman has given notice of her intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer to undertake a review of Appendix B - Site Priorities Assessment of the Port Macquarie Hastings Council Dredging Strategy (2007).**
- 2. Place priority for the dredging of Lake Cathie in the budget for 2022/2023 taking it from a low priority to a high priority.**
- 3. Request the Chief Executive Officer to request a meeting with relevant staff of Northern Beaches Council to discuss the Narrabeen Lagoon Plan of Management and measures of implementation of a Lake Cathie Lagoon Reserve Trust and any learnings that could be considered by Council for Lake Cathie.**
- 4. Request the Chief Executive Officer ensure that the following items are addressed as part of the Coastal Management Program Stage 2 studies/work:**
 - a) Modification of the current Development Application (DA) consent to open the lagoon to a hazard-based criteria.**
 - b) Consideration of future operational budgets, resources to further enhance the lake and its surrounds such as; water quality monitoring to ensure water is safe for recreational usage and marine life consumption whilst also ensuring the lake is visually appealing all year round.**
 - c) An assessment of the existing urban runoff into the lake system, its origins and impacts on the estuarine system, marine life, community health and wellbeing.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 12.03

Subject: NOTICE OF MOTION - TOWN CENTRE MASTER PLAN

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

RECOMMENDATION

That Council:

1. Request the Chief Executive Officer to commence a general review of the business sub-categories under s523(1)(a) of the Local Government Act 1993 and prepare a report on that review for consideration of the Council.
2. Note that subject to the review (referred to in 1), should Council resolve to re-categorise the land within the business category as a result of such review, whereby all land within the Port Macquarie CBD Business Sub-Category has been re-categorised to Business - Defined Urban Centres, request the Chief Executive Officer draft an Operational Plan for the 2022/2023 financial year as part of the Integrated Planning & Reporting process with the removal of the Town Centre Master Plan business rate.
3. Undertake an independent review of the historical Town Centre Master Plan processes, practices, fees, charges, management structures and outcomes achieved by the Town Centre Master Plan.
4. Provide a report to Council on the findings of the independent review and undertake community consultation on a pathway forward for the future development and maintenance of the Port Macquarie CBD.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 12.04

Subject: ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE -
GREENMEADOWS DRIVE, PORT MACQUARIE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council:

1. Pay total compensation in the amount of \$95,040 (GST exclusive) to the owners of Lot 4 Deposited Plan 1119462 and Lot 100 Deposited Plan 1186142 being, the Trustees of the Roman Catholic Church, Diocese of Lismore for the acquisition of an easement to drain sewage 5 metres wide depicted (A) in plan of acquisition Deposited Plan 1272810.
2. Pursuant to section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* pay the legal/property conveyancing costs reasonably incurred by the landowner arising from the easement acquisition.

Executive Summary

This report recommends the payment of compensation for the acquisition of an easement to drain sewage arising from the augmentation of Council's sewer rising main 71 north of Greenmeadows Drive, Port Macquarie.

Discussion

To continue to cater for increased demand on Council's sewer system it has been necessary to augment sewer rising main 71 situated north of Greenmeadows Drive, Port Macquarie. The rising main passes through two land parcels, Lot 4 Deposited Plan 1119462 and Lot 100 Deposited Plan 1186142, both owned by the Trustees of the Roman Catholic Church, Diocese of Lismore. The general location of the rising main is shown in light blue in **Attachment 1**. To facilitate the creation of the easement a plan of acquisition, Deposited Plan 1272810 has been prepared. The 5-metre-wide easement is shown highlighted in light blue in **Attachment 2**.

Options

Nil

Community Engagement and Internal Consultation

There has been ongoing engagement with the landowner's representatives and ongoing consultation between Council's Infrastructure Division and the Community, Planning and Environment Division.

Planning and Policy Implications



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

Financial and Economic Implications

The acquisition of the easement entitles the landowner to the payment of compensation as assessed by a valuer having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. 'Just' compensation has been assessed by Council's Consulting Valuer at \$95,040 (GST exclusive). An offer in this amount has been made to the landowner. As written acceptance to the offer has been received, the matter of the payment of the compensation is now reported to Council for approval.

In addition to the value of the easement, pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is required to meet the legal land conveyancing costs reasonably incurred by the landowner arising from the acquisition. These costs are estimated at \$1,500 (GST exclusive). There is funding in the current Operational Plan to meet the compensation and legal fees.

Attachments

1.  Attachment 1 - Aerial Image Sewer Rising Main 71
2.  Attachment 2 - Plan of Acquisition DP1272810

Item: 12.05

Subject: CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL -
GILLMAN WAY, THRUMSTER

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council:

1. Pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 1 Deposited Plan 1275372 as 'operational land' by placing on public exhibition for a minimum period of 28 days, the proposed resolution; "It is intended to classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thrumster, as operational land.
2. Note that a further report will be tabled at the April 2022 Ordinary Council meeting detailing any submissions received during the exhibition period.

Executive Summary

This report commences the process of classifying land to be acquired by Council for the purposes of a reclaimed water reservoir.

Discussion

Council at its Ordinary Meeting of 3 November 2021 at Item 12.12 considered a report on the acquisition of land situated in Gillman Way at Thrumster for the purposes of enabling construction of a reclaimed water reservoir. Council resolved:

12.12 LAND ACQUISITION - GILLMAN WAY, THRUMSTER

BLOCK RESOLVED: Intemann/Griffiths

That Council:

1. Pay compensation in the amount of \$41,678 (GST Exclusive) to the owners of Lot 1 Deposited Plan 1273983, PM Land Pty Ltd, for the acquisition of that part of Lot 1 Deposited Plan 1273983 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1275372.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property conveyancing expenses.

The land is scheduled to be purchased on 24 February 2022.

The *Local Government Act 1993* requires that Council owned land (excepting roads) be classified. There are two classifications; operational and community.

An operational land classification is normally given to land held by Council as an asset or held by Council to carry out its functions, such as sewer and water operations. Operational land is not normally available for use by the public.

A community land classification would normally comprise land such as a park or reserve, which is available for use by the public.

In this instance, it is considered that an operational land classification is appropriate.

Before Council adopts a land classification, exhibition of the proposed land classification must be undertaken and submissions invited. At the conclusion of the exhibition period, Council is required to consider any submissions received prior to resolving the land classification.

Options

Nil. Public exhibition of the proposed land classification must be undertaken.

Community Engagement and Internal Consultation

There has been no community engagement to date on the proposed land classification.



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.  Location of land to be classified as Operational Land
2.  Extent of land to be classified as Operational Land

Item: 12.06

Subject: DRAFT LAKE CATHIE ENTRANCE MANAGEMENT STRATEGY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Endorse the revised draft Lake Cathie Entrance Management Strategy Flow Chart for the purpose of public exhibition.
2. Place the draft Lake Cathie Entrance Management Strategy Flow Chart on public exhibition for a period of not less than 28 days from 17 February 2022 until 17 March 2022.
3. Request the Chief Executive Officer to prepare appropriate “plain English” information material to explain the issues impacting on Lake Cathie, entrance management and the draft Entrance Management Strategy.
4. Note that a further report will be presented to Council for consideration at the conclusion of the public exhibition period, detailing the submissions received, including those from key stakeholders, during the exhibition period.
5. Request the Chief Executive Officer to continue to progress the Coastal Management Program to inform best management practices of Lake Cathie system.

Executive Summary

Lake Cathie and the broader Lake Cathie/Lake Innes system is a complex coastal system with a history of human intervention. Council has managed high water levels in the system through its Lake Cathie Opening Strategy, initiating artificial openings at a variety of trigger levels to mitigate flooding of community assets and critical infrastructure. At the 13 January 2022 Extraordinary Council Meeting Council resolved to amend the Opening Strategy to introduce new water level triggers, water quality triggers and an annual opening of the lake for community amenity purposes.

This report outlines the history of artificial openings, a Draft Entrance Management Strategy Flow Chart (**Attachment 1**) for the Lake Cathie system and a consideration of the approvals and environmental assessments required for each proposed opening trigger. The report also provides advice received from NSW State Government stakeholders in the Lake Cathie / Lake Innes system.

Discussion

At the [13 January 2022 Extraordinary Council Meeting](#) Council resolved to;

RESOLVED: Pinson

That Council:

- 1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.*
- 2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.*
- 3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.*
- 4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.*
- 5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.*
- 6. Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.*
- 7. Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.*
- 8. Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.*
- 9. That the Chief Executive Officer be requested to expedite the coastal management program.*

CARRIED: 7/2

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards and Sheppard

This report provides an overview of a revised draft Lake Cathie Entrance Management Strategy Flow Chart and aims to address actions of Item 05.01 (presented above) to replace the existing Lake Cathie Opening Strategy, and the associated resolutions.

Background

The Lake Cathie system is an Intermittently Closed and Open Lake and Lagoon (ICOLL). It alternates between being open and closed due to the natural formation of a sand berm at the interface of the lake with the beach. Over time wave action and sediment transport continually work to deposit sand, which eventually results in closure of the lake entrance. Catchment inflows from prolonged rainfall will eventually lead to a natural opening once water levels overtop the berm.

Historically, the responsibility of undertaking artificial openings has rested with Port Macquarie-Hastings Council (PMHC) as a duty of care to the local community.

However, the land tenure of the ICOLL system is shared by various state agencies as depicted in Figure 1.

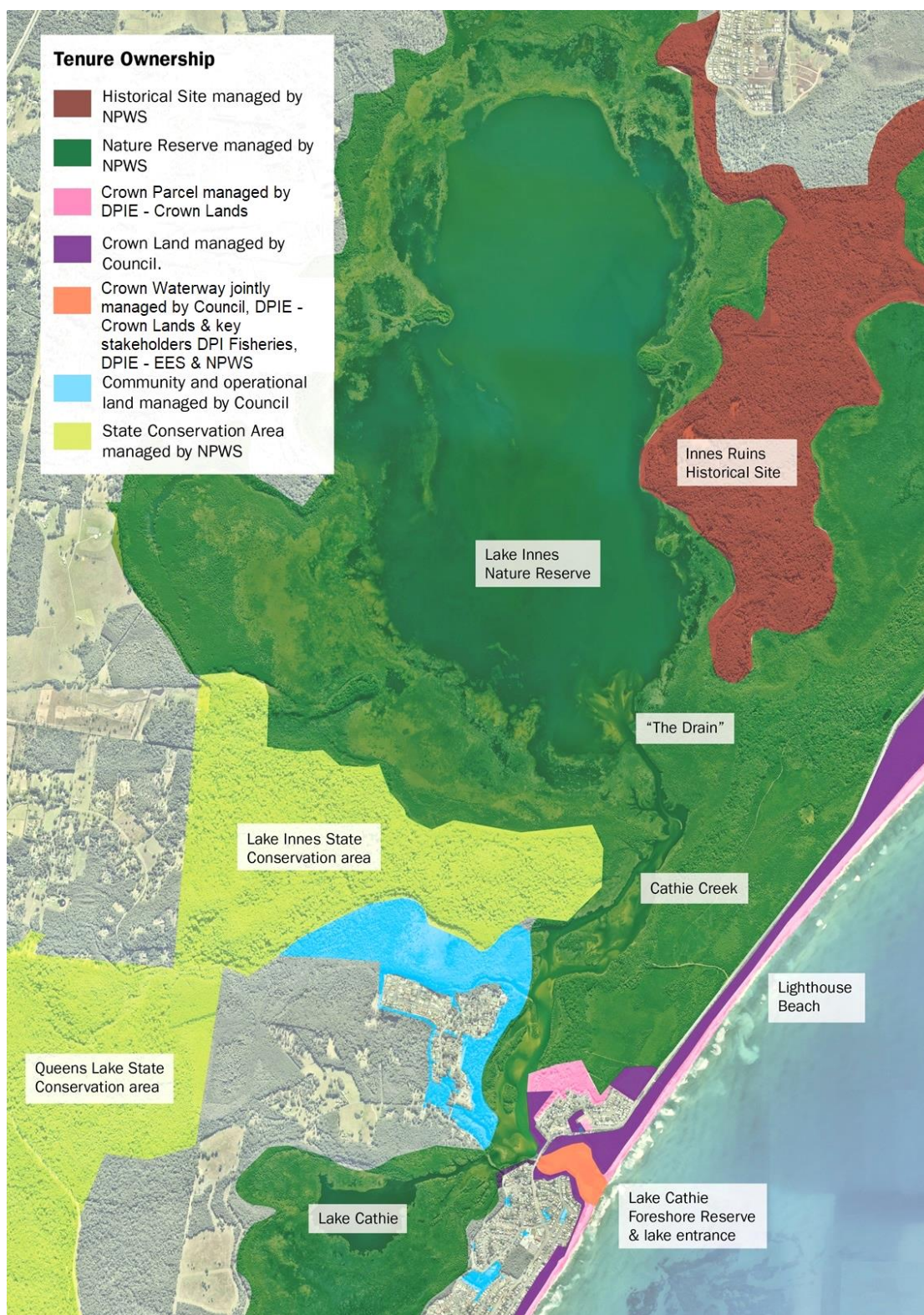


Figure 1: Tenure and responsibilities of Lake Cathie ICOLL

Council's Role

Council has historically opened the lake system since the 1960's at various levels of flooding between 1.5 -1.8m AHD. The system has opened naturally three times since accurate records of opening began in 1992 and artificially opened either by Council or from unauthorised activity 21 times.

Flooding impacts on low lying areas surrounding the lake system can happen prior to a natural opening occurring. Of greatest concern is the potential flooding of PMHC sewerage infrastructure once water levels reach 1.89m AHD. The consequence of this potentially being a serious risk to health and safety including:

- potential pollution impacts within the watercourse;
- inundation of sewerage infrastructure in Lake Cathie;
- sewer surcharges into private and public land and buildings; and
- potential to overload the Bonny Hills Sewage Treatment Plant (STP) through large volumes of lake water and resulting discharges of untreated effluent into Duchess Creek and Rainbow Beach.

Flooding can also cause minor inundation of footpaths, roads and private property. The PMHC Flood Policy 2018 requires all development in flood prone areas of Lake Cathie to be located above 3.5m AHD, which is well above any flood risk when the Lake is at a level of 1.6m AHD.

Opening Methodology*1. Traditional Methodology*

A traditional artificial opening involves the excavation of a channel between the area known colloquially as Cathie Lagoon and the Pacific Ocean. These were undertaken for flood mitigation purposes. Traditional openings are characterised by the excavation of sand to create a channel from west to east to allow water to move from the lake to the Pacific Ocean. The excavated channel has typically been approximately 6m wide, with a base at approximately 0.8m - 1.6m AHD. As water is released into the ocean, the channel quickly scours and extends in width and depth. This opening methodology results in a rapid drop in water levels across the ICOLL (known as rapid drawdown).

Investigations by Johnston & Maher (2021) and preliminary results from NSW Soil Conservation Service (SCS) and Southern Cross University (SCU) (2021) indicate the system is currently still recovering from the 2019 drought event and subsequent iron floc event in May 2020. These findings indicate the system is 'primed' for another mass iron floc event in the event of the rapid drawdown of water and that thousands of tonnes of sulphuric acid could be released into the system.

In late 2021, advice received from Department of Planning, Industry and Environment (DPIE), Biodiversity Conservation Division, and Department of Primary Industries, Fisheries (**Attachment 3 and 4**) was to retain as much water as possible in the system, while managing flood risk making a traditional opening undesirable.

2. Alternate Methodology

In order to reduce the potential rapid drop in water levels across the system and following this advice, an alternative opening methodology was developed in consultation with DPIE and DPI Fisheries. This methodology involves:

- The excavation of a dry channel with a base at no less than 1.6m AHD and a width of at least 10m with gentle sloping batters
- The channel to be excavated immediately before a significant rainfall event where the flood trigger level is expected to be reached, and if possible around a neap tide (a period of moderate tides in the tidal cycle).

This alternative methodology, while still meeting the opening flood mitigation objectives, aims to mimic a natural opening event by strategically reducing the berm height allowing floodwater to escape while retaining water in the system through reducing the head differential. It is however acknowledged that scouring of the channel may be exacerbated once the water moves from the lake into the ocean, resulting in a full opening. The methodology recommended aims to take practical measures that reduce the potential of a full opening occurring. It should be noted that significant scouring resulting from traditional artificial openings can also occur under natural processes without Council intervention.

Existing Opening Strategy

The Lake Cathie Opening Strategy was developed in 1995 and reviewed in 2001, 2004/5 and 2011. The adopted strategy allowed for the artificial opening of the system to the ocean when:

- the water level is below 0.2m AHD if water quality is below acceptable standards, or the salinity is too high.
- The water level is between 0.2 and 1.6m AHD if water quality is below acceptable standards and both NPWS and DPI Fisheries have been consulted on potential threats to endangered species, waterbirds, marine life and commercial fisheries infrastructure.
- The water level is above 1.6m AHD and both DPI Fisheries and DPIE have been consulted

However, [Council resolved on 20 May 2020](#) to clarify its responsibilities and resolved in part as follows:

3. *Request the General Manager to write to the Minister for Water, Property and Housing confirming that Council's ongoing physical responsibilities for management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only and any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) will be directed to the NSW Department of Planning, Industry and Environment - Crown Lands as the owner of the waterbody.*

A copy of the existing Opening Strategy is included here as **Attachment 2**.

Draft Lake Cathie Entrance Management Strategy Flow Chart

Council's endorsed Coastal Management Program (CMP) Scoping Study identified a review was required of the existing opening strategy in order to develop a new Entrance Management Strategy for the Lake Innes / Bonny Hills CMP. This planned project relies heavily on the findings of projects currently underway, including the review and update of the Lake Cathie and Lake Innes Hydrodynamic Model. The Hydrodynamic Model allows the impact of opening the berm on the physical and chemical processes of the entire system to be accounted for in decision making. In addition, the current CMP process will guide engagement of land tenure stakeholders and decision makers in the review and provide agreement on the management of the Lake Cathie entrance under a range of scenarios.

In line with the CMP Scoping Study and preferred terminology, a Draft Lake Cathie Entrance Management Strategy Flow Chart (Draft Strategy) has been developed in response to point 2 of Council resolution 05.01 from the Extraordinary meeting on 13 January 2022. The Draft Strategy flowchart is presented in **Attachment 1**.

Key components of the Draft Strategy

The Draft Strategy:

- retains the 1.6m trigger for an emergency opening under Section 191A of the *Local Government Act* to enable staff to act quickly to prevent impact to critical sewerage infrastructure and protect human health.
- introduces a 1.4m AHD opening trigger for flood mitigation purposes.
- introduces a trigger for an artificial opening to address reduced water quality
- introduces an annual artificial opening each December for recreational amenity

It is important to note that the three new triggers require additional environmental assessment and approvals as discussed below.

Approval Pathways Required for Draft Lake Cathie Entrance Management Strategy

The proposed triggers to initiate an artificial opening in the Draft Strategy require varying approval pathways. It is critical to emphasise that any opening must still comply with relevant legislation and approval requirements or Council will risk prosecution should its works cause an environmental impact.

Please Note: At the present time the only pathway available to Council for undertaking an artificial opening is to use Section 191A of the Local Government Act 1993. This means that once water levels reach 1.6m AHD, council may enact emergency powers to enter the Crown Waterway to mitigate an imminent serious public health risk due to flooding of sewerage infrastructure. Such an opening would utilise the alternative opening methodology outlined above.

Advice received from Crown Lands - DPIE) regarding the use of this legislation to undertake an artificial opening included that Council should ensure that:

- *Public safety risks are mitigated*
- *Due Diligence around Cultural Heritage is done and implemented*
- *Council advises Crown Lands of the works (per s193 of the Act)*

- Council causes as little damage as possible (per s196 of the Act)
- Council will consider any compensation matters for damages (per s198 of the Act)
- Council prepares a statement for the community, media and relevant state agencies regarding the current scientific understanding and risks, and reasons for opening.

Review of Environmental Factors

The legislative pathway to undertake an opening to address flood impacts is defined in State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) as “development for ‘the purpose of flood mitigation work carried out by or on behalf of a public authority without consent on any land’”. Despite an artificial opening for flood mitigation purposes not requiring consent under Section 5.5 of the *Environmental Planning & Assessment Act 1979*, there is a duty for Council to consider environmental impact before undertaking works.

Environmental impact is typically addressed with a Review of Environmental Factors (REF). The REF examines and takes into account all matters affecting or likely to affect the environment as a result of the activity. Its purpose is to;

1. Document whether an activity should be undertaken, taking into account matters affecting or likely to affect the environment.
2. Assist in determining whether the activity is likely to have a significant effect on the environment or significantly affect threatened species, populations or ecological communities or their habitats and
3. Propose measures required to mitigate any adverse impacts to the environment.

If the REF determines that a significant impact is likely, an Environmental Impact Statement (EIS) and/or Species Impact Statement (SIS) will need to be prepared before approval may be granted. Noting that approval cannot be granted until the appropriate environmental assessments have been completed.

Environmental Impact Statement

An Environmental Impact Statement (EIS) is triggered when it has been determined that an activity will likely have a significant effect on the environment. Such development would be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP & A Act). Unlike an REF, an EIS is available for public comment and likely to be required for a Council project if for example, the proposed activity detrimentally affects an environmentally sensitive area.

It involves a much higher level of assessment than an REF and must include sufficient information to ensure that all environmental, social and economic impacts associated with the proposal have been identified and assessed. It is likely the studies involved in developing an EIS would be at significant cost and take greater than one year to complete.

Species Impact Statement

If a proposed activity under Part 5 of the EP&A Act is likely to significantly affect threatened species, and the proponent does not opt in to the Biodiversity Offsets Scheme, a Species Impact Statement (SIS) must be prepared. The requirements of a SIS are set out in Section 7.6 of the Biodiversity Conservation Regulation 2017. The proponent must also seek and comply with the Environment Agency Head's requirements for SIS preparation. Following preparation and exhibition of the SIS, concurrence from the Environment Agency Head is required before the proposed activity can be determined.

New trigger: Lake level reaches 1.4m AHD

The legislative pathway to undertake an opening to address flood impact is defined in the State Environmental Planning Policy (Infrastructure) (ISEPP). Despite an artificial opening for flood mitigation purposes not requiring development consent, under Section 5.5 of the Environmental Planning and Assessment Act 1979 there is an onus on Council to consider environmental impact. This is typically addressed with the preparation of a REF, or if greater impact is identified, an EIS or SIS. A Crown Licence is unlikely to be granted without the required assessments being completed.

It is not considered appropriate that Council would seek to use Section 191A of the Local Government Act 1993 at 1.4m AHD, given the minimal imminent risk flood poses to health and safety at this level. The footpath at Aqua reserve begins to be inundated when lake levels reach approximately 1.4m however as there are other ways in which Council can mitigate risk, this is not considered a serious risk to health and safety and therefore is unlikely to constitute an emergency under the Local Government Act.

New Trigger: artificial opening based on reduced water quality and public health risks.

For Council to undertake an artificial opening to address water quality concerns, a Development Application (DA) is required. The DA must be supported by an EIS and a Crown Licence would also be required.

Based on the advice received from Government agencies and the current environmental condition of the lake it is likely that a full review of the range of parameters regularly tested for would be required before being incorporated into a recreational water quality trigger. Any determination about water quality parameters and triggers for opening would be made in consultation with relevant stakeholders including NSW Health, DPI - Fisheries, DPIE - Crown Lands and DPIE - Biodiversity Conservation Division. It is also important to highlight that water quality improvements may not be guaranteed via artificial opening of the Lake Cathie ICOLL as tidal flushing does not extend very far into the system.

There is also a risk that the environmental assessment could also find that closing the lake to recreation may be a more suitable approach to minimise environmental impacts rather than undertake an opening.

The CMP includes the development of a Water Quality Improvement Strategy for Lake Cathie/Lake Innes and Bonny Hills. This project is intended to identify the most

effective strategies for improving water quality and preventing pollution in the catchment, and may propose more effective methods such as stormwater controls that will impact the entire system.

To facilitate the proposed new trigger a Development Application with supporting environmental assessment will be required. This will also involve the identification of an objective water quality trigger to determine an artificial opening. In addition, Council will need to obtain a Crown Licence to undertake the works.

New Trigger: Community amenity artificial opening each December

For Council to undertake an annual opening, a Development Application (DA) would be required. In addition, the DA would need to be supported by an EIS given the potential environmental impacts associated with regular openings.

Crown License requirements for artificial openings

Artificial openings occur on the lake berm which is Crown Land. Previous artificial openings have been undertaken after DPIE - Crown Lands have issued a short term licence under the *Crown Lands Management Act 2016*. Using this pathway, Council must submit a licence application supported by an environmental assessment (such as an REF or an EIS). The licence application and environmental assessment are then reviewed and referred to other relevant State Agencies for comment prior to a licence being granted or refused. Licences are valid for a period of up to 12 months. Based on advice from Crown Lands, the current wait times for licence assessment is around 6 months. A licence is not required for emergency openings using Section 191A of the Local Government Act 1993, but Council is still required to notify Crown Lands of its intent.

Current status of the REF and Crown License pathway

The last determined REF was finalised in April 2020 and supported the successful Short Term Crown Licence Application granted in May 2020 for 12 months. This licence was used to undertake the May 2020 and January 2021 emergency flood artificial opening events. A revised draft REF was prepared in late 2021. This revised REF was to support another short term licence application and capture the findings of subsequent environmental investigations that commenced after the determination of the previous REF in April 2020.

Of particular concern is the recent environmental assessment of the unprecedented impact the 2019 drought had on the system, followed by the impact of artificial openings, in particular the effect of rapidly fluctuating water levels on acid sulphate soils. A license application was submitted in July 2021 and feedback regarding the licence application was provided back to Council in late 2021. The application and REF was reviewed by NPWS, DPI; Fisheries, DPIE; Crown Land and DPIE; BCD. This application is still in abeyance and is with Crown Lands, pending the submission of additional information by Council.

Based on findings of the recent investigations by Johnston & Maher (2021), SCS & SCU (2021) and feedback from the abovementioned State Agencies, it appears that an REF may not be the appropriate assessment tool to assess impacts of a reduced

opening trigger using the traditional opening methodology. If this is the case, an EIS would need to be completed.

Conflicting Management Priorities

Recent advice received from State Government Stakeholders is to retain as much water within the system as possible, for as long as possible, to allow acid levels in the system to fall and reduce the amount of readily available acid compounds. The Draft Lake Cathie Entrance Management Strategy Flow Chart does not specifically align with this advice, however it acknowledges the strong desire from the community to see the lake open.

Investigations currently underway as part of the Lake Cathie Bonny Hills CMP, in particular the updated hydrodynamic model of the Lake Cathie and Lake Innes system will provide additional information regarding the physical and chemical implications of alternate management scenarios. The results of the hydrodynamic model are expected in 2023 and will inform a further review of the Entrance Management Strategy.

Options

Options available to Council include:

1. Council can choose to proceed with the Draft Entrance Management Strategy Flow Chart as presented, which if adopted following community consultation will require investigation of the required environmental approvals required for each of the new opening trigger options or,
2. Alternatively, Council could choose to acknowledge the work currently underway in the CMP for Lake Cathie and Bonny Hills and its importance to understanding the physical and chemical processes in the system and the impact of any management options, including additional artificial opening triggers. The Draft Entrance Management Strategy Flow Chart could be adopted in an interim fashion while the relevant CMP studies are completed and stakeholder engagement with the community and NSW State Government agencies through the CMP process is incorporated into a final Lake Cathie Entrance Management Strategy for future endorsement or
3. Resolve in some other fashion.

Community Engagement and Internal Consultation

Community Engagement

It is recommended that the Draft Entrance Management Strategy Flowchart be placed on public exhibition. During this period all stakeholders will be invited to provide their submissions to the proposed changes.

This report also recommends that to assist in understanding entrance management, appropriate “plain English” information material be developed to explain the issues impacting on Lake Cathie, entrance management and the draft Entrance Management Strategy.

Internal Consultation

A Councillor briefing regarding Lake Cathie matters was held on 3 February 2022. In attendance were Councillors and staff. Major stakeholders, including Crown Lands, DPIE and Southern Cross University presented information on the current state of the lake, the Coastal Management Program and the approval processes required for undertaking works such as opening.

Other internal stakeholders have also been consulted to provide input regarding the impact on resources if works are required to be undertaken more regularly and also in relation to current impacts on infrastructure.

Development of a broader annual Lake Cathie communication plan is also underway to ensure ongoing proactive information is delivered to the community regarding the lake status and management.

Planning and Policy Implications

The draft Entrance Management Strategy Flow Chart brings forward work planned for the Lake Cathie / Bonny Hills CMP. The enactment of the draft Strategy once adopted will require the appropriate approvals to be in place, which requires the necessary data and scientific analysis to determine potential environmental impacts to the degree expected under the legislative frameworks. The Strategy may also require further review to incorporate findings of these studies in the future.

Financial and Economic Implications

The environmental assessment process required to quantify the potential impacts of new opening triggers will require funding beyond that already committed for the CMP.

In light of the current environmental status of the lake system and feedback from key agency stakeholders it is likely a more detailed environmental assessment such as an Environmental Impact Statement will be required to satisfy the legislative approvals pathway and this may not support the current objectives of Council. If a full EIS is required, it is estimated that this may cost up to \$400,000 with possible further studies being required.

The draft Entrance Management Strategy can potentially result in increasing the frequency of artificial openings. It is estimated that each artificial opening event costs approximately \$5,000. Proposed dredging budgeted in 2022/23 is also estimated at an additional \$360,000 (\$120,000 Council contribution)

It is acknowledged that anecdotal evidence suggests regular openings each December can increase visitor numbers to Lower Cathie Creek and result in economic growth to local businesses. However, the potential economic impact to the community from adverse environmental impacts resulting from an opening, including an iron floc event such as seen in 2020, must also be considered. The presence of heavy metals in the iron floc may cause severe reduction in recreational amenity. Observations of visitor numbers in Summer 2021/22 have not shown that the high water level of the lake has deterred visitors.

Lake Innes is a commercial fishery area, and any impacts to this industry must be considered in any management decisions, including opening the lake. DPI Fisheries

have advised their preference for the lake to remain closed as long as possible at this time.

Attachments

1.  Draft Lake Cathie Entrance Management Strategy Flowchart
2.  Lake Cathie Combined Entrance Opening Strategy
3.  Feedback - Department Planning Industry & Environment - Biodiversity Conservation Division
4.  Feedback - Department Primary Industries - Fisheries

Item: 12.07

Subject: RAWDON ISLAND BRIDGE UPDATE

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council:

- 1. Note the information provided in the Rawdon Island Bridge Update report.**
- 2. Request the Chief Executive Officer report in accordance with milestone events associated with progress on Rawdon Island Bridge.**

Executive Summary

The purpose of this report is to provide an update on the progress of the Rawdon Island Bridge closure and repair works.

Major structural issues were identified on the Rawdon Island Bridge in June 2021, placing the bridge at a high risk of collapse. The bridge was re-opened to light vehicles under strict conditions from 30 August 2021, after an eight-week closure and Council has been working closely with specialist contractors since this date to re-establish access and implement a long-term solution for residents.

Duratec Ltd were engaged on 27 October 2021 and commenced works on 2 November 2021. Construction progressed successfully and the load limit was removed from the bridge prior to Christmas. However, traffic control measures remain in place to facilitate safe construction activities.

Discussion

At the 21 July 2021 Council meeting, it was resolved:

12.03 RAWDON ISLAND BRIDGE UPDATE

RESOLVED: Intemann/Alley

That Council:

- 1. Note the current status of the Rawdon Island Bridge, and the absolute reliance of the local community on the bridge access.*

2. *Note the timeline of events outlined in the staff report to this item, and that State and Federal Local Members of Parliament were advised of the situation on 3 and 4 July 2021.*
3. *Request the Chief Executive Officer:*
 - a) *Progressively undertake investigations and assessments to determine the most appropriate path forward with respect to Emergency, Short, Medium and Long term solutions.*
 - b) *Urgently contact our Local State Members of Parliament seeking assistance through the Australian Defence Force (ADF) for advice and assistance as regards potential repairs to the deck support to enable weight-limited usage of the bridge while longer term solutions are implemented.*
 - c) *Immediately contact Local Federal Member of Parliament, Dr David Gillespie, advising him of actions taken and seeking support in securing financial and technical assistance, including possible assistance from the ADF.*
 - d) *Take all reasonable steps to urgently facilitate safe and workable access solutions for the community and impacted individuals, including adequate shuttle or similar service, lighting improvements especially on the island side, shelter on the bridge and at parking/waiting areas, trolleys for moving goods across the bridge, stockyards on the island side, secure parking, mail services, etc.*
 - e) *Compile a timeline of all Emergency, Short, Medium and Long term options and their likely delivery, noting any matters still to be decided and their dependent conditions (e.g. NSW approval, availability of products/services etc), updated weekly to all stakeholders including Councillors, so the community can be fully informed and have confidence in making their own decisions for future personal and business arrangements.*
 - f) *Provide clarity to the community with regard to the outcome of monitoring of bridge movement and the implications for bridge weight-bearing.*
 - g) *Ensure all Councillors are invited to Council-run community meetings on this matter.*
 - h) *Identify feasible funding options for works associated with this situation.*
 - i) *Report monthly to Council on progress on these matters.*
4. *Note Council's existing Bridge Management System and request the Chief Executive Officer develop a Bridge Management Policy to formalise the management requirements outlined in the system, including the extent and frequency of inspections, and report to the December 2021 Ordinary Council Meeting.*

CARRIED: 6/0

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

AGAINST: Nil

This report is to provide an update to item 3i of the above resolution, further to the 3 November 2021 Council report.

Regarding the emergency, short, medium and long-term solutions the update is as follows:

- Emergency solutions

- Barge access for heavy vehicles ceased on 17 December 2021.
- Short-term solutions
 - Load limit of 5t increased to 42.5t GVM (essentially unrestricted access) on 23 December 2021.
 - Single lane traffic, traffic control, speed restrictions and single vehicle access remain in place for construction purposes.
 - Live monitoring of bridge movement continues and a warning system is in place to close the bridge in a flood event or if overloaded
 - The navigable waterway remains closed in the vicinity of the bridge for unauthorised vessels.
- Medium-term solutions
 - Pile repairs on critical piers including Pier 4 (upstream and downstream), and Pier 3 (upstream) were completed on 17 December 2021.
 - Remaining pile repairs are progressing well and on target with projected completion by March 2022.
 - Ongoing blade wall repairs and construction activities are progressing with projected completion by June 2022.

Options

Council has the option to:

1. Note the information provided
2. Request additional information

Community Engagement and Internal Consultation

Council has been providing regular updates to impacted residents and relevant stakeholders through online community meetings, e-newsletters, and social media content. Since the November 2021 Council Meeting, Council have held an online community meeting on 15 December 2021 and distributed two community e-newsletters in November 2021 and January 2022 to update residents on the current progress of works

Council's Stakeholder Relations Manager continues to be in contact with Rawdon Island residents regarding individual matters.

Internal consultation has occurred with the following staff:

- Chief Executive Officer
- Executive Group
- Group Manager Financial Services
- Group Manager Infrastructure Planning and Design
- Group Manager Customer Experience and Communications
- Group Manager Community
- Transport and Stormwater Operations Manager
- Transport and Stormwater Engineering Planning Manager
- Bridges and Structures Engineer

- Community Engagement Manager
- Communications Manager

External consultation has occurred with:

- Transport for NSW, including Maritime
- NSW Department of Primary Industries – Fisheries
- Busways
- Australia Post

Planning and Policy Implications

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

Financial and Economic Implications

At the onset of the Rawdon Island Bridge emergency response Council allocated \$1.2million to cover initial costs. A tender was undertaken and completed in October 2021 to more comprehensively understand the ongoing repair costs. The tender was awarded in November 2021 to Duratec Australia in the amount of \$7,082,014.69, details are included in a separate Council report to this meeting.

The revised full estimated costs for the repair of Rawdon Island Bridge including construction costs, management costs and contingency funding is now approximately \$10,536,506. The actual expenditure to date is \$4,236,506 as detailed below in Table 1. The remaining \$6,300,000 are the estimated construction costs.

Table 1: Budget breakdown Rawdon Island expenditure to date

Item	Expenditure to date
Bus Services	\$48,947
Marine Safety	\$46,698
Barge	\$427,099
Security	\$18,790
Plant hire	\$14,358
Engineering advice including geotech	\$94,195
Lighting and fencing	\$24,765
Traffic control	\$205,870
Environmental management	\$69,446
Waste services	\$18,913
Contract management	\$364,653
Construction costs	\$2,900,509
Labour hire	\$2,263

Council are closely monitoring the costs and funding sources as the project continues.

Attachments

Nil

Item: 12.08**Subject: PIPES AND FITTINGS PROCUREMENT EXEMPTION REPORT****Presented by: Community Utilities, Jeffery Sharp**

Alignment with Delivery Program

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

RECOMMENDATION**That Council:**

1. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders as it considers that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive tenderers for the reason of Council's specific specification requirements as outlined in this report.
2. Accept the quote provided by Reece Australia Pty Ltd t/a Viadux for \$257,075.14 (incl. GST) for the supply and delivery of necessary pipes and fittings for the water main renewal project at Granite and Savoy Streets intersection.

Executive Summary

Council, as part of its annual water main renewals programme, delivered by internal crews, is required to purchase all associated pipes and fittings direct from suppliers. Due to the size of water mains and makeup of the different projects these purchases often amount to hundreds of the thousands of dollars, often exceeding the legislated tendering threshold of \$250,000. Due the varying nature of every project it is inefficient to individually tender for each project. Council has been procuring these items via quotes from various companies listed on the Local Government Procurement's (LGP) panel arrangement LGP908-3, in accordance with the Local Government Act tendering requirement, until 31 August 2021 when the arrangement expired. LGP retendered the provision of these products through a different scheme arrangement. Unfortunately, the new LGP arrangement does not provide Council sufficient coverage on our product requirements, with only one of our previous providers appointed to the arrangement.

Council has since commenced the procurement process to establish our own supply panel arrangement for pipes and fittings. It is currently planned to have this panel in place in this financial year. As critical water main renewal works are still on-going, CEO approval was gained for establishing an interim panel arrangement and signal select purchases under \$250,000 for several critical projects from the required suppliers. One project is the trunk water main renewal located at the Granite and Savoy Street intersection. In accordance with the CEO's approval a quotation was received from Viadux, however the received quote of \$257,075.14 (incl. GST) has

exceeded the tendering threshold of \$250,000, thus requiring a resolution of Council not to go to open tender for the purchase. It was estimated that this purchase would be in the order of \$200,000.

Viadux are the only supplier who hold a Water Services Association of Australia (WSAA) certification for a rubber ring restraint system (Tyton Lok) which is a requirement for the project. Where a rubber ring restraint system is used, a warranty is only applicable when used as part of a “complete pipeline system” i.e. ductile iron pipe from the same supplier is used. Viadux are therefore the preferred supplier in this circumstance as they can conform to the product/warranty specifications.

The Granite Street trunk water main is a critical supply main for the Granite Street reservoir supply zone, being the largest water supply zone, which includes over half of the Port Macquarie CBD. There are known issues with the water main at the intersection with Savoy Street and is a high priority for renewal. In the interim, prior to the establishment of the new pipes and fittings supply tender in the coming months and noting the critical nature of the Granite and Savoy Street intersection water main renewals project to mitigate water supply failure risks, it is recommended Council not go to tender for the required pipes and fittings and accept the quote from Viadux.

Discussion

Council is currently developing the required documentation for tender T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated products. This tender process is to replace the previous LGP contract, which expired in August 2021. A release to market of the new request for tender is planned in late February 2022. It is anticipated that the arrangement will commence following council resolution anticipated at the April or May 2022 ordinary council meeting.

Since 2019 Council has been procuring these items from various companies on the Local Government Procurement's (LGP) panel arrangement LGP908-3 until 31 August 2021 when the arrangement expired. LGP retendered the provision of these products through a different scheme arrangement. The new LGP arrangement does not provide Council sufficient coverage on our product requirements, with only one of our current providers appointed to the arrangement. Therefore, Council will establish our own supply panel contract.

In the interim period there is a need to allow the procurement of ductile iron pipe and associated fittings for Water and Sewer works to facilitate the timely completion of Council's Operational Plan projects and effect emergency repairs to the water and sewer systems. An interim CEO approval has been granted to allow the use of a number of single select suppliers until the completion of the T-21-51 Tender.

In accordance with the CEO's approval a quotation was received from Viadux for the supply of all required pipes and fittings for the renewal of the Granite Street trunk water main at the Savoy Street intersection being one of the most critical renewal projects for 2020/2021, however the received quote of \$257,075.14 (incl. GST) has exceeded the tendering threshold of \$250,000, thus requiring a resolution of Council not to go to open tender for the purchase.

It is recommended to purchase from Viadux prior to the finalisation of the T-21-51 Tender as this project is scheduled for commencement and is needed to mitigate a high water supply risk. Viadux is one of the suppliers on the interim supply approval

approved by the CEO, has been on previous supply panel tenders with Council, and has been identified as the preferred supplier for the above project for the following reasons:

- The market was recently tested in April 2021 via RFQ-21-17 (Pipes and fittings for Kennedy Drive Watermain Renewals - Coral Street to Koala Street) through the LGP908-3 arrangement and found very little difference in the pricing between Viadux, Vindex and Cadia Group.
- Viadux are the only supplier who hold WSAA certification for a rubber ring restraint system (Tyton Lok) which is a requirement for many of the above projects. Where a rubber ring restraint system is used, a warranty is only applicable when used as part of a "complete pipeline system" i.e. ductile iron pipe from the same supplier is used. Viadux would therefore be the preferred supplier in this circumstance as they can conform to the product/warranty specifications.

The Savoy/Granite St project quote has come in greater than the preliminary estimate of \$200,000, exceeding the \$250,000 incl. GST tender threshold, therefore a Council resolution is required to purchase from Viadux directly as the supplier for this project.

Options

Council has the following options:

- Resolve in line with the recommendation of not going to open tender for the purchasing of the required pipes and fittings and accept the quote provided by Reece Australia Pty Ltd t/a Viadux for \$257,075.14 (incl. GST); or
- Resolve to wait until the current procurement process for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated products is complete and purchase the required pipes and fittings via the new panel arrangement. This option is not recommended as it will delay the critical project.

Community Engagement and Internal Consultation

Significant internal consultation has been completed as part of the T-21-51 tender process which covers off all concerns and requirements of the supplier.

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. The project is proposed to be completed from the Water Renewals Program item listed in the 2021/2022 Operational Plan and has a budget sufficient to cover the fittings listed and associated construction works.

Attachments

Nil

Item: 12.09

Subject: T-21-42.03 RAWDON ISLAND BRIDGE - REPAIR CONTRACTOR

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council:

- 1. Note the information provided regarding the successful negotiations and contract award to Duratec Australia Pty Ltd for the lump sum of \$7,082,014.69 (excluding GST) for T-21-42.03 Rawdon Island Bridge - Repair Contractor.**

Executive Summary

The purpose of this report is to advise Council of the results of negotiations and contract award for T-21-42.03 Rawdon Island Bridge - Repair Contractor.

Following the October 2021 Council meeting, negotiations were entered into with Duratec Australia Pty Ltd, and a contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021* was awarded on 1 November 2021.

Underwater inspections of Council's bridge assets identified severe structural damage on the Rawdon Island Bridge in June 2021. Council has since been working closely with specialist bridge consultants and repair contractors to progress the investigations, analysis and planning for the repair of the bridge.

Discussion

Due to the complex nature of this project and the impacts on residents and visitors of Rawdon Island, Council set ambitious project timeframes, with all appropriate resources allocated to this project to ensure that all elements were undertaken as quickly as possible, including undertaking activities in parallel instead of sequentially.

At the October 2021 Council meeting, it was resolved:

That Council:

- 1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for Rawdon Island Bridge Repair Contractor due to extenuating circumstances; being that any delay in the appointment of a contractor will result in extension to the current bridge access restrictions for Rawdon Island residents and businesses.**

2. Enter into negotiations with contractors recognised by Council, with a view to entering into a contract for Rawdon Island Bridge repairs.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may award a contract following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of this report.

The purpose of this report is to provide Council with information in relation to point 3 of the above resolution.

Following the resolution, a Negotiation Plan was developed and approved by the Chief Executive Officer on 14 October 2021. Due to the urgent and highly specialised nature of the works, PMHC had engaged Duratec on an Early Contractor Investigation (ECI) agreement in September 2021 to complete scoping and management plan development for the construction programme. PMHC then invited Duratec only in accordance with the Local Government Act 1993 s55(3)(i) a Council may be exempted from the tender requirement where *"because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders"* to negotiate with a view to entering into a contract for the construction component of the repair works.

Negotiations were conducted in accordance with the approved Negotiation Plan. Two negotiation meetings were held to discuss the proposed works methodology and associated schedule of pricing and schedule of rates. Meetings were held on:

- 15 October 2021 – Objectives of negotiations were outlined and discussion had on 32 points of clarification on Duratec's submission, including pricing, methodology and contract particulars, and
- 18 October 2021 – Confirmed the clarification responses and discussed a further three clarifications.

Due to the technical nature of project, several clarification emails were exchange between the parties during the negotiation process.

The negotiations were finalised on 20 October 2021 with the submission of the revised contract programme. The revised schedule of pricing and schedule of rates were received on 19 October 2021 along with the close of the clarifications.

The revised contract price of \$6,447,814.89 was higher than the initial anticipated budget of \$5,000,000. However, through the negotiation process, it was assessed that this is a reasonable price based on the scope of works and required repair methodologies. Comparisons were also made back to the Dunbogan Bridge Rehabilitation project prices, also undertaken by Duratec, to ensure Council was getting value for money as that contract was awarded via an open tender process. Several small reductions in price were achieved through negotiations. The main difference was the inclusion of an induced current cathodic protection system to achieve the required minimum design life of 25 years at \$1,627,775.50.

The design of repairs was further refined following the negotiations with more structural analysis which has resulted in several changes to the repair works. Using the negotiated schedule of rates, this additional work has resulted in a final contract price as at 26 October 2021 of \$7,082,014.69. It is noted that the contract price includes several Provisional Quantity Items with a fixed rate, therefore the final price will be dependent on the final quantity of work performed.

Overall given the complex nature of the project and compressed timeframes it was assessed that the final contract value still represents value for money.

Options

This report is provided for information.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the negotiation and award of this contract:

- Director Community Infrastructure.
- Bridges and Structures Engineer.
- Transport and Stormwater Engineering Planning Manager.
- A/Group Manager Infrastructure Planning and Design.
- Group Manager Utilities Planning and Design.
- Contract Administrator.
- Group Manager Procurement.
- A/Senior Procurement Officer.

Planning and Policy Implications

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

Financial and Economic Implications

The final negotiated contract price was \$7,082,014.69 (excluding GST).

Attachments

Nil

Item: 12.10

Subject: T-21-35 PAPPINBARRA JUNCTION BRIDGE - BRIDGE AND CIVIL PACKAGE

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council:

- 1. Note the information provided regarding the successful negotiations and tender award to Saunders Civilbuild Pty Ltd for the lump sum of \$2,482,993.15 (excluding GST) for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package.**

Executive Summary

The purpose of this report is to advise Council of the results of tender negotiations and tender award for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package.

Following the October 2021 Council meeting, negotiations were entered into with Bridge and Civil Pty and Saunders Civilbuild Pty Ltd. A contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021* was awarded to Saunders Civilbuild Pty Ltd on 29 October 2021.

The Pappinbarra Junction Bridge is located in Upper Pappinbarra - approximately 30km north west of Beechwood. The bridge is a multiple span, single lane concrete structure (approximately 44m length). The project scope also requires civil pavement works to approaches as well as removal of existing creek crossings (including culvert crossing removal) once the bridge is operational.

Discussion

Following an open Request for Tender (RFT) in August/September 2021, Council declined to accept any of the tenders submitted.

At the October 2021 Council meeting, it was resolved:

That Council:

- 1. In accordance with section 178(1)(b) and 178(3)(e) of the Local Government (General) Regulation 2021, decline to accept any of the tenders submitted for**

- T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package and enter into negotiations with Bridge and Civil Pty and Saunders Civilbuild Pty Ltd, or any other person where or not they submitted a tender for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package, with a view to entering into a contract in relation to the subject matter of the tender
2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that: the Tender Evaluation Panel considers that the preferred tenderers have the demonstrated experience, capacity and capability to meet the requirements of the Request for Tender; inviting fresh tenders likely will not achieve a superior outcome; and, inviting fresh tenders will delay the project beyond the funding deadline.
 3. Note the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
 4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package.

The purpose of this report is to provide Council with information in relation to point 3 of the above resolution.

The Tender Evaluation Panel (TEP) indicated that Bridge and Civil Pty and Saunders Civilbuild Pty Ltd were the most suitable tenders to enter into further negotiations.

A negotiation plan was developed to ensure the process was undertaken in a fair and accountable manner. The T-21-35 Negotiation Plan was approved by the Director Community Infrastructure on 14 October 2021.

Negotiations were entered into with both tenderers concurrently due to the close TEP evaluation scores and time constraints. The parties were requested to provide their best and final offer, including an updated program offer no later than Friday 22 October 2021. Both parties submitted best and final offers by the deadline.

The Negotiation team jointly evaluated the offers and submitted the T-21-35 Negotiation Recommendation Memo, which detailed the negotiation process and outcomes, through to the Chief Executive Officer.

The final recommendations detailed within the T-21-35 Negotiation Recommendation Memo were:

In accordance with the Council Resolution of 13 October 2021, the Negotiation Team requests the Chief Executive Officer, under existing delegations to the General Manager, to:

1. Accept the revised offer dated 22 October 2021 from Saunders Civilbuild Pty Ltd for the lump sum of \$2,482,993.15 (exclusive of GST) and incorporating a Schedule of Rates for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package, and,
2. Execute the necessary contract documents to award the contract.

The Chief Executive Officer approved the T-21-35 Negotiation Recommendation Memo including the recommendations on 28 October 2021.

The T-21-35 Pappinbarra Junction Bridge - Major Bridge and Civil Package contract was subsequently awarded to Saunders Civilbuild Pty Ltd. on 29 October 2021.

Options

This report is provided for information.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this RFT:

- Director Community Infrastructure.
- Project Manager.
- Senior Project Manager.
- Bridge and Structures Engineer.
- Contracts Administrator.
- Group Manager Organisational Project Delivery.
- Group Manager Community Infrastructure Planning and Design.
- Group Manager Community Infrastructure and Recreation Operations.
- Group Manager Procurement.
- A/Procurement Operations Coordinator.

Planning and Policy Implications

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

Financial and Economic Implications

The Pappinbarra Junction Bridge Project is fully grant funded from TfNSW Disaster Funding.

Attachments

Nil

Item: 12.11

Subject: T-21-26 HYDRODYNAMIC MODELLING UPDATE - LAKE
INNES/LAKE CATHIE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note the Chief Executive Officer, by existing delegation under section 377 of the *Local Government Act 1993*, accepted the tender from Haskoning Australia Pty Ltd for the Lump Sum of \$365,954.80 (exclusive of GST) for T-21-26 Hydrodynamic Modelling Update - Lake Innes / Lake Cathie,**
2. **Note the Chief Executive Officer accepted the offer from Haskoning Australia Pty Limited for Provisional Item: "Installation of two Acoustic Doppler Current Profilers (ADCPs) to continuously measure currents for up to 2 months" for the Lump Sum of \$18,500.00 (exclusive of GST),**
3. **Note the Chief Executive Officer has executed the contract documents.**

Executive Summary

As part of Bonny Hills Lake Cathie Coastal Management Program (CMP) preparation, an update to the hydrodynamic model developed by BMT Commercial Australia Pty Ltd (2011) (BMT) is required to enable comprehensive assessment of estuary, lake system and open coast responses to potential management options for the Lake Cathie/Lake Innes system. The updated model requires the following key elements:

- Additional flow, current, water level and bathymetric survey to support hydrodynamic calibration,
- Model update to the latest version and calibration to recent data,
- A baseline monitoring campaign of additional water quality parameters,
- Water quality calibration/validation, and
- Assessment of management options over a range of climate, weather and entrance conditions.

The results of the updated model are intended to provide quantitative inputs to compare potential management options against the social, environmental and economic demands on the estuary. The updated model will more accurately assess impacts on the estuary and lake system in response to a number of

additional potential management options. The updates will demonstrate to NSW Government agencies and potential independent peer reviewers that the model is suitable for supporting present-day decisions regarding the holistic management of the estuary system.

The purpose of this report is to advise Council of the results of a recent Request for Tender; T-21-26 Hydrodynamic Modelling Update - Lake Innes / Lake Cathie, and advise Council that Haskoning Australia Pty Limited (RHDHV) were awarded the contract to undertake the services.

Discussion

In August 2005, PMHC resolved to undertake a detailed modelling study to investigate the benefit of potential management options or improvement works identified for the Lake Innes/Lake Cathie estuary system. In 2011, BMT (formerly BMT WBM) developed a model of the coastal hydrodynamics, sediment transport, and entrance dynamics of the Lake Cathie/Lake Innes system. Computer modelling was undertaken to investigate and assess existing environmental conditions and to provide further insight of the impacts of potential management options. Changes to estuarine hydrodynamics, salinity, and morphodynamics were modelled using the two dimensional hydrodynamic model (TUFLOW-FV), spectral wave model (SWAN), and a sediment transport and morphology model (TUFLOW-MORPH). The study included the calibration of model hydrodynamics, validation of entrance breakout dynamics, and sensitivity analysis. Modelling included four possible management options:

- widening of Kenwood Drive Bridge,
- changing to lake opening strategy,
- isolating Lake Innes, and
- channel dredging upstream of Ocean Drive Bridge.

The study also qualitatively reviewed the possible ecological threats and impacts that may occur under changed tidal hydrodynamics, water quality, and sediment transport conditions following implementation of these management options.

In 2020, Council requested a review of this model and recommendations for updates and further works to assist in the management of the system. In summary, the review found the existing model generally fit-for-purpose for the scenarios that it assessed at its development. However, the available datasets and limitation of the software tools in not being able to simulate ecological impacts was key in shaping the range of scenarios that were possible in 2011. The scenarios focussed on tidal flows during a recently opened entrance condition, as a proxy for assessing potential water quality impacts. While limited inferences on potential ecological impacts can be drawn from this assessment, the review concluded it is not powerful enough to reliably weigh up the multiple demands on the estuary from public use, environmental conservation, commercial fisheries, and tourism. The review recommended the model be updated to include a water quality module, and the results of this be compared against thresholds for different outcomes.

The updated model will be developed to investigate the following items:

1. Examine decoupling Lake Innes from Lake Cathie as an option to tackle Acid Sulphate Soil (ASS) issues, and the implications of this to both lake systems, entrance behaviour, shoaling, flushing etc.

2. Entrance behaviour and management implication to changed water levels and hydrology affecting ASS/iron/sulfur rich foreshore bed sediments and one of the state's largest coastal saltmarsh communities. Entrance management scenarios will cover the full spectrum from no intervention, existing opening policy trigger of 1.6m AHD (Australian Height Datum), to a range of scenarios including permanent opening and sea level rise/climate change implications.
3. Modification of bridge structures within the Lake Cathie/Lake Innes/Cathie Creek waterway.
4. Sedimentation shoaling response to a range of dredging scenarios noting that the nearby significant open coast hazard at Illaroo Road uses dredge spoil for sand nourishment component, acknowledging there may be pressure to dredge more frequently.
5. Interactions of coastal processes sediment transport of this compartment and the lake system.
6. Water quality dynamics and circulation for a range of climate scenarios, noting foreshore bed material chemistry will be a major player in addition to the usual urban and rural catchment inputs
7. ASS foreshore material chemistry interactions to changed water levels for a range of climate scenarios.
8. A combination of the identified scenarios and proposed flooding scenarios.
9. Understanding of the Illaroo Road Coastal Zone Management Plan (CZMP) management options 3 & 4: Construction of revetment wall and groynes with beach replenishment to understand resulting effects on open coast sand/sediment interactions into the estuary.
10. Understanding of two (2) coastal protection options for Illaroo Road in addition to item (9) to understand resulting effects on open coast sand/sediment interactions into the estuary.
11. Climate changes in catchment inflows, wave and sea level rise on water quality and Hydrodynamics.

An open Request for Tender (RFT) was advertised on 22 October 2021 and closed on 18 November 2021.

Three (3) tenders were received at the tender box from the following organisations (listed in alphabetic order):

- BMT Commercial Australia Pty Ltd (BMT),
- Haskoning Australia Pty Ltd trading as Royal Haskoning DHV (RoyalHaskoningDHV), and
- University of New South Wales trading as Water Research Laboratory (UNSW).

A Tender Evaluation Panel (TEP) was formed comprising Council staff and on completion of tender assessments, all TEP members agreed upon Royal HaskoningDHV as the preferred consultant to undertake the updated hydrodynamic model. In addition to accepting the tender from Royal HaskoningDHV, the TEP recommended the selection of the provisional item 'Option 4 - Installation of two Acoustic Doppler Current Profilers (ASCPs) to continuously measure currents for up to two months'. This item has been quoted at \$18,500 (ex GST). It was agreed among the evaluation team that this additional information would significantly enhance the model output.

Options

This report is provided for information.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this RFT:

- Project Officer - Coast and Estuary, Environment and Regulatory Services, Coast, Estuary and Flood Coordinator, Environment and Regulatory Services,
- Procurement Officer, Procurement
- Group Manager Community Infrastructure, Planning and Design,
- Group Manager Environment and Regulatory Services,
- Group Manager Procurement, and
- Director Community Planning and Environment

External consultation was undertaken with the following key stakeholders in the development and assessment of this RFT:

- DPIE Senior Coast and Estuary Officer.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. However, the updated modelling may result in changes to Council's environmental planning and policy should the recommendations require.

Financial and Economic Implications

On 11 October 2021, PMHC was awarded \$300,001 by the NSW Government (DPIE) under the *Coastal and Estuary Grants Program - Planning Stream* to complete the project. This funding is dependent upon PMHC contributing \$150,000 towards the study for a total project budget of \$450,000. The Funding Agreement was executed by the Chief Executive Officer on 13 October 2021, therefore the project is fully funded.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:
 - Item 14.01 Contract Extension - Processing of Dry Recyclables at the Cairncross Materials Recovery Facility

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
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.