

ORDINARY COUNCIL

Thursday 17 March 2022

Ordinary Council Meeting

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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



Authorised by:
Authorised date:
Effective date:
Next review date:
File Number:

Council Policy COUNCILLOR AND STAFF INTERACTION POLICY

1. INTRODUCTION

- 1.1 The Councillor and Staff Interaction Policy (the Policy) provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Council's Code of Conduct (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

2 POLICY STATEMENT AND SCOPE

- 2.1 The objectives of the Policy are to:
 - a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy
 - b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles
 - c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
 - d) ensure Councillors have adequate access to information to exercise their statutory roles
 - e) provide direction on, and guide Councillor interaction with, staff for both obtaining information and in general situations
 - f) maintain transparent decision making and good governance arrangements
 - g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties
 - h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

This Policy applies to all Councillors and Council staff.

This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both Council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.

Clause 3.1(b) of the Code of Conduct provides Council officials must not conduct themselves in a manner that is contrary to a council's policies. A breach of this Policy will be a breach of the Code.

3 POLICY

The Councillor Requests Process

- 3.1 Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- 3.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 3.3 The Chief Executive Officer has identified Council support staff (the Councillor Administration Assistant) under this Policy for the management of requests from Councillors.
- 3.4 Councillors can use the Councillor requests process to:
 - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring significant concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration.
- 3.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.
- 3.6 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- 3.7 The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide an acknowledgement as soon as practicable with a response provided within a timely manner and advised of expected date of the response. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.
- 3.8 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 3.9 Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.
- 3.10 Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.
- 3.11 The Chief Executive Officer may refuse access to information requested by a Councillor if:
 - a) the information is not necessary for the performance of the Councillor's civic functions, or
 - b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - c) the Chief Executive Officer is prevented by law from disclosing the information, or
 - d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources.
- 3.12 Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.
- 3.13 Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under paragraph c) of clause 3.11, the Councillor may instead request the information through a resolution of the Council by way of a notice of motion.

- 3.14 Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.

Access to Council Staff

- 3.16 Councillors may directly contact members of staff that are listed at Schedule 1 of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.
- 3.17 Councillors can contact staff listed in the "Authorised Staff Contacts for Councillors" table Schedule 1 about matters that relate to the staff member's area of responsibility.
- 3.18 Councillors should as far as practicable, only contact staff during normal business hours.
- 3.19 If Councillors would like to contact a member of staff not listed on Schedule 1, they must receive permission from the Chief Executive Officer before making any contact.
- 3.20 If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Administration Assistant who will provide advice about which authorised staff member to contact.
- 3.21 In some instances, the Chief Executive Officer or a member of the Council's Executive Leadership Team will direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- 3.22 A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

Councillor Access to Councillor Buildings

- 3.23 Councillors are entitled to have access to the Council Chamber, Committee Room, Mayor's office (subject to availability), Councillors' room, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.
- 3.24 Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer.

Appropriate and Inappropriate Interactions

- 3.25 Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:
- a) Councillors and Council staff are courteous and display a positive and professional attitude towards one another
 - b) Council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
 - c) Council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
 - d) Council staff, including Council's executive team members, document Councillor requests via the Councillor requests process
 - e) Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
 - f) Councillors and Council staff feel supported when seeking and providing clarification about Council related business
 - g) Councillors forward requests through the Councillor requests process and staff respond in accordance with the timeframes stipulated in this Policy

3.26 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) Councillors and Council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching staff, or meeting with staff organisations (ie unions), to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to paragraph b) of clause 3.11, staff refusing to give information that is available to other Councillors to a particular Councillor
- e) Councillors who have lodged an application with the Council, discussing the matter with staff in staff-only areas of the council
- f) Councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

3.27 Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.

3.28 Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

4 RESPONSIBILITIES AND AUTHORITIES

4.1 Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body

- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 4.6 Council commits to the following principles to guide interactions between Councillors and staff:
- | | |
|--------------------------------------|--|
| Principle | Achieved by |
| Equitable and consistent | Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels. |
| Considerate and respectful | Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions. |
| Ethical, open and transparent | Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct. |
| Fit for purpose | Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of nine people. |
| Accountable and measurable | Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data. |
- 4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA.
- Councillors need to accept that:
- responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
 - staff are not accountable to them individually
 - they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a Council or Committee resolution, or by the Mayor exercising their functions under section 226 of the LGA
 - they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
 - they must not contact a member of staff on council-related business unless in accordance with this Policy
 - they must not use their position to attempt to receive favourable treatment for themselves or others.
- 4.8 The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.
- Council staff need to understand:
- they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body
 - they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer or Divisional Director or under delegation from the Chief Executive Officer.

- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

5 REFERENCES

Local Government Act 1993
Local Government (General) Regulation 2005
Office of Local Government's Model Councillor and Staff Interaction Policy

6 PROCESS OWNER

The Group Manager Governance is responsible for implementing and reviewing this Policy prior to each ordinary election.

Schedule 1 - Authorised Staff Contacts for Councillors

1. Clause 3.16 of this Policy provides that Councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If Councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer.
5. If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Administrative Assistant who will provide advice about which authorised staff member to contact.
6. In some instances, the Chief Executive Officer or a member of the Council's Executive Leadership Team will direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

Position	Acceptable Reasons for Contact
Chief Executive Officer	<ul style="list-style-type: none"> - When confidentiality must be maintained (the request should state why the request is confidential) - For complaints against Council staff [or Elected Representatives] - For complaints against Council services or reputational risk - In relation to an emergency - Possible Code of Conduct breach - Request to attend conference or seminar - Request for Professional Development - Strategic matter/new idea - Request for advice or general information on Council matters
The Manager, Office of the CEO	<ul style="list-style-type: none"> - Arrange a meeting with the CEO - Emergency items for the CEO
Councillor Administration Assistant	<ul style="list-style-type: none"> - For any administration matters relating to the role of a Councillor, and may include arranging meetings
Executive Assistant - Mayor	<ul style="list-style-type: none"> - Arrange a meeting with the Mayor - Responding to invitations to Council functions
Group Manager Governance	<ul style="list-style-type: none"> - Relating to procedures for Council and Committee meetings - Advice on Notices of Motion, Motions and Amendments - Matters relating to the Mayoral or Councillor Fees - To discuss any Governance policy enquiries

Governance Officer	<ul style="list-style-type: none">- Matters relating to Ordinary Council Meetings- Matters relating to Sub-Committee Meetings- Designated Persons Disclosure of Interest- Related Parties Disclosures- Expense claims
Communications Team	<ul style="list-style-type: none">- Liaising regarding interviews or media opportunities
Divisional Directors	<ul style="list-style-type: none">- Enquiries regarding a Councillor Portfolio or Steering Group- Enquiries regarding a specific Council agenda item or an upcoming Council agenda item- When forwarding or providing a Director with information they might find useful i.e. a news article- Request for advice or general information on Council matters
Divisional Executive Assistants	<ul style="list-style-type: none">- Relating to meeting request/invitations for Division Director- Relating to meetings for a Councillor Portfolio or Steering Group meeting where the DD is involved- copied on any Division Director email that falls within the protocol



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REVISED CUSTOMER COMPLAINTS POLICY

1. INTRODUCTION

Complaints, feedback and requests for service are a useful and valuable way of collecting feedback and identifying and remedying system issues.

This policy provides an overview of how we handle complaints fairly, efficiently and effectively.

Our approach to complaints is intended to:

- enable us to respond to issues raised in a timely, efficient and confidential way
- boost public confidence in our administrative process, and
- provide information we can use to deliver improvements in our products, services, staff and complaint handling.

2. POLICY STATEMENT

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, operations and complaint handling.

We recognise, promote and protect the rights of individuals or organisations to make a complaint, and will respond to complaints in a timely and confidential manner.

All customer requests and complaints should be recorded via the smart forms published on the PMHC website to ensure capture of all data and information. This facilitates efficient assessment, action and resolution and ensures that our customer complaints and service request management meets all required accessibility, security and privacy standards.

Complaints will be managed in line with Council's policies and procedures.

3. SCOPE

This policy applies to all staff and elected officials receiving or managing complaints.

Code of conduct complaints, staff grievances, and public interest disclosures are dealt with through separate mechanisms. Unreasonable customer conduct is managed through the Council's Unreasonable Customer Conduct Policy.

3. PRINCIPLES

3.1 Complaints are welcomed and facilitated.

- Our staff are empowered to resolve complaints promptly and with as little formality as possible.
- Complaints may be made anonymously.
- Complaints will be acknowledged within five business days and complainants will be kept informed of the expected timeframes of our actions.
- Customer complaint form and information about how complaints are managed is published on our website.
- We utilise smart forms to facilitate and capture all relevant data at the point of receipt and inform customers of our process to set expectations.
- Our customer, community members and complainants are:
 - provided with information about our complaint handling process
 - provided with multiple and accessible ways to make complaints

- listened to, and provided with reasons for our decision/s and any options for redress or review.

3.2 Complaints will be responded to.

- Where possible, complaints will be resolved at first point of contact.
- We will protect the identity of the complainant where this is practical and appropriate.
- We are committed to managing people's expectations and will inform them as soon as possible of the:
 - complaints process
 - expected time frames of our actions
 - progress of the complaint and any reason for delay
 - outcome of the complaint and any action we took
 - reason for our decision
 - the remedy or resolution that we have proposed or put in place
 - any options for review or appeal.
- Any concerns raised in feedback or complaints will be dealt with within a reasonable timeframe.

3.3 Complaints will be managed

- We will take all reasonable steps to ensure complainants are not adversely affected because a complaint has been made by them or on their behalf.
- Conflicts of interest, whether actual or perceived will be managed responsibly.
- Where a complaint involves multiple services or business units within Council, a complaints coordinator will ensure that communication is clear and coordinated.
- We endeavour to do our work and perform our functions in the most effective and efficient way possible, ensuring the health & safety of our staff and management of resources fairly across all complaints we receive.
- When people behave unreasonably in their dealings with us, their conduct can significantly affect progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us via our Unreasonable Customer Conduct Policy.

4. RESPONSIBILITIES AND AUTHORITIES

We respond to complaints using a three tiered approach which enables first contact resolution, internal review or investigation and/or independent review.

Tier one: Frontline Complaint Handling

- a) Staff are empowered to respond to and resolve complaints at the first point of contact, with as little formality wherever possible.
- b) A complaint can be received verbally or in writing.
- c) We promote and encourage complaints, feedback and requests for service to be logged via our corporate website
- d) Complaints made over the phone, via email or in person are captured by the staff member in the online feedback form available on Council's corporate website to ensure consistent capture of all relevant information.
- e) When a complaint or request for service is made to a Councillor, the customer should be referred in the first instance to lodge the request or complaint via the online forms on our website.
- f) Whilst in many cases, the very receipt of the complaint resolves the matter, a response must be provided either verbally or in writing and be noted with a record of the complaint.
- g) Staff must use appropriate record keeping practices so that complaints can be used for reporting and analysis purposes.
- h) When a complaint is about a Councillor, or the Mayor, the complaint is referred to the Group Manager, Governance for assessment and to determine action.
- i) When a complaint is about a staff member, the complaint is referred to the Executive Manager People, Culture & Performance for assessment and action.
- j) Complaints received via PMHC Speakup service and complaints about the CEO will be referred to the Internal Ombudsman for assessment and action.
- k) Should the complaint be unresolved at the point of receipt because of the complexities (that may include but not be limited to financial consequence or legislative breach) the matter must be

referred to the appropriate functional area and resolved within 10 business days. If this is not resolved satisfactorily or within the timeframe, the matter is to be referred to tier two.

Tier two: Internal Review

- a) If unresolvable at tier one, or should the complainant be dissatisfied with the resolution, the matter is to be referred to the relevant Group Manager, Director or Internal Ombudsman for further investigation and/or review.
- b) If a Councillor of the Mayor is notified by a customer or community member that they are dissatisfied with the outcome of their request for service or complaint, then they should refer this to the Internal Ombudsman for assessment and action.
- c) Internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker
- d) The complaint will be reviewed and/or investigated and a response provided to the complainant within 10 business days of the matter being referred.
- e) A record of the resolution offered is recorded with the original complaint.

Tier three: Review by independent staff or external agencies

- a) Should the complainant be dissatisfied with the response, they may request the matter be escalated for review by an independent staff member or by the Internal Ombudsman.
- b) The independent staff member may be a Group Manager or Director unrelated to the subject matter of the complaint or;
- c) The complainant may also refer the matter to an external agency.

4. REPORTING

Records of complaints will be kept in accordance with our complaint management system so that information can be retrieved for reporting and analysis.

Annual reporting on complaint data including issue, resolution and outcome will be maintained by the Complaint Coordinator and provided to the CEO.

Reports on internal reviews and investigations will be maintained by the Internal Ombudsman and provided to the CEO.

5. RESPONSIBILITIES

Manager Customer Service is responsible for complaint referral, coordination, ensuring complaints are responded to, investigated and closed.

Group Manager People & Culture provides oversight and direction for responding to, assessing, investigating and resolving complaints about employees of Council.

Group Managers or Directors of relevant business unit provide oversight and direction for responding to and investigating complaints about service, actions or decisions.

Internal Ombudsman is responsible for internal reviews of complaints including complaints about employees, services, actions, or decisions of Council.

Group Manager Governance is responsible for coordinating complaints about elected officials.

4. REFERENCES

Office of Local Government - Complaints management in Councils
Ombudsman NSW - Effective complaint handling guidelines
Internal complaint handling procedures
PMHC Unreasonable Customer Conduct Policy
PMHC Code of Conduct

5. DEFINITIONS

CEO	Chief Executive Officer of Port Macquarie Hastings Council
Complainant	member of the public making the complaint
Complaint	the communication (orally or in writing) of dissatisfaction with

a decision, policy, procedure, charge, employee, agent or the quality of the service provided which may include a delay in taking action, making a decision or providing a service.

A complaint in the context of this policy does not include:

- response to requests for feedback about the standard of our service provision
- reports of problems or wrongdoings merely intended to bring a problem to our notice
- requests for information
- customer requests
- staff grievance

Complaint coordinator	Team Leader Customer Service or relevant Executive Assistant
Customer requests (also known as service requests)	<ul style="list-style-type: none"> • requests for action • requests for provision of a service or product • reports of infrastructure faults • requests for maintenance of infrastructure
Elected officials	The Mayor and elected Councillors of Port Macquarie-Hastings Council.
External agencies	any of the following: NSW Ombudsman; Independent Commission against Corruption; Anti-Discrimination Board; Australian Competition and Consumer Commission; Privacy Commissioner, NSW Independent Commission Against Corruption or the NSW Civil and Administrative Tribunal.
PMHC Speakup service	A service run independently by Core Integrity to receive complaints from employees of PMHC.

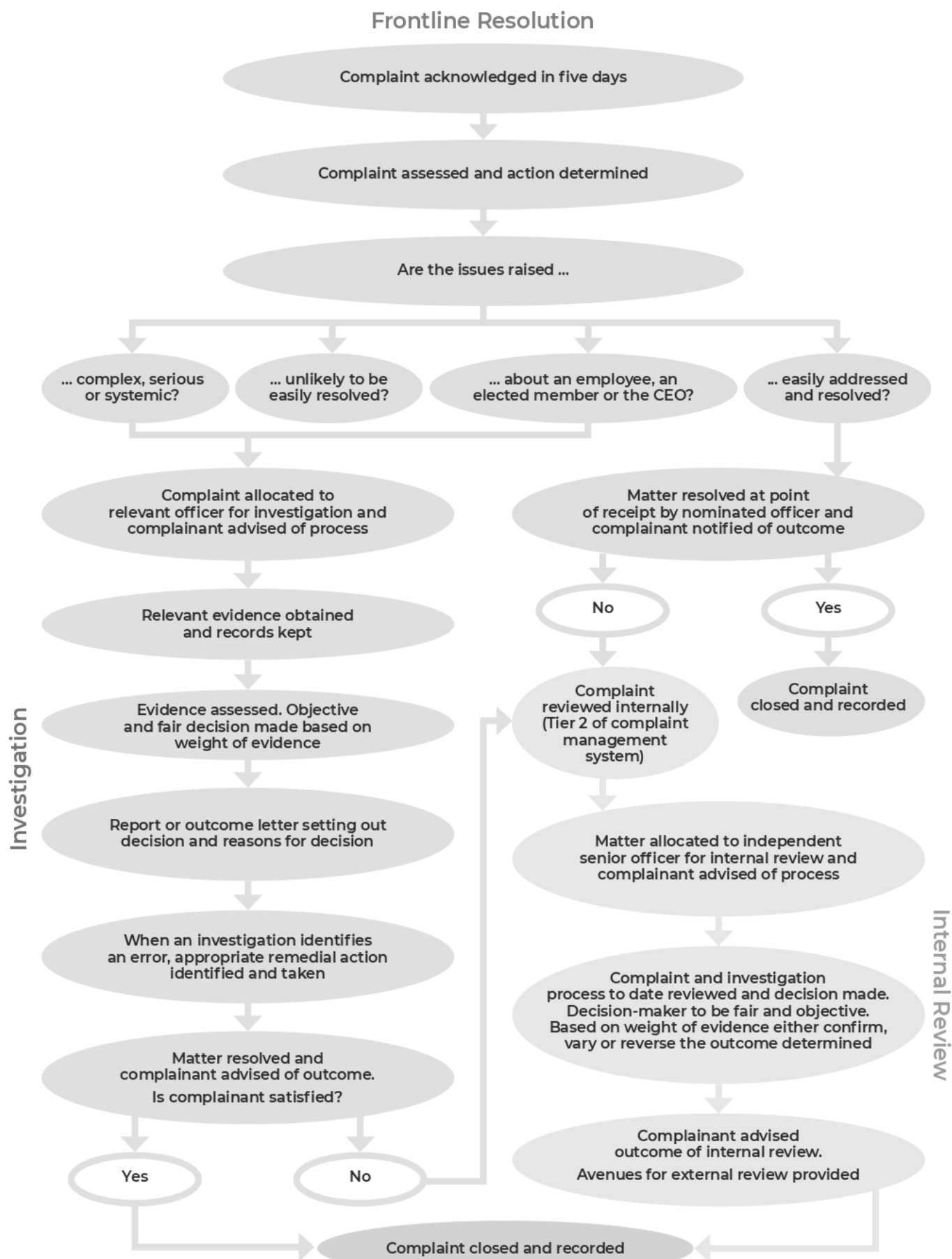
6. POLICY OWNER

Group Manager Customer Experience, Communication & Corporate Affairs

7. AMENDMENTS

Amended March 2022 to Internal Ombudsman, online smart technology and the Employee Speakup program.

Complaints handling flowchart





Authorised by: Council
Authorised date: 09/12/2020
Effective date: 10/12/2020
Next review date: 08/12/2022
File Number: D2020/327975

COUNCIL POLICY

Customer Complaints Policy

1. INTRODUCTION

This policy provides an overview of how we handle complaints fairly, efficiently and effectively.

Our approach to complaints is intended to:

- enable us to respond to issues raised by people in a timely, efficient and confidential way
- boost public confidence in our administrative process, and
- provide information we can use to deliver improvements in our services, staff and complaint handling.

2. POLICY STATEMENT AND SCOPE

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, operations and complaint handling.

We recognise, promote and protect the rights of individuals or organisations to make a complaint, and will respond to complaints in a timely and confidential manner.

Complaints will be managed in line with Council's policies and procedures.

This policy applies to all staff receiving or managing complaints from the public made to or about us.

Code of conduct complaints, staff grievances, and public interest disclosures are dealt with through separate mechanisms. Unreasonable customer conduct is managed through the Council's Unreasonable Customer Conduct Policy.

3. RESPONSIBILITIES AND AUTHORITIES

We respond to complaints using a three tiered approach which enables first contact resolution, internal review or investigation and/or independent review.

Tier one: Frontline Complaint Handling

- a) Staff are empowered to respond to and resolve complaints at the first point of contact wherever possible.
- b) A complaint can be received verbally or in writing and customers should be encouraged to use Council's online complaint form to ensure all appropriate information is gathered.
- c) Whilst in many cases the very receipt of the complaint resolves the matter, a response must be provided either verbally or in writing and be noted with a record of the complaint.
- d) Staff must use appropriate record keeping practices so that complaints can be later used for reporting and analysis purposes.
- e) Where a complaint relates to a Councillor, the Mayor or the General Manager, the complaint is referred in the first instance to the Group Manager Governance to determine appropriate course of action.
- f) Should the complaint be unable to be resolved at the point of receipt because of the complexities (that may include but not be limited to financial consequence or legislative breach) the matter

must be referred to the appropriate functional area and resolved within 10 business days. If this is not resolved satisfactorily or within the timeframe the matter must be referred to tier two.

Tier two: Internal Review

- a) If unresolvable at tier one, or should the complainant be dissatisfied with the resolution, the matter is to be referred to the relevant Group Manager, Director or General Manager for further investigation and/or review.
- b) The complaint is to be reviewed and/or investigated and a response provided to the complainant within 10 business days of the matter being referred.
- c) A record of the resolution offered is to be recorded with the original complaint.

Tier three: Review by independent staff or external agencies

- a) Should the complainant be dissatisfied with the response, they may request the matter be escalated for review by an independent staff member or by an external agent.
- b) The matter may be referred to a Group Manager or Director unrelated to the subject matter of the complaint or;
- c) The complainant may refer the matter to an external agent.

4. REFERENCES

Office of Local Government - Complaints management in Councils
Ombudsman NSW - Effective complaint handling guidelines
PMHC Unreasonable Customer Conduct Policy
PMHC Code of Conduct

5. DEFINITIONS

Complainant – member of the public making the complaint.

Complaint – an expression of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided.

A complaint in the context of this policy does not include requests for service, reports of infrastructure faults or requests for maintenance of infrastructure. These items are customer requests.

External agencies - any of the following: NSW Ombudsman; Independent Commission against Corruption; Anti-Discrimination Board; Australian Competition and Consumer Commission; Privacy Commissioner.

6. PROCESS OWNER

Group Manager Customer Experience & Communication

7. AMENDMENTS

NA



Authorised by: <authority>
Authorised date: DD/MM/YYYY
Effective date: DD/MM/YYYY
Next review date: DD/MM/YYYY
File Number: #####

DRAFT CEMETERIES POLICY

1. INTRODUCTION

Cemeteries are an important community asset and provide essential infrastructure and services to our community. Port Macquarie Hastings Council is responsible for the administration, maintenance, and conservation of environmental and heritage elements within the following cemeteries:

- Comboyne, Herons Creek, Kendall, Laurieton, Rollands Plains and Wauchope cemeteries which are open for new reservations.
- Beechwood, Cross Roads, Ellenborough, Port Macquarie General and Telegraph Point cemeteries which are closed to new reservations.

2. POLICY STATEMENT AND SCOPE

We provide access to sustainable and affordable burial and interment options that are respectful of culture and faith.

We manage our cemeteries in accordance with the NSW Cemeteries and Crematoria Act 2013, and demonstrate integrity, transparency, consistency, affordability, respect, accountability and regulatory compliance.

3. RESPONSIBILITIES AND AUTHORITIES

3.1 Council is responsible for the:

- administration and management of plot and niche purchases;
- transfer of interment rights;
- approvals for monumental works;
- issuing licences/permits to work in cemeteries;
- maintenance of cemetery grounds; and
- interment of ashes into columbarium walls and ashes gardens.

3.2 Interment Right

- An interment right gives exclusive entitlement to the holder the inter the remains of a deceased person in the reserved plot and section.
- An interment right is granted in perpetuity.
- An Interment right for a plot or niche may be transferred only with approval from Council
- Council reserves the right to refuse to grant an interment right and will only issue an interment right for plots that have been surveyed by Council.

3.3 Fees

- For each application made to Council for cemetery services, an administrative fee is applied. These fees are reviewed annually and published on our website.

3.4 Records

- We will collect all information necessary to meet our legislative requirements.
- Due to the age of Council cemeteries and the change of ownership, there are a number of unknown or unmarked graves and as a result Council has incomplete burial records. These factors make it difficult in some cases to identify where a person has been interred.

3.5 Maintenance

- We maintain cemeteries to ensure preservation of the character of the burial grounds.
- Maintenance of cemetery grounds excludes the care and repair of monumental work, weeding and general maintenance of individual plots

3.6 Works

- The care, maintenance and repair of monumental work are the responsibility of the family or estate of the deceased and may only be undertaken with written approval.
- For safety reasons, should we be required to undertake works on monuments we may recover these costs from the interment right holder.

4. REFERENCES

- Cemeteries & Crematoria NSW Act 2013
- Cemeteries and Crematoria Regulation 2014
- Cemeteries & Crematoria NSW Regulatory Framework

5. DEFINITIONS

Words and phrases used in this policy have the same meaning as they do in the Cemeteries & Crematoria NSW Act 2013

6. POLICY OWNER

Group Manager Customer Experience & Communication (Cemetery administration & interment)
Group Manager Community (Cemetery maintenance)

7. AMENDMENTS

This policy replaces the Port Macquarie Crematorium and Cemeteries Policy 2010.



CREMATORIUM & CEMETERIES POLICY

Responsible Officer	Manager Crematorium & Cemeteries
Contact Officer	Manager Crematorium & Cemeteries Extension 8778 Supervisor Crematorium & Cemeteries Extension 8777
Authorisation	Port Macquarie-Hastings Council
Effective Date	27/5/2009
Modifications	Adopted: Ord 9/4/84 Amended Ord 29/5/89, Ord 7/2/94, Policy 2/9/96, W&S 6/3/00, Ord 6/12/04 Last updated 10/3/2006
Superseded Documents	Previous Policy dated 10-3-2006
Review	Manager Crematorium & Cemeteries on a two yearly or as needs basis in accordance with changing regulations in the Health and Funeral industry.
File Number	
Associated Documents	

1. INTRODUCTION

The Crematorium and Cemeteries policy acts as a framework for the operation of the Crematorium and Council cemeteries in accordance with regulatory compliance. The policy was established in 1984 and has been amended at regular intervals in accordance with changes of policy and regulations in the Health and Funeral industries.

2. POLICY OBJECTIVE

This policy provides operating guidelines for the operation of Port Macquarie-Hastings Council's Crematorium/Lawn Cemetery, Innes Gardens Memorial Park complex, and all Port Macquarie-Hastings Council General Cemeteries.

3. POLICY SCOPE

This policy applies to all Council staff involved in the daily operations of the Crematorium and General Cemeteries and to Funeral Directors, Contractors and the General Public.

4. DEFINITIONS

ACCA – Australasian Cemeteries & Crematoria Association.

5. LEGAL & POLICY FRAMEWORK

Innes Gardens Memorial Park is a member of the Australasian Cemeteries and Crematoria Association (ACCA), and abides by those policies and procedures set out in the ACCA Codes of practice. Innes Gardens Memorial Park also abides by the NSW Public Health Act and Regulations.

6. POLICY**GENERAL CONDITIONS**

1. That the "Schedule of Fees & charges" be as listed in "Part C: Fees and Charges" of Council's Annual Corporate Plan.
2. That all sites for burial interment and inurnment of ashes, whether reserved or being utilised, be guaranteed to remain in perpetuity.
3. That all crematorium and cemetery operations, including bookings, grave digging, administration etc, be administered from the Crematorium Office, under the control of the Crematorium Manager.
4. That the gates to the Crematorium/Lawn cemetery be opened from 9.00am to 4.30 pm on weekends and public holidays or when required outside normal working hours.
5. That Council will not provide services to perform private exhumations. Council will assist Funeral Directors to facilitate private exhumations in accordance with the Public Health Regulations, "Application to Exhume Remains" Form Cl.26(2) and an Exhumation Plan of Management.
6. Council staff will perform exhumations upon direction to do so from the Coroner's Office. The Exhumation Plan of Management and the Public Health NSW "Application to Exhume Remains" Form Cl.26(2) will be completed and signed by the Public Health Officer or the Coroner, the Applicant, Funeral Director, Police Officer and the Crematorium Manager before commencement of the exhumation. Documentation will be checked by the Crematorium Administration Officer.

RESERVATION WITHOUT PAYMENT

1. Reservations without payment will be held for burial sites and ash inurnments in all of Council's cemeteries and Crematorium grounds for one (1) calendar month only, then to be deleted from the Register unless prior arrangements have been made with the Crematorium Administration Officer.
2. Council does not have facilities to invoice or accept deposits/part payments for any of its services.

REFUSAL TO GRANT EXCLUSIVE RIGHTS OF MEMORIALS

1. The Council may refuse to grant an exclusive Right of Burial or Right of Cremation Inurnment to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such rights as a business.

CREMATORIUM

1. All cremation services and committal services in the Crematorium Chapel shall take place on the hour, every hour, between 9.00am and 3.00pm (Monday to Friday) and 9.00am and 11.00 am (Saturday). It is the responsibility of the Funeral Director in charge of the service to assist mourners to vacate the chapel 15 minutes prior to the hour. Any use of the chapel beyond this time will result in an additional hour's booking and consequently an additional booking fee will be charged.
2. All bookings for cremation (non-service) shall be made at least four (4) hours prior to delivery.
3. A Late Fee will be charged for any service or a non-service (delivery) booked after 3.00pm (Mon-Thurs) and 12 o'clock midday on Friday, at the fee listed in "Part C: Fees and Charges" of Council's Annual Corporate Plan. Deliveries received after midday Monday to Thursday may not be cremated on the same day.
4. After hours bookings Monday to Friday will become available on the Port Macquarie-Hastings Council website in the future. Weekend bookings are taken by Hastings Funerals on a voluntary basis on 65 83 1266.
5. Service bookings will be taken at the Crematorium Office between the hours of 8.30am and 4.00pm, Monday to Friday, on 65 818777. The Chapel booking fee applies for cancellation on the day of service.
6. Arrival for Service Times – to avoid inconvenience to families and mourners, funerals shall not arrive more than 20 minutes before commencement of their scheduled service time, unless prior arrangements have been made with the Crematorium Manager or Crematorium Administration Officer and the Funeral Director facilitating the prior service. To facilitate traffic/parking control, Funeral Directors will advise the crematorium Administration Officer when it is known that the funeral will have an unusually large number of attendees. Crematorium staff will assist by opening additional parking and directing drivers to available car spaces.
7. Hearse and Vehicle Access to the Crematorium
Chapel driveway access shall, immediately before, during and after a service, be restricted to-
 - Hearses, immediate family mourning cars and vehicles transporting disabled persons to the chapel.
 - Vehicles delivering goods and services to the chapel.
 - All other vehicles shall be parked in designated parking areas.This policy is for the safety of the public in the event of the need for evacuation of the chapel, and shall be the responsibility of the Funeral Director immediately before, during and after the booked chapel service.
8. That the maximum size of a coffin to be received for Cremation shall be 800mm wide and 550mm high including handles.
9. That only Cremation Documentation, in accordance with the Public Health Act & Regulations 1991 and the Public Health (Disposal of Bodies) Regulation 2002, requirements will be accepted.

10. That "Medical Referee's Cremation Permit" (Form CL 39(1)) completed by a Medical Referee, appointed by the Department of Health or a "Coroner's Cremation Permit" (Form CL 40(1)), must be completed before such Certificate will be accepted. The appropriate forms are as follows:

The forms being:

ADULT

- Application for Permission for Cremation (Other than Stillborn) with Statutory Declaration (Form CL36 (1)).
- Attending Practitioner's Cremation Certificate" (Form CL38(1)(a))
- Medical Referee's Cremation Permit (Form CL 39(1))

STILLBORN

- Application for Permission for Cremation of Stillborn Child (Form CL 37(1))
- Medical Referee's permit for Cremation of Body of Stillborn Child (Form CL41(1))

CORONER'S CASES

ADULT

- Application for Permission for cremation (Other than Stillborn) with Statutory Declaration (Form CL36(1))
- Coroner's Cremation Permit (Form CL40(1))

STILLBORN

- Application for Permission for cremation of Stillborn Child (Form CL 37(1)).
- Coroner's Cremation permit (Form CL 40(1)).

11. In addition, the office of Births, Deaths & Marriages requires the EDI Form PR 13 to be signed and returned to the Funeral Director on the day of service.
12. That all appropriate forms shall be submitted to the Crematorium Administration Officer prior to formally accepting the coffin for cremation. (Refer to Forms listed in Point 9 above)
13. That Council will not accept any responsibility or liability should the required certificate(s) be unsatisfactory. That a cremation will NOT take place until the "Medical Referee's Cremation Permit" (Form CL 39(1)) has been obtained from the Medical Referee or "Coroner's Cremation Permit" from the Coroner, as the case may be.
14. That ashes will be available for collection not less than 48 hours after the scheduled service or delivery time, unless prior arrangements have been made with the Crematorium Administration Officer.
15. Removal of Ash:
- a) Lifting - Processing and Packaging of Ash from a prior inurnment will incur a fee listed in "Part C: Fees & Charges" of Council's Annual Corporate Plan.
 - b) Where ash is being relocated within the Innes Gardens complex a removal fee does not apply.
 - c) Where the applicant for removal of ash is not the original applicant for the placement, a signed Statutory Declaration (signed by all immediate family members) must be presented to the Crematorium office to authorize removal. Applications for ash removal from persons other than spouse or 1st generation relatives will only be considered by the Manager on an individual basis.

16. Exclusive Rights:

After the removal of ash at the request of a purchaser, all "Exclusive Rights" are relinquished, as the site had been utilised.

17. Refund of Ash Memorial Sites:

(a) Single unused inurnment sites will be refunded on request at the rate of original purchase price paid then the "Exclusive Rights" will be relinquished. An administration fee will apply.

(b) Double unused Inurnment sites:

Rose Garden and Tree memorials will be refunded on request at the rate of original purchase price paid **provided** the first inurnment has not been utilized, then the "Exclusive Rights" will be relinquished. An administration fee will apply.

(c) Unused Multiple Sites:

Refunds on Special Feature Gardens and Family Gardens will be issued on request **provided** the first inurnment has not been utilized and calculated as follows. The refund will be the rate of original purchase price paid (less plaque fees as paid at the time). "Exclusive Rights" will be relinquished. An administration fee will apply.

18. Cardboard Coffins:

Council will accept cardboard (Enviroboard) coffins, for Cremation only, according to the Funeral Industry Council and ACCA guidelines Nov 2004. Funeral Directors must supply a copy of the coffin manufacturer's certificate of compliance with the Australian Standard, or as approved and tested by *TestSafe Australia*, to the Crematorium Administration Officer. This requirement applies for the first only cardboard coffin from each manufacturer, and any subsequent modified cardboard coffin or other models.

19. Memorial Plaques

- a) Council is unable to order memorial plaques or place ash until full payment has been received at the Crematorium Administration office.
- b) Council policy is for uniform bronze plaques throughout Innes Gardens Memorial Park and does not permit photo plaques or other variations.

**BURIALS
BOOKINGS**

1. A burial booking is made when the office staff at Innes Gardens first receives a completed Burial Confirmation Form by fax during normal working hours.
2. Any Burial must be booked by faxing the completed form to office staff at Innes Gardens at least 2 working days prior for all burials in all cemeteries. Bookings by phone for outlying cemeteries will not be accepted without a completed booking form. An exception to this on cultural or religious grounds at Innes Gardens may only take place at the discretion of the Manager.
3. That at the time of burial service, the Crematorium Office must have in their possession the following documentation:
 - Burial Confirmation Form which must be faxed to the Crematorium Office when making a burial booking.
 - Application for Burial Permit – council Form
 - Certificate of Registration of Death (PR 315). Or
 - Certificate of Coroner (CL 40(1)).

RESTRICTIONS

1. That with the exception of a stillborn or an infant child, only one (1) interment will be permitted in each grave.
2. That one (1) body may be interred and one (1) lot of ash (the remains of one (1) person) may be inurned in one (1) grave.
3. That a maximum of two (2) lots of ash (the remains of two (2) persons) may be inurned in one (1) unused grave.
4. That one (1) lot of ash (the remains of one (1) person) may be inurned in one (1) grave.

LAWN CEMETERY at INNES GARDENS MEMORIAL PARK

1. That Council will provide the following services with each interment:
 - A concrete beam section for plaque placement
 - One (1) bronze memorial plaque
 - Grave digging
 - Grave dressing, with green mats and lowering straps.
2. That Council will not provide lowering devices or provide services that Funeral Directors normally provide to their clients
3. That the standard plaque size for an Adult Standard Plaque be 380 x 280 mm (15" x 11"). That the standard plaque size for a Child's Standard Plaque be 200 x 100 mm (8" x 4"). Children's plaques are placed on Beam no 2 (Baby Beam). Council policy is for a uniform plaque standard and does not permit photo plaques. These may be applied at monumental cemeteries.
4. That apart from the flower cylinder provided in the concrete beam or the ground spike vases supplied, no other bases, ornamentation or plants (not placed by Cemetery staff) will be permitted. These objects will be removed by cemetery staff. Fresh and artificial flowers are permitted.
5. That planting of flowers, shrubs or trees in the cemetery grounds is the responsibility of Innes Gardens grounds staff alone. Such plantings are undertaken so as to remain in sympathy with the existing landscape, and with suitability, safety and maintenance considerations in mind. Unauthorised plantings will be removed.
6. Refund on Unused Single Burial Sites:
A refund on request will be given at the rate of original purchase price paid. An administration fee will apply. All rights to the site must be relinquished.

OUTLYING CEMETERIES

1. Port Macquarie Hastings Council administers the following cemeteries which are open for applications for new Rights of Burial:
Kendall, Laurieton, Wauchope, Comboyne and Rolland's Plains
2. The following cemeteries were closed to all new applications for a Right of Burial when Council took full responsibility for them, due to poor site records:-

Port Macquarie General Cemetery, Crossroads, Beechwood, Sancrox, Telegraph Point & Ellenborough.

These sites may only be used when a family provides a valid Right of Burial Certificate issued by the trust or Council.

3. The Cemetery at Heron's Creek is closed to all new applications for a Right of Burial except those that can prove to the satisfaction of the Crematorium Manager a direct blood relationship with a person currently buried at Heron's Creek Cemetery. This blood relationship includes only:
Grandfather or Grandmother, Father or Mother, Brother or Sister.
Once a direct relationship is proven a site can be selected on the General Beam which has been provided by Council. There will be no new sites purchased in the old sections of Heron's Creek Cemetery.
4. That Funeral Directors have the responsibility to arrange the removal of all grave covers, monuments, kerbs and other fixed surrounds as to allow Council to excavate the gravesite. Such monuments as described above are to be restored to original condition by the Funeral Director or their contractor after burial takes place and within 21 days after the burial.
- 4a. That Council provides grave digging services only and that grave dressing preparation of the grave is the responsibility of the Funeral Director. This includes all preparation for lifting devices (with the exception of Kendall Cemetery due to the topography of the site) and the supply of materials for the bottom of gravesites.
- 4b. During periods of wet weather there could be occasions when it is unsafe to operate grave digging machinery in any Cemetery. For OH & S reasons a safety assessment will be undertaken by the Parks and Gardens Supervisor. In these circumstances it may be necessary to postpone a burial.
5. Glass jars, glass ornaments and other objects are not permitted in any outlying cemeteries and will be removed by cemetery grounds staff for O H & S reasons (this includes all grassed areas including lawn beam areas). Artificial flowers, fresh flowers and plastic vases are permitted but must be kept off grassed areas.
- 5a. The construction of gardens, planting of flowers, shrubs or trees in the cemetery grounds is not permitted. Unauthorised plantings on gravesites or in cemetery grounds will be removed.
6. Refunds on Unused sites in Open Monumental Lawn:
A refund on request will be given at the rate of purchase price paid then the "Exclusive Rights" will be relinquished. An administration fee will apply. This only relates to the "Open Beam Section" of these Cemeteries, NOT the Monumental Sections or the old closed Cemeteries.
- 6a. It is not permitted to remain on the grounds of any cemetery administered by Port Macquarie-Hastings Council between sunset and sunrise.

7. IMPLEMENTATION

This amended policy was presented to Council and approved on 27 May 2009. The policy will be communicated to all Council staff involved in the daily operation of Innes Gardens Memorial Park and Council's cemeteries and those staff will receive a copy of the policy. A copy of the policy will be provided to all Funeral Directors. The policy will also be available for viewing on Council's website and Intranet.

7.1 Roles and Responsibilities

It is the responsibility of the Crematorium & Cemeteries Manager, Crematorium & Cemeteries Supervisor and Parks and Gardens Supervisor to ensure staff, Funeral Directors and Contractors are aware of the policy.

7.2 Support and Advice

Manager of Business Services, Crematorium & Cemeteries Manager, Crematorium & Cemeteries Supervisor and Parks and Gardens Supervisor are able to provide advice and support in the operation of this policy.

7.3 Communication

The policy will be available for viewing at the Innes Gardens Memorial Park Administration office, Council's Website and Council's intranet.

7.4 Procedures and Forms

NSW Department of Health Forms:

- Form CL 26 (2) – Application to Exhume remains
- Form CL 36(1) – Application for Permission for Cremation(Other than Still-Born Child) with Statutory Declaration
- Form CL 37 (1) – Application for permission for cremation of Still Born Child with Statutory Declaration.
- Form CL 38(1) (a) – Attending Practitioner's Cremation Certificate.
- Form CL 39 (1) – Medical Referee's Cremation Permit (Other than Still Born Child)
- Form CL 40 (1) – Coroner's Cremation Permit.
- Form CL 41 (1) – Medical referee's Permit for Cremation of body of Still Born child.

Port Macquarie-Hastings Council Forms

- Application for Burial
- Burial booking confirmation form
- Application for erection of a headstone

8. REVIEW

The Crematorium & Cemeteries Manager will review the policy every two years unless there is a need to update the policy in the meantime.



FOOTPAVING OF ROADS POLICY

Responsible Officer	Technical Services Manager
Contact Officer	Engineering Development Co-ordinator Development Engineers
Authorisation	Infrastructure Services Director
Effective Date	List the date this policy comes into effect [DD/MM/YYYY]
Modifications	Adopted 18 th March 1985 Amended 13 th August 2008
Superseded Documents	None
Review	Technical Services Manager 19 th March 2010
File Number	All documents relating to the policy development, communication, implementation and review must be held on a PMHC registered file. Contact the Records Section.
Associated Documents	PMHC – DCP 2010 , Aus-Spec Design & Construction Specifications, Hastings Pedestrian Access Mobility Plans

1. INTRODUCTION

This Policy to date has focussed on foot paving associated with retail and commercial developments. It is now amended to include all land uses and footpath requirements in general.

2. POLICY OBJECTIVE

To provide for accessibility through the provision of safe and functional footpaths to key destinations

3. POLICY SCOPE

The Policy covers all footpath infrastructure providers including Council and land developers. The Policy aims to ensure consistency in the provision of quality footpaths within road reserves of the Council area. Single dwelling, dual occupancy and a duplex development are excluded from this Policy.

4. DEFINITIONS

Footpaths are defined as the work constructed for the specific purpose of conveying pedestrian traffic.

5. LEGAL & POLICY FRAMEWORK

Local Government Act 1993
Roads Act 1993
Environmental Planning & Assessment Act 1979
Hastings LEP and DCP 2010

6. POLICY STATEMENT

This Policy is aimed to ensure footpaths are provided in appropriate road locations to cater for current and future pedestrian movements generated in a particular locality or by a particular land development

7. IMPLEMENTATION

The Policy will be implemented on an ongoing basis through Councils Transport Infrastructure works programmes or as a work associated with a land development , normally through a development consent or other statutory approval.

7.1 Roles and Responsibilities

Councils Technical Services Section has the primary responsibility for the planning , design and approval of footpaths works by Council and works associated with land developments.

7.2 Support and Advice

The following Councils Technical Services Section staff is available to provide advice on this Policy;

Principal Design Engineer (Design requirements)
Transport Engineer (Planning and programming)
Engineering Development Co-ordinator (footpaths associated with land developments)

7.3 Communication

The community and Council staff will be informed of this Policy through Councils external and internal websites.

7.4 Procedures and Forms

Footpath works by Council are approved as part of the design process under a EP& A Act Part V activity assessment.

Footpath works required as a condition of a land development consent are approved as part of a Roads Act application required pursuant to S 138 of this Act. The Roads Act application forms are available from Councils Administration Offices

7.5 Guidelines

The Hastings Pedestrian Access Mobility Plans, Town Centre Master Plans, Bike Plans and Urban Release area DCP's are the principal planning documents to be referred to for the planned location of footpaths within Council's area. Councils Aus-Spec Design & Construction Specifications set out details of Councils design and construction standards for footpaths.

8. REVIEW

This Policy is to be amended as required on an ongoing basis. A review of the Policy will be undertaken at least every two years to ensure currency with local and industry conditions.

POLICY

Council will plan for the provision of footpaths as part of its Corporate objective to provide sustainable infrastructure services.

Footpaths will be provided in accordance with Council approved strategies, plans and available resources.

Council may require pursuant to the Roads Act 1993 a contribution from adjoining land owners for construction of footpath works fronting their respective properties.

Land developments will be required to provide foot paving as a condition of development consent as follows:

1. Where a footpath has been identified in a Development Control Plan (DCP), Town Centre Master Plan or Precinct Plan;
2. Along the property frontages of existing and planned arterial, sub-arterial, collector roads or predetermined bus routes
3. Full width foot paving across the road frontages to a retail and/or commercial developments.
4. The warrants for foot paving for all other developments (excepting those excluded by this Policy) will be considered on the merits of each application with regard to;
 - a. The proximity to existing footpaths;
 - b. Existing footpath planning for the locality
 - c. The existing and future pedestrian movements

Council may require a retail, commercial land or major residential development to extend new footpath works to link with existing footpaths, each application to be considered on merit. Council may consider offsetting the costs of these works from S94 contributions and/or as a work in kind.



Authorised by: <authority>
Authorised date: DD/MM/YYYY
Effective date: DD/MM/YYYY
Next review date: DD/MM/YYYY
File Number: #####

Council Policy FOOTPATHS AND WALKWAYS IN PUBLIC ROAD RESERVES

1. INTRODUCTION

Port Macquarie-Hastings Council (PMHC) is committed to providing a connected community with well-planned, accessible and sustainable infrastructure including roads, cycleways and footpaths.

In support of this, we aim provide for accessibility and connectivity through the provision of safe and functional footpaths and walkways in retail, commercial and residential areas throughout our community.

2. POLICY STATEMENT AND SCOPE

The Footpaths and Walkways in Public Road Reserves Policy outlines Council's objective to plan for the provision of footpaths to support Council's Community Strategic Plan (CSP) Objective 4.4 Plan for Integrated Transport Systems that help people get around and link our communities, and Local Strategic Planning Statement (Planning Priority 12), to develop a network of safe, accessible and sustainable local transport options linking key destinations.

2.1. How we prioritise footpaths

Footpaths and walkways will be provided in accordance with Council approved strategies, plans and available resources. Council will plan for the provision of footpaths as part of its corporate objective to provide sustainable infrastructure services.

We use our Pedestrian and Access Mobility Plan as a planning guide, and look at the safety, cost, traffic numbers and location of community footpath requests to decide where to build new paths and walkways. We partner with the State and Federal Governments for opportunities to deliver more paths, and also with community groups and property developers.

2.2. Road Reserves

The Community Infrastructure Planning and Design team has the primary responsibility for the planning, design and approval of footpath and walkway works within road reserves.

At times and in line with provisions within the NSW Roads Act 1993, Council may require a contribution from adjoining landowners for construction of footpaths or walkways fronting their respective properties, within the Public Road Reserve.

2.3. New Development

For works associated with land developments, the Community Planning and Environment division of Council has the primary responsibility of assessing the footpath and walkway requirements of the developer.

Developers will be required to provide footpaths as a condition of development consent as follows:

- Where a footpath has been identified in a Development Control Plan (DCP), Town Centre Master Plan or Precinct Plan;
- Along the property frontages of existing and planned arterial, sub-arterial, collector roads or predetermined bus routes;
- Full width footpaths across the road frontages may apply to retail and/or commercial developments;
- The warrants for footpaths for all other developments (except those excluded by this Policy) will be considered on the merits of each application with regard to:
 - a. The proximity to existing footpaths;
 - b. Existing footpath planning for the locality;
 - c. The existing and future pedestrian movements.

Council may require a retail, commercial land or residential development to extend new footpath works to link with existing footpaths. Each application will be assessed on our adopted strategies and plans. Council may consider offsetting the costs of these works from Local Infrastructure Contributions and/or as a Works in Kind.

2.4. Parks and Recreational Areas

The Community Planning and Environment division has the primary responsibility for the planning, design and approval of footpath and walkway works within park and recreational areas. This is not included in this Policy.

3. RESPONSIBILITIES AND AUTHORITIES

Council is the Roads Authority for all roads and associated road reserves vested in fee simple to Council (meaning that it has absolute ownership of the land) as described within the NSW Roads Act 1993.

Council as the governing body is responsible and accountable for:

- Adopting the Footpaths and Walkways in Public Road Reserves Policy
- Oversight of the implementation
- Determining strategic priorities for Community Infrastructure

The Chief Executive Officer and Directors are responsible and accountable for:

- Communicating this Policy
- Ensuring compliance of this Policy
- Ensuring this Policy is reviewed and updated to meet current legislative requirements
- Ensuring appropriate delegations are in place with regard to exercising Road Authority functions

The Group Manager Infrastructure Planning and Design is responsible and accountable for:

- Implementing this Policy
- Monitoring compliance of this Policy
- Reviewing and updating this Policy to meet current legislative requirements
- Ensuring appropriate procedures are developed, implemented and monitored to meet the principles of this Policy

Infrastructure Planning and Design Engineers, Development Engineers, and Operations Engineers are responsible and accountable for:

- Implementing and communicating this Policy and any associated procedures to internal and external stakeholders
- Monitoring compliance of this Policy and any associated procedures

All Council Officers are responsible and accountable for following this Policy and any associated procedures.

4. REFERENCES

NSW Local Government Act 1993
NSW Roads Act 1993
NSW Environmental Planning and Assessment Act 1979
Port Macquarie Local Environment Plan
Development Control Plan
Pedestrian and Access Mobility Plan
All PMHC Area and Town Centre Master Plans
PMHC Bike Plan and associated town centre bike lanes and shared pathways
PMHC AUS-SPEC Design and Construction Specifications
PMHC Local Strategic Planning Statement

5. DEFINITIONS

Footpaths and walkways are defined as the asset or infrastructure constructed for the specific purpose of conveying pedestrian and/or cyclist traffic safely throughout the community.

6. PROCESS OWNER

The Group Manager Infrastructure Planning and Design is the process owner. The process owner should be contacted for any information in relation to this Policy.

7. AMENDMENTS

This Policy has been amended to align with our broader strategic plans and relevant reference documents, as well as accommodate changed roles and authority responsibilities. The Policy name has also been updated to reflect the broad scope and jurisdiction of coverage of the Policy.

8. REVIEW

This Policy will be reviewed in three years or as necessary to ensure compliance with legal requirements.



BUSHFIRE RISK MITIGATION ON PUBLIC LAND POLICY

Responsible Officer	Manager Recreation and Buildings
Contact Officer	Bushfire Management Officer council@pmhc.nsw.gov.au Tel: 6581 8111
Authorisation	Council
Effective Date	22/06/11
Modifications	
Superseded Documents	N/A
Review	Manager Recreation and Buildings June 2013
File Number	N/A
Associated Documents	Parks & Reserves Use Policy Bushfire Environmental Assessment Code – Rural Fire Service

1. INTRODUCTION

Port Macquarie Hastings Council (PMHC) has developed this new policy to provide clear guidelines for assessment and mitigation of bushfire risk on public land whilst preserving the Local Government Area's (LGA) natural amenity and environmental values.

The risk of damaging bushfires on council owned or managed land is mitigated by fuel management and other fire protection measures.

PMHC in conjunction with other land managers in the LGA, the Rural Fire Service (RFS) and Fire and Rescue NSW work together to implement the Bush Fire Risk Management Plan (BFRMP) through the Bushfire Management Committee (BFMC).

2. POLICY OBJECTIVE

The objectives of this policy are:

- To provide direction for assessing and managing bushfire risk on Council owned or managed land.
- To minimise the risk to life and property in the event of a fire on Council controlled land;
- To minimise the risk to fire fighting crews in the event of a fire on Council controlled land;
- To preserve and manage existing bush land areas while maintaining or improving their ecological health during and after works are completed;

3. POLICY SCOPE

This policy applies to all land that is managed by Council either directly or as trustee for other agencies.

4. DEFINITIONS

Asset Protection Zone (APZ) – a fuel reduced area around or adjacent to a built asset or structure. It can also be for the protection of aboriginal, or other cultural heritage, or significant environmental areas.

Bush Fire Risk – is the chance of a bush fire igniting, spreading and causing damage to assets of value to the community. It is determined dependent on fuel hazard levels, ground slope, aspect and typical weather patterns, ignition risk and the assets needing protection.

Fire Interval – the length of time between successive fires on an area of land.

Land Management Zone (LMZ) – to meet relevant land management objectives in areas where Asset Protection or Strategic Fire Advantage Zones are not appropriate.

Overall Fuel Hazard (OFH) – is the sum of the influences of Bark Hazard+ Elevated Fuel Hazard+ Surface Fine Fuel Hazard, often expressed as tonnes per hectare.

Strategic Fire Advantage Zone (SFAZ) – these are strategically located areas which help reduce the speed and intensity of bush fires, and reduce the potential for spot fire development.

Vegetation Formation – groups of vegetation classes with related structural and functional features

5. LEGAL & POLICY FRAMEWORK

- Rural Fire Service Hastings District Bushfire Risk Management Plan 2010 or as amended.
- Rural Fires Act 1997
- Rural Fires Regulation 2008
- Rural Fire Service Bushfire Environmental Assessment Code 2006
- Local Government Act 1993
- Crown Lands Act 1989
- State Environmental Planning Policy
- Planning for Bushfire Protection NSW Rural Fire Service 2006
- Native Vegetation Conservation Act
- Australian Standard AS4373 Pruning of Amenity trees
- Work Cover Code of Practice Amenity Tree Industry
- Protection of the Environment Operations Act
- Protection of the Environment (Clean Air) Regulation 2010
- Port Macquarie-Hastings Local Environmental Plan 2011
- Draft Development Control Plan 2010

6. POLICY STATEMENT

6.1 Fuel Management on Public Lands:

The following are required when implementing this policy:-

- Bushfire mitigation strategies are to be in accordance with the current BFRMP prepared by the BFMC and the RFS Bush Fire Environment Assessment Code (BFEAC) and to reduce the risk to life and property.

- Constructed APZ are to be maintained and kept clear of encroachments as outlined in appendix 1. Mechanical works, or hazard reduction burns are fuel management options in an APZ.
- Fuel management works are to be in accordance with the current BFRMP prepared by the BFMC, and the BFEAC.
- Hazard reduction burns in bushland are to be conducted so as to maintain appropriate fire intervals for the vegetation formation. (see appendix 2)
- Fuel management works are to be integrated with pre and post works weed management
- Fuel management works are to be implemented in accordance with the following priorities:
 1. Where works provide local asset protection immediately adjacent to residential properties and OFH is high or above.
 2. Where works are classified as high priority in accordance with the BFRMP due to high risk level.
 3. Where works provide strategic fire protection and inter-fire period is within ecological ranges for the vegetation community (as specified in BFEAC)
- Maintain a database of fire history (where known), including size of area burnt, date of burn, season, fire intensity, type of fire, (planned or unplanned) and other relevant data.
- Maintain a database of APZ works and OFH reductions and a maintenance schedule for these works.

6.2 Planning and Development Control:

Ensure that subdivision and development applications, for properties at risk from bushfires, or identified in bush-fire prone land mapping, provide for and accommodate adequate bushfire protection measures within the property boundaries. Council owned/managed bushland shall not be used for APZ to accommodate new development. Refers to Section 3.3 Part B page 13 of Planning for Bushfire Protection 2006.

Ensure that any residential or infill development that does not comply with the 'acceptable solutions' outlined in Section 4.2 of Planning for Bushfire Protection 2006, are referred to the NSW Rural Fire Service prior to granting approval.

7. IMPLEMENTATION

The Bushfire Management Officer will undertake assessments and prioritise works in accordance with this policy's procedure and the guidelines provided in the Hastings Bush Fire Management Committee Bush Fire Risk Management Plan.

7.1 Roles and Responsibilities

Council's Bushfire Management Officer: Ph. 65818111

7.2 Support and Advice

Council's Bushfire Management Officer: Ph. 65818111
NSW Rural Fire Service
Council's Duty Planner: Ph. 65818111

7.3 Communication

The community have been consulted during the development of this policy.

Council will inform the community about changes to this policy through its normal communication methods involving advertising on the Council News section of the local newspapers and via Community Connect Newsletters.

The Bushfire Management Officer will inform relevant Council Officers about changes to this policy. Council will remind the community about this policy on an annual basis via the media.

Council's website will be updated to include information relevant to this policy and the BFRMP.

7.4 Procedures and Forms

Appendix 1-2:

1. Bushfire – Public Land Procedure
2. Vegetation Formation Fire Intervals

7.5 Guidelines

Bushfire Environmental Assessment Code 2006
Bush Fire Risk Management Plan 2010

8. REVIEW

June 2013

Appendix 1:

BUSHFIRE - PUBLIC LAND PROCEDURE

1. All requests for asset protection works are to be forwarded to Council in writing or by logging a request with Council's Customer Service Centre on 6581 8111
2. Council will determine if works are required by referring to the Hastings Bushfire Risk Management Plan and Council's GIS based bushfire layer.
3. Where there is no record in Council's GIS based bushfire layer Council will carry out a site specific assessment and may do this in conjunction with the RFS.
4. All requests will be assessed in accordance with the Rural Fires Act 1997, Rural Fire Regulation 2008 and the Rural Fire Service Bushfire Environmental Assessment Code 2006.
5. The resident will be notified of the determination within the relevant service standard.
6. Works required are to be in accordance with the hazard reduction certificate. The area nominated for clearing from the private property boundaries is to be free of encroachments.
7. Residents will be given 14 days written notice to remove encroachments such as garden plants and edging, garden materials/waste, outdoor furniture, fences, vehicles, cubby houses, wood piles, paving etc.
8. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised any property/materials remaining on a reserve will be assumed to be abandoned and disposed accordingly after the grace period nominated on the written notice.
9. Clean up notices and/or infringement penalties can be applied to a person(s) either abandoning property/materials in this reserve or carrying out activities as set out in point 8.
10. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised the following activities are not permitted within the APZ.
 - 10.1 Planting or removal of vegetation
 - 10.2 Vehicle, boat or trailer storage
 - 10.3 Fires or barbeques
 - 10.4 Dumping of rubbish, building or garden waste
 - 10.5 Construction of any kind
 - 10.6 Storage of construction/ garden materials
 - 10.7 Storage of firewood
 - 10.8 Camping

Appendix 2:

FIRE INTERVALS FOR VEGETATION FORMATIONS:

(Threshold measured in years)

Vegetation Formation	Minimum SFAZ Threshold	Minimum LMZ Threshold	Maximum Threshold	Notes
Rainforest	NA	NA	NA	Fire should be avoided
Alpine complex	NA	NA	NA	Fire should be avoided
Wet Sclerophyll forest (shrubby subformation)	25	30	60	Crown fires should be avoided in the lower end of the interval range
Wet Sclerophyll forest (grassy subformation)	10	15	50	Crown fires should be avoided in the lower end of the interval range.
Grassy woodland	5	8	40	Minimum interval of 10 years should apply in the southern Tablelands area. Occasional intervals greater than 15 years may be desirable.
Grassland	2	3	10	Occasional intervals greater than 7 years should be included in coastal areas. There was insufficient data to give a maximum interval, available evidence indicates maximum intervals should be approximately 10 years.
Dry sclerophyll forest (shrub/grass subformation)	5	8	50	Occasional intervals greater than 25 years may be desirable.
Dry sclerophyll forest (shrub subformation)	7	10	30	Occasional intervals greater than 25 years may be desirable.
Heathlands	7	10	30	Occasional intervals greater than 20 years may be desirable.
Freshwater wetlands	6	10	35	Occasional intervals greater than 30 years may be desirable.
Forested wetlands	7	10	35	Some intervals greater than 20 years may be desirable.
Saline Wetlands	NA	NA	NA	Fire should be avoided.
Semi-arid woodlands (grassy subformation)	6	9	No max	Not enough data for a maximum fire interval.
Semi-arid woodlands (shrubby subformation)	10	15	No max	Not enough data for a maximum fire interval.
Arid shrublands (chenopod subformation)	NA	NA	NA	Fire should be avoided.
Arid shrublands (acacia subformation)	10	15	No max	Not enough data for a maximum fire interval.



Authorised by: Council
Authorised date: DD/MM/2022
Effective date: DD/MM/2022
Next review date: DD/MM/2024
File Number: #####

Bushfire Risk Mitigation on Public Land Policy

1. INTRODUCTION

Port Macquarie Hastings Council (PMHC) has developed this policy to provide clear guidelines for assessment and mitigation of bushfire risk on public land whilst preserving the Local Government Area's (LGA) natural amenity and environmental values.

The risk of damaging bushfires on Council owned or managed land is mitigated by hazard reduction activities such as mechanical works and burning to manage fuel levels.

PMHC, in conjunction with other land managers in the LGA, particularly the Rural Fire Service (RFS) and Fire and Rescue NSW, work together to implement the Bush Fire Risk Management Plan (BFRMP) through the Bushfire Management Committee (BFMC). Other members of the BFMC include Midcoast Council, Forestry Corporation NSW and National Parks and Wildlife Services who PMHC often collaborates with. PMHC also aims to improve community understanding around bushfire and its associated risks through community engagement materials provided by the RFS and the "Ready Now" campaign supplied by Resilience NSW.

The objectives of this policy are:

- To provide direction for assessing and managing bushfire risk on Council owned or managed land.
- To minimise the risk to life and property in the event of a fire on Council controlled land;
- To create appropriate defensible spaces for firefighting crews in the event of a fire on Council controlled land;
- To preserve and manage existing bush land areas while maintaining or improving their ecological health during and after works are completed;

2. POLICY STATEMENT AND SCOPE

This policy applies to all land that is managed by Council either directly or as trustee for other agencies.

2.1 Fuel Management on Public Lands

The following are required when implementing this policy:

- Bushfire mitigation strategies are to be in accordance with the current BFRMP prepared by the BFMC and the RFS Bush Fire Environment Assessment Code (BFEAC) and to reduce the risk to life and property.
- Constructed APZ are to be maintained and kept clear of encroachments as outlined in Appendix 1. Mechanical works, or hazard reduction burns are fuel management options in an APZ.
- Fuel management works are to be in accordance with the current BFRMP prepared by the BFMC, and the BFEAC.
- Hazard reduction burns in bushland are to be conducted so as to maintain appropriate fire intervals for the vegetation formation. (see Appendix 2)
- Fuel management works are to be integrated with pre and post works weed management
- Fuel management works are to be implemented in accordance with the following priorities:
- Where works provide local asset protection immediately adjacent to residential properties and OFH is high or above.

- Where works are classified as high priority in accordance with the BFRMP due to high risk level.
- Where works provide strategic fire protection and inter-fire period is within ecological ranges for the vegetation community (as specified in BFEAC)
- Maintain a database of fire history (where known), including size of area burnt, date of burn, season, fire intensity, type of fire, (planned or unplanned) and other relevant data.
- Maintain a database of APZ works and OFH reductions and a maintenance schedule for these works.
- Inspect APZ sites annually to understand works required according to fuel levels and monitor encroachments.

2.2 Planning and Development Controls

Ensure that subdivision and development applications for properties at risk from bushfires, or identified in bush-fire prone land mapping, provide for and accommodate adequate bushfire protection measures within the property boundaries. Council owned/managed bushland shall not be used for APZ to accommodate new development. Refers to Section 3.3 Part B page 13 of Planning for Bushfire Protection 2006.

Ensure that any residential or infill development that does not comply with the 'acceptable solutions' outlined in Section 4.2 of Planning for Bushfire Protection 2019, are referred to the NSW Rural Fire Service prior to granting approval.

3. RESPONSIBILITIES AND AUTHORITIES

The Environmental Project Officer - Bushfire Mitigation is responsible for:

- Implementing and communicating this policy through undertaking assessments and prioritising works in accordance with this policy's procedure and the guidelines provided in the Mid Coast Bush Fire Management Committee Bush Fire Risk Management Plan.
- Monitoring and compliance of this policy
- Ensuring the policy is reviewed and updated to coincide with the automatic repeal of legislation, or as otherwise directed or as is deemed necessary

4. REFERENCES

- Mid Coast Bushfire Risk Management Plan (BFRMP) 2019.
- Rural Fires Act 1997
- Rural Fires Regulation 2008
- Rural Fire Service Bushfire Environmental Assessment Code 2021.
- Local Government Act 1993
- Crown Lands Act 1989
- State Environmental Planning Policies
- Planning for Bushfire Protection NSW Rural Fire Service 2019
- Biodiversity Conservation Act 2016
- Local Land Services Act 2013
- Rural Boundary Clearing Code
- 10/50 Vegetation Clearing Code
- Australian Standard AS4373 Pruning of Amenity trees
- Work Cover Code of Practice Amenity Tree Industry 1998
- Protection of the Environment Operations Act 1997
- Work Health and Safety Act 2011

- Protection of the Environment (Clean Air) Regulation 2010
- Port Macquarie-Hastings Local Environmental Plan 2011
- Development Control Plan 2013
- Standards for Asset Protection Zones
- Standards for Low Intensity Bush fire Hazard Reduction Burning
- Fire trail Standards 2016
- Planning for Bush fire Protection NSW Rural Fire Service 2019
- Bushfire Planning for Existing Development Tool

5. DEFINITIONS

Bush Fire Risk	the chance of a bush fire igniting, spreading and causing damage to assets of value to the community. Determined by fuel hazard levels, ground slope, aspect and typical weather patterns, ignition risk and the assets needing protection.
Fire Interval	the length of time between successive fires on an area of land.
Asset Protection Zone (APZ)	<ul style="list-style-type: none"> • reduce fine fuel load and structure to a level that provides a safe 'defensible space' around an asset; • reduce fine fuels within the zone to prevent a ground fire reaching the asset; and • reduce vertical structure of the fine fuels by reducing shrub fuels
Strategic Fire Advantage Zone (SFAZ)	<ul style="list-style-type: none"> • reduce fine fuel load and structure to a level that provides firefighters with an area in which they have a high probability of success in containing bush fires burning within, or into, the area • reduce fine fuels by approximately 50-80% within area; and • reduce vertical structure of the fine fuels by reducing shrub fuels.
Land Management Zone (LMZ)	<ul style="list-style-type: none"> • provide a mosaic of areas with varying fuel load structures; • maintain or enhance biodiversity; and • provide fuel reduced areas in which firefighting suppression efforts are safer and have greater chance of success
Overall Fuel Hazard (OFH)	is the sum of the influences of Bark Hazard+ Elevated Fuel Hazard+ Surface Fine Fuel Hazard, often expressed as tonnes per hectare.
Vegetation Formation	groups of vegetation classes with related structural and functional features

6. PROCESS OWNER

Group Manager Environment & Regulatory Services

7. AMENDMENTS

Superseded documents: Bushfire Risk Mitigation on Public Land Policy 2011 version.

Appendix 1:

BUSHFIRE - PUBLIC LAND PROCEDURE

1. All requests for asset protection works are to be forwarded to Council in writing, by logging a request with Council's Customer Service Centre (6581 8111) or through the 'report a hazard' page on Council's website.
2. Council will determine if works are required by referring to the Midcoast Bushfire Risk Management Plan and Council's GIS Asset Protection Zone register.
3. Where there is no record in Council's GIS APZ register Council will carry out a site specific assessment. This may be carried out in conjunction with the RFS if further support is required.
4. All requests will be assessed in accordance with the Rural Fires Act 1997, Rural Fire Regulation 2013 and the Rural Fire Service Bushfire Environmental Assessment Code 2021.
5. The resident will be notified of the determination within the relevant service standard.
6. Works required are to be in accordance with the hazard reduction certificate. The area nominated for clearing from the private property boundaries is to be free of encroachments.
7. Residents will be given 14 days written notice to remove encroachments such as garden plants and edging, garden materials/waste, outdoor furniture, fences, vehicles, cubby houses, wood piles, paving etc.
8. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised any property/materials remaining on a reserve will be assumed to be abandoned and disposed accordingly after the grace period nominated on the written notice.
9. Clean up notices and/or infringement penalties can be applied to a person(s) either abandoning property/materials in this reserve or carrying out activities as set out in point 8.
10. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised the following activities are not permitted within the APZ.
 - 10.1 Planting or removal of vegetation
 - 10.2 Vehicle, boat or trailer storage
 - 10.3 Fires or barbeques
 - 10.4 Dumping of rubbish, building or garden waste
 - 10.5 Construction of any kind
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 - 10.8 Camping

Appendix 2:

FIRE INTERVALS FOR VEGETATION FORMATIONS:

(Threshold measured in years)

Vegetation Formation	Minimum SFAZ Threshold	Minimum LMZ Threshold	Maximum Threshold	Notes
Rainforest	NA	NA	NA	Fire should be avoided
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Wet Sclerophyll forest (grassy subformation)	10	15	50	Crown fires should be avoided in the lower end of the interval range.
Grassy woodland	5	8	40	Minimum interval of 10 years should apply in the southern Tablelands area. Occasional intervals greater than 15 years may be desirable.
Grassland	2	3	10	Occasional intervals greater than 7 years should be included in coastal areas. There was insufficient data to give a maximum interval, available evidence indicates maximum intervals should be approximately 10 years.
Dry sclerophyll forest (shrub/grass subformation)	5	8	50	Occasional intervals greater than 25 years may be desirable.
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Forested wetlands	7	10	35	Some intervals greater than 20 years may be desirable.
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Semi-arid woodlands (shrubby subformation)	10	15	No max	Not enough data for a maximum fire interval.
Arid shrublands (chenopod subformation)	NA	NA	NA	Fire should be avoided.
Arid shrublands (acacia subformation)	10	15	No max	Not enough data for a maximum fire interval.



Authorised by: Council
Authorised date: 13/12/2017
Effective date: 14/12/2017
Next review date: 14/12/2021
File Number: D2017/067784

NAMING AND RENAMING OF RESERVES POLICY

1. INTRODUCTION

The purpose of this Policy is to provide consistency with regard to the requirements for the naming and renaming of Council owned reserves (either a public reserve or a drainage reserve), or Crown reserve over which Council has been appointed Crown Land Manager.

The naming and renaming of reserves is a process that involves consultation with the community, local Historical Societies and Local Aboriginal Land Councils (where applicable). The selection of names must comply with the policies and guidelines of the Geographic Names Board of NSW (GNB).

Whilst this Policy supersedes the Naming and Renaming of Reserves Policy adopted by Council on 3 April 2000, this Policy does not apply retrospectively. Naming arrangements that pre-date this Policy are not necessarily subject to its terms.

2. POLICY STATEMENT AND SCOPE

Whilst Council has the statutory power under the *Local Government Act 1993* to carry out the administrative functions associated with the naming and renaming of reserves, the GNB sets the policy and processes for all reserve naming proposals in New South Wales. The GNB has a number of Principles designed to ensure that naming practices in New South Wales will be at the highest possible standard and will result in clear reserve names which minimise confusion, errors and discrimination.

This Policy applies to reserves in the Port Macquarie-Hastings Council local government area. The objective of the Policy is to provide consistency and clarity in naming and renaming of reserves. The Policy applies to all Council staff, contractors, consultants and land developers involved in the process of naming and renaming Council owned reserves, Crown Land of which Council is Crown Land Manager and reserves within institutions such as retirement complexes, lifestyle villages, educational campuses and proposed reserves in subdivisions.

All requests for the naming or renaming of reserves in the Port Macquarie-Hastings Council local government area are to comply with the principles set out by the GNB of NSW and Council's Naming and Renaming of Reserves Policy and Procedure. Applications for naming or renaming of reserves that do not comply with the GNB Principles or this Policy cannot be considered by Council.

Reserve names must be drawn from the following sources, either:

- Aboriginal names associated with the locality;
- Local history themes, flora, fauna, ships etc.;
- Names reflecting NSW multicultural heritage.

The use of names of people (living and deceased) are excluded as a source of reserve names.

Notwithstanding the above, in exceptional circumstances as determined only by formal resolution of Council, the names of deceased persons, eg early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, may be used having regard to the Principles and Guidelines published by the GNB.

Costs

The applicant shall be required to lodge a Council Naming and Renaming of Reserves Application Form and pay the relevant fee as published in Council's Schedule of Fees and Charges.

Costs associated with the purchase and installation of the reserve name signs will be borne by Council, except for reserves being named or renamed as part of a development application.

Maintenance of Reserves and Reserve Signage

The naming of reserves not owned by Council (Crown reserves, private reserves or reserves within facilities such as retirement complexes, nursing homes, hospitals, universities etc) does not imply Council's acceptance of responsibility for the maintenance of that reserve or the reserve name sign.

3. RESPONSIBILITIES AND AUTHORITIES

The following Council officers are responsible for ensuring this Policy is reviewed and updated to meet external compliance – the Policy will be reviewed every four (4) years or as otherwise required:

- Property and Leasing Co-ordinator.

The following Council officers are responsible for and accountable to follow this Policy and can provide advice on this policy:

- Property officers;
- Geographical Information Systems officers;
- Development Assessment officers;
- Recreation and Buildings officers.

4. REFERENCES

- *Geographical Names Act 1966*;
- Geographical Names Board *Guidelines for the Determination of Place Names*;
- Geographical Names Board of NSW website www.gnb.nsw.gov.au factsheets and publications;
- *Local Government Act 1993*;
- Port Macquarie-Hastings Council Naming and Renaming of Reserves Application Form;
- Port Macquarie-Hastings Council Naming and Renaming of Reserves Procedure.

5. DEFINITIONS

General Manager:	1 st tier management position and titled as such.
Director:	2 nd tier management position and titled as such.
Group Manager:	3 rd tier management position and titled as such.
Council Officer:	A member of Council staff.
Council Reserves:	Council owned Reserves and Parks.

6. PROCESS OWNER

Group Manager Community.

7. AMENDMENTS

Name of Document	File Location	Amendments:
Naming and Renaming of Reserves Policy - revised 2017 12 13	D2017/067784	<ul style="list-style-type: none"> • New Policy template. • Staff position titles updated.



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Next review date: 14/12/2021
File Number: D2017/067714

NAMING AND RENAMING OF ROADS POLICY

1. INTRODUCTION

Port Macquarie-Hastings Council (Council) is committed to providing residents with the best possible service to ensure public safety when it comes to location information. The selection and use of road names should not risk public safety or the operational safety of emergency services, nor cause confusion for transport, communication or mail services.

The naming and renaming of roads is a process that involves consultation with the community, local Historical Societies, and Local Aboriginal Land Councils (where applicable). The selection of names must comply with the policies and guidelines of the Geographical Names Board of NSW (GNB).

Whilst this Policy supersedes the Naming and Renaming of Roads Policy adopted by Council on 18 September 2006, this Policy does not apply retrospectively. Naming arrangements that pre-date this Policy are not necessarily subject to its terms.

2. POLICY STATEMENT AND SCOPE

Whilst Council is a Roads Authority as constituted by the *Roads Act 1993* and has the statutory power to carry out the administrative functions associated with road naming and renaming, the GNB sets the policy and processes for all road naming proposals in New South Wales. The GNB has a number of Principles designed to ensure that naming practices in New South Wales will be of the highest possible standard and will result in clear road names which minimise confusion, errors and discrimination.

This Policy applies to all roads in the Port Macquarie-Hastings Council local government area. The objective of this Policy is to provide consistency and clarity in naming and renaming of roads. This Policy applies to all Council staff, contractors, consultants and land developers involved in the process of naming and renaming of all roads.

All requests for the naming or renaming of roads in the Port Macquarie-Hastings Council local government area are to comply with the principles set out by the GNB and Council's Road Naming and Renaming Policy and Procedure. Applications for naming or renaming of roads that do not comply with the GNB Principles or this Policy cannot be considered by Council.

Road names must be drawn from the following sources, either:

- Aboriginal names;
- Local history themes, flora, fauna, ships etc.;
- Names reflecting NSW multicultural heritage.

The use of names of people (living and deceased) are excluded as a source of road names.

Notwithstanding the above, in exceptional circumstances as determined only by formal resolution of Council, the names of deceased persons, eg early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, may be used having regard to the Principles and Guidelines published by the GNB.

Costs

The applicant shall be required to lodge a Council Road Naming and Renaming Application form and pay the relevant fee as specified in Council's published Schedule of Fees and Charges.

Costs associated with the purchase and installation of the road name signs will be borne by Council, except for private roads or roads being named or renamed as part of a development application.

Maintenance of Road Surface/Road Formation/ Road Signage

The naming of roads not owned by Council (Crown roads, private roads, rights of way or roads within facilities such as retirement complexes, nursing homes, hospitals, universities etc) does not imply Council's acceptance of responsibility for the maintenance of that road or the street/road name sign.

3. RESPONSIBILITIES AND AUTHORITIES

The following Council officers are responsible for ensuring this Policy is reviewed and updated to meet external compliance – the Policy will be reviewed every four (4) years or as otherwise required:

- Property and Leasing Co-ordinator.

The following Council officers are responsible for and accountable to follow this Policy and can provide advice on this Policy:

- Property officers;
- Geographical Information Systems officers;
- Development Assessment officers;
- Infrastructure & Asset Management Division officers.

4. REFERENCES

- *Australian/New Zealand Urban and Rural Addressing Standard AS/NZS 4819;*
- *Geographical Names Act 1966;*
- *Geographical Names Board New South Wales Address Policy;*
- *Geographical Names Board NSW Addressing User Manual;*
- Geographical Names Board of NSW website www.gnb.nsw.gov.au/road_naming, factsheets and publications;
- *Local Government Act 1993;*
- Port Macquarie-Hastings Council Naming and Renaming of Roads Application Form;
- Port Macquarie-Hastings Council Naming and Renaming of Roads Procedure;
- *Roads Act 1993;*
- *Roads Regulation 2008.*

5. DEFINITIONS

General Manager: 1st tier management position and titled as such.
 Director: 2nd tier management position and titled as such.
 Group Manager: 3rd tier management position and titled as such.
 Council officer: A member of Council staff.

6. PROCESS OWNER

Group Manager Community

7. AMENDMENTS

Name of Document	File Location	Amendments:
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Naming and Renaming of Roads Policy - revised 2017 12 13	D2017/067714	<ul style="list-style-type: none">• New Policy template.• Staff position titles updated.
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Authorised by: Council
Authorised date: 13/10/2021
Effective date: 13/10/2021
Next review date: 13/10/2023
File Number: D2021/327565

Council Policy CLIMATE CHANGE RESPONSE POLICY

1. OBJECTIVE

The key objective of this Policy is to articulate Council's position and response to climate change. It demonstrates Council's commitment to respond to climate change through meaningful actions that reduce Council's greenhouse gas emissions; facilitate and support an LGA-wide reduction in greenhouse gas emissions and adapt to the projected impacts of climate change both for Council and the community.

In implementing this policy, Council's objectives are to:

- Provide timely, up-to-date, scientifically-sound information to Council and the community on climate change in order to create a holistic and well-informed response to climate change.
- Develop and implement appropriate mitigation actions in response to climate change to achieve organisational greenhouse gas emissions reduction (net zero) targets set in consultation with the community.
- Work with the community to develop and implement appropriate mitigation actions in response to climate change that reduce the community's greenhouse gas emissions in line with agreed net zero targets.
- Identify, assess, prioritise and manage the organisation's risks from climate change and support adaptation and resilience strategies for the Port Macquarie-Hastings community.
- Ensure that climate change adaptation is a core component of planning for a resilient and thriving Port Macquarie-Hastings LGA and is embedded across Council's functions and activities including (but not limited to) biodiversity conservation, long-term financial planning, asset management, infrastructure delivery, land use planning, economic development, disaster management and support of our communities as a result of changes brought about by climate change.
- Comply with applicable legal requirements and implement State and Federal government policies, guidelines and/or directives related to climate change where required or relevant.

2. POLICY STATEMENT

Local government has a significant role in reducing greenhouse gas emissions and adapting to the impacts of climate change. The effects of climate change have the potential to impact our natural environment, damage Council assets, cause serious disruptions to the delivery of Council services, generate unbudgeted financial impacts and affect the wellbeing of our local community and others further afield.

Council:

- Acknowledges the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
- Has recognised and declared that we are now in a state of global climate emergency.
- Acknowledges that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance.
- Acknowledges that a successful response to climate change requires immediate and ongoing collaborative action and shared responsibility by all levels of government, industry, business, communities and individuals.
- Acknowledges that it is part of Council's role to:

- a. reduce its organisational contributions to climate change by reducing its operational greenhouse gas emissions;
 - b. identify, plan for and adapt to the risks and impacts of climate change to its operations;
 - c. support and facilitate the advancement of climate change mitigation, adaptation, and resilience for our community;
 - d. advocate for strong leadership, action and resourcing from all levels of government to ensure an effective response to climate change
- Confirms that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability.
- Acknowledges Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and co-ordinated approach across all Council functions.
- Will apply resources to implement the Policy through the preparation and implementation of relevant strategies and plans. Progress towards targets will be delivered through the Integrated Planning & Reporting Framework.

Council will adopt the following principles in its response to climate change:

1. Precautionary Principle

Council will apply the precautionary principle to climate change adaptation and greenhouse gas emissions reduction in order to mitigate threats of serious or permanent harm to the environment or our community. Council will do this by taking account of all available evidence to reduce risk to Council and the community and avoid using uncertainty as a justification for not addressing risks adequately or in a timely manner. We will develop and implement short and long term actions that seek to achieve resilience and a reduction in greenhouse gas emissions while also delivering other social, economic and environmental benefits.

2. Evidence-based Decision-making

Council will base its decision making regarding climate change responses on internationally recognised scientific data and continually review its understanding of the risks and impacts of climate change to Council operations and the community. Where reliably available, Council will also seek to utilise climate change projections specific to the Port Macquarie-Hastings region. Where possible, Council will use climate change projections that are consistent with those used or referenced by the NSW Government for use in Council's hazard or risk determinations. In the absence of these, Council will seek to apply factors contained in projections provided by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

3. Adaptive and Integrated Management Response

The implementation of this Policy will primarily be through the Climate Change Response Strategy and associated Action Plans. Additionally, Council will regularly review its policies, strategies, plans and other relevant systems, where their content may be affected by climate change, to ensure that climate change response is integrated across the organisation. Council will ensure that its actions, decisions and policy response to climate change remain current as the science of climate change develops, and that they reflect Council's financial and operational capacity.

4. Collaborative and Capacity-building Approach

Council will work collaboratively with community, agencies, industry, businesses, and all levels of government to build knowledge, develop partnerships, seek and advocate for local, regional, state, and national climate change mitigation and adaptation solutions that are informed by the current knowledge and best available science. Council will build the adaptive capacity and the resilience of Council and its community through active engagement, transparent and proactive communication and education regarding emissions reduction measures and the identification and management of climate-related risks

5. Risk Mitigation & Management

Council will take account of all available evidence to understand and prepare for climate change related risk to Council and the community. We will ensure that climate change factors are integrated into our risk assessment framework.

3. SCOPE

This is a whole-of-Council Policy. It applies to all Councillors, Council staff, contractors and others that act on Council's behalf to ensure they work in accordance with the Policy principles.

4. RESPONSIBILITIES AND AUTHORITIES

Position	Responsibility
Councillors	Responsible for understanding and applying the Climate Change Response Policy in setting strategy and decision-making.
CEO & Senior Leadership Team	The CEO, Directors and Group Managers are responsible for advocating, supporting and embedding the implementation of the Climate Change Response Policy.
Group Manager, Strategy	Responsible for the development and review of the Climate Change Response Policy.
Group Manager, Environment & Regulatory Services	Responsible for the implementation of this Policy across Council.
Group Manager, Customer Experience & Communications & Group Manager, Community	Responsible for: <ul style="list-style-type: none"> Providing the community with clear and consistent messaging about climate change and Council's response to climate change Providing education programs and materials to support the community to take action in response to climate change
Sustainability Coordinator	Responsible for: <ul style="list-style-type: none"> Providing technical support and expertise to assist in the implementation of this Policy. Providing regular reporting and analysis to Council and the community. Educating and liaising with key areas of Council's operations e.g. procurement, maintenance operations and infrastructure, and community engagement to lead the inclusion of appropriate climate change response actions in their area of responsibility
All Port Macquarie-Hastings Council Employees	Responsible for applying this Policy in planning, decision-making activities and reporting where required.

5. POLICY CONTEXT & REFERENCES

Council Strategic Alignment:

Council's activities and operations are guided and directed by State and Federal Government policy. The Integrated Planning and Reporting (IP&R) framework provides the broader strategic direction for Council to develop the Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS). These Plans translate the community's future goals, aspirations, and strategic land use planning priorities into the key outcomes that the Council, other agencies, and the community will be working to achieve. A strong and recurring theme in these strategic documents is the health and preservation of our natural environment.

This Policy aligns with:

- the Community's Vision for Port Macquarie-Hastings as defined in the **Towards 2030 Community Strategic Plan** - *"A sustainable high-quality of life for all"*
- Council's **Local Strategic Planning Statement "Shaping Our Future 2040"** which guides land use planning for the Port Macquarie-Hastings LGA to 2040, identifies Planning Priority 3 - *"Increase our*

community's resilience by identifying, mitigating and adapting to the impacts and risks of natural hazards, social and environmental change."

This Policy is also consistent with Council's overarching commitment to a quadruple-bottom line (QBL) approach to sustainability, as outlined in Council's Sustainability Framework. This Framework commits Council to the UN's 2030 Agenda for Sustainable Development Goals with Goal 13 being Climate Action (see below).

International & National Context

- In 2015, at the twenty first Convention of Parties (COP21) 195 countries agreed on the United Nations **Paris Agreement** on climate change. The key objective was to limit the increase in global temperatures to well below 2 degrees and pursue efforts to limit the rise to 1.5 degrees. The commitment was to achieve net-zero emissions globally by 2050.
- The **Intergovernmental Panel on Climate Change (IPCC)** is the leading world body for assessing the science related to climate change, its impacts and potential future risks, and possible response options.
As part of the decision to adopt the Paris Agreement the IPCC produced a Special Report in 2018 on global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The IPCC reported that the current global commitments may not be enough to reach the 1.5°C goal. The report indicates that prospects of succeeding will require emissions to reduce rapidly in the short term, and adaptation measures at all levels including resilience through technology, as well as changing behaviour and policy.
- **The UNESCO Declaration on Ethical Principles in Relation to Climate Change (2017)**
This Declaration expresses the concern of UNESCO Member States that climate change could create morally unacceptable damage and injustice. The Declaration sets out a shortlist of the globally-agreed ethical principles that should guide decision-making and policy-making at all levels and help mobilise people to address climate change. The six principles are as follows:
 - Prevention of harm
 - Precautionary approach
 - Equity and justice
 - Sustainable development
 - Solidarity
 - Scientific knowledge and integrity in decision-making
- In 2015 all United Nations (UN) Member States including Australia, adopted The **2030 Agenda for Sustainable Development** and its 17 Sustainable Development Goals (SDG's). The SDG's are an urgent call for action for peace and prosperity for people and the planet, now and into the future. The SDG's are a globally accepted framework for sustainable development that recognise the co-dependence of society, the economy and the environment. The goals include strategies that improve health and education, reduce inequality, and promote economic growth while developing ways to manage climate change. The link between sustainable development and limiting global warming to the 1.5°C goal by 2050 is recognised by the goal 13 for climate action (SDG 13).
- In 2015, Australia pledged to the Paris Agreement and adopted the UN Sustainable Development Goals. The Australian government has committed to a staged emissions reduction approach with a target of 26–28% reduction of emissions below 2005 levels by 2030. This target will be reviewed within the first period of the policy. Australia has yet to set a 2050 target.
- In 2016, the NSW Government endorsed the Paris Agreement and took action consistent with the level of effort to achieve Australia's commitment to the Paris Agreement through implementation of the **NSW Climate Change Policy Framework**. The current aspirational objectives of NSW are to achieve net-zero emissions by 2050. The NSW Stage 1 Plan sets out a staged approach of a 35% reduction in emissions compared to 2005 levels by 2030.

- In 2016, the NSW Government's **North Coast Regional Plan 2036** set a goal for the region to be "The most stunning environment in NSW". Direction 3 of the Regional Plan requires "*management of natural hazards and climate change*".
- In 2020 the **Local Government of NSW's Climate Change Position Statement** detailed how local government had a significant role in reducing carbon emissions and adapting to the impacts of climate change. Reasoning that "the effects of climate change have the potential to damage council assets, cause serious disruptions to the delivery of council services, generate unbudgeted financial impacts and affect the wellbeing of the community".
- The **Sharma v Minister for the Environment [2021]** judgement in which it was held that the Federal Minister is required to consider recognised principles of environmental law, such as Ecologically Sustainable Development and the Precautionary Principle when making decisions under the EPBC Act. The judgement included the consideration that the Minister has responsibility for the environment and the interests of Australians, and must ensure a healthy environment for the benefit of future generations. The decision in Sharma is the first time in the world that a government executive in their decision making has been held to owe a duty of care to young people to prevent them from harms associated with climate change.
- The **Bushfire Survivors for Climate Action Incorporated vs NSW Environment Protection Authority [2021]** judgement in which the Land and Environment Court of NSW ordered the NSW Environment Protection Authority to develop environmental quality objectives, guidelines and policies to ensure environment protection from climate change.

6. DEFINITIONS

TERM	DEFINITION
Climate Adaptation	The Intergovernmental Panel on Climate Change (IPCC) defines climate adaptation as the process of adjustment to actual or expected climate change and its effects.
Climate Change	In the context of this Policy refers to anthropogenic climate change which means a change of climate over an extended period, typically decades or longer, which is caused by human activity and has direct and indirect impacts on the environment, community and Council business.
Climate Mitigation	The Intergovernmental Panel on Climate Change (IPCC) defines climate mitigation as human intervention to reduce the sources or enhance the sinks of greenhouse gases.
Climate Resilience	Means building capacity to cope with climate change, to recover from the impacts of these climatic changes and to adapt using a combination of sustainable adaptation and mitigation measures.
Council	Means Port Macquarie-Hastings Council, being the organisation responsible for the administration of Council affairs and operations, and the implementation of Council policy and strategies.
Hazard	Means the potential occurrence of a natural or human-induced event, trend or impact that may cause damage, including loss to property, infrastructure, livelihoods, service provision, and ecosystems.
Integrated Planning & Reporting (IP&R) Framework	The IP&R Framework describes the suite of integrated plans that set out a vision, goals and strategic actions to achieve them. It involves a reporting structure to communicate progress to Council and the community as well as a structured timeline for review to ensure the goals and actions are still relevant.
Net Zero Emissions	Net zero emissions refers to achieving an overall balance between greenhouse gas emissions produced and greenhouse gas emissions taken out of the atmosphere
Precautionary Approach	Where that where there are threats of serious or irreversible damage to the environment or the community, we do not postpone measures to prevent environmental degradation due to a lack of full scientific certainty.

Resilience	Means the capacity of social, economic, and environmental systems to cope with a hazardous event, trend, or disturbance, responding or reorganising in ways that maintain their essential function, identity, and structure, while also maintaining the capacity for adaptation, learning, and transformation.
Risk	Means the potential for consequences where something of value is at stake and where the outcome is uncertain, recognising the diversity of values. Risk is often represented as probability of occurrence of hazardous events (likelihood) or trends multiplied by the impacts (or consequences) if these events or trends occur.
Sustainability	Sustainability describes managing resources future generations. It is a commitment to live within the carrying capacity and resource limits of the planet. This concept goes beyond environmental sustainability, which concerns earth's natural resources, to include economic and social sustainability, which relate to meeting people's current social and economic needs without compromising future generations.

7. PROCESS OWNER

Group Manager - Environment & Regulatory Services

8. AMENDMENTS

This is a new policy.



Authorised by:
Authorised date: xx/xx/xx
Effective date: xx/xx/xx
Next review date: 13/10/2023
File Number:

Council Policy (revised draft) CLIMATE CHANGE RESPONSE POLICY

1. OBJECTIVE

The key objective of this Policy is to articulate Council's position and response to climate change. It demonstrates Council's commitment to respond to climate change through meaningful actions that reduce Council's greenhouse gas emissions; facilitate and support an LGA-wide reduction in greenhouse gas emissions and adapt to the projected impacts of climate change both for Council and the community.

In implementing this policy, Council's objectives are to:

- Provide timely, up-to-date, scientifically-sound information to Council and the community on climate change in order to create a holistic and well-informed response to climate change.
- Develop and implement appropriate mitigation actions in response to climate change to achieve organisational greenhouse gas emissions reduction (net zero) targets set in consultation with the community.
- Work with the community to develop and implement appropriate mitigation actions in response to climate change that reduce the community's greenhouse gas emissions in line with agreed net zero targets.
- Identify, assess, prioritise and manage the organisation's risks from climate change and support adaptation and resilience strategies for the Port Macquarie-Hastings community.
- Ensure that climate change adaptation is a core component of planning for a resilient and thriving Port Macquarie-Hastings LGA and is embedded across Council's functions and activities including (but not limited to) biodiversity conservation, long-term financial planning, asset management, infrastructure delivery, land use planning, economic development, disaster management and support of our communities as a result of changes brought about by climate change.
- Comply with applicable legal requirements and implement State and Federal government policies, guidelines and/or directives related to climate change where required or relevant.

2. POLICY STATEMENT

Local government has a significant role in reducing greenhouse gas emissions and adapting to the impacts of climate change. The effects of climate change have the potential to impact our natural environment, damage Council assets, cause serious disruptions to the delivery of Council services, generate unbudgeted financial impacts and affect the wellbeing of our local community and others further afield.

Council:

- Acknowledges the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
- Acknowledges that a successful response to climate change requires immediate and ongoing collaborative action and shared responsibility by all levels of government, industry, business, communities and individuals.
- Acknowledges that it is part of Council's role to:
 - a. reduce its organisational contributions to climate change by reducing its operational greenhouse gas emissions;
 - b. identify, plan for and adapt to the risks and impacts of climate change to its operations;
 - c. support and facilitate the advancement of climate change mitigation, adaptation, and resilience for our community;

- d. advocate for strong leadership, action and resourcing from all levels of government to ensure an effective response to climate change
- Confirms that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability.
- Acknowledges Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and co-ordinated approach across all Council functions.
- Will apply resources to implement the Policy through the preparation and implementation of relevant strategies and plans. Progress towards targets will be delivered through the Integrated Planning & Reporting Framework.

Council will adopt the following principles in its response to climate change:

1. Precautionary Principle

Council will apply the precautionary principle to climate change adaptation and greenhouse gas emissions reduction in order to mitigate threats of serious or permanent harm to the environment or our community. Council will do this by taking account of all available evidence to reduce risk to Council and the community and avoid using uncertainty as a justification for not addressing risks adequately or in a timely manner. We will develop and implement short and long term actions that seek to achieve resilience and a reduction in greenhouse gas emissions while also delivering other social, economic and environmental benefits.

2. Evidence-based Decision-making

Council will base its decision making regarding climate change responses on internationally recognised scientific data and continually review its understanding of the risks and impacts of climate change to Council operations and the community. Where reliably available, Council will also seek to utilise climate change projections specific to the Port Macquarie-Hastings region. Where possible, Council will use climate change projections that are consistent with those used or referenced by the NSW Government for use in Council's hazard or risk determinations. In the absence of these, Council will seek to apply factors contained in projections provided by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

3. Adaptive and Integrated Management Response

The implementation of this Policy will primarily be through the Climate Change Response Strategy and associated Action Plans. Additionally, Council will regularly review its policies, strategies, plans and other relevant systems, where their content may be affected by climate change, to ensure that climate change response is integrated across the organisation. Council will ensure that its actions, decisions and policy response to climate change remain current as the science of climate change develops, and that they reflect Council's financial and operational capacity.

4. Collaborative and Capacity-building Approach

Council will work collaboratively with community, agencies, industry, businesses, and all levels of government to build knowledge, develop partnerships, seek and advocate for local, regional, state, and national climate change mitigation and adaptation solutions that are informed by the current knowledge and best available science. Council will build the adaptive capacity and the resilience of Council and its community through active engagement, transparent and proactive communication and education regarding emissions reduction measures and the identification and management of climate-related risks

5. Risk Mitigation & Management

Council will take account of all available evidence to understand and prepare for climate change related risk to Council and the community. We will ensure that climate change factors are integrated into our risk assessment framework.

3. SCOPE

This is a whole-of-Council Policy. It applies to all Councillors, Council staff, contractors and others that act on Council's behalf to ensure they work in accordance with the Policy principles.

4. RESPONSIBILITIES AND AUTHORITIES

Position	Responsibility
Councillors	Responsible for understanding and applying the Climate Change Response Policy in setting strategy and decision-making.
CEO & Senior Leadership Team	The CEO, Directors and Group Managers are responsible for advocating, supporting and embedding the implementation of the Climate Change Response Policy.
Executive Manager, Strategy	Responsible for the development and review of the Climate Change Response Policy.
Group Manager, Environment & Regulatory Services	Responsible for the implementation of this Policy across Council.
Group Manager, Customer Experience & Communications & Group Manager, Community	Responsible for: <ul style="list-style-type: none"> Providing the community with clear and consistent messaging about climate change and Council's response to climate change Providing education programs and materials to support the community to take action in response to climate change
Sustainability Coordinator	Responsible for: <ul style="list-style-type: none"> Providing technical support and expertise to assist in the implementation of this Policy. Providing regular reporting and analysis to Council and the community. Educating and liaising with key areas of Council's operations e.g. procurement, maintenance operations and infrastructure, and community engagement to lead the inclusion of appropriate climate change response actions in their area of responsibility
All Port Macquarie-Hastings Council Employees	Responsible for applying this Policy in planning, decision-making activities and reporting where required.

5. POLICY CONTEXT & REFERENCES

Council Strategic Alignment:

Council's activities and operations are guided and directed by State and Federal Government policy. The Integrated Planning and Reporting (IP&R) framework provides the broader strategic direction for Council to develop the Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS). These Plans translate the community's future goals, aspirations, and strategic land use planning priorities into the key outcomes that the Council, other agencies, and the community will be working to achieve. A strong and recurring theme in these strategic documents is the health and preservation of our natural environment.

This Policy aligns with:

- the Community's Vision for Port Macquarie-Hastings as defined in the **Towards 2030 Community Strategic Plan** - *"A sustainable high-quality of life for all"* and subsequent draft **Imagine 2050 Community Strategic Plan** - *"The most liveable, sustainable and innovative place in Australia"*
- Council's **Local Strategic Planning Statement "Shaping Our Future 2040"** which guides land use planning for the Port Macquarie-Hastings LGA to 2040, identifies Planning Priority 3 - *"Increase our*

community's resilience by identifying, mitigating and adapting to the impacts and risks of natural hazards, social and environmental change."

This Policy is also consistent with Council's overarching commitment to a quadruple-bottom line (QBL) approach to sustainability, as outlined in Council's Sustainability Framework. This Framework commits Council to the UN's 2030 Agenda for Sustainable Development Goals with Goal 13 being Climate Action (see below).

International & National Context

- In 2015, at the twenty first Convention of Parties (COP21) 195 countries agreed on the United Nations **Paris Agreement** on climate change. The key objective was to limit the increase in global temperatures to well below 2 degrees and pursue efforts to limit the rise to 1.5 degrees. The commitment was to achieve net-zero emissions globally by 2050.
- The **Intergovernmental Panel on Climate Change (IPCC)** is the leading world body for assessing the science related to climate change, its impacts and potential future risks, and possible response options. As part of the decision to adopt the Paris Agreement the IPCC produced a Special Report in 2018 on global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The IPCC reported that the current global commitments may not be enough to reach the 1.5°C goal. The report indicates that prospects of succeeding will require emissions to reduce rapidly in the short term, and adaptation measures at all levels including resilience through technology, as well as changing behaviour and policy.
- **The UNESCO Declaration on Ethical Principles in Relation to Climate Change (2017)**
This Declaration expresses the concern of UNESCO Member States that climate change could create morally unacceptable damage and injustice. The Declaration sets out a shortlist of the globally-agreed ethical principles that should guide decision-making and policy-making at all levels and help mobilise people to address climate change. The six principles are as follows:
 - Prevention of harm
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 - Equity and justice
 - Sustainable development
 - Solidarity
 - Scientific knowledge and integrity in decision-making
- In 2015 all United Nations (UN) Member States including Australia, adopted The **2030 Agenda for Sustainable Development** and its 17 Sustainable Development Goals (SDG's). The SDG's are an urgent call for action for peace and prosperity for people and the planet, now and into the future. The SDG's are a globally accepted framework for sustainable development that recognise the co-dependence of society, the economy and the environment. The goals include strategies that improve health and education, reduce inequality, and promote economic growth while developing ways to manage climate change. The link between sustainable development and limiting global warming to the 1.5°C goal by 2050 is recognised by the goal 13 for climate action (SDG 13).
- In 2015, Australia pledged to the Paris Agreement and adopted the UN Sustainable Development Goals. The Australian government has committed to a staged emissions reduction approach with a target of 26–28% reduction of emissions below 2005 levels by 2030. This target will be reviewed within the first period of the policy. Australia has yet to set a 2050 target.
- In 2016, the NSW Government endorsed the Paris Agreement and took action consistent with the level of effort to achieve Australia's commitment to the Paris Agreement through implementation of the **NSW Climate Change Policy Framework**. The current aspirational objectives of NSW are to achieve net-zero emissions by 2050 and cut greenhouse gas emissions by 50% on 2005 levels by 2030.

- In 2016, the NSW Government's **North Coast Regional Plan 2036** set a goal for the region to be "The most stunning environment in NSW". Direction 3 of the Regional Plan requires "*management of natural hazards and climate change*".
- In 2020 the **Local Government of NSW's Climate Change Position Statement** detailed how local government had a significant role in reducing carbon emissions and adapting to the impacts of climate change. Reasoning that "the effects of climate change have the potential to damage council assets, cause serious disruptions to the delivery of council services, generate unbudgeted financial impacts and affect the wellbeing of the community".
- The **Sharma v Minister for the Environment [2021]** judgement in which it was held that the Federal Minister is required to consider recognised principles of environmental law, such as Ecologically Sustainable Development and the Precautionary Principle when making decisions under the EPBC Act. The judgement included the consideration that the Minister has responsibility for the environment and the interests of Australians, and must ensure a healthy environment for the benefit of future generations. The decision in Sharma is the first time in the world that a government executive in their decision making has been held to owe a duty of care to young people to prevent them from harms associated with climate change.
- The **Bushfire Survivors for Climate Action Incorporated vs NSW Environment Protection Authority [2021]** judgement in which the Land and Environment Court of NSW ordered the NSW Environment Protection Authority to develop environmental quality objectives, guidelines and policies to ensure environment protection from climate change.

6. DEFINITIONS

TERM	DEFINITION
Climate Adaptation	The Intergovernmental Panel on Climate Change (IPCC) defines climate adaptation as the process of adjustment to actual or expected climate change and its effects.
Climate Change	In the context of this Policy refers to anthropogenic climate change which means a change of climate over an extended period, typically decades or longer, which is caused by human activity and has direct and indirect impacts on the environment, community and Council business.
Climate Mitigation	The Intergovernmental Panel on Climate Change (IPCC) defines climate mitigation as human intervention to reduce the sources or enhance the sinks of greenhouse gases.
Climate Resilience	Means building capacity to cope with climate change, to recover from the impacts of these climatic changes and to adapt using a combination of sustainable adaptation and mitigation measures.
Council	Means Port Macquarie-Hastings Council, being the organisation responsible for the administration of Council affairs and operations, and the implementation of Council policy and strategies.
Hazard	Means the potential occurrence of a natural or human-induced event, trend or impact that may cause damage, including loss to property, infrastructure, livelihoods, service provision, and ecosystems.
Integrated Planning & Reporting (IP&R) Framework	The IP&R Framework describes the suite of integrated plans that set out a vision, goals and strategic actions to achieve them. It involves a reporting structure to communicate progress to Council and the community as well as a structured timeline for review to ensure the goals and actions are still relevant.
Net Zero Emissions	Net zero emissions refers to achieving an overall balance between greenhouse gas emissions produced and greenhouse gas emissions taken out of the atmosphere
Precautionary Approach	Where that where there are threats of serious or irreversible damage to the environment or the community, we do not postpone measures to prevent environmental degradation due to a lack of full scientific certainty.

Resilience	Means the capacity of social, economic, and environmental systems to cope with a hazardous event, trend, or disturbance, responding or reorganising in ways that maintain their essential function, identity, and structure, while also maintaining the capacity for adaptation, learning, and transformation.
Risk	Means the potential for consequences where something of value is at stake and where the outcome is uncertain, recognising the diversity of values. Risk is often represented as probability of occurrence of hazardous events (likelihood) or trends multiplied by the impacts (or consequences) if these events or trends occur.
Sustainability	Sustainability describes managing resources future generations. It is a commitment to live within the carrying capacity and resource limits of the planet. This concept goes beyond environmental sustainability, which concerns earth's natural resources, to include economic and social sustainability, which relate to meeting people's current social and economic needs without compromising future generations.

7. PROCESS OWNER

Group Manager - Environment & Regulatory Services

8. AMENDMENTS

This is an existing policy updated for currency and to remove references to the rescinded Climate Change Emergency Declaration per February 2022 Council Resolution 12.01 Notice of Motion - Climate Change



Authorised by: Council

Authorised date: DD/03/2022

Effective date: DD/06/2022

Next review date: DD/06/2024

File Number: D2022/063424

Community Engagement

1. INTRODUCTION

This policy outlines the commitment and approach to community engagement by Port Macquarie Hastings Council as part of its decision-making processes.

Council recognises the right of the community members to be informed and have input into decisions which affect their lives, community and place.

Council is committed to strengthening our community relationships and regions through effective community engagement to share information, gather views and opinions, develop options, and make good decisions based on community priorities.

Council seeks to balance the views, needs and aspirations expressed by the community with other decision-making influences such as social, economic, technological, legislative and environmental constraints that must be considered to make informed, sustainable decisions.

Since 2007 Council has adopted the International Association of Public Participation (IAP2) Spectrum as the accepted standard for undertaking community engagement. The spectrum describes five (5) levels of community engagement: Inform, Consult, Involve, Collaborate and Empower.

2. POLICY STATEMENT AND SCOPE

This Community Engagement Policy applies to the Port Macquarie Hastings Local Government Area and the exercise of Council's functions under both the *Local Government Act 1993 (NSW)* and the *Environmental Planning and Assessment Act 1979 (NSW)*.

Community engagement is a vital part of local democracy. It aims to strengthen the trust between Council and the community and build confidence in Council's ability to plan and make decisions that will respond to the present and future needs of the community.

Through effective and inclusive community engagement practices, Council looks to capture the diverse knowledge, experience and aspirations of our community, recognising that the best outcomes come from working together. Council is committed to delivering plain English information to achieve informed engagement with stakeholders.

Objectives

1. Develop a strong organisation-wide culture of engagement where Council staff and Councillors engage with the community in a meaningful and appropriate way about decisions that affect them.
2. Embed engagement as part of our regular business practices at all levels of the organisation, using engagement outcomes as part of decision-making processes to inform what we do.
3. Implement an evolving best-practice approach in all community engagement activities thereby ensuring that all engagement activities are focused and effective. Be proactive and open to new and innovative ways to engage with the community.
4. Develop an environment of trust between the community and Council where Council and community can exchange ideas, views and information leading to a shared responsibility for decisions and confidence in the decision-making process.
5. Develop sustained collaboration, partnerships and new ways to involve and empower the community.

Scope

This policy applies to all Council staff, Councillors and Contractors undertaking engagement on behalf of Council.

This policy applies to all facets of Council's operations including corporate, strategic land use, financial planning and Council's day-to-day business activities including: -

- **Major projects:** these include projects that would impact on future developments and budgets and include multi-year projects such as transport and infrastructure projects, community development projects or major facilities e.g. swimming pool, airport terminal.
- **Policy and strategy development:** Council will engage on the development and/or reviews of Council policies and strategies.
- **Service planning:** Council will engage with the community on issues that relate to changes to improve, develop or redevelop a service. These services could impact the whole area (e.g. changes to library services or waste collection services) or change to how services are accessed or the level of service provided.
- **Area improvement:** these are issues that impact on a neighbourhood area, such as rezoning of land, changes to the appearance or use of public space, changes in traffic flow, road improvements, playground installations and minor development proposals.
- **Site specific:** these are issues that only affect a particular site, such as changes in planned use of facilities or reserves. This may also include access issues or car parking issues for a site.
- **Other:** any circumstance where Council needs more information or evidence to make an informed decision.
- **Council owned or managed land:** When undertaking high impact development on Council owned and managed land, a community engagement process consistent with the IAP2 engagement framework will be undertaken in addition to the statutory requirements.
- **Private Development:** Community engagement guidelines for private development are outlined in *Community Participation Plan 2019* (as legislated), *Environmental Planning, and Assessment Act 1979*.

The level of engagement will be determined on the level of impact and will reflect the IAP2 Spectrum of Public Participation.

IAP2 Spectrum

- **Inform:** To provide the public with balanced and objective information to assist them in understanding the problem, alternative, opportunities and/or solutions.
- **Consult:** To obtain public feedback on analysis, alternatives and/or decisions.
- **Involve:** To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
- **Collaborate / Co-design:** To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
- **Empower:** to place final decision making in the hands of the public.

Key Considerations

This Policy will be supported by the adoption of the *Community Engagement Strategy* (under development).

All community engagement activity will be undertaken in accordance with the principles of the IAP2 Spectrum of Public Participation.

Community engagement does not necessarily mean achieving consensus.

Council will endeavour to ensure that its engagement processes are appropriate, accessible, well-planned and adequately resourced.

Council will conduct an Acknowledgement or Welcome to Country for online and physical events.

Engagement activities will be open for a minimum of 14 days for Inform engagement activities and a minimum of 28 days for Consult/Involve/Collaborate and Empower engagements. Care will be taken to avoid key dates that may affect the ability of everyone to participate, e.g. school holidays, public holidays, and other major events.

Engagement activities will be closed prior to the December/January holiday period and where this is not possible, extensions of time will be considered.

Community engagement is multifaceted and requires a standard of consultation that appropriately responds to the nature, complexity and impact of the issue/s involved.

Community feedback received is regarded as public information and may be published on websites and in Council reports. The collection or holding of personal information is legislated in the *Privacy and Personal Information Protection Act 1998* (PPIPA).

Timely and meaningful feedback about the results of the engagement process will be provided to those who participated.

In some circumstances, Council may encounter situations that impact community engagement timing and/or the ability to conduct certain activities, for example where Council is not the lead agency (eg, State or Federal Government); specific knowledge or expertise is required; work is commercial in confidence; or there is a safety risk if we do not take immediate action.

3. RESPONSIBILITIES AND AUTHORITIES

Policy Owner

Group Manager Community and will be responsible for implementing, communicating and monitoring compliance with the policy.

Implementing this Policy

Engagement Lead

The delegated person responsible for ensuring this policy is implemented and is the person who is leading the decision process whether this be for a project, activity or policy. The lead person will be responsible for ensuring that plan is developed and information is made available to relevant Council staff, Councillors and the community.

Staff

The Executive, Group Managers, Project Managers, Engagement Officers, Council Officers and all Council appointed consultants

Related Council Documents

Community Engagement Strategy (June 2023)

Review

The policy will be reviewed in four years (2026)

4. REFERENCES

- Local Government Act 1993, Section 8A
- Government Information (Public Access) Act 2009 (GIPA Act)
- International Association for Public Participation (2004) 'IAP2 Public Participation Spectrum'
- Environmental Planning and Assessment Amendment Act 2017

5. DEFINITIONS

Councillor	An elected member of Council
The Executive	The Chief Executive Officer and the Directors of Council

Group Managers	Members of the Senior Leadership team.
Project Managers	Council Officers responsible for delivering projects
Council Officer	A member of Council staff
Community Engagement	“Any process that involves the community in problem solving or decision making and uses community input to make better decisions” International Association of Public Participation (IAP2).
Community	Community is a broad term used to define a groups of people including people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of the Port Macquarie Hastings area. The community can be referred to as stakeholders or be comprised of stakeholders.
Communication	Refers to the many ways in which Council provides information on our current and potential future business operations as well as keeping them informed on decisions made and helping them understand how and why public money is being spent. This can be via media communication, signage, customer service or via official correspondence and more.
IAP2	International Association of Public Participation (www.iap2.org.au)
Submission	A formal response to a public document (ie policy, plan, strategy) made during the public exhibition period. Submissions may be considered public and available for general access.
Comment	A response received during early engagement or consultation that is not part of a formal Public Exhibition endorsed by Council.
Level of Impact	The degree to which a community is determined to be affected by a decision.
Level of Public Participation	The degree to which a community is involved in decision making.

6. PROCESS OWNER

Group Manager Community will be responsible for implementing, communicating and monitoring compliance with the policy.

The Engagement team will assist the organisation in delivery community engagement in regards to this policy and associated documents.

7. AMENDMENTS

This policy was last reviewed in 2016. The organisational approach to engagement has evolved in that time. The essence of policy is the same although the approach more robust and holistic.



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Authorised date: DD/MM/YYYY
Effective date: DD/MM/YYYY
Next review date: DD/MM/YYYY
File Number: #####

PROVIDING FUNDING AND SUPPORT TO THE COMMUNITY POLICY

1. INTRODUCTION

Port Macquarie-Hastings Council provides a range of funding and support programs to individuals and community groups. These programs support activities, services and projects that benefit the community, build capacity and contribute to delivery of the Community Strategic Plan priorities.

The objective of this policy is to streamline funding and support provided to the community under one overarching framework using the Giving, Investing and Purchasing Model.

2. POLICY STATEMENT AND SCOPE

Council assists eligible organisations and individuals with funding and support in recognition of their vital contribution to community development and well-being. Council aims to build strong partnerships with the community while ensuring value for money and consistency in administration.

This policy applies to all funding and support including grants, donations, discounts, waivers, subsidies, in-kind support, discretionary and mandatory payments made by Council.

Council will follow best practice funding management principles and comply with relevant legislation. Each funding and support program will have consistent, fair and transparent processes.

Funding is provided across the organisation from various teams such as but not limited to:

- Community
- Economic and Cultural Development
- Development Assessment
- Environmental and Regulatory Services
- Commercial & Business Services
- Community Infrastructure;
- Financial Services

Council also provides subsidies that are required by NSW legislation. Some of these include Pensioner Rates Rebates, NSW Fire Brigades, Rural Fire Service and State Emergency Services.

3. RESPONSIBILITIES AND AUTHORITIES

Chief Executive Officer

- Responsible for ensuring that all staff complies with the requirements outlined in this policy.

Directors and Group Managers

- Responsible for ensuring staff who administer funding programs to provide best practice grants administration;
- Ensure that relevant staff are aware of their responsibilities regarding to this policy.

Community Inclusion Team Leader

- Responsible for Reviewing and implementing this policy;
- Ensure that the procedures, toolkit and templates are kept up to date and relevant.

Council Staff - Funding Program Administrators

- Ensure that this policy is implemented by using the procedures, toolkit and, where appropriate, Council's online grants management system;
- Review existing programs to ensure they comply with this policy and procedures;

- Provide reports to Council on the funding programs on an annual basis, as a minimum.

4. REFERENCE

- Local Government Act NSW 1993 (relevant section 356)
- NSW Auditor-General's Report "Performance Report on Grants Administration" May 2009
- Government Information Public Access (GIPA) Act 2009
- Privacy and Personal Information Protection Act 1998

5. DEFINITIONS

Term	Definition
Discretionary payment	A discretionary payment is one where the amount is not fixed in advance by law or regulation. Government and their duly authorised representatives may provide discretionary assistance in some cases, through 'act of grace' payments, or by waiving debts owed.
'In kind' donation	This may involve an allocation (or donation) of facilities, Council personnel or services, to individuals, community groups or non-profit organisations, for the purpose of establishing or enhancing community services, facilities or events.
Funding Agreement	The Funding Agreement is a signed agreement, within a community organisation, local, State, or Federal Government level, following an initial offer of funding support to the applicant.
Grant	A grant is a payment 'to organisations such as community groups, which are directed at achieving goals and objectives consistent with Council policy. The payments are conditional upon recipients using the funds for specific purposes set out in the terms and conditions of the grant agreement.'
Funding Program Administrator	A Council officer who has the responsibility of administering a funding or support program.
Subsidy/Benefit	A subsidy is a non-repayable allocation of money to assist approved applicants and projects. Subsidies are usually provided by Council in the form of a cash payment, or reduction to groups or individuals. Subsidies are usually given to remove some type of burden or create incentive, deemed to be in the public interest. Some subsidies are mandated by law.

6. PROCESS OWNER

Group Manager Community.

7. AMENDMENTS

The amendment made to the existing *Providing Funding and Support to the Community Policy* dates 17 July 2013 were as follows:

- Refining of the existing information to be more succinct and relevant
- Updating organisational information and responsibilities.

Kirsty Callander

DRAFT



PROVIDING FUNDING AND SUPPORT TO THE COMMUNITY POLICY

Responsible Officer	Group Manager Community Development
Contact Officer	Community Development Officer
Authorisation	Port Macquarie-Hastings Council
Effective Date	17 July 2013
Superseded Documents	<ul style="list-style-type: none"> • Donations Towards Rates Policy • Groups Seeking Capital Assistance for the Construction of Sport and Community Facilities Policy • Waiving of DA Fees and Lease Fees to Charitable and Non Profit Organisations Policy
Review	Group Manager Community Development July 2015
File Number	SF12/9051
Associated Documents	<ul style="list-style-type: none"> • Code of Conduct • Funding Provided to the Community Procedures • Funding Provided to the Community Toolkit • Procurement Policy • Purchasing Procedures • Reporting Requirements for Community Leases/Licenses/Agreements Policy

1. INTRODUCTION

Port Macquarie-Hastings Council provides a range of funding and support programs to individuals and community groups. These programs support activities, services and projects that benefit the community, build capacity and contribute to delivery of the Community Strategic Plan priorities. The community is not always aware of the nature and extent of this funding and support.

Council assists eligible organisations and individuals with funding and support in recognition of their vital contribution to community development and well-being. Council aims to build strong partnerships with the community while ensuring value for money and consistency in administration.

The purpose of this Policy is to provide an overarching framework for funding and support to the community in line with best practice funding management principles (Clause 6.3). The policy framework is made up of the Policy and two operational documents, the Procedures and Toolkit.

Council is adopting the 'Giving, Investing and Purchasing Model' (Clause 6.1) as a means of categorising funding and support programs.

All current funding and support programs will be reviewed to ensure compliance with this policy. New funding programs and any requests for funding will be aligned with this policy.

2. POLICY OBJECTIVE

The objective of this policy is to streamline funding and support provided to the community under one overarching framework using the Giving, Investing and Purchasing Model.

Council will follow best practice funding management principles and comply with relevant legislation. Each funding and support program will have consistent, fair and transparent processes. Accountability requirements and administration will be proportional to the amount of funding.

3. POLICY SCOPE

This policy applies to all funding and support including grants, donations, discounts, waivers, subsidies, in-kind support, discretionary and mandatory payments made by Council.

Funding is provided in the following streams:

- Community Development and Capacity Building;
- Community Events;
- Community Infrastructure;
- Cultural Development;
- Environment and Sustainability;
- History and Heritage;
- Sport and Recreation; and
- Tourism and Economic Development

Council also provides subsidies that are required by NSW legislation. Some of these include Pensioner Rates Rebates, NSW Fire Brigades, Rural Fire Service and State Emergency Services.

4. DEFINITIONS

Best Practice Procedures

These are procedures that are accepted or prescribed as being correct or most effective.

Discretionary payment

A discretionary payment is one where the amount is not fixed in advance by law or regulation. Government and their duly authorised representatives may provide discretionary assistance in some cases, through 'act of grace' payments, or by waiving debts owed.

'In kind' donation

This may involve an allocation (or donation) of facilities, Council personnel or services, to individuals, community groups or non-profit organisations, for the purpose of establishing or enhancing community services, facilities or events.

Funding Agreement

The Funding Agreement is a signed agreement, within a community organisation, local, State, or Federal Government level, following an initial offer of funding support to the applicant.

Grant

A grant is a payment 'to organisations such as community groups, which are directed at achieving goals and objectives consistent with Council policy. The payments are conditional upon recipients using the funds for specific purposes set out in the terms and conditions of the grant agreement.' (Reference: NSW Auditor General)

Funding Program Administrator

A Council officer who has the responsibility of administering a funding or support program.

Subsidy/Benefit

A subsidy is a non-repayable allocation of money to assist approved applicants and projects. Subsidies are usually provided by Council in the form of a cash payment, or reduction to groups or individuals. Subsidies are usually given to remove some type of burden or create incentive, deemed to be in the public interest. Some subsidies are mandated by law.

5. LEGAL & POLICY FRAMEWORK

- Local Government Act NSW 1993 (relevant section 356)
- NSW Auditor-General's Report "Performance Report on Grants Administration" May 2009
- Government Information Public Access (GIPA) Act 2009
- Privacy and Personal Information Protection Act 1998

6. POLICY STATEMENT

Port Macquarie-Hastings Council undertakes to provide funding and support to eligible individuals, community groups and not for profit organisations:

- a) for the provision of programs and services which meet identified community needs;
- b) to contribute to the building of stronger communities and community infrastructure;
- c) that is in accordance with the priorities of the relevant Delivery Program; and
- d) that is required by legislation.

6.1 Giving, Investing and Purchasing

Council is adopting the Giving, Investing and Purchasing Model. This model allows sufficient flexibility for Council funding programs to be categorised according to intent.

Giving - is a contribution for a worthy cause or charity. Outputs/outcomes are not necessarily defined. Accountability is generally relatively low. This category includes legislated contributions and support (Clause 3).

Investing - is about building long term relationships, developing capacity in community organisations and building infrastructure for the future. Generally, the level of accountability is higher than for 'Giving'. Funding is competitive and application based. A funding agreement outlines the proposed outputs/outcomes and an acquittal is required.

Purchasing - is procurement of specialist services from a not for profit organisation for specific outputs/outcomes. This category aligns with Council's Procurement Policy. The level of accountability is relatively high with specific outputs set out in the contract and acquittal.

While typically, accountability requirements increase with increased amounts of funding, this model provides some guidance on the level of accountability required and appropriate risk management.

6.2 Values

Council is committed to the following values to guide this policy.

- **Value for money:** Obtaining the best mix of services to meet the community's needs with available funding and selecting the mix of resources that delivers the best possible outcomes.
- **Fairness, Integrity and Transparency:** Ensuring that programs are accessible, appropriate and fair.
- **Cooperation:** Council and recipients will work together in a relationship based on cooperation.
- **Diversity:** Recognition of diversity in the community is embodied in funding administration practice.
- **Consistency:** Funding administration procedures should be consistent within programs, across individual Council sections and as new funding programs evolve.
- **Coordination:** Outcomes for people and communities can be improved through better alignment of planning, program design and service delivery within Council.
- **Probity:** Funding administration must be conducted with integrity, honesty and scrutiny.

6.3 Principles

Council's funding and support programs will be designed, validated against and delivered according to best practice principles (Reference: Australian Institute for Grants Management).

1. Outcomes are clearly identified for each funding program.
2. Governance is clear and strong.
3. Decision-making for each funding program is transparent and criteria-based.
4. Information on each funding program is available and accessible to the community.
5. Risks are identified and managed by Council.
6. Program structure is tailored to circumstances, target group/s and purpose.
7. Financial and funding program performance are administered and reported on relative to the level of funding.

6.4 New Programs and Requests for Funding

All new funding and support programs and 'one off' requests for funding will be aligned and implemented in accordance with this Policy.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

General Manager

The General Manager is responsible for ensuring that all staff complies with the requirements outlined in this policy.

Directors and Group Managers

Directors and Group Managers are responsible to:

- Encourage staff who administer funding programs to provide best practice grants administration;
- Ensure that relevant staff are aware of their responsibilities regarding to this policy; and
- Ensure that the policy is implemented by use of the procedures, toolkit and templates.

Community Development Officer

The Community Development Officer is responsible to:

- Review this policy; and
- Ensure that the procedures, toolkit and templates are kept up to date and relevant.

Council Staff - Funding Program Administrators

Funding Program Administrators must:

- Ensure that this policy is implemented by using the procedures, toolkit and, where appropriate, Council's online grants management system;
- Review existing programs to ensure they comply with this policy and procedures; and
- Provide reports to Council on the funding programs on an annual basis, as a minimum.

7.2 Support and Advice

The Group Manager Community Development will have overall responsibility for administration of this policy. Support for the Policy will be provided by the Procedures and Toolkit (Clause 7.4).

7.3 Communication

The Policy will be promoted to external stakeholders through community networks and on Council's website. The Policy, Procedures and Toolkit will be communicated to Council staff by email and the intranet. Amendments to the Procedures and Toolkit will be undertaken as needs with internal consultation and communicated via internal email updates.

7.4 Procedures and Forms

The procedures and toolkit are operational documents to assist Council staff implementing the policy. They are subject to amendment.

1. The 'Funding and Support Provided to the Community Procedures' provide Council staff with clear guidelines for best practice funding administration.
2. The 'Funding and Support Provided to the Community Toolkit' provides resources to support the Procedures including templates, examples and flowcharts.

7.5 Guidelines

- **Conflict of Interest**

To ensure accountable and transparent processes are maintained Councillors, Council staff and funding assessors are required to declare and record any potential pecuniary or non-pecuniary conflict of interest (see Code of Conduct). This may include, but is not limited to personal connections with any individual applicant or organisation.

A conflict of interest should be declared and recorded, as soon as possible, at the beginning of the funding and support administration process and prior to assessment of submissions.

- **Review of Programs**

All Council's funding and support programs should be reviewed biennially with regard to program efficiency and effectiveness, and alignment with this Policy.

- **Review of Submissions**

All applicants must be notified of the outcome of their submission in writing. Applicants have the opportunity to request a review of the decision. Requests for review should be in writing, addressed to the Mayor and lodged within 30 days of notification. The applicant will be notified of the outcome of the review in writing.

8. REVIEW

The Group Manager Community Development is responsible for the review of this Policy. This Policy will be reviewed biennially.

9. TRANSITIONAL ARRANGEMENTS

It is recognised that this Policy will impact on a number of historical arrangements with particular community groups. For this reason it is planned to arrange transition to the new Policy on a funding program and/or group basis over a period of 2 years from the effective date of this policy.

Staff will be trained in the implementation of the new framework and online grants management over the transition period.



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SOCIAL IMPACT ASSESSMENT POLICY

1. INTRODUCTION

A Social Impact Assessment (SIA) aims to identify potential impacts of development and ways in which to offset any adverse impacts through processes and procedures designed to manage change.

The intended outcomes of the Policy are to:

- To provide guidance to Council, developers and applicants as to what proposals require a SIA.
- Outline the relevant level of SIA required for particular developments to ensure social responsibility.
- Detail the process that Council expects applicants to undertake to produce a SIA.

2. POLICY STATEMENT AND SCOPE

The purpose of a SIA is to predict the social impact of development or land use change, be it positive or negative. The SIA process also encourages applicants to explore how any negative outcome of development can be mitigated, minimised or completely resolved, which in turn will better inform decision making within Council and better social outcomes for the community.

In implementing the SIA Policy Council seeks to:

- Ensure proposals are considered in accordance with Section 4.15 of the Environment Planning & Assessment Act 1979 and the Hastings Local Environmental Plan, Port Macquarie- Hastings Development Control Plan 2013 and Policies
- Promote development activity that benefits the community without significant adverse social impact
- Ensure the community's needs are met in an equitable and inclusive way that enhances the area's environmental, social and economic qualities
- Ensure adequate community participation in any proposal that may impact them in accordance with Port Macquarie-Hastings Council's Engagement Policy
- Assist with quadruple bottom line accountability
- To provide guidance to the industry as to what developments require a Social Impact Assessment (SIA)

Scope

- Types of developments requiring an assessment under the policy.
- Requirements for the level of assessment.
- Level of Information to be submitted.
- Guidelines to assist applicants in understanding SIA's.
- Key elements of an SIA. Strategies employed to manage the SIA should be adapted or varied to suit the specific project.
- Advice that a pre-lodgement meeting is encouraged, before lodgement of the application and assessment begins. A pre-lodgement meeting allows Council and the applicant the opportunity to discuss the proposal with Council staff.

Outcomes

- An enhancement of Council's transparency and consistency in the assessment of potential social impacts of new policies, plans or proposed development.
- An enhancement of the positive social impacts and minimise the negative social impacts of Development Control Plans (DCP), Master Plans, Rezoning and other developments

- Increased community participation and influence in decisions that affect them
- An opportunity for Council to better influence proposed development
- An opportunity to better influence Council's strategic plans for future populations

SIA's should be carried out where the proposal/policy is likely to have:

- A definite (either positive or negative) effect on a particular social group this includes but is not limited to Aboriginal and Torres Strait Islander people, young people, elderly people, people with disability, people on low incomes, LGBTQIA+ people and communities and children)
- An Identifiable effect on the social composition, culture and/or character of the locality
- An identifiable effect on the availability and use of existing community services, facilities and land, and/or may require the provision of such services, facilities and land
- Impact on the safety of residents within the identified area
- Change in housing choice, shopping, recreational facilities and services
- Change to lives of specific groups e.g. Change to community or group values, traditions, lifestyle and culture
- Impacts on employment opportunities
- Alter the production of local products
- Multiplier effects on the wider community and economy
- Change in affordability of goods and services
- Provision of urban infrastructure
- An Identifiable impact on localities history (historical buildings, areas or artefacts)

3. RESPONSIBILITIES AND AUTHORITIES

The Community Inclusion officer will be responsible for:

- The implementation of the policy.
- Ensuring policy is reviewed and updated to meet external compliance.
- Develop and implement the Social Impact Assessment Guideline.

The Development Assessment Team will be responsible for:

- Developing an assessment framework for evaluating SIAs.
- Provide assistances and guidance on SAI's
- To prescribe what developments require a formal SIA submission (noting that Council must consider the social impact of every development).

4. REFERENCES

The Environmental Planning & Assessment Act 1979
The NSW Liquor Act 2007
Disability Discrimination Act 1992

The SIA Policy should be read in conjunction with all other relevant State, Regional and Local Environmental Planning Instruments. To access relevant legislation please contact Council's Planning Department.

If a conflict does occur between State Environmental Protection Policies, the Regional Environment Plan, the Local Environment Plan or the Development Control Plan and the SIA policy, the former instruments overrule the SIA policy.

5. DEFINITIONS

SIA- Social Impact Assessment
SIC- Social Impact Comment
SIS- Social Impact Social

6. PROCESS OWNER

Group Manager Community

7. AMENDMENTS

The amendments made to the exiting Social Impact Assessment Policy adopted 6 June 2010 are as follows:

- Formatting to form a more logical flow
- Refined the information to shorten the policy
- Information in relation to procedure removed from policy
- Added when an SIA should be undertaken
- Update organisational information

DRAFT

Kirsty Callander



SOCIAL IMPACT ASSESSMENT POLICY

Responsible Officer	Director of Community & Cultural Development
Contact Officer	Social Planner 6581 8040 0434 664 139 dean.fisher@pmhc.nsw.gov.au
Authorisation	Council
Effective Date	15/06/1998
Modifications	25/02/2009
Superseded Documents	
Review	Social Planner - Annually
File Number	Not applicable
Associated Documents	Nil

1. INTRODUCTION

Port Macquarie - Hastings Council is predicted to grow steadily over the next 20 years with a predicted population of over 94,484 by 2021. As the population continues to grow there is an increasing need to ensure that certain development is compatible with the existing community needs and aspirations through a process of Social Impact Assessment (SIA). A Social Impact Assessment aims to identify potential impacts of development and ways in which to offset any adverse impacts through processes and procedures designed to manage change.

The Social Impact Assessment Policy (SIA) is intended to provide guidance to Council, the community and applicants on how to carry out a Social Impact Assessment.

This policy was revised in 2007 to provide greater certainty as to the type and scale of development that will trigger a Social Impact Assessment. The policy document also states the level of information required from applicants and includes guidelines to assist applicants in preparing a submission.

The new policy is aligned with the Council's Vision, Mission, Values and key publications such as the Corporate Plan, Local Environmental Plan and Social Plan.

2. POLICY OBJECTIVE

The purpose of a SIA is to predict the impact of development or land use change, be it positive or negative. The SIA process also encourages applicants to explore how any negative outcome of development can be mitigated, minimised or completely resolved, which in turn will better inform decision making within Council.

A function of the policy is to also provide guidance to developers/applicants as to what proposals require a SIA and to indicate the level of SIA that is required for that development. Finally the SIA will detail the type of process that Council expects applicants to undertake to produce a SIA.

3. POLICY SCOPE

The Port Macquarie – Hastings Council Social Impact Assessment Policy aims to provide a clear indication of:

- What types of developments require assessment under the policy
- What is required in terms of the level of assessment
- What is the level of information to be submitted

The policy also includes:

- Guidelines to assist applicants in understanding Social Impact Assessment.
- The major elements of a SIA. Strategies employed to manage the SIA should be adapted or varied to suit the specific project.
- Advice that a pre-lodgement meeting is encouraged, before lodgement of the application and assessment begins. A pre-lodgement meeting allows Council and the applicant the opportunity to discuss the proposal with Council staff.

4. DEFINITIONS

ABS – Australian Bureau of Statistics
CPF – Community Participation Framework
LGA – Local Government Area
SIA – Social Impact Assessment
SIS – Social Impact Statement

5. LEGAL & POLICY FRAMEWORK

Since 1979 the Environmental Planning & Assessment Act, required Consent Authorities, to consider the *social and economic impacts in the locality* (s79C (1)(b)) and also the *public interest* (s79C (1)(e)) in the assessment of development proposals.

As a Consent Authority, the Port Macquarie – Hastings Council must, in accordance with the Environmental Planning & Assessment Act, adequately and satisfactorily consider the social impacts of development and land use proposals that are submitted for assessment.

The objectives of the Act state;

S5(a) to encourage:

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*

The SIA Policy should be read in conjunction with all other relevant State, Regional and Local Environmental Planning Instruments. To access relevant legislation please contact Council's Planning Department.

If a conflict does occur between State Environmental Protection Policies, the Regional Environment Plan, the Local Environment Plan or the Development Control Plan and the SIA policy, the former instruments overrule the SIA policy.

Applicants should seek advice from Council if they are unsure of the Environmental Planning Instruments relevant to their application.

6. POLICY STATEMENT

Objectives

In implementing the SIA Policy Council seeks to:

- Ensure proposals are considered in accordance with Section 79C of the Environment Planning & Assessment Act 1979 and the Hastings Local Environmental Plan, Port Macquarie Hastings Development Control Plan 2006 and Policies
- Promote development activity that benefits the community without significant adverse social impact
- Ensure the community's needs are met in an equitable and inclusive way that enhances the area's environmental, social and economic qualities
- Ensure adequate community participation in any proposal that may impact them in accordance with Port Macquarie Hastings Council's Community Participation Policy
- Assist with triple bottom line accountability
- To provide guidance to the industry as to what developments require a Social Impact Assessment (SIA)

Outcomes of the SIA Policy

- An enhancement of Council's transparency and consistency in the assessment of potential social impacts of new policies, plans or proposed development
- An enhancement of the positive social impacts and minimise the negative social impacts of Development Control Plans (DCP), Master Plans, Rezoning and developments
- Increased community participation and influence in decisions that affect them
- An opportunity for Council to better influence proposed development
- An opportunity to better influence Council's strategic plans for future populations

7. IMPLEMENTATION

Levels of Social Impact Assessment

Social Impact Assessment is the generic term for the process of evaluating the social impacts of a development. There are 2 levels of SIA:

1. Social Impact Comment; and
2. Social Impact Statement

A Social Impact Comment (SIC) relates to projects that are unlikely to result in significant social impacts or is of a scale that does not warrant a comprehensive analysis by an experienced practitioner. Generally a Social Impact Comment need only be undertaken by a qualified and experience town planner and can form part of the Statement of Environmental Effects.

The Social Impact Statement (SIS), however is a comprehensive assessment typically required for large developments or developments where significant social impacts are anticipated.

The Social Impact Assessment policy contains a list of developments that require either a SIC or SIS. However Council, under the EP& A Act, has discretionary judgment to request an SIA for any application if believes that it is likely to have a significant impact on the community.

7.1 Roles and Responsibilities

In general terms the SIA process involves a range of stakeholders that are essential to a comprehensive and effective assessment process. A SIA involves the Council, the applicant, external agencies or organisations and the community.

In order to facilitate the development and evaluation of a Social Impact Assessment the Port Macquarie Hastings Council may seek:

- To prescribe what developments require a formal SIA submission (noting that Council must consider the social impact of every development)
- To develop an assessment framework for evaluating a SIA
- To provide guidance and assistance on preparing a SIA
- To assess the adequacy of SIA's and any mitigation measures proposed
- To involve the community in the determination of the outcomes
- To decide whether an application should receive development consent with or without conditions, be modified or refused
- To monitor the effectiveness of the SIA process through evaluation strategies and amending the SIA policy as required ensuring that the SIA remains an appropriate tool for the assessment of social impacts in the Port Macquarie –Hastings LGA

The applicant's role in Social Impact Assessment includes:

- Liaise with Council Officers at an early stage of the project to determine the level of SIA required and agree on a strategy to undertake the SIA
- Where appropriate engage in a pre-application meeting with relevant specialist staff within Council
- Ensure that all possible social impacts have been identified and evaluated using recognised SIA techniques
- Ensure that adequate community participation has been undertaken
- Preparing and presentation of the assessment
- Development of a comprehensive and effective strategy to mitigate the negative impacts of the proposal
- Provide a monitoring framework to ensure that the mitigation strategies have been effective

The community's role in Social Impact Assessment includes:

- To participate in the process (refer to Councils Community Participation Policy)
- To provide specialist input into the assessment process in terms of identifying, evaluating and mitigating impacts

Other organisations, representatives, specialists and agencies may be involved when appropriate in the SIA process.

7.2 Support and Advice

It is recommended that the primary contact for support and advice be Council's Social Planner. However, should the Social Planner role unavailable guidance should be sought from the Manager Development Assessment.

7.3 Communication

Should the existing policy require amendment then notification via public exhibition is the most appropriate course for informing the community. Council staff could be notified of any proposed changes via Councils internal email or Internet.

7.4 Procedures and Forms

What Development Requires a Social Impact Assessment?

A Social Impact Assessment (SIC or SIS) is commonly required in conjunction with the assessment of Development Assessment proposals that may have significant Social Impacts, by Councils.

Such as:

- An 'affordable housing' project
- Removal of affordable housing
- Application, which has the potential to displace or disadvantage groups within the local community
- Potential to adversely impact on the social well-being or quality of life within a community.
- A 'manufactured home estate' or caravan park
- A proposal for the use of 'community land'

In addition SIA may be required in conjunction with other Council actions, which may not require a development assessment application, but may have significant social impacts.

- A new strategic plan
- A major review of an existing strategic plan
- An amendment to Council's Local Environmental Plan (including rezoning proposals)
- A proposal for the re-classification of Council land from operational land to community land or visa versa; or
- An infrastructure proposal

7.5 Guidelines

7.5.1 Discretion and Additional Criteria

Generally, a SIA is required for any development proposal that has the potential to have significant social impacts in the locality, or will significantly alter demand for, or create additional demand for social infrastructure.

Social Impact Assessments range from the rapid review to a detailed research and analysis of larger developments. The variety and scope of developments and the associated impacts require a level of discretion to discern and apply the appropriate level of assessment, be it a SIC or SIS. The assessment table (below) identifies examples of applications/ issues that may require a response to the Social Impact Assessment policy.

However, not all applications will require an extensive SIS, due to scale or location. As such applicants are encouraged to consult with Council prior to lodgement. This can either take the form of a pre lodgement meeting or in writing requesting discretion in the application of the Social Impact Assessment Policy.

SIA's should be carried out where the proposal/policy is likely to have:

- A definite (either positive or negative) effect on a particular social group (e.g. Aboriginal, young people, aged, people with a disability)
- An identifiable effect on the social composition and/or character of the locality
- An identifiable effect on the availability and use of existing community services, facilities and land, and/or may require the provision of such services, facilities and land
- Safety of residents within the identified area
- Change in housing choice, shopping, recreational facilities and services

- Change to lives of specific groups e.g. Change to community or group values, traditions, lifestyle and culture
- Employment opportunities
- Production of local products
- Multiplier effects on the wider community and economy
- Change in affordability of goods and services
- Provision of urban infrastructure

7.5.2 Levels of Evaluation within a Social Impact Assessment

There are two types of assessment within the SIA policy. The first and less rigorous is a Social Impact Comment (SIC). The more detailed evaluation is a Social Impact Statement (SIS). To determine whether your development requires a lower or higher order evaluation please consult the assessment table below. If, after reading the table, the requirements of SIC or SIS is not clear please contact Councils Development Assessment Planners or Social Planner.

These tables are intended as a guide and it should be noted that some applications whilst fitting the description for a Social Impact Comment might require greater analysis of a SIS due to their site, use or scale.

Uses that would typically require a Social Impact Comment (SIC)	
Land Use	Criteria
Child Care Centres (residential area)	> 20 children
Educational establishments	Dependent on site and use proposed.
Community Facilities (eg. Neighbourhood Centre, Surf Life Saving Clubs, Community Medical Centre etc).	Any
Sex industries, including Brothels and adult stores	Any
Subdivision for residential purposes (Detailed SIA required if subdivision not apart of Council DCP, Master Plan or land use Strategy)	> 50 lots/dwellings in all stages
Health Service Facility / Consulting Rooms (Medical centre, existing Hospitals)	2 or more Health Practitioners
Group Homes & Hostels – Transitional, Permanent - (Refuges, Crisis Accommodation)	Any
Tourist/ Visitor Accommodation – (Resorts, Holiday Accommodation)	> 1,000m ² GFA or 50 beds
Recreational Facilities	> Capacity for 100 persons
Multi-unit housing	> 30 units in all stages
Place of assembly/public worship	> Capacity for 200 persons
Community facilities (Youth Centres, Neighbourhood, Skate Parks)	Any
Uses that would typically require a Social Impact Statement (SIS)	
Land Use	Criteria
Formulation of a Development Control Plan, Master Plan, Reviews of existing Strategic Plans, Amendments to Councils Local Area Plans (Including rezoning proposals)	Established in consultation with Social Planning and Strategic Planning.
Subdivision of land, for residential purposes, which is not detailed in, or part of, Council DCP, Master Plan or land use Strategy.	> 50 lots/dwellings in all stages
Re classification of Council land from operational to Community land or Sale and or use of Community land.	Established in consultation with Social Planning and Strategic Planning.

Multi-unit housing (discretion to be applied only after involvement in pre-application meeting or written request)	> 30 units in all stages (Dependent on site and use proposed).
Seniors Housing / Residential Care Facility (Seniors Living Applications)	> 20 units (new or extension)
Closure or establishment of Caravan Parks, Manufactured Housing Estates and Mobile Dwellings - Holiday and long-term residential accommodation.	Any
Displacement of affordable, permanent or short - term residential accommodation	Any
Establishment of a new Major Health Service Facility / Hospitals.	Any
Hotels, Taverns & Registered Clubs.	Any
Passenger Transport Facility (Excluding Industrial Zoned Land)	Any / - Dependent on site and use proposed.
Drug Rehabilitation Services (Community Facilities)	Any
Major Infrastructure proposals (Classified Roads, Major Roads, Arterial or Transport Corridors where ever appropriate).	Any / - Development and assessment Director or Delegate

Assessment Table for Developments requiring a Social Impact Comment and Social Impact Statement

7.5.3 Social Impact Comment

A Social Impact Comment (SIC) is a basic assessment and should not require specialist technical advice to complete. The SIC need only form part of the Statement of Environmental Effects, however sufficient, relevant information, must be included to identify the impacts of the proposed development. Thought and detail must also be given to mitigation measures or strategies to address potential social impacts.

In preparing a SIC, it should be demonstrated that the following matters have been considered and addressed by the applicant:

1. How does your development impact on the local area? What is the extent of the impact? What are the positive and negative impacts of your development on the local community?
2. Community participation in the project will only be required from persons directly affected. I.e. neighbours and key stake holders.
3. Describe both the positive and negative aspects of the proposal. Highlighting the positive and indicate how the negative aspects, if any, will be neutralised in the interests of those affected i.e. neighbours, occupants or the wider community.

If your SIC does not include sufficient information for Officers to assess and evaluate the impact of your development, your application will be placed on hold while additional information is requested. If you would like more information please contact the Council's Development Assessment Planners or Social Planner.

7.5.4 Social Impact Statement

A Social Impact Statement (SIS) provides an in-depth analysis of social impacts for proposals where significant impacts are likely to occur. There are a number of acceptable models to prepare Social Impact Statements and the Council does not prescribe which one the applicant should use. However the SIS that is submitted must include a thoroughly researched baseline. It must demonstrate that effective engagement has been undertaken with those individuals and groups affected, and be robust and complete in addressing the impacts identified.

A SIS that does not meet these standards will result in the application being suspended until a SIS is submitted that meets the Council's criteria or the application may be refused.

The guideline attached contains information on how to complete a SIS and what is expected at each stage of the process. Depending on the scale and type of your proposal, it may be appropriate for you to seek the assistance of specialist consultants.

Guidelines for Undertaking a Social Impact Assessment for the Port Macquarie - Hastings Council

7.5.5 Who should undertake a Social Impact Statement?

If a proposal requires a Social Impact Statement, The Port Macquarie - Hastings Council requires a suitably qualified or experienced practitioner to conduct the SIS due to the diversity of applications and possible approaches used in undertaking an Assessment. However, as a guide this document provides 5, general steps required for a comprehensive SIA to ensure it is analytical, workable and comparable.

Suitably qualified practitioners:

- have social science training and / or extensive experience in the field of community needs analysis and community consultation
- are familiar with the types of information required
- may work in a range of fields including town planning, social planning, sociology, anthropology, and human geography

Where stakeholder consultation is required as part of the Social Impact Statement, specialist skills may be required to consult with particular groups, such as Aboriginal people, older people, youth, people with a disability or people who use English as a second language. Methods and types of consultation will vary depending the community group consulted. Therefore, it is highly advisable that applicants are familiar with Council's Community Participation Policy.

7.5.6 What should a Social Impact Statement contain

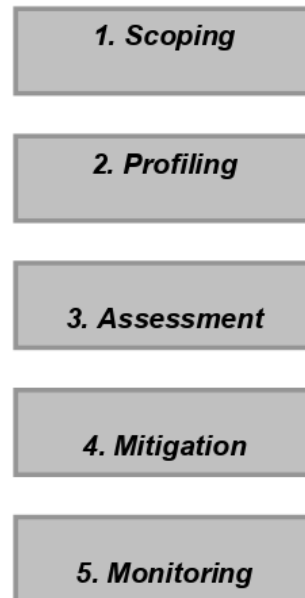
As a general rule a SIA should contain the following information:

- Identification of the scope of the assessment
- Community /Social Profile;
- Formulation and examination of social impacts including description of how any potential negative social impacts will be minimized or mitigated
- Description of the overall net community benefit
- Community engagement (how did this occur and in what form)
- Monitoring and review methodology.

7.5.7 Steps in Preparing a Social Impact Statement (SIS)

There are five key steps involved in carrying out a Social Impact Assessment or Statement. These are Scoping, Profiling, Assessment, Mitigation, and Monitoring.

Generally each step will follow on from the previous step or in some cases may be done concurrently. SIS is a repetitive process; therefore it may be necessary to revisit previous steps before completing it.



7.5.7 STEP 1 – Scoping

The first step in a SIS is Scoping. Scoping is essentially the initial consideration of the issues. Possible issues that may be relevant include:

- Economic impacts
- Employment
- Community networks
- Demographic change
- Public realm
- Neighborhood and community amenity
- Housing
- Human service facilities
- Access
- Community Identity and Cohesion

Also to be considered is the geographical reach of possible impacts. As such the scoping step should clearly identify:

- The study boundaries, including physical, social and economic areas
- The surrounding land uses
- The stakeholders affected by the proposed development and the way in which the stakeholders are to be included in the assessment process
- The likely impacts (positive and negative) of the proposed development; and
- The most appropriate engagement method in accordance with Community Participation Framework (C.P.F)

30B30BA Community Participation Plan (C.P.) is prepared during SCOPING and will be refined throughout the SIA process (Guide Only)

Community participation in the SIS process is the key to producing a meaningful, applicable and acceptable assessment. Its development must begin at SCOPING and will be refined throughout the rest of the process.

Community participation can ensure a full disclosure of issues at the outset. This will ensure a thorough consideration of all the issues and indicate any opposition to the proposal. It is cheaper and easier to amend the proposal at this stage rather than retrospectively altering plans and designs etc at the application stage.

Engagement with Communities must consider demographic, cultural and social diversity in the community and ensure that appropriate measures are included to actively engage those individuals that may be excluded by traditional methods. There are many techniques to engage the community and Council has developed the Community Participation Framework containing Policy, Guidelines and Toolkit available to assist you.

Consensus is not the point of this stage of engagement; identifying the issues is.

Community participation is a key task of the SIS process and must be well thought out with clear methodology, demographic profile and survey data, to detail how the information was gained. A SIS submitted without supporting evidence of the planning, implementation, participation processes and outcomes may hamper the approval process.

7.5.8 STEP 2 – Profiling (Producing a Social Profile)

A social profile essentially provides a description of the social characteristics of the affected community. It should also provide a preliminary assessment of the issues and how these issues relate to each of the characteristics profiled. It is expected that information gained for the community profile will have a broad research scope, using a statistical databases (See Section 4).

A Social Profile should be representative of the scale and nature of the proposal. The profile should include at least the following information:

- Demographic information, including existing and proposed communities
- Likely population growth, with and without the proposal
- Housing make-up
- Economic assessment of the determined area
- Household make-up
- Employment status
- Crime statistics
- Health services and statistics
- Education levels
- Religious, ethnic and heritage considerations
- Public safety
- Community character, identity and amenity
- Availability of transport and access to services and facilities

Data is available from a wide range of sources, including: the Australian Bureau of Statistics (ABS), surveys, community participation, **the Social Atlas and Community Profile** information available on Port Macquarie Hastings Web site, local studies and documents already prepared and held by government agencies, inventories, community services directories, community needs assessment, other social profiles.

7.5.9 STEP 3 – *Prediction and Assessment*

Prediction involves the investigation of the impacts identified during community engagement and the profiling exercises undertaken. Once all the impacts are known, they are categorised, evaluated and prioritised. This is referred to as the Assessment.

Prediction and Assessment needs to address:

- Who will be affected
- How will they be affected
- How long will the impacts last
- What level of social change will occur as a result of the impact

Some examples of likely impacts include:

- Changes in demand for community facilities and services
- Accessibility to social and community facilities
- Safety of residents within the identified area
- Residential amenity
- Change in housing choice, shopping, recreational facilities and services
- Change to lives of specific groups e.g. Aboriginal, young people, older people, people with a disability
- Change to community or group values, traditions, lifestyle and culture
- Employment opportunities
- Production of local products
- Multiplier effects on the wider community and economy
- Change in affordability of goods and services e.g. Housing
- Urban infrastructure
- Local rate base

The assessment of the impacts is difficult without involving the residents' lives will be affected. Once again there are many techniques to achieve a thorough assessment including focus groups, the Delphi technique and surveys. For a comprehensive SIS you should use more than one technique and the type you employ should be appropriate to the community you are trying to engage. The results may be presented as weightings, rankings, and values or in the form of a cost-benefit analysis. The assessment needs to consider alternatives including a "no-go" or "do nothing" option for comparative purposes.

Whatever method/s used the outcome should evaluate the level of social impact and prioritise the impact and begin to identify strategies to mitigate the impact. Very often an acceptable solution will be identified or agreed at this stage, particularly if the affected community has been involved in the prediction and assessment of the impacts.

7.5.10 STEP 4 - *Mitigation*

Where negative impacts are identified and remain irresolvable it is essential that mitigation strategies be produced to address these impacts. These strategies or measures taken should aim to minimise the impact of the proposal and be considerate of the particular characteristics of the community that will be affected.

Examples of mitigation strategies may include:

- The installation of noise barriers along new roads
- Re-design of development or subdivision layout
- Increased provision of community infrastructure and facilities where increased need is required as a result of proposal

- Financial compensation where property values are affected or relocation is necessary.
- Improved access and accessibility to services and facilities

These measures may be achieved by:

- Conditions of development consent
- Section 94 contribution plans
- Caveats, bonds, Voluntary planning Agreements (V.P.A's) or
- Commissioning additional studies (post-occupancy surveys, housing studies, recreational needs study) with the aim of developing practical strategies and recommendations to resolve outstanding issues

The Council is required to assess a development on a range of criteria. Mitigation strategies need to be clear and achievable.

7.5.11 TEP 5 – Monitoring

Mitigation requires regular evaluation to monitor effectiveness of measures implemented to lessen the impacts resulting from the proposal. The monitoring allows for the testing of interventions thus allowing for further fine-tuning if required.

If approved there may be a number of conditions attached to the Development Approval. The conditions will link the approval to the mitigation strategies as identified in the SIS. To ensure clear and efficient implementation of SIS strategies and monitoring and evaluation a framework that allows the Council or another agency to monitor the proposal will also form part of the approval. This may include performance indicators relating to demographic change, crime statistics, and usage of community facilities or may involve future surveys of those individuals affected by the proposal.

This guideline has been produced to provide an indication of the sort of process we expect an applicant to complete for a Social Impact Assessment. It is a guide only and the Council supports innovation in the way you undertake a SIA, the techniques you employ to obtain the information, assess the impacts and ameliorate any adverse impacts.

7.5.12 Further information

If you need to complete a Social Impact Assessment it is recommended that you contact the Council's Social Planner or Development Assessment Planners before lodgment. A pre-lodgment meeting is available to you for this purpose.

Sources of Information

Main Sources	Information Available
Port Macquarie-Hastings Council www.pmhc.nsw.gov.au	<ul style="list-style-type: none"> ▪ Social Plan ▪ Social Atlas ▪ Community Services Directory ▪ Development approval data ▪ Rate information ▪ Hastings Urban Growth Strategy ▪ Economic and tourism statistics. ▪ Cultural information. ▪ Pre lodgement Development Application Forum.
Australian Bureau of Statistics www.abs.gov.au	<ul style="list-style-type: none"> ▪ Census data (demographic, economic / development, housing); ▪ Manufacturing and retail censuses; ▪ Building and construction data; ▪ Economic and employment / unemployment data; ▪ Social trends data; ▪ Disability data; ▪ Victims of crime data; ▪ Health data; ▪ Tourism data.
NSW Government Agencies (Note: All government agency websites can be accessed from this homepage www.nsw.gov.au)	
NSW Bureau of Crime Statistics and Research (Attorney Generals Department)	<ul style="list-style-type: none"> ▪ Crime statistics for NSW & LGA's ▪ Specialist crime data and comparative trend analysis
Department of Community Services www.docs.nsw.gov.au	<ul style="list-style-type: none"> ▪ Supported accommodation information ▪ Child abuse and domestic violence statistics
Department of Education and Training	<ul style="list-style-type: none"> ▪ Enrolments in government and private schools ▪ Enrolments of special groups (Aboriginal and Torres Strait Islanders; Culturally and Linguistically Diverse Background students).

Department of Fair Trading	<ul style="list-style-type: none"> Rental Bond Board Data (rents, types of dwellings)
Department of Housing www.housing.nsw.gov.au	<ul style="list-style-type: none"> Waiting list numbers Client profiles Housing stock information Boarding house data
Transport Data Centre (Department of Transport)	<ul style="list-style-type: none"> Passenger travel for all modes of transport (by traffic zones and statistical local areas) Freight movement survey Journey to work Information on future road and public transport networks
Department of Planning www.planning.nsw.gov.au	<ul style="list-style-type: none"> Population projections (LGA and Regions) Demographic trend analysis Housing Data – quarterly <i>Rents and Sales Report</i> Regional housing statistics and market analysis
NSW Health	<ul style="list-style-type: none"> In patient statistics (Case mix) Community Health Data Hospital Facility Data Waiting list information Range of health indicators (eg. mortality) Alcohol and drug dependency data
NSW Police Force	<ul style="list-style-type: none"> Mapped crime data by local commands (available through local police stations) Crime Data Annual customer satisfaction surveys (levels of reporting and police response)
Valuers General's Department	<ul style="list-style-type: none"> Average house prices by type of dwelling and locality (based on a 'typical' sale not survey data).
Commonwealth Government Agencies	
Centre link www.centrelink.gov.au	<ul style="list-style-type: none"> Number of persons on social security benefits (by postcode of region)

Department of Employment, Education, Training and Youth Affairs	▪ DEETYA Small Area Labour Market Quarterly Statistics (unemployment rates, labour force data)
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8. REVIEW

Also identifies officer responsible for the review and nominates the review commencement date.
For new policy, the review commencement date is two years after approval)



Authorised by: PMHC
Authorised date: 17/05/2017
Effective date: 18/05/2017
Next review date: 18/05/2022
File Number: D2017/173676

CONTAMINATED LAND POLICY

1. INTRODUCTION

Port Macquarie-Hastings Council recognises that the appropriate assessment and management of contaminated land matters is an important function of local government.

This Contaminated Land Policy is based upon a Model Contaminated Land Policy. A suite of regional contaminated land management resources and tools have been developed to provide the Mid North Coast Regional Organisation of Councils (MIDROC) with the technical training and resources needed to appropriately respond to contaminated land issues.

This Port Macquarie-Hastings Council Contaminated Land Policy (the 'Policy') outlines the council's commitments and practices used in dealing with land contamination matters.

Port Macquarie-Hastings Council acknowledges the MIDROC Contaminated Land Program which was developed to provide MIDROC members with technical training and resources needed to respond appropriately to contaminated land issues.

Land contamination stemming from the improper use and storage of hazardous substances can leave a broad range of complex and lasting impacts on the land. Contamination and its effects can often remain unnoticed within the environment for long periods of time and can have serious implications on a site's ability to sustain healthy ecosystems and communities. In dealing with this issue it is important that planning authorities and land managers consider contamination and its potential impacts on the ways that land can be used.

In New South Wales the Environment Protection Authority (EPA) and local government perform various key roles in dealing with contaminated lands matters. The role of the EPA is to regulate and enforce management action on sites where contamination is considered significant. Local government manages contamination whilst performing duties as a planning authority, public land manager and as a regulatory authority.

This Policy provides a framework through which council will manage land contamination within the Local Government Area. The Policy defines the principles that Port Macquarie-Hastings Council is committed to upholding when performing council functions. This Policy observes a cautionary approach and promotes processes that ensure land contamination is identified and dealt with at the earliest possible opportunity whilst carrying out planning, regulatory and land management activities.

Under 145B of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act), council is provided with exemptions of liability for planning decisions made in 'good faith'. To qualify for this good faith status the EP&A Act requires that council act substantially in accordance with 'Managing Land Contamination - Planning Guidelines SEPP55 - Remediation of Land' (Planning Guidelines).

This Policy has been developed in accordance with the Planning Guidelines.

The objectives of this Policy include:

- To ensure that contamination is being appropriately considered and dealt with at the earliest possible stage whilst carrying out council regulatory, land management, or planning activities
- To provide a contaminated land policy framework that follows the practices and standards of relevant legislation(s), guidelines and codes
- To facilitate an approach to assessing and dealing with contaminated land issues that is regionally consistent and cooperative
- To ensure council maintains suitable contaminated land information management systems and provides the community and stakeholders with reliable information on contamination where applicable

- To ensure contamination is appropriately considered prior to approving changes to land uses
- To avoid placing inappropriate restrictions on land uses due to land contamination

Whilst every effort has been made to ensure the accuracy of the information in this publication, Port Macquarie-Hastings Council disclaims any liability to any person in respect of anything done or not done as a result of the contents of this Policy and Policy Guidelines.

The Policy and Policy Guidelines should be read in conjunction with relevant legislation, guidelines and codes of practice. Where inconsistencies exist the most recent legislation shall prevail.

The Policy and Policy Guidelines do not constitute legal advice and should not be relied on. Legal advice should be sought in relation to particular circumstances, and liability will not be accepted by Port Macquarie-Hastings Council for losses incurred or damage suffered as a result of reliance on the Policy and Policy Guidelines.

2. POLICY STATEMENT AND SCOPE

This Policy applies to all land within the Port Macquarie-Hastings Council Local Government Area.

The content of this Policy is relevant to:

- Local government staff
- Contaminated land management practitioners
- Property developers
- Land managers
- The general public

This Policy does not provide procedural guidance on how to satisfy Policy statements. Additional information on suitable approaches, procedures and considerations for implementing Policy statements can be found in:

- Port Macquarie-Hastings Council Contaminated Land Policy Guidelines
- Port Macquarie-Hastings Council Environmental Asbestos Guideline
- Port Macquarie-Hastings Council WHS No.13 - Asbestos Procedure
- Other relevant legislation, guidelines and codes of practices including but not limited to those listed under Appendix B – Contaminated Land Planning and Legislative Framework

Council will consider and respond to the presence of land contamination in all instances where it is the appropriate:

- Planning Authority
- Regulatory Authority
- Public lands/assets manager

When performing these roles, council will adhere to the requirements of this Policy and the Policy Guidelines in addition to the requirements of applicable legislation, guidelines and standards (see Appendix B).

Executing Council's Planning Decision Making Processes

Whilst performing roles as a planning authority, council will ensure that land contamination is being appropriately considered, identified, assessed and managed in accordance with the requirements of this Policy and the Policy Guidelines. In instances where the Policy and Policy Guidelines do not apply, a review of applicable legislation, guidelines and standards will be undertaken by council.

In its function as a planning authority, council will:

- Consider the likelihood of land contamination as early as possible in the planning and development control process
- Link decisions about the development of land with the information available about contamination possibilities

- Adopt a Policy approach that will provide strategic and statutory planning options based on the information about contamination
- Exercise statutory planning functions with a reasonable standard of care

If the contamination status of land is unknown, no change in use should occur which may increase the risk of harm until the land has been investigated. If contamination causes an unacceptable risk of harm, the use of the land will should be restricted to reduce the risk to accepted levels.

Initial Evaluation by Planning Authority

Council will carry out an initial evaluation of contamination to assess whether contamination may be an issue at a site and if sufficient information is available to carry out a planning function in good faith. Council will perform an initial evaluation of contamination when assessing the suitability of planning proposals and development applications. The internal evaluation should be performed in accordance with the objectives and processes outlined in the Policy Guidelines as well as the Planning Guidelines.

More information on the initial evaluation process is provided further in this document.

Review of Environmental Factors (REF)

Where undertaking or reviewing environmental assessments performed under Part 5 of the EP&A Act, council will ensure that contamination is being appropriately assessed and managed. If contamination has the potential to be a factor at a site that is the subject of an REF then further investigations and management processes should be carried out in accordance with this Policy and the Policy Guidelines. Refer to the Policy Guidelines for site assessment and management processes.

Preliminary Investigation

Stage 1 – Preliminary Investigations are undertaken to identify any past or present potentially contaminating activities performed at a site, provide a preliminary assessment of any site contamination and, if required, provide a basis for a ‘Detailed Investigation’. Preliminary Investigations of a site assessment must be undertaken by a ‘suitably qualified and experienced contaminated land practitioner’.

Prior to exercising a planning function council may request a Preliminary Investigation Report be provided by the proponent in instances where:

- Past land uses have the potential to have caused site contamination (refer to Appendix C)
- Site records do not outline a clear or complete site history
- Gaps exist in knowledge of past land uses
- Site history information provided by the applicant is not reliable or verifiable
- Land surrounding the site has the potential to be contaminated
- The site is within 50m of a known underground storage tank(s) or below ground infrastructure used for storing hazardous substances i.e. petroleum products or chemicals

More information on the Preliminary Investigation stage is outlined further in this document.

Detailed Investigation

Stage 2 - Detailed Investigations are undertaken to identify the nature, extent and degree of contamination at a site that is known or suspected of being contaminated. This is a highly technical phase of the site assessment process and must only be performed by a ‘suitably qualified and experienced contaminated land practitioner’.

Prior to exercising a planning function council may request a Detailed Investigation Report be provided by the proponent in instances where:

- Indications of contamination have been acknowledged in a Preliminary Investigation Report
- Contamination has been previously identified on the site during a site assessment
- Pathways exist between the site and a known source of contamination (i.e. surface or groundwater)

- Contamination is considered to occur at the site and a Preliminary Investigation is not deemed necessary
- Changes to land uses may increase exposure of the community or the environment to hazardous contaminants (eg a proposed land-use change from industrial land use to residential land use)
- To accompany a remediation proposal that requires development consent

More information on the Detailed Investigation stage is outlined further in this document.

Remedial Action Plan (RAP)

In instances where remedial actions are required to make a site suitable for its current or intended uses, a RAP may be required by council. A RAP outlines the objectives and methods that a contaminated land practitioner intends to employ when remediating a site to a suitable standard. This plan can only be developed by a 'suitably qualified and experienced contaminated land practitioner'.

Council shall request that a RAP be provided by the proponent in an instance where:

- Contamination has been identified during a site assessment and remedial actions are required to make the site suitable for any proposed or approved land uses
- The remediation works are considered Category 1 Remediation works
- The remediation works are being undertaken in preparation for a future development application or planning proposal
- More information on RAPs is outlined further in this document

Site Validation

Where remedial actions have been carried out under the guidance of a RAP a validation assessment must be undertaken to confirm whether the objectives of the RAP have been achieved. If the remedial targets have not been achieved the Validation Report must explain why and outline any additional works required to satisfy the requirements of the RAP. This assessment must only be undertaken by a 'suitably qualified and experienced contaminated land practitioner'.

More information on Validation Reports is outlined further in this document.

Ongoing Site Monitoring

Ongoing Site Monitoring Plans are created in circumstances where contamination may not be suitable for remediation or is to be controlled on site.

Council shall request an Ongoing Site Monitoring Plan be provided for its consideration in instances where:

- A full clean-up of a site is not feasible
- Contamination is to be contained on the site

This plan must only be developed by a 'suitably qualified and experienced contaminated land practitioner'.

More information on ongoing site monitoring is outlined further in this document.

Site Audit

A Site Audit is an independent review of any or all stages of the site investigation processes conducted in accordance with the CLM Act and associated EPA Guidelines. Site Audits are only to be performed by auditors accredited under the EPA administered Site Auditors Scheme. Council may request a Site Audit where:

- It is believed that the information provided by the proponent is incorrect or incomplete
- Verification is required to confirm that information provided by the proponent adheres to appropriate standards, procedures and guidelines
- Council does not have the internal resources or expertise needed to conduct its own technical review

- Land use is proposed to change to a more sensitive land use (for example, rezoning commercial to residential)

In circumstances where an audit may not be necessary, council may request that a formal review be conducted on a contaminated land practitioner's reports, works and/or advice by another suitably qualified practitioner. More information on Site Audits are outlined further in this document.

Remediation of Lands

SEPP 55 sets contaminated land remediation works into two key categories to help ensure works are performed in an appropriate and responsible manner. In instances where a proposed remedial activity is classed as Category 1 works, consent must be sought from council. Remedial activities that are classed as Category 2 do not require consent from council, however certain information must be provided to council on the nature and scope of the works prior to the work being carried out (see Clause 16-18 of SEPP 55 for further information).

Note: If remediation has reduced all risks to human health and the environment to acceptable level, no restriction on land use will be placed on the site.

Category 1 – Remediation Works

Category 1 remediation works are works that require planning consent due to their scope, type or potential impacts they may pose to the community and/or environment. SEPP 55 outlines Category 1 works as works that:

- Form part of designated development
- Are to be conducted on land declared to be a critical habitat
- Are likely to have a significant effect on a critical habitat or a threatened species, population or ecological community
- Are associated with development for which another SEPP or a regional environmental plan requires development consent
- Are to be carried out in an area classified under Clause 9(e) of SEPP 55

In accordance with the provision of Clause 9(f) of SEPP 55, council requires all Category 1 works to be performed in line with applicable council Policy, including where:

- Restrictions are placed on the hours of operation for work
- Restrictions are placed on the vehicle routes that can be used when performing work
- Restrictions are placed on parking
- Restrictions are placed on the disposal of contaminated spoil removed from remediated land

Category 2 – Remediation Works

Category 2 remediation works are all remediation works that are not classified as Category 1 under Clause 9 of SEPP 55 or works identified in this Policy.

A person undertaking Category 2 remediation works must act in accordance with SEPP 55 which requires the proponent to:

- Notify council of the commencement of works 30 days prior to their commencement
- In accordance with Clause 16(3) of SEPP 55 provide detail on the site and works to be undertaken
- Notify council of the completion of works within 30 days of their conclusion

Contaminated Land Practitioner Standards

Prior to considering information provided by a contaminated land practitioner, the practitioner must be able to suitably demonstrate to council that they have the necessary competencies and experience in the field that they intend to offer services in.

Prior to 1 April 2018 the attributes that should qualify a person as a 'suitably qualified and experienced practitioner' are:

- At least five years of experience in contaminated land services that are relevant to those being offered
- Relevant Bachelor Degree or similar tertiary qualifications
- Regular professional development training in the contaminated land field
- Record of strong ethical and professional conduct

As of the 1 April 2018, Port Macquarie-Hastings Council will only accept services, reports or advice from contaminated land practitioners accredited under an EPA supported accreditation scheme (*information on contaminated land practitioner schemes can be found on the EPA website: <http://www.epa.nsw.gov.au/clm/auditorscheme.htm>*).

See Section 7 of the Policy Guidelines for further information on Contaminated Land Practitioners.

Professional Contaminated Land Reports, Plans and Advice

All professional contaminated land related reports, plans or official advice to be considered by council must be accompanied by a cover letter that includes the following information:

- Company/practitioner contact details
- Scope of works to be overseen by the practitioner
- Qualifications relevant to services being provided
- Past professional experience in comparable projects
- Two references from past clients that have received similar services

A practitioner may choose to include a copy of their CV to council with initial correspondence or documents.

Council Contaminated Land Records

Contaminated land issues can be dynamic, changing over time as site assessments and remedial actions are performed, and new sites are identified. Due to this nature of contamination council does not hold a definitive 'register' of contaminated sites.

Wherever possible council's records shall maintain accurate and reliable information on sites that:

- Have been assessed or regulated by the EPA under the provision of the CLM Act
- Have undergone previous contaminated land assessments or management actions and reports have been provided to council
- Have undergone a site audit by an accredited site auditor
- Are known by council to be contaminated
- Have had a development application accepted for Category 1 remediation works
- Have provided a notification of Category 2 remediation works

Information pertaining to contaminated land matters will be recorded and managed by council in line with the Policy Guidelines and other applicable standards.

Section 149 Planning Certificates

A planning certificate issued under Section 149 of the EP&A Act is specific to a certain property and provides information about how the site may be used and if land use restrictions apply. Information on land contamination will be included in Section 149 planning certificates in line with the requirements of Section 59(2) of the CLM Act and the Policy Guidelines. If land use restrictions are placed on the land due to contamination this will be reflected within the Section 149 planning certificate.

Section 149(2) Planning Certificates

Section 149(2) Planning Certificates issued by council will provide information relevant to the property on the date the certificate is issued, such as sites:

- Identified as significantly contaminated
- Subject to a management order

- Subject to an approved voluntary management proposal
- Subject to an ongoing maintenance order
- Subject to a site audit where a Site Audit Statement has been produced and provided to council
- Indicate whether or not the land is affected by an adopted Policy of the council or any other public authority that restricts the development of land because of the likelihood of any risk of contamination

Further information, including standard 149(2) entries and explanations are provided in Appendix J of the Policy Guidelines.

Section 149(5) Planning Certificates

In instances where council records indicate that a site is or has the potential to be impacted by contamination, a special note will be added to the Section 149(5) planning certificate declaring that certain restrictions may apply to a site due to contamination. In instances where this declaration is present on the planning certificate a proponent should contact council to seek further information on the nature and consequences of potential contamination issues at the site.

Council may also choose to add other specific information on contaminated land matter to the Section 149(5) planning certificate, including where:

- The site is known to have been used for a land use listed in Table 1 of Appendix C
- A Statement of Environmental Effect (SOEE) has identified that contamination may be a factor at the site
- A contaminated land assessment report has been produced and provided to council
- A validation of remediation has been undertaken and a report provided to council
- Remedial actions have been approved for the remediating of the site
- Council has been notified of remediation that is to be undertaken at the site
- Historic or unvalidated remediation is known to have been undertaken at the site
- Underground Petroleum Storage System (UPSS) are known to be present on the site
- Advice that is associated with information provided under a 149(2) certificate

Further information including standard 149(5) entries and explanations are provided in Appendix J of the Policy Guidelines.

Preventing Contamination

Measures to prevent possible pollution at its source may help to reduce future land contamination issues. Council will endeavour to prevent the occurrence of pollution and associated land contamination, where applicable, by:

- Applying appropriate controls on development and rezoning to reduce polluting activities and impacts
- Proactively investigate and regulate land use activities that may cause contamination
- Manage public land and assets in line with the requirements of this Policy and relevant regulation
- Promote the adoption of environmental practices that reduce the potential for contamination

3. RESPONSIBILITIES AND AUTHORITIES

The Environmental Health Officer is responsible and accountable for:

- Implementing and communicating this Policy
- Monitoring compliance of the Policy
- Ensuring this Policy is reviewed and updated to meet external compliance

Relevant Infrastructure staff are responsible and accountable to follow this Policy.

This Policy provides a best practice approach for dealing with contaminated land matters in the Port Macquarie-Hastings Council Local Government Area. The processes and standards provided in this

document adhere to and exceed the requirements of the contaminated land legislative frameworks and associated planning guidelines.

Planning decisions made in compliance with this Policy should be considered to be performed in good faith and are afforded exemption from liability under Part 7A of the EP&A Act.

Council staff should seek legal guidance wherever they are uncertain about the application of this Policy.

4. REFERENCES

- *Contaminated Land Management Act, 1997 (CLM Act)*
- *Environmental Planning and Assessment Act, 1979 (EP&A Act)*
- *Protection of Environmental Operations Act, 1997 (POEO Act)*
- Managing Land Contamination - Planning Guidelines SEPP55 - Remediation of Land (Planning Guidelines)
- SEPP 55 – Remediation of Lands (SEPP 55)

A more detailed review of the framework and its effects can be found in Appendix B.

5. DEFINITIONS

Category 1 remediation work: has the same meaning as in SEPP 55, and is remediation work that needs development consent.

Category 2 remediation work: has the same meaning as in SEPP55, and is remediation work that does not need development consent.

CLM Act: means the *Contaminated Land Management Act, 1997 (NSW)* as amended from time to time.

Contamination of land: depending on the context:

has the same meaning as in section 5(1) of the CLM Act, being the presence in, on or under the land of a substance at a concentration above that normally present in, on or under the land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment, and “Contaminate” and “Contaminated” are to be construed accordingly. The words “land”, “harm” and “environment” are defined as in the CLM Act.

OR

has the same meaning as in section 145A of the EP&A Act, being land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment. The words “land” and “environment” are defined as in the EP&A Act.

Detailed investigation: means an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment, and to obtain sufficient information for the development of a remedial action plan if required.

EP&A Act: means the *Environmental Planning and Assessment Act, 1979 (NSW)* as amended from time to time.

Independent review: means an evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the proponent’s expense.

Initial evaluation: means an assessment of readily available factual information to determine whether contamination may be an issue relevant to the decision being made.

Preliminary investigation order: means a preliminary investigation order issued by the EPA under section 10 of the CLM Act to investigate whether specified land is contaminated, and the nature and extent of any such contamination.

Notice of completion: means a notice to the council (or Minister for Planning where the Minister is the consent authority) in accordance with SEPP 55 that remediation work has been completed.

Notification of remediation: means prior notice of a Category 2 remediation work given to the council in accordance with SEPP 55.

Planning authority: means a public authority or other person responsible for exercising a planning function.

Planning Certificate: means a planning certificate issued under section 149 of the EP&A Act.

Planning function: means a function exercised by the council as a planning authority under the EP&A Act, including the functions listed in section 145B EP&A Act such as the preparation or making of an environmental planning instrument and the determination of a development application.

Preliminary investigation: means an investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any site contamination.

Remedial Action Plan: means a plan which sets remediation goals and documents the process to remediate a site.

Management Order: means a management order issued by the EPA under section 14 of the CLM Act, requiring the carrying out of specified actions in relation to the management of contaminated land (including remediation).

Significantly Contaminated Land: means a site declared by the EPA under section 11 of the CLM Act to be significantly contaminated land.

Remediation: has the same meaning as in the CLM Act and includes:

- preparing a long-term management plan (if any) for the land
- removing, dispersing, destroying, reducing, mitigating or containing the contamination of the land and
- eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land)

SEPP 55: means the State Environmental Planning Policy No 55 – Remediation of Land

Site audit: has the same meaning as in the CLM Act, being a review:

- that relates to management (whether under the CLM Act or otherwise) of the actual or possible contamination of land; and
- that is conducted for the purpose of determining any one or more of the following matters:
 - the nature and extent of any contamination of the land
 - the nature and extent of any management of actual or possible contamination of the land
 - whether the land is suitable for any specified use or range of uses
 - what management remains necessary before the land is suitable for any specified use or range of uses
- the suitability and appropriateness of a plan of management, long-term management plan or a voluntary management proposal

Site auditor: has the same meaning as in the CLM Act, being a person accredited by the EPA under the CLM Act to conduct site audits.

Site audit statement: means a site audit statement issued by a site auditor in accordance with Part 4 of the CLM Act.

Site audit report: means a report prepared by a site auditor containing the key information and the basis of consideration which leads to the issue of a site audit statement.

Site history: means a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.

Site investigation process: means the process of investigating land which may be, or is, contaminated, for the purpose of providing information to a planning authority.

Validation: means the process of determining whether the objectives for remediation and any conditions of development consent in relation to the remediation have been achieved.

Acronyms are provided in Appendix A.

6. PROCESS OWNER

Group Manager Regulatory Services.

7. AMENDMENTS

Council's former Contaminated Land Policy was adopted on 6 October 2010 and was also based on the SEPP 55 guidelines. This Port Macquarie-Hastings Council Contaminated Land Policy and Policy Guidelines adopted by council in May 2017 replaces the 2010 Policy.

8. ACKNOWLEDGEMENT

This Policy is based on the Model Contaminated Land Policy prepared for members of the Mid North Coast Regional Organisation of Councils (MIDROC) as part of the MIDROC Contaminated Land Program. The Program has been assisted by the New South Wales Government through the NSW Environmental Protection Authority's (EPA) Contaminated Land Management Program with funding provided by the NSW Environmental Trust.

9. DISCLAIMER

Whilst every effort has been made to ensure the accuracy of the information in this Policy, Port Macquarie Hastings Council disclaims any liability to any person in respect of anything done or not done as a result of the contents of the Policy and Guideline.

10. APPENDICES

Appendix A: Acronyms

ARA	Appropriate Regulatory Authority – used in regulation
ANZECC	Australian and New Zealand Environment and Conservation Council
CLM Act	<i>Contaminated Land Management Act, 1997</i>
DA	Development Application
DCP	Development Control Plan
DP&E	Department of Planning & Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act, 1979</i>
LEP	Local Environmental Plan
LGA	Local Government Area
NSW	New South Wales
POEO	<i>Protection of the Environment Operations Act, 1997</i>
RAP	Remedial Action Plan
SEPP	State Environmental Planning Policy
UST	Underground Storage Tanks
UPSS	Underground Petroleum Storage System(s)

Appendix B: Contaminated Land Planning and Legislative Framework

The key legislation and planning instruments that make up the contaminated land planning and legislative framework are:

- *Environmental Planning and Assessment Act, 1979*
- *Contaminated Land Management Act, 1997*
- *Protection of Environmental Operations Act, 1997*
- SEPP 55 – Remediation of Lands
- Managing Land Contamination Planning Guidelines - SEPP 55 – Remediation of Lands

Other relevant legislation and planning instruments that affect the way that council deals with contaminated land matters include:

- *Local Government Act, 1993*
- *NSW Health and Safety Act, 2011*
- *Pesticides Act, 1999*
- *Dangerous Goods (Road and Rail Transport) Act, 2008*
- *Environmentally Hazardous Chemicals Act, 1985*
- Environmental Planning and Assessment Regulation 2000
- Protection of Environmental Operations (General) Regulation 2009
- Protection of Environmental Operations (Waste) Regulation 2014
- Protection of Environmental Operations (Clean Air) Regulation 2010
- Protection of Environmental Operations (Underground Petroleum Storage Systems) Regulation 2014
- SEPP (Exempt and Complying Development Codes) 2008

Guidelines made under Contaminated Land Management (CLM) Act:

- Guidelines for the Vertical Mixing of Soil on Former Broad-acre Agricultural Land
- Sampling Design Guidelines
- Guidelines for Assessing Banana Plantation Sites
- Guidelines for Consultants Reporting on Contaminated Sites
- Guidelines for Assessing Former Orchards and Market Gardens
- Guidelines for the NSW Site Auditor Scheme, 2nd edition
- Guidelines for the Assessment and Management of Groundwater Contamination
- Guidelines on the Duty to Report Contamination under the CLM Act

Relevant National Standards

- National Environmental Protection Measures
- Australian and New Zealand Guidelines for Fresh and Marine Water Quality

Overview of Contaminated Land Planning and Legislative Framework effects***Contaminated Land Management Act, 1997***

Provide powers to the EPA to:

- Regulate sites that are significantly contaminated (or assumed to be)
- Issue orders to a public authority to carry out certain regulatory functions
- Creates guidelines for the assessment and management of contaminated sites
- Administer the NSW Site Auditor Scheme
- Impose penalties and cost recovery actions
- Duty of land owners to notify EPA of contamination
- Offsets program that may allow those responsible for significant contamination to implement offsets to mitigate its impacts

Provides Site Auditors with:

- Legal framework for undertaking statutory site audits

Requires local planning authorities to:

- Provide advice in planning certificates made under section 149(2) of the EP&A Act that outline where a site has undergone EPA regulatory actions or site audits in accordance with the provisions of the CLM act.

Environmental Planning and Assessment Act, 1979

Provides powers to Department of Planning and Environment to:

- Develop environmental planning instruments such as State Environmental Planning Policies

Provides planning authorities with legal framework for:

- Planning and development control process including
- Developing Local Environmental Plans that are to be approved by the Minister
- Developing and implementing Development Control Plans
- Exemptions from liability for planning authorities if they are acting substantially in accordance with contaminated land planning guidelines and guidelines developed under provisions of CLM Act
- Planning certificates for the recording and presenting of contaminated land information
- Issuing orders that cease activities that do not align with conditions of a development consent

Protection of Environment Operations Act, 1997

Provides planning authorities with legal framework for:

- Issuing notices for the assessment and clean-up of contaminated lands and associated pollution issues
- Regulation of waste materials
- Prevent or prohibit certain land use activities that have the potential to exacerbate or contribute to land contamination issues

State Environmental Planning Policy 55 – Remediation of Lands

SEPP 55 sets out a state-wide planning approach to remediating lands. This SEPP:

- Requires remediation works to be carried out in accordance with the contaminated land planning guidelines and other guidelines created under the CLM Act
- Specifies when consent is required for remediation works and remediation processes
- Outlines contaminated land consideration relevant during planning processes
- Specifies notices to be provided to council when carrying out remediation works

Managing Land Contamination Planning Guidelines - SEPP 55 – Remediation of Lands

Provides local government with:

- Outline of best practice contaminated land assessment, remediation and site management practices
- Information on the Site Audit process and when they should be considered
- Planning and land management decision making approaches and considerations
- Approaches for recording and managing contaminated land information
- Recommendations to develop a formal policy for dealing with contaminated land issues
- List of land uses that have the potential to cause contamination

SEPP (Exempt and Complying Development Codes) 2008

This SEPP:

- Overrides provisions of SEPP 55 and applicable LEP

- Provides streamlined assessment processes for development that complies with specified development standards, including
- Development that is considered exempt from planning approvals
- Development that complies with the code and can be conducted in accordance with a complying development certificate without the need to planning approvals

National Environmental Protection Measures (NEPM) 1999 (Amended 2013)

Implemented in NSW under the National Environmental Council (NSW) Act 1995, the NEPM establishes national standard for:

- Acceptable thresholds for contaminants in soil, air and water
- Processes and standards for assessing contaminated sites
- Processes and standards monitoring ambient air quality
- Standards for moving controlled waste materials

Appendix C: Potentially Contaminating Land Uses

List of land use activities that may cause contamination (as identified in Table 1 of the Planning Guidelines).

Table 1.

Some activities that may cause contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Note: It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is only a guide. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

Appendix D: Relevant Contacts**Port Macquarie-Hastings Council**

Environmental Health Officer
Regulatory Services - Development and Environment Division
Phone: 6581 8111
Email: council@pmhc.nsw.gov.au

NSW Environmental Protection Authority

Environmental Line Phone: 131 555
Email: info@environment.nsw.gov.au

SafeWork NSW

Phone: 131 050
Email: contact@safework.nsw.gov.au

MIDROC Contaminated Land Services

Phone: (02) 6655 7382
Email: bhooper@bellingen.nsw.gov.au

Health NSW –Public Health Unit

Phone: 1300 066 055



Authorised by: PMHC
Authorised date: TO BE ADOPTED
Effective date: TBA
Next review date: 01/08/2026
File Number: D2021/XXXXXX

CONTAMINATED LAND POLICY

1. INTRODUCTION

Port Macquarie-Hastings Council recognises that the appropriate assessment and management of contaminated land matters is an important function of local government.

The 2017 Contaminated Land Policy was based upon a NSW Model Contaminated Land Policy. A suite of regional contaminated land management resources and tools were developed to provide the former Mid North Coast Regional Organisation of Councils (MIDROC) with the technical resources needed to appropriately respond to contaminated land issues.

This revised 2021 Port Macquarie-Hastings Council Contaminated Land Policy (the 'Policy') outlines Council's commitments and practices used to deal with land contamination matters.

Land contamination stemming from the improper use and storage of hazardous substances can leave a broad range of complex and lasting impacts on the land. Contamination and its effects can often remain unnoticed within the environment for long periods of time and can have serious implications on a site's ability to sustain healthy ecosystems and communities. In dealing with this issue it is important that planning authorities and land managers consider contamination and its potential impacts on the ways that land can be used.

In New South Wales, the Environment Protection Authority (EPA) and local councils perform various key roles in dealing with contaminated lands matters. The role of the EPA is to regulate and enforce management action on sites where contamination is considered significant. Local councils manage contamination whilst performing duties as a planning authority, public land manager and as a regulatory authority.

The Policy provides a framework through which council will manage land contamination within the Port Macquarie-Hastings Local Government Area and defines the principles that Port Macquarie-Hastings Council is committed to upholding when performing council functions. This Policy observes a cautionary approach and promotes processes that ensure land contamination is identified and dealt with at the earliest possible opportunity whilst carrying out planning, regulatory and land management activities.

Under Schedule 6 of the NSW *Environmental Planning and Assessment Act, 1979* (EPA Act), council is provided with exemptions of liability for planning decisions made in 'good faith'. To qualify for this good faith status the EPA Act requires that council act substantially in accordance with the 'Managing Land Contamination - Planning Guidelines - SEPP 55 - Remediation of Land' (Planning Guidelines). This Policy was developed in accordance with the Planning Guidelines.

The objectives of this Policy include:

- To ensure land contamination is appropriately considered and dealt with at the earliest possible stage whilst carrying out council regulatory, land management, or planning activities
- To provide a contaminated land policy framework that follows the practices and standards of relevant legislation(s), guidelines and codes of practice
- To facilitate an approach to assessing and dealing with contaminated land issues that is regionally consistent and cooperative
- To ensure council maintains suitable contaminated land information management systems and provides the community and stakeholders with reliable information on contamination where applicable and available

- To ensure contamination is appropriately considered prior to approving changes to land uses
- To avoid placing inappropriate restrictions on land uses due to land contamination

Whilst every effort has been made to ensure the accuracy of the information in this publication, Port Macquarie-Hastings Council disclaims any liability to any person in respect of anything done or not done as a result of the contents of this Policy and the Policy Guidelines.

The Policy and Policy Guidelines should be read in conjunction with relevant legislation, guidelines and codes of practice. Where inconsistencies exist the most recent legislation shall prevail.

The Policy and Policy Guidelines do not constitute legal advice and should not be relied on. Legal advice should be sought in relation to particular circumstances, and liability will not be accepted by Port Macquarie-Hastings Council for losses incurred, or damage suffered, as a result of reliance on the Policy and Policy Guidelines.

2. POLICY STATEMENT AND SCOPE

The Policy applies to all land within the Port Macquarie-Hastings Council Local Government Area.

The content of the Policy is relevant to:

- Council staff
- Contaminated land management practitioners
- Property developers
- Land managers
- The general public

This Policy does not provide procedural guidance on how to satisfy Policy statements. Additional information on suitable approaches, procedures and considerations for implementing Policy statements can be found in:

- Port Macquarie-Hastings Council Contaminated Land Policy Guidelines
- Port Macquarie-Hastings Council Environmental Asbestos Guideline
- Port Macquarie-Hastings Council WHS No.13 - Asbestos Procedure
- Other relevant legislation, guidelines and codes of practices including, but not limited to those listed under Appendix B – Contaminated Land Planning and Legislative Framework

Port Macquarie-Hastings Council will consider and respond to the presence of land contamination in all instances where it is the appropriate:

- Planning Authority
- Regulatory Authority
- Public lands/assets manager

When performing these roles, Port Macquarie-Hastings Council will adhere to the requirements of this Policy and the Policy Guidelines in addition to the requirements of applicable legislation, guidelines and standards (refer to Appendix B).

Executing Port Macquarie-Hastings Council's Planning Decision Making Processes

Whilst performing roles as a planning authority, Port Macquarie-Hastings Council (council) will ensure land contamination is appropriately considered, identified, assessed and managed in accordance with the requirements of the Policy and the Policy Guidelines. In instances where the Policy and Policy Guidelines do not apply, a review of applicable legislation, guidelines and standards will be undertaken by council.

In its function as a planning authority, council will:

- Consider the likelihood of land contamination as early as possible in the planning and development control process
- Link decisions about the development of land with the information available about contamination

possibilities

- Provide strategic and statutory planning options based on information about contamination
- Exercise statutory planning functions with a reasonable standard of care

If the contamination status of land is unknown, no change in use should occur which may increase the risk of harm until the land has been investigated. If contamination causes an unacceptable risk of harm, the use of the land should be restricted to reduce the risk to acceptable levels.

Initial Evaluation by Planning Authority

Council will carry out an initial evaluation of contamination to assess whether contamination may be an issue at a site and if sufficient information is available to carry out a planning function in good faith. Council will perform an initial evaluation of contamination when assessing the suitability of planning proposals and development applications. The internal evaluation should be performed in accordance with the objectives and processes outlined in the Policy Guidelines as well as the Planning Guidelines.

More information on the initial evaluation process is provided further in this document.

Review of Environmental Factors (REF)

Where undertaking or reviewing environmental assessments performed under Part 5 of the EPA Act, council will ensure contamination is being appropriately assessed and managed. If contamination has the potential to be a factor at a site that is the subject of an REF, then further investigation and management processes should be carried out in accordance with the Policy and Policy Guidelines. Refer to the Policy Guidelines for site assessment and management processes.

Preliminary Investigation

Stage 1 – Preliminary Investigations are undertaken to identify any past or present potentially contaminating activities carried out at a site, provide a preliminary assessment of any site contamination and, if required, provide a basis for a 'Detailed Investigation'. Preliminary Investigations must be undertaken by a 'suitably qualified and experienced contaminated land practitioner'.

Prior to exercising a planning function council may request a Preliminary Investigation Report be provided by the proponent in instances where:

- Past land uses have the potential to have caused site contamination (refer to Appendix C)
- Site records do not outline a clear or complete site history
- Gaps exist in knowledge of past land uses
- Site history information provided by the applicant is not reliable or verifiable
- Land surrounding the site has the potential to be contaminated
- The site is within 50 metres of known underground storage tank(s) or below ground infrastructure used for storing hazardous substances, i.e. petroleum products or chemicals

More information on the Preliminary Investigation stage is outlined further in this document.

Detailed Investigation

Stage 2 - Detailed Investigations are undertaken to identify the nature, extent and degree of contamination provided at a site that is known or suspected of being contaminated. This is a highly technical phase of the site assessment process and must only be performed by a 'suitably qualified and experienced contaminated land practitioner'.

Prior to exercising a planning function, council may request a Detailed Investigation Report be submitted by the proponent in instances where:

- Indications of contamination have been acknowledged in a Preliminary Investigation Report
- Contamination has been previously identified on the site during a site assessment
- Pathways exist between the site and a known source of contamination (i.e. surface or groundwater)

- Contamination is considered to occur at the site and a Preliminary Investigation is not deemed necessary
- Changes to land uses may increase exposure of the community or the environment to hazardous contaminants (eg a proposed land-use change from industrial land use to residential land use)
- To accompany a remediation proposal that requires development consent

More information on the Detailed Investigation stage is outlined further in this document.

Remedial Action Plan (RAP)

In instances where remedial actions are required to make a site suitable for its current or intended uses, a RAP may be required by council. A RAP outlines the objectives and methods that a contaminated land practitioner intends to employ when remediating a site to a suitable standard. The RAP can only be developed by a 'suitably qualified and experienced contaminated land practitioner'.

Council shall request that a RAP be provided by the proponent in an instance where:

- Contamination has been identified during a site assessment and remedial actions are required to make the site suitable for any proposed or approved land uses
- The remediation works are considered Category 1 Remediation works
- The remediation works are being undertaken in preparation for a future development application or planning proposal

More information on RAPs is outlined further in this document.

Site Validation

Where remedial actions have been carried out under the guidance of a RAP a validation assessment must be undertaken to confirm whether the objectives of the RAP have been achieved. If the remedial targets have not been achieved the Validation Report must explain why and outline any additional works required to satisfy the requirements of the RAP. This assessment must only be undertaken by a 'suitably qualified and experienced contaminated land practitioner'.

More information on Validation Reports is outlined further in this document.

Ongoing Site Monitoring

Ongoing Site Monitoring Plans are created in circumstances where contamination may not be suitable for remediation or is to be controlled on site.

Council shall request an Ongoing Site Monitoring Plan be provided by the proponent for its consideration in instances where:

- A full clean-up of a site is not feasible
- Contamination is to be contained on the site

The Ongoing Monitoring Plan must only be developed by a 'suitably qualified and experienced contaminated land practitioner'.

More information on ongoing site monitoring is outlined further in this document.

Site Audit

A Site Audit is an independent review of any or all stages of the site investigation processes conducted in accordance with the *Contaminated Land Management Act, 1997* (CLM Act) and associated EPA Guidelines. Site Audits are only to be performed by auditors accredited under the EPA administered Site Auditor Scheme. Council may request a Site Audit be submitted by a proponent where:

- It is believed that the information provided by the proponent is incorrect or incomplete
- Verification is required to confirm that information provided by the proponent adheres to appropriate standards, procedures, codes of practice and guidelines
- Council does not have the internal resources or expertise needed to conduct its own technical review

- Land use is proposed to change to a more sensitive land use (for example, rezoning commercial or industrial land use to residential land use)

In circumstances where an audit may not be necessary, council may request that a formal review be conducted on a contaminated land practitioner's reports, works and/or advice by another suitably qualified practitioner. More information on Site Audits is outlined further in this document.

Remediation of Land

SEPP 55 sets contaminated land remediation works into two key categories to help ensure works are performed in an appropriate and responsible manner. In instances where a proposed remedial activity is classed as Category 1 works, the consent of council must be sought from council prior to works being carried out.

Remedial activities that are classed as Category 2 works do not require consent from council, however certain information must be provided to council on the nature and scope of the works prior to the work being carried out. Refer to Clauses 14-18 of SEPP 55 for further information.

Note: If remediation has reduced all risks to human health and the environment to acceptable levels, no restriction on land use will be placed on the site.

Category 1 – Remediation Works

Category 1 remediation works are works that require planning consent due to their scope, type or potential impacts the works may pose to the community and/or environment. SEPP 55 outlines Category 1 works as works that:

- Form part of designated development
- Are to be conducted on land declared to be critical habitat
- Are likely to have a significant effect on a critical habitat or a threatened species, population or ecological community
- Are associated with development for which another SEPP or a regional environmental plan requires development consent
- Are to be carried out in an area classified under Clause 9(e) of SEPP 55

In accordance with the provision of Clause 9(f) of SEPP 55, council requires all Category 1 works to be performed in line with applicable council Policy, including where:

- Restrictions are placed on the hours of operation for work
- Restrictions are placed on the vehicle routes that can be used when performing work
- Restrictions are placed on parking
- Restrictions are placed on the disposal of contaminated spoil removed from remediated land

Category 2 – Remediation Works

Category 2 remediation works are all remediation works that are not classified as Category 1 under Clause 9 of SEPP 55 or works identified in this Policy.

A person undertaking Category 2 remediation works must act in accordance with SEPP 55 which requires the proponent to:

- Notify council of the commencement of works 30 days prior to their commencement
- In accordance with Clause 16(3) of SEPP 55 provide detail on the site and works to be undertaken
- Notify council of the completion of works within 30 days of their conclusion

Contaminated Land Practitioner Standards

Prior to considering information provided by a contaminated land practitioner, the practitioner must be able to suitably demonstrate to council that they have the necessary competencies and experience in the field that they intend to offer services in.

From the adoption of the Policy in 2022, Council will only accept services, reports or advice from contaminated land practitioners accredited under an EPA supported accreditation scheme (*information on contaminated land practitioner schemes can be found on the EPA website: [NSW site auditor scheme](#)*).

See Section 7 of the Policy Guidelines for further information on Contaminated Land Practitioners.

Professional Contaminated Land Reports, Plans and Advice

All professional contaminated land related reports, plans or official advice to be considered by council must be accompanied by a cover letter that includes the following information:

- Company/practitioner name and contact details
- Scope of works to be overseen by the practitioner
- Qualifications relevant to the services being provided
- Past professional experience in comparable projects
- Two references from past clients that have received similar services

A practitioner may choose to include a copy of their CV to council with initial correspondence or documents.

Council Contaminated Land Records

Contaminated land issues can be dynamic, change over time as site assessments and remedial actions are performed, and new sites are identified. Due to the dynamic nature of contamination council does not hold a definitive 'register' of contaminated sites.

Wherever possible, council's records shall maintain accurate and reliable information on sites that:

- Have been assessed or regulated by the EPA under the provision of the CLM Act
- Have undergone previous contaminated land assessments or management actions and reports have been provided to council
- Have undergone a site audit by an accredited site auditor
- Are known by council to be contaminated
- Have had a development application accepted for Category 1 remediation works
- Have provided a notification of Category 2 remediation works

Information pertaining to contaminated land matters will be recorded and managed by council in line with the Policy Guidelines and other applicable standards.

Section 10.7 Planning Certificates

A planning certificate issued under Section 10.7 of the EPA Act is specific to a certain property and provides information about how the site may be used and if land use restrictions apply. Information on land contamination will be included in Section 10.7 planning certificates in line with the requirements of Section 59(2) of the CLM Act and the Policy Guidelines. If land use restrictions are placed on the land due to contamination this will be reflected within the Section 10.7 planning certificate.

Section 10.7(2) Planning Certificates

Section 10.7(2) planning certificates issued by council will provide information relevant to the property on the date the certificate is issued, such as sites:

- Identified as significantly contaminated
- Subject to a management order

- Subject to an approved voluntary management proposal
- Subject to an ongoing maintenance order
- Subject to a site audit where a Site Audit Statement has been produced and provided to council
- Indicate whether or not the land is affected by an adopted Policy of the council or any other public authority that restricts the development of land because of the likelihood of any risk of contamination

Further information, including standard Section 10.7(2) entries and explanations are provided in Appendix J of the Policy Guidelines.

Section 10.7(5) Planning Certificates

In instances where council records indicate that a site is, or has the potential to be impacted by contamination, a special note will be added to the Section 10.7(5) planning certificate indicating that certain restrictions may apply to a site due to contamination. In instances where a declaration is present on the planning certificate, a proponent should contact council to seek further information on the nature and consequences of potential contamination issues at the site.

Council may also choose to add other specific information on contaminated land matters on the Section 10.7(5) planning certificate, including where:

- The site is known to have been used for a land use listed in Table 1 of Appendix C
- A Statement of Environmental Effect (SOEE) has identified that contamination may be a factor at the site
- A contaminated land assessment report has been produced and provided to council
- A validation of remediation has been undertaken and a report provided to council
- Remedial actions have been approved for the remediation of the site
- Council has been notified of remediation that is to be undertaken at the site
- Historic, or remediation work not validated, is known to have been undertaken at the site
- Underground Petroleum Storage System (UPSS) are known to be present on the site
- Advice associated with information provided under a 10.7(2) certificate is available

Further information including standard 10.7(5) entries and explanations are provided in Appendix J of the Policy Guidelines.

Preventing Contamination

Measures to prevent possible pollution at its source may help to reduce future land contamination issues. Council will endeavour to prevent the occurrence of pollution and associated land contamination, where applicable, by:

- Applying appropriate controls on development and rezoning to reduce polluting activities and impacts
- Proactively investigate and regulate land use activities that may cause contamination
- Manage public land and assets in line with the requirements of this Policy and relevant regulation
- Promote the adoption of environmental practices that reduce the potential for contamination

3. RESPONSIBILITIES AND AUTHORITIES

The Environmental Health Team is responsible and accountable for:

- Implementing and communicating this Policy
- Monitoring compliance of the Policy
- Ensuring this Policy is reviewed and updated to meet external compliance

Relevant Infrastructure staff are responsible and accountable to follow this Policy.

This Policy provides a best practice approach for dealing with contaminated land matters in the Port Macquarie-Hastings Council Local Government Area. The processes and standards provided in this

document adhere to the requirements of the contaminated land legislative frameworks and associated planning guidelines. Planning decisions made in compliance with this Policy should be considered to be performed in good faith and are afforded exemption from liability under Schedule 6 of the EPA Act.

Council staff should seek legal guidance wherever they are uncertain about the application of this Policy.

4. REFERENCES

- *Contaminated Land Management Act, 1997 (CLM Act)*
- *Environmental Planning and Assessment Act, 1979 (EPA Act)*
- *Protection of Environmental Operations Act, 1997 (POEO Act)*
- State Environmental Planning Policy No. 55 – Remediation of Lands (SEPP 55)
- Managing Land Contamination - Planning Guidelines SEPP55 - Remediation of Land (Planning Guidelines)

A more detailed review of the framework and its effects can be found in Appendix B.

5. DEFINITIONS

Category 1 remediation work:	has the same meaning as in SEPP 55, and is remediation work that needs development consent.
Category 2 remediation work:	has the same meaning as in SEPP55, and is remediation work that does not need development consent.
CLM Act:	means the <i>Contaminated Land Management Act, 1997</i> (NSW) as amended from time to time.
Contamination of land:	<p>depending on the context:</p> <p>has the same meaning as in section 5(1) of the CLM Act, being the presence in, on or under the land of a substance at a concentration above that normally present in, on or under the land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment, and “Contaminate” and “Contaminated” are to be construed accordingly. The words “land”, “harm” and “environment” are defined as in the CLM Act.</p> <p>OR</p> <p>has the same meaning as in Schedule 6 of the EPA Act, being land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment. The words “land” and “environment” are defined as in the EPA Act.</p>
Detailed investigation:	means an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment, and to obtain sufficient information for the development of a remedial action plan, if required.
EPA Act:	means the <i>Environmental Planning and Assessment Act, 1979</i> (NSW) as amended from time to time.
Independent review:	means an evaluation by an independent expert required by a planning authority of any information submitted by a proponent, conducted at the proponent's expense.
Initial evaluation:	means an assessment of readily available factual information to determine whether contamination may be an issue relevant to the decision being made.
Preliminary investigation order:	means a preliminary investigation order issued by the EPA under section 10 of the CLM Act to investigate whether specified land is contaminated, and the nature and extent of any such contamination.

Notice of completion:	means a notice to the council (or Minister for Planning where the Minister is the consent authority) in accordance with SEPP 55 that remediation work has been completed.
Notification of remediation:	means prior notice of a Category 2 remediation work given to the council in accordance with SEPP 55.
Planning authority:	means a public authority or other person responsible for exercising a planning function.
Planning Certificate:	means a planning certificate issued under Section 10.7 of the EPA Act.
Planning function:	means a function exercised by the council as a planning authority under the EPA Act, including the functions listed in Clause 2 of Schedule 6, such as the preparation or making of an environmental planning instrument and the determination of a development application.
Preliminary investigation:	means an investigation to identify any past or present potentially contaminating activities and to provide a preliminary assessment of any site contamination.
Remedial Action Plan:	means a plan which sets remediation goals and documents the process to remediate a site.
Management Order:	means a management order issued by the EPA under section 14 of the CLM Act, requiring the carrying out of specified actions in relation to the management of contaminated land (including remediation).
Significantly Contaminated Land:	means a site declared by the EPA under section 11 of the CLM Act to be significantly contaminated land.
Remediation:	has the same meaning as in the CLM Act and includes: <ul style="list-style-type: none"> • preparing a long-term management plan (if any) for the land • removing, dispersing, destroying, reducing, mitigating or containing the contamination of the land and • eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land)
SEPP 55:	means the State Environmental Planning Policy No 55 – Remediation of Land
Site audit:	has the same meaning as in the CLM Act, being a review: <ul style="list-style-type: none"> • that relates to management (whether under the CLM Act or otherwise) of the actual or possible contamination of land; and • that is conducted for the purpose of determining any one or more of the following matters: <ul style="list-style-type: none"> ○ the nature and extent of any contamination of the land ○ the nature and extent of any management of actual or possible contamination of the land ○ whether the land is suitable for any specified use or range of uses ○ what management remains necessary before the land is suitable for any specified use or range of uses ○ the suitability and appropriateness of a plan of management, long-term management plan or a voluntary management proposal
Site auditor:	has the same meaning as in the CLM Act, being a person accredited by the EPA under the CLM Act to conduct site audits
Site audit statement:	means a site audit statement issued by a site auditor in accordance with Part 4 of the CLM Act.
Site audit report:	means a report prepared by a site auditor containing the key information and the basis of consideration which leads to the issue of a site audit statement.
Site history:	means a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.
Site investigation	means the process of investigating land which may be, or is, contaminated, for the purpose of providing information to a planning authority.

process:	
Validation:	means the process of determining whether the objectives for remediation and any conditions of development consent in relation to the remediation have been achieved.

Acronyms are provided in Appendix A.

6. PROCESS OWNER

Group Manager Environment and Regulatory Services.

7. AMENDMENTS

Council's former Contaminated Land Policies were adopted in 2010 and 2017 and were also based on the SEPP 55 Guidelines. This Policy, adopted by Council in 2021, replaces the 2010 Policy.

8. ACKNOWLEDGEMENT

This Policy is based on the Model Contaminated Land Policy prepared for members of the former Mid North Coast Regional Organisation of Councils (MIDROC) as part of the then MIDROC Contaminated Land Program. That Program was assisted by the New South Wales Government through the NSW Environmental Protection Authority's (EPA) Contaminated Land Management Program with funding provided by the NSW Environmental Trust.

9. DISCLAIMER

Whilst every effort has been made to ensure the accuracy of the information in this Policy, Port Macquarie Hastings Council disclaims any liability to any person in respect of anything done or not done as a result of the contents of the Policy and Guideline.

10. APPENDICES

Appendix A: Acronyms

ARA	Appropriate Regulatory Authority – used in regulation
ANZECC	Australian and New Zealand Environment and Conservation Council
CLM Act	<i>Contaminated Land Management Act, 1997</i>
DA	Development Application
DCP	Development Control Plan
DP&E	Department of Planning & Environment
EPA	Environment Protection Authority
EPA Act	<i>Environmental Planning and Assessment Act, 1979</i>
LEP	Local Environmental Plan
LGA	Local Government Area
NSW	New South Wales
POEO	<i>Protection of the Environment Operations Act, 1997</i>
RAP	Remedial Action Plan
SEPP	State Environmental Planning Policy
UST	Underground Storage Tanks
UPSS	Underground Petroleum Storage System(s)

Appendix B: Contaminated Land Planning and Legislative Framework

The key legislation and planning instruments that make up the contaminated land planning and legislative framework are:

- *Environmental Planning and Assessment Act, 1979*
- *Contaminated Land Management Act, 1997*
- *Protection of Environmental Operations Act, 1997*
- SEPP 55 – Remediation of Lands
- Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Lands

Other relevant legislation and planning instruments that affect the way that council deals with contaminated land matters include:

- *Local Government Act, 1993*
- *Work Health and Safety Act, 2011*
- *Pesticides Act, 1999*
- *Dangerous Goods (Road and Rail Transport) Act, 2008*
- *Environmentally Hazardous Chemicals Act, 1985*
- Environmental Planning and Assessment Regulation 2000
- Protection of Environmental Operations (General) Regulation 2021
- Protection of Environmental Operations (Waste) Regulation 2014
- Protection of Environmental Operations (Clean Air) Regulation 2021
- Protection of Environmental Operations (Underground Petroleum Storage Systems) Regulation 2019
- SEPP (Exempt and Complying Development Codes) 2008

Guidelines made by the EPA under the Contaminated Land Management (CLM) Act:

- Assessment and management of hazardous ground gases: Contaminated Land guidelines
- Guidelines for the Vertical Mixing of Soil on Former Broad-acre Agricultural Land
- Sampling Design Guidelines
- Guidelines for Assessing Banana Plantation Sites
- Consultants Reporting on Contaminated Land: Contaminated Land Guidelines
- Guidelines for Assessing Former Orchards and Market Gardens
- Guidelines for the NSW Site Auditor Scheme, 3rd edition
- Guidelines for the Assessment and Management of Groundwater Contamination
- Guidelines on the Duty to Report Contamination under the CLM Act, 1997

Relevant National Standards

- Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, August 2018)
[Except for water quality of primary industries which still refer to the ANZECC & ARM CANZ, 2000]
- National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)

Overview of Contaminated Land Planning and Legislative Framework effects*Contaminated Land Management Act, 1997*

Provides powers to the EPA to:

- Regulate sites that are significantly contaminated (or assumed to be)
- Issue orders to a public authority to carry out certain regulatory functions
- Create guidelines for the assessment and management of contaminated sites
- Administer the NSW Site Auditor Scheme

- Impose penalties and cost recovery actions
- Impose duties on land owners to notify the EPA of contamination
- Provide offset programs that may allow those responsible for significant contamination to implement offsets to mitigate contamination impacts
- Provides Site Auditors with a legal framework for undertaking statutory site audits
- Requires local planning authorities to provide advice in planning certificates made under Section 10.7(2) of the EPA Act for sites that have EPA regulatory actions or site audits in accordance with the provisions of the CLM act.

Environmental Planning and Assessment Act, 1979

Provides powers to the NSW Department of Planning, Industry and Environment (DPIE) to:

- Develop environmental planning instruments such as State Environmental Planning Policies

Provides planning authorities with a legal framework for:

- Planning and development control processes
- Developing Local Environmental Plans that are to be approved by the Minister
- Developing and implementing Development Control Plans
- Exemptions from liability for planning authorities if they are acting substantially in accordance with contaminated land planning guidelines and guidelines developed under the provisions of CLM Act
- Recording and presenting contaminated land information on Planning certificates
- Issuing orders that cease activities that do not align with conditions of a development consent

Protection of Environment Operations Act, 1997

Provides planning authorities with a legal framework for:

- Issuing notices for the assessment and clean-up of contaminated land and associated pollution
- The regulation of waste materials
- Preventing or prohibiting certain land use activities that have the potential to exacerbate or contribute to land contamination

State Environmental Planning Policy 55 – Remediation of Lands

SEPP 55 sets out a state-wide planning approach to remediating lands:

- Requires remediation works to be carried out in accordance with the contaminated land planning guidelines and other guidelines created under the CLM Act
- Specifies when consent is required for remediation works and remediation processes
- Outlines relevant contaminated land considerations during planning processes
- Specifies notices to be provided to council when carrying out remediation works

Managing Land Contamination Planning Guidelines - SEPP 55 – Remediation of Lands

Provides local government with:

- Contaminated land assessment, remediation and site management practices
- Information on the Site Audit process and when it should be considered
- Planning and land management decision making approaches and considerations
- Approaches for recording and managing contaminated land information
- Recommendations to develop a formal policy for dealing with contaminated land issues
- List of land uses that have the potential to cause contamination

SEPP (Exempt and Complying Development Codes) 2008

The SEPP:

- Overrides provisions of SEPP 55 and applicable LEP
- Provides streamlined assessment processes for development that complies with specified

development standards, including development that is considered exempt from planning approvals

- Development that complies with the code can be conducted in accordance with a complying development certificate without the need for planning approvals

National Environment (Assessment of Site Contamination) Protection Measure (NEPM) 1999 (April 2013)

Implemented in NSW under the *National Environmental Protection Council (NSW) Act, 1995*, the NEPM establishes national standards for:

- Acceptable thresholds for contaminants in soil, air and water
- Processes and standards for assessing contaminated sites
- Processes and standards for monitoring ambient air quality
- Standards for moving controlled waste materials

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Appendix C: Potentially Contaminating Land Uses

The following is a list of land use activities that may cause contamination (as identified in Table 1 of the Planning Guidelines):

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Note: It is not sufficient to rely solely on the contents of this list to determine whether a site is likely to be contaminated or not. The list is only a guide. A conclusive contamination status can only be determined after a review of the site history and, if necessary, sampling and analysis.

Appendix D: Relevant Contacts

Port Macquarie-Hastings Council
Environmental Health Officer
Environment & Regulatory Services
Community, Development & Environment
Phone: 6581 8111
Email: council@pmhc.nsw.gov.au

NSW Environmental Protection Authority
Environmental Line Phone: 131 555
Email: info@environment.nsw.gov.au

SafeWork NSW
Phone: 131 050
Email: contact@safework.nsw.gov.au

Port Macquarie Public Health Unit
(Mid North Coast and Northern NSW Local Health District)
Phone: 6589 2120



Authorised by: Council
Authorised date: 16/08/2017
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File Number: D2016/187009

GIFTS AND BENEFITS POLICY

1. INTRODUCTION

This policy was developed in recognition that the conduct of Council business may give rise to gifts or benefits being offered to Council officials.

The offer or acceptance of gifts and other benefits has the potential to influence the behaviour of Council officials in the performance of their duties and/or affect the public perception of the integrity and reputation of Council and Council officers.

The objective of this policy is to protect Council officials so that they are not influenced, or perceived that they are being influenced, in the performance of their duties by providing guidance on the procedures to be followed if a gift or other benefit is offered or received.

2. POLICY STATEMENT AND SCOPE

Council officials will act with integrity at all times. The offer and acceptance of gifts and other benefits has the real and perceived opportunity for undermining integrity.

This Policy sets out the basis of how Port Macquarie-Hastings Council will manage offers of gifts and other benefits in accordance with Council's Code of Conduct and Statement of Business Ethics.

This policy applies to all Council officials as defined in this policy.

2.1 General Obligations

As a general rule it is prudent to refuse any gifts or other benefits offered. However, circumstances may arise where refusal may be difficult or inappropriate. The details of gifts and benefits accepted or refused shall be entered into the Gifts and Benefits Register by the completion of a Gift and Benefit Declaration as soon as practical. Gifts and benefits of a token value are excluded from the requirement to include in the Gifts and Benefits Register.

Council official's involved in procurement, tendering or sales activities for Council must not accept any gift or benefit from potential or current suppliers.

Council official's that have discretionary roles in regulatory and approval functions must not accept any gift or benefit from individuals or companies seeking the exercise of Council's decision making discretion or where an individual or company has sought the exercise of Council's decision making discretion in the previous 12 months.

Soliciting gifts or benefits by a Council official is prohibited under all circumstances. If a Council official is aware of another Council official soliciting gifts or benefits, the circumstances should be immediately reported to the General Manager.

Offers of cash or cash-like gifts should never be accepted as they would be likely to be perceived as an attempted bribe. 'Bribery' is defined as inducement by offering undue reward by, or to, any person in public office in order to influence his or her behaviour in that office and to influence that person to act contrary to the known rules of honesty and integrity.

Council officials must not offer or seek a bribe. Receiving or offering a bribe is an offence under the Crimes Act 1900 (NSW). Any Council official who believes they have been offered a bribe should refuse it and report the matter immediately to the General Manager. The General Manager will then assess

whether to report the matter to the Independent Commission Against Corruption (ICAC) in accordance with the ICAC legislation. The General Manager will also inform the NSW Police Service of the incident.

Councillors and designated persons must, under section 449(3) of the *Local Government Act 1993*, disclose any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less on the Disclosure of Interest Return.

2.2 Gifts and Benefits Register (Register)

All offers of gifts or benefits exceeding \$50, or a cumulative value of \$50 in a six month period from one person or organisation to the same Council official must be recorded in the Register via the completion of a Gift and Benefit Declaration.

Gifts or benefits which appear to be associated with a Council official's role at Council and are offered to a family member of the official are also subject to this Policy and must be recorded in the Register via the completion of a Gift and Benefit Declaration.

The Register acts as a record of gifts and other benefits, accepted or refused by Council officials and demonstrates Council is open and transparent in dealing with gifts and other benefits.

The Register will be available for public inspection.

The Gifts and Benefits Declaration form is available for electronic lodgement and can be accessed via clicking on the [hyperlink](#), Council's network drive I drive\Executive\Gift Register\ or from the Divisional Executive Assistants. All required fields are to be completed and the form to be appropriately approved.

2.3 Types of Gifts and Other Benefits

2.3.1 Token gifts and benefits - value not exceeding \$50

For the purposes of this policy, a token gift and benefit is defined as not exceeding a value of \$50. Gifts and benefits of token value that do not create a sense of obligation may be accepted and are therefore not required to be recorded in the Register.

Examples of token gifts and benefits include:

- free or subsidised meals, beverages or refreshments provided infrequently in conjunction with:
 - the discussion of official Council business
 - Council work related events such as training, education sessions, workshops and conferences
 - Council functions or events
 - social functions organised by groups, such as Council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- gifts of single bottles of reasonably priced alcohol
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value .

2.3.2 Cumulative token gifts and benefits

Where a series of token gifts or benefits given by the same person or organisation to the same Council official within a six month period which have an aggregate value in excess of \$50, they must be treated as gifts or benefits that exceed the token value and recorded in the Register.

2.3.3 Gifts and Benefits of Value

All offers (whether accepted or refused) of gifts or benefits exceeding \$50, or a cumulative value of \$50 in a six month period from one person or organisation to the same Council official or a family member of a Council official must be declared in the Register.

Examples of gifts and benefits of value include:

- tickets to major sporting events;
- corporate hospitality at a corporate facility or at a sporting venue;
- discounted products for personal use;
- use of holiday homes or free or discounted travel;

- a prize as a result of entering a competition, raffle or lucky door while engaged in official duties (e.g. whilst at a conference); and
- a prize that was promoted as an incentive associated with the Council official's role (e.g. procurement sales incentive).

2.3.4 Ceremonial Gifts

A ceremonial gift is an official gift from one agency to another when conducting official business between the two agencies. Although a ceremonial gift may be of a reasonable monetary value, they are usually given with the intention to express welcome or gratitude to the agency as a whole, rather than an individual.

If gifts are offered to individual Council officials within Council's delegation, these gifts should be respectfully declined, unless it is unreasonable to decline due to protocol.

Examples of ceremonial gifts include:

- Plaques;
- Works of art;
- Craft;
- Sister city gifts; and
- Other items of significance that relate to a specific occasion or locality.

Ceremonial gifts received are to be recorded in the Gift and Benefit Register. The General Manager (or Mayor if received by the General Manager) will determine the appropriate location within Council to house the gift.

2.4 Gifts that are Unable to be Refused or Returned

If you receive a gift or benefit of more than token value and the circumstances are such that it cannot reasonably be refused or returned, the gift should be accepted, promptly disclosed to the relevant Director (Council officer), General Manager (Councillor) or Mayor (General Manager) and recorded in the Register.

Where a gift or benefit of more than the token value cannot be reasonably refused or returned, Council must make a decision as to how the gift is disposed of, having regard to the nature of the gift and the circumstance in which it was received.

Options for disposing of gifts and benefits include:

- Displayed in Council offices (plaques, artwork, craftwork, flowers etc);
- Used in Council operations (technical resources, plant and machinery);
- Shared amongst Council Staff (perishable food items);
- Donated to a suitable charity; and
- Conduct a raffle/auction with the proceeds donated to charity.

The method of disposal and the reasons for the decision should be documented in the Register.

2.5 Breaches of the Policy

Each Council official of Council is obliged to comply with this policy. Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Council official to the Group Manager Governance and Procurement, General Manager, or in the case of an alleged breach by the General Manager, to the Mayor.

The General Manager or Mayor as appropriate shall investigate any report received and take such action as is considered necessary including counselling, censure motions, disciplinary action, the laying of charges and the taking of civil action.

3. RESPONSIBILITIES AND AUTHORITIES

The Group Manager Governance and Procurement is responsible and accountable for:

- maintaining the Gifts and Benefits Register;
- undertaking a regular review of this Policy. The review will incorporate changes in relevant legislation, documentation released from relevant state agencies and best practice guidelines;
- investigating breaches of this Policy and refer matters to the General Manager as appropriate; and
- implementation of, monitoring of adherence to this Policy.

Directors, Managers and Supervisors are responsible and accountable for ensuring that their staff are aware of this Policy, its intent and be available to give advice on its interpretation.

All employees are responsible and accountable for complying with this policy.

4. REFERENCES

Clause 184 Gifts, and Schedule 3 Form of return - disclosure of interest)

Code of Conduct

Fraud Prevention Policy

Gifts and Benefits Register

Gifts and Benefits Declaration form

Making of Council Policy Procedure

Statement of Business Ethics

Crimes Act 1900 (NSW)

Local Government Act 1993(in particular Part 2 Duties of Disclosure - s449)

Local Government (General) Regulation 2005 (in particular Part 8 Honesty and Disclosure of Interests,

5. DEFINITIONS

Benefit	Includes, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event.
Bribe	Gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
Cash-like	Includes gift vouchers or cards (eg iTunes, Spotify, Bunnings or similar), credit card, debit card with credit on it, prepayment such as phone or internet credit, membership or an entitlement to discounted or free services.
Council function or event	A function or event where the Council official has a formal role at the function or event to represent Council.
Council Officer	A member of Council staff
Council Official	Councillors, Council officers, Council Committee or Reference Group members, volunteers or delegated persons as defined in the <i>Local Government Act 1993</i> .
Councillor	Elected Council representatives, including the Mayor
Director	2nd tier management position and titled as such
Family member	Parents, spouses, children and siblings
General Manager	1st tier management position and titled as such
Gift	Includes, but is not limited to, items such as cash or cash-like gifts, alcohol, clothes, products or tickets to a sporting or entertainment event.
Hospitality	The provision of meals, refreshments or other forms of entertainment.

Register	Gifts and Benefits register.
Token value	The monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register. This value is \$50 and therefore any gift or benefit valued at less than \$50 is considered to be of token value in accordance with this policy.

6. PROCESS OWNER

The Group Manager Governance and Executive Services is the nominated process owner for this Policy.

7. AMENDMENTS

The following amendments have been made to this policy to the previous version:

1. Removal of the requirement to record the offer, acceptance, refusal or return of a token gift or benefits in the Register;
2. Inclusion of guidance on ceremonial gifts;
3. Removal of specific examples of gift and benefit situations; and
4. Reformatting to the revised policy template.



BANNERS OVER PUBLIC ROADS & RESERVES POLICY

Responsible Officer	Manager Technical Services	
Contact Officer	Road Safety Coordinator Ph: 6581 8656 karen.thompson@pmhc.nsw.gov.au	
Authorisation	Port Macquarie Hastings Council 05/03/1990	
Effective Date	05/03/1990	
Modifications	Amended 24/09/2008	
Superseded Documents	Previous version of the policy	
Review	Road Safety Coordinator September 2013	
File Number		
Associated Documents	Application Form	Banners Road Reserve

1. INTRODUCTION

Council acknowledges that displaying banners across roads in the Port Macquarie-Hastings LGA is an effective way of providing the community information. Displaying banners has engineering, safety and legal factors to consider and with the possibility of accidents caused by banners leading to public liability issues.

This policy provides guidelines for the making of applications and erection of banners.

Council has determined two (2) approved sites in the Local Government Area to erect a banner over a public road.

The two sites are:

- High Street, Wauchope
- Intersection of Clarence/Hay Streets, Port Macquarie

2. POLICY OBJECTIVE

To ensure banners are erected over public roads in a safe and consistent manner.

To allow the community to be informed of important events, information and campaigns that are relevant to the Port Macquarie-Hastings LGA;

To allow community organisations to advertise local events that would be of benefit to the local community.

3. POLICY SCOPE

All staff, community groups and event organisers.

4. DEFINITIONS

Banner a soft plastic/canvas/polycanvas material bearing letters and/or graphics

5. LEGAL & POLICY FRAMEWORK

- a) Approval under Council delegation applies only where the banner complies with the requirements of the Roads and Traffic Authority as set out in the 'Signs and Markings' Manual, Section 3.6.III, September 1986;
- b) Details of the proposal and Council's letter of approval are to be supplied to the Roads and Traffic Authority for banners over a classified road or State Highway. Ocean Drive, Hastings River Drive and parts of Gordon Street are classified roads;
- c) NO COMMERCIAL ADVERTISEMENT WILL BE PERMITTED ON COUNCIL BANNER SITES - A logo of a sponsor can be placed on a banner by a community organisation or Council, provided it is not the focus point of the banner design. The message on the banner should be brief, easily read and quick to comprehend;
- d) Where the banner is to be fastened to an electricity pole, a copy of written approval from Country Energy is to accompany the application;
- e) The maximum length of time for displaying of community and Council banners is 14 days;
- f) Prior to the erection of the banner, the applicant is to submit evidence of a public risk policy which includes insurance cover for the display of the banner to a sum of at least \$10 million.

6. POLICY STATEMENT

BANNERS AND SIGNS ON COUNCIL ROADS AND RESERVES ARE REGULATED TO PRESERVE PUBLIC AMENITY AND SAFETY, AND TO PROVIDE AN AVENUE FOR THE APPROVAL OF NON-COMMERCIAL TEMPORARY ADVERTISING

Aims

- i. To prevent the proliferation of inappropriate or inappropriately positioned signage on roadsides and reserves;
- ii. To provide an avenue for the promotion of community events.

Intent

The community will be aware of the approved locations and have access to a system that promotes community events. Providing easy access to promotional opportunities will reduce illegal display of signs and make enforcement less confrontational.

All banner applications for a new site must be supported with details of building or other structure connections including:

- Structure design certification
- The building owner's written consent to the erection of the banner

The banner must be made in line with the design and dimensions that are set out on the reverse side of the application form. Failure to comply will mean that the banner cannot be erected:

- a) The Technical Services Section of Council has the primary responsibility for ensuring bookings for banner space over roads are undertaken in accordance with this Policy;
- b) Eligible community organisations include Schools, community groups, not for profit organisations or charities;
- c) Only booking applications on the official application annexed to this policy will be accepted and processed;
- d) Bookings can be tentatively made up to a maximum of 12 months in advance of the desired booking dates.
- e) Bookings can only be made at 1 site at any one time to ensure all groups have equal access to banner space sites.
- f) If the situation arises where Council receives 2 or more applications for bookings at the same location covering the same dates, the first applicant to confirm their booking as per the guidelines will take precedence over the others. Council staff will assist the unsuccessful applicants to find an alternative banner space.

7. IMPLEMENTATION

7.1. Roles and Responsibilities

The person or organisation erecting the banner:

- a) is responsible for maintaining the banner during its display and for its removal;
- b) is responsible for any claims for accidents or other happenings arising from its use;
- c) is responsible for the banner to be securely fastened at each end to sturdy supports that will not collapse in the wind;
- d) where the banner is fastened to a building, it is to be attached to dividing walls and not midway along a facade or parapet;
- e) banner applicants are to refer to the Banner Application Form (attached) for Banner specifications

7.2. Support and Advice

A banner site in the Camden Haven is currently on the reserve at the intersection of Ocean Drive and Kew Road, Laurieton. For bookings at this site, please contact Councils Parks and Gardens Section on Ph 6581 8111.

If a community group/individual or member of staff wishes to erect a banner over a road on a site other than listed above, please contact Council's Technical Services Section. These sites will be assessed in accordance with the requirements of this policy.

7.3. Communication

The policy is communicated to the public through appropriate media releases and all event organisers and community groups within the LGA be notified of the Policy. The policy and application form are to be posted on Wilson.

7.4. Procedures and Forms

Procedure for bookings of Banners over Roads by Council Staff

- i. The Council Staff member will make a pre lodgment enquiry to the Technical Services Section;
- ii. The Road Safety Officer (RSO) or Technical Services Officer (TSO) will check the Event/Banner bookings diary to confirm the space is available;
- iii. If the space is available, the RSO/TSO will then send a booking application form to the staff member to complete and return to the Technical Services Section to process the application;
- iv. The application will be processed by the RSO and confirmed with conditions to the applicant;
- v. Once the approval is received the staff member must ensure the banner is erected and hung in accordance with the approval conditions;
- vi. Once the banner space booking has expired, the banner must be removed from the site by the staff member (or their representative) no more than 24 hours after the expiration period.

Procedure for Bookings of Banners over roads by Community Organisations

- i. The community organisation contacts Council's Technical Services Section to confirm available date/s. When making a tentative booking, the staff member making the booking will include their name and extension number to assist with the tracking of bookings and will indicate if the booking is to be confirmed (TBC).
- ii. If the dates are available, a tentative booking is made and an application form is sent from the Technical Services Section to the community organisation to confirm the booking.
- iii. The community organisation must return the completed form to the Technical Services Section for the application to be processed;
- iv. Once the completed application form is received, Council will process the application and confirm and issue an application determination with conditions of approval or in the case of a refusal, reasons therefore.
- v. The community organisation must arrange for the banner to be hung and erected in accordance with the approval conditions.

7.5. Guidelines

N/A

8. REVIEW

Road Safety Coordinator - 2013



Authorised by: Council
Authorised date: DD/MM/2022
Effective date: DD/MM/2022
Next review date: DD/MM/2026
File Number: TBA

ASSET MANAGEMENT POLICY

1. INTRODUCTION

Asset Management is a systematic, organisational wide process which guides the planning, design, acquisition, operation, maintenance, upgrade, renewal and disposal of assets.

This policy establishes a framework that determines the nature and direction of Asset Management within Port Macquarie-Hastings Council.

Council is committed to managing the community's assets in accordance with recognised best practice and obligations required under relevant legislation. Asset Management will enable Council to demonstrate resilience in response to external effects.

The sustainable management of Council's assets will be achieved by adopting current technologies and methodologies and requires appropriate consultation with the community to ensure that current and future community needs are being addressed.

Council's Asset Management objectives are to ensure adequate provision is made for the long-term management and replacement of major Council assets by:

- Delivering financial sustainability by making decisions that lead to a cost effective asset base, by focussing on asset renewal, ensuring assets are fit for purpose, rationalising under-utilised assets and limiting asset expansion unless justified.
- Identifying funding to support and maintain Council infrastructure.
- Ensuring that Council's infrastructure provides appropriate levels of service to residents, visitors and the environment as determined through consultation with the community.
- Safeguarding Council assets including physical assets and employees by implementing appropriate Asset Management strategies and appropriate financial resources for those assets, over their whole life.
- Identifying responsibilities and accountabilities for Asset Management.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an awareness of Asset Management throughout the organisation by training and development.
- Meeting legislative requirements for Asset Management.
- Ensuring resources and operational capabilities are identified and responsibility for Asset Management is allocated.
- Demonstrating transparent and responsible Asset Management processes that align with demonstrated best practice.

2. POLICY STATEMENT AND SCOPE

Assets are critical in supporting the services delivered to the community by Port Macquarie-Hastings Council.

Port Macquarie-Hastings Council is committed to ensure that assets are managed to meet the strategic direction of Council and the community; and providing the services desired within the financial capacity of Council.

To implement this Policy, the Council will continually improve the overall condition and management of its assets through the implementation of a long term Asset Management Strategy, Asset Management Plans and Service Plans.

The allocation of resources and decisions on Asset Management will have regard to the impacts of asset acquisition and the whole of life cost involved in the provision of the service facilitated by the asset.

This policy applies to all Council activities.

Policy Background

Council is committed to implementing a systematic Asset Management methodology in order to apply appropriate Asset Management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed, upgraded and disposed of in accordance with Council's priorities for service delivery.

Council owns and uses approximately \$2.625 billion (current replacement cost) of non-current assets to support its core business of delivery of services to the community. The value by asset class is included each year in Council's audited financial statement.

Asset Management practices impact directly on the core business of the organisation and appropriate Asset Management is required to achieve Council's strategic service delivery objectives.

Adopting Asset Management principles will assist Council in achieving its Community Strategic Plan and Resourcing Strategy.

A strategic approach to Asset Management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide a positive impact on;

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the expected level of service and minimise its risk;
- The political environment in which Council operates; and
- The legal liabilities of Council.

Policy Principles

A consistent Asset Management Strategy must exist for implementing systematic Asset Management and appropriate Asset Management best-practice throughout all sections of Council.

All relevant legislative requirements together with the natural, political, social and economic environments will be taken into account in Asset Management.

Asset Management principles will be integrated within existing planning and operational processes. Asset Management Plans will be developed for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.

Asset Management Information Systems will be used to manage assets and inform long term financial planning.

Our maturing approach to Asset Management planning will seek to understand the implications any funding gaps will have on the delivery of sustainable services to future generations.

A standard condition rating and inspection regime will be used as part of Asset Management to ensure agreed service levels are maintained and to identify asset renewal priorities.

Asset renewals required to meet agreed service levels and identified in adopted service plans, Asset Management Plans and long term financial plans will form the basis of annual budget estimates with the service levels, asset condition and risk considered.

Service levels defined in adopted service plans and Asset Management Plans will form the basis of annual budget estimates with the service and risk consequences of variations in defined services levels and budget resources documented in budget documentation.

Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic reviews will be applied to all asset classes and will ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Accounting Standards.

Future life cycle costs will be reported and considered in all decisions relating to new services and assets; and upgrading of existing services and assets.

Future service levels will be determined in consultation with the community.

Internal Asset Management skills will be reviewed to identify gaps in capability and to develop and implement a training program that enables officers to meet their Asset Management responsibilities.

A program will be developed and implemented to raise Council's awareness and understanding of Asset Management principles and the inherent link of the Asset Management function to long term financial planning and the sustainable delivery of services to the community.

The responsibility of service provision will be linked with the broader organisational Asset Management function.

Progress towards implementing Asset Management across the organisation will be monitored, measured and reported.

3. RESPONSIBILITIES AND AUTHORITIES

A Councillor is responsible and accountable to:

- Act as custodians of assets on behalf of the community
- Approve the Asset Management Policy and Asset Management Strategy (Resourcing Strategy)
- Ensure the provision of services provided by the assets are meeting the community priorities for present and future generations
- Ensure decisions made regarding assets are in accordance with Council's Asset Management Policy
- Ensure appropriate resources for Asset Management activities are made available

The Chief Executive Officer and Directors are responsible and accountable to:

- Review the Asset Management Strategy and Asset Management Plans in accordance with the Integrated Planning and Reporting framework, legislative requirements and Council's strategic direction and report to Council as required
- Implement the Asset Management Strategy with agreed resources
- Ensure the practices of the organisation are consistent with the adopted Asset Management Policy, Strategy and Plans

- Deliver levels of service to agreed risk and cost standards
- Provide leadership in implementing Asset Management
- Report to Council on the status of Asset Management within the organisation

All Council Officers are responsible and accountable to:

- Implement the Asset Management Strategy and Plans
- Engage current technologies, methodologies and continuous improvement processes in Asset Management
- Consistently provide programs, data and actions within the adopted Asset Management Policy, Strategy and Plans

4. REFERENCES

Asset Capitalisation Policy

Asset Disposal Policy

Asset Management Plans

Asset Management Strategy

Community Strategic Plan

Operational Plan

Resourcing Strategy

Service Levels

Australian Accounting Standards: Property, Plant and Equipment AASB 116

Australian Infrastructure Financial Management Manual (AIFMM 2015)

Civil Liability Act 2002

Integrated Planning and Reporting Guidelines for Local Government in NSW March 2013

International Infrastructure Management Manual (IIMM 2015)

International Standards Organisation (ISO) 55000:2014 Asset Management

Local Government Act 1993 - Section 8

Local Government Amendment (Planning and Reporting) Act 2009 - Section 403

Local Government Final Code of Accounting Practice and Financial Reporting - Update 24

NSW Treasury Policy: Guidelines for Capitalisation of Expenditure on Property, Plant and Equipment (TPP 06-6)

5. DEFINITIONS

Asset: A fixed item or facility used to satisfy a service potential or enabling the Council to meet its corporate objectives.

Asset Management: A systematic process to guide the planning, acquisition, operation, maintenance, renewal, upgrade and disposal of assets to provide the required level of service in the most efficient manner.

Asset Management Information System: The foundation of all Asset Management knowledge. It is a combination of processes and information managed to provide the essential outputs for efficient and effective Asset Management. The Asset Management Information System links to other information systems within Council such as the Property System, Geographic Information System, Finance System, and Document Management System.

Asset Management Strategy: Identifies the way Council currently looks after its assets, both day to day (maintenance and operational) and in the long term (strategic Asset Management). It also looks at where Council wants to be in the long term and how Council intends to get there. The Asset Management Strategy is a key component of the 10-year Council Resourcing Strategy.

Asset Management Plan: A strategic plan consisting of an assets description, maintenance plan, development plan and financial plan to manage the assets for the expected duration of the service to be provided by the asset

Councillor: Elected member of local government

Council Officer: A member of Council staff

Director: 2nd tier management position and titled as such

Executive: 1st and 2nd tier management

Chief Executive Officer: 1st tier management position and titled as such

Group Manager: 3rd tier management position and titled as such

Level of Service: The defined quality and quantity of services to meet community expectations delivered by Council.

6. PROCESS OWNER

Director Community Utilities

7. AMENDMENTS

The following changes have been made to the policy:

- Expansion of existing Asset Management definition to include reference to upgrade and renewal activities
- Expansion of existing Policy Scope to apply to all Council activities
- Expansion of existing Policy Principles
- Inclusion of additional References

BUDGET VARIATIONS - February 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to February 2022	New Yearly Proposed Budget - February 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Adjustments which impact Council's Budget Position											
Additional cost arising from the renewal of Council's insurance program.											
Insurance & Risk	272	Insurance	Operating	Office of the CEO	868,250	868,250	883,256	895,250	-27,000	Revenue	-27,000
Insurance & Risk	10886	Overhead Income - Insurance Services	Operating		-556,967	-556,967	-371,311	-572,713	15,746	Revenue	15,746
Total adjustments which impact Council's Budget Position									-11,254		-11,254
Grants & Other Funding											
Grant Received under the Bushfire Affected Coastal Waterways Program.											
Natural Resources	42144	Sensitive Receptors	Capital	Community Planning & Environment	0	18,771	90,412	156,771	-138,000	Grant	0
Natural Resources	19232	Capital Grants	Capital		-456,825	-475,596	0	-613,596	138,000	Grant	0
Funding received from NSW Treasury for a NSW Small Business Grant.											
Business & Industry	198	Economic Development - Strategy Implementation	Operating	Community Planning & Environment	52,768	52,768	33,950	55,268	-2,500	Grant	0
Business & Industry	19161	Operating Grants	Operating		0	-15,000	-17,500	-17,500	2,500	Grant	0
Grant funding awarded to Council under the Coastal and Estuary Grants Program.											
Natural Resources	42251	Hydrographic Dilution Study Kooloonbung Creek	Operating	Community Planning & Environment	0	0	0	70,000	-70,000	Grant	0
Natural Resources	19231	Operating Grants	Operating		-42,391	-85,998	0	-155,998	70,000	Grant	0
To recognise a capital contribution received towards the Long Flat Tennis Court Fencing project.											
Parks & Recreation	42061	Sporting Infrastructure Renewals	Capital	Community Planning & Environment	475,000	475,000	90,329	480,000	-5,000	Contribution	0
Parks & Recreation	19285	Capital Contributions	Capital		0	-200,000	-256,878	-205,000	5,000	Contribution	0

BUDGET VARIATIONS - February 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to February 2022	New Yearly Proposed Budget - February 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Grant funding received from Roads & Maritime Services for Rocks Ferry Reserve Boat Ramp and Pontoon.											
Transport & Traffic	42256	Rocks Ferry Reserve Boat Ramp & Pontoon	Capital	Community Infrastructure	0	0	0	181,100	-181,100	Grant	0
Transport & Traffic	19342	Capital Grants	Capital		-14,851,963	-29,522,907	-20,292,036	-29,704,007	181,100	Grant	0
To recognise a Resilience NSW grant received for operating the March 2021 Flood Recovery Centre.											
Community Inclusion	42175	Managing & Operating a Recovery Centre - March 2021 Floods	Operating	Community Planning & Environment	0	0	30,090	28,422	-28,422	Grant	0
Community Inclusion	19151	Operating Grants	Operating		0	0	-28,422	-28,422	28,422	Grant	0
Grant Funding has been received from the Department of Regional NSW for Youth Events.											
Community Inclusion	42151	Splashfest 2022	Operating	Community Planning & Environment	0	0	234	10,000	-10,000	Grant	0
Community Inclusion	19151	Operating Grants	Operating		0	-28,422	-77,284	-38,422	10,000	Grant	0
To bring to account Grant funds received for the Jabiru Reserve Fish Cleaning Table project.											
Parks & Recreation	42059	Jabiru Reserve Fish Cleaning Table	Capital	Community Planning & Environment	0	0	2,253	2,253	-2,253	Grant	0
Parks & Recreation	19282	Capital Grants	Capital		-5,786,640	-6,399,833	-1,524,753	-6,402,086	2,253	Grant	0
To reduce grant funding on the Kew Main Street project to match grant funds expected to receive.											
Transport & Traffic	41925	Kew Main Street	Capital	Community Infrastructure	1,211,316	1,686,851	9,462	1,636,851	50,000	Grant	0
Transport & Traffic	19342	Capital Grants	Capital		-14,851,963	-29,704,007	-20,292,036	-29,654,007	-50,000	Grant	0
Total Grants & Other Funding									387,275	0	
Movement between Projects											
To transfer funds out of Disabled Accesses Fund to specific projects.											
Parks & Recreation	41959	Vince Inmon Sporting Fields Upgrade	Capital	Community Planning & Environment	1,178,783	1,182,287	29,434	1,242,287	-60,000	Revenue	-60,000
Parks & Recreation	42168	Log Wharf Reserve Upgrade	Capital		0	99,908	5,223	129,908	-30,000	Revenue	-30,000
Community Inclusion	40212	Disabled Accesses	Capital		109,000	109,000	0	19,000	90,000	Revenue	90,000


BUDGET VARIATIONS - February 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to February 2022	New Yearly Proposed Budget - February 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Transfer of funds between linked sewer projects - Accounting entry only											
Sewerage Services	39625	Sewer Rising Main from SPS KK6 to Kew STP	Capital	Community Utilities	0	100,000	20,879	204,868	-104,868	Reserve	0
Sewerage Services	39319	SPS#71 Construction	Capital		312,010	212,010	101,500	107,142	104,868	Reserve	0
Total Movements between Projects									194,868		0
New Project Bids / Budget Variation Requests - Approved by Executive											
A New Project Bid approved by Executive for the Bypass of Port Dam to Transit Hill Reservoir project.											
Water Supply	29560	Bypass of Port Dam to Transit Hill Reservoir	Capital	Community Utilities	0	0	0	851,000	-851,000	Reserve	0
Water Supply	19229	Transfer From Reserve	Capital		-6,874,297	-9,261,164	0	-10,112,164	851,000	Reserve	0
A Budget Variance Request approved by Executive for works at the Thrumster Wastewater Treatment site.											
Sewerage Services	3006	Thrumster STP Site	Operating	Community Utilities	16,320	16,320	14,818	66,320	-50,000	Reserve	0
Sewerage Services	19219	Transfer From Reserve	Operating		-4,666,154	-6,306,096	0	-6,356,096	50,000	Reserve	0
A Budget Variance Request approved by Executive for Sewer Rehabilitation works.											
Sewerage Services	39368	Sewer Rehabilitation	Capital	Community Utilities	350,000	260,000	434,705	760,000	-500,000	Reserve	0
Sewerage Services	19219	Transfer From Reserve	Capital		-4,666,154	-6,356,096	0	-6,856,096	500,000	Reserve	0
A Budget Variance Request approved by Executive for a Hydrographic Survey of Broadwater and Settlement Shores Canal Estates.											
Drainage	41765	Settlement Shores Canals	Operating	Community Infrastructure	0	0	0	50,000	-50,000	Reserve	0
Drainage	19399	Transfer From Reserve	Operating		0	0	0	-50,000	50,000	Reserve	0
A Budget Variance Request approved by Executive for the Digital Technology Roadmap.											
Digital Technology	41470	Computer Capital Projects	Capital	Business & Performance	2,020,000	1,200,000	943,057	1,721,674	-521,674	Reserve	0
Digital Technology	41484	ICT Renewal Program	Capital		0	820,000	876,017	1,608,368	-788,368	Reserve	0
Digital Technology	19099	Transfer From Reserve	Capital		-2,020,000	-2,020,000	0	-3,330,042	1,310,042	Reserve	0

BUDGET VARIATIONS - February 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to February 2022	New Yearly Proposed Budget - February 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
A Budget Variance Request approved by Executive for Sewer Relining Works.											
Sewerage Services	30129	Sewer Relining Works	Capital	Community Utilities	650,000	650,000	871,338	1,200,000	-550,000	Reserve	0
Sewerage Services	19219	Transfer From Reserve	Capital		-4,666,154	-6,856,096	0	-7,406,096	550,000	Reserve	0
Total Budget Variations approved by Executive									3,311,042	0	
ORGANISATIONAL TOTAL - THIS REVIEW									3,881,931	-11,254	
FORECAST FOR FINANCIAL YEAR ENDED 30 JUNE 2022											
		Original Budget as at 1 July 2021		Balanced	0						
		<u>Plus: Adjustments</u>									
		July Review		Balanced	0						
		August Review		Shortfall	-427,403						
		September Review		Surplus	5,841						
		October Review		Surplus	18,636						
		January Review		Surplus	65,560						
		February Review		Shortfall	-11,254						
		FORECAST FOR 30 JUNE 2022		Shortfall	-348,620						
Notes:	1	The result shown above is the general fund result. All surpluses/deficits in the water, sewerage and waste funds are transferred to/from reserves.									
	2	Reserve are internal restrictions that hold funds for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.									
	3	Council projects are funded from a variety of funding sources. Below is a definition of the various types of funding that are used to fund projects.									
		Revenue - All funds that are generated through rates, annual charges, fees and charges, interest etc. These funds are untied and can be expended on any project that Council considers appropriate.									
		Grants - Government grants can either be monetary or otherwise and may be tied or untied. Tied grants are required to be used for a specific purpose such as the construction of a road. Untied grants may be applied for any purpose council considers appropriate.									
		Contributions - Contributions are non-reciprocal transfers to Council in the sense that Council is not required to give value in exchange for the contributions directly to the contributor. Examples are contributions given by ratepayers towards capital works in their vicinity.									
		Reserves - Reserves are internal restrictions held for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.									
		S7.11 and S64 Contributions - Section 7.11 of the NSW Environmental and Planning Act (1979) and section 64 of the Local Government Act (1993) provides NSW local government with a formal legal framework for levying developers for the provision of infrastructure, services and amenities - known as developer contributions.									
	4	Some projects are funded by multiple funding sources, e.g. a capital project may be funded by s7.11 funds, grants and revenue. The effect on capital column will only show the revenue funding adjustment as the other types of funding will have an income line budget adjustment shown in the report.									



Monthly Investment Report

February 2022

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Executive Summary

Compliance

Compliance Measure	Within Policy Limits (Y/N)	Reason if Not Compliant
Term to Maturity	Yes – Compliant	n/a
Counterparty	Yes – Compliant	n/a
Credit Quality	Yes – Compliant	n/a

Performance

As at 28/02/2022	1m (actual)	1m (% p.a.)	FYTD (actual)	FYTD (% p.a.)
AusBond Bank Bill Index	0.01%	0.07%	0.02%	0.03%
Council's Portfolio[^]	0.13%	1.66%	1.04%	1.57%
Outperformance	0.12%	1.59%	1.02%	1.54%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Impact of COVID-19 to Council's Portfolio

COVID-19 has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. We provide a quick summary in this section.

The RBA cut rates to record lows on 3rd November 2020 to 0.10%, consistent with most global central banks resetting their official rates back to emergency levels. As global markets start to recover, inflationary pressures have emerged. This has resulted in longer-term bond yields to rise in recent months as central banks start to withdraw some of their other stimulatory policy measures (such as quantitative easing), whilst some have already started increasing official interest rates. **Markets are now bracing an environment where central banks will move from their excessively loose policy measures to a tightening cycle.** Geopolitical risks have escalated after Russia's move to invade Ukraine in February, with markets now factoring the ramifications on global economic growth after various sanctions were imposed by Western countries around the world.

Domestically, Governor Lowe has commented that interest rate rises starting later in 2022 were deemed "a plausible scenario", but he also stated "it's still quite plausible that the first increase...is a year or longer away".

The biggest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits, which accounts for around ~88½% of Council's total investment, and cash (~5% of the total investment portfolio). **The biggest risk that PMHC faces over the medium-longer term in this environment is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA), but the rapid loss of interest income as interest rates have plummeted.**

Council's term deposit portfolio was yielding 1.50% p.a. as at 28/02/2022, with a weighted average duration of around 780 days or ~2.14 years. **This average duration will provide some income protection against the low interest rate environment over the next 18 months.**



We note the current interest rates in the term deposit market:

- The highest deposit rate from any rated ADI in the market is now ~2.80% p.a. for 5 years;
- The highest deposit rates amongst the “AA-” rated ADIs (major banks) is now yielding between 0.80%-2.40% p.a. (depending on terms between 12m – 5 years);
- The highest deposit rates amongst the “A” rated ADIs was yielding between 1.80%-2.80% p.a. (depending on terms between 12m – 5 years);
- The highest deposit rates amongst the “BBB” rated ADIs was yielding between 1.70%-2.40% p.a. (depending on terms between 12m – 5 years).

With markets factoring in official rate hikes over the next 12 months, this has seen a significant shift in longer-term deposit rates. Future ‘new’ investments above 1½% p.a. now appears likely if Council can continue to place the majority of its surplus funds for terms of +2 years.



Council's Portfolio

Asset Allocation

The portfolio is predominately directed to fixed term deposits (88.45%). The remainder of the portfolio is directed to fixed bonds with the Northern Territory Treasury Corporation (5.35%), the overnight cash account with Westpac (5.39%) and the single FRN with Bendigo-Adelaide (0.81%).

While FRNs appear relatively expensive on a historical basis, they are starting to become slightly more attractive as spreads have widened – new issuances should now be considered again on a case by case scenario. In the interim, fixed deposits and secondary market fixed bonds for 2-3 years appear quite appealing following the spike in longer-term rates in recent months.



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Medium-Term (3-5½ years) assets account for around 31% of the total investment portfolio, with capacity of around \$33.5m remaining. Future investments may need to be directed to the 1-3 year horizon given the medium-term horizon is approaching the maximum limits.



Where there is (counterparty) capacity to invest in attractive 3-5½ year investments, we recommend this be allocated to new any remaining attractive fixed term deposits or secondary market fixed bonds (refer to respective sections below).



Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$128,662,357	34.43%	0%	100%	\$245,029,994
✓	1 - 3 years	\$129,029,994	34.53%	0%	70%	\$132,554,652
✓	3 – 5½ years	\$116,000,000	31.04%	0%	40%	\$33,476,940
✓	5½ - 10 years	\$0	0.00%	0%	10%	\$37,369,235
		\$373,692,351	100.00%			

Counterparty

As at 28/02/2022, Council did not have an overweight position to any single ADI. Overall, the portfolio is diversified across the investment grade credit spectrum (rated BBB- or higher), with no exposure to unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	NAB	AA-	\$70,000,000	18.73%	30.00%	\$42,107,705
✓	NTTC	AA-	\$20,000,000	5.35%	30.00%	\$92,107,705
✓	WBC	AA-	\$85,662,357	22.92%	30.00%	\$26,445,348
✓	Rabobank	A+	\$8,000,000	2.14%	20.00%	\$66,738,470
✓	ICBC Sydney	A	\$64,000,000	17.13%	20.00%	\$10,738,470
✓	ING Bank Aus.	A	\$10,500,000	2.81%	20.00%	\$64,238,470
✓	Aus Military Bank	BBB+	\$10,500,000	2.81%	10.00%	\$26,869,235
✓	BOQ	BBB+	\$29,000,000	7.76%	10.00%	\$8,369,235
✓	Bendigo	BBB+	\$3,029,994	0.81%	10.00%	\$34,339,241
✓	ME Bank	BBB+	\$10,000,000	2.68%	10.00%	\$27,369,235
✓	AMP	BBB	\$10,000,000	2.68%	10.00%	\$27,369,235
✓	Auswide	BBB	\$10,000,000	2.68%	10.00%	\$27,369,235
✓	MyState	BBB	\$23,000,000	6.15%	10.00%	\$14,369,235
✓	Newcastle PBS	BBB	\$13,000,000	3.48%	10.00%	\$24,369,235
✓	P&N Bank	BBB	\$7,000,000	1.87%	10.00%	\$30,369,235
			\$373,692,351	100.00%		

We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

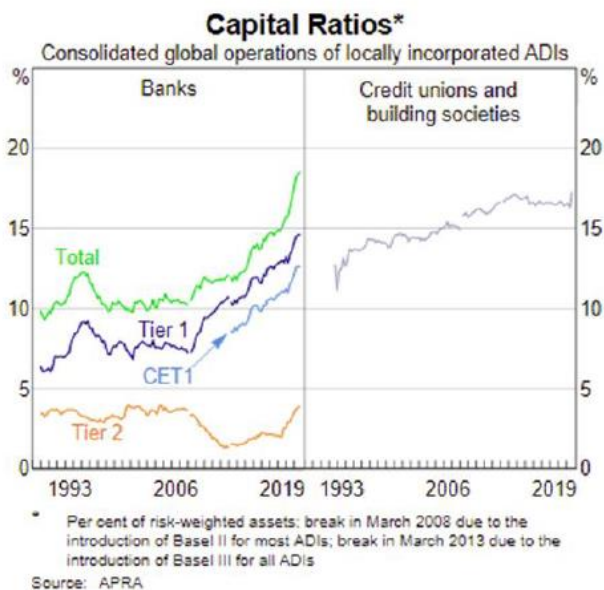
RBA Governor Lowe has commented that they have not seen any signs of stress in the financial system and that unlike during the GFC, the banks (all ADIs) now have cash, are well capitalised and are acting as “shock absorbers” in the current crisis.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be continued going forward, particularly when they offer ‘above



market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC. **APRA's mandate is to "protect depositors" and provide "financial stability".**





Fossil Fuel Investments

What is Council's current exposure to institutions that fund fossil fuels?

Using the following link <http://www.marketforces.org.au/banks/compare>, based on the Council's investment portfolio balance as at 28/02/2022 (\$373.69m), we can roughly estimate that ~63% of the investments have some form of exposure.

How would Council modify its Investment Policy to cater for divestment of fossil fuels?

If the major banks were withdrawn from investments, some members of the community may look at that remaining list of ADIs (banks) and say *"Why the do we have all our money with those no-name institutions? I've never even heard of them. We don't want to take risks with our money after councils lost \$100's of millions speculating in the GFC"*. It will be difficult to please everyone. We suggest starting the discussion with all Councillors asking *"are you comfortable investing all the money with the lower rated regionals and credit unions?"* If not, then a full divestment campaign will be complicated.

Some ways to potentially 'make changes' to the policy, or at least have a discussion, includes:

- *"Where possible within policy and without compromising the risk and return profile, we favour..."*
- *"We have not yet made a decision to divest because it will have implications on credit quality, ratings and income, but we are actively discussing..."*

What would be implications on our portfolio credit rating?

By adopting a free fossil fuel policy or an active divestment strategy, this would eliminate the major banks rated "AA-" as well as some other "A" rated banks (AMP, BoQ and ING). Council would be left with a smaller sub-sector of banks to choose to invest with.

What would be risks and implications on Council's portfolio performance?

Some implications include:

- High concentration risk – limiting Council to a selected number of banks;
- Increased credit/counterparty risk;
- May lead to a reduction in performance (most of the senior FRN issues are with the higher rated ADIs) which could result in a significant loss of income generated – could be in excess of hundreds of thousands of dollars per annum;
- Underperformance compared to other Councils.

It may be contrary to Council's primary objective to preserve capital as the investment portfolio's risk would increase (all things being equal). Council may not be maximising its returns – this is one of the primary objectives written in the Investment Policy.



Council's exposure is summarised as follows:

Counterparty	Credit Rating	Funding Fossil Fuel
NAB	AA-	Yes
NTTC	AA-	Yes
WBC (St George)	AA-	Yes
Rabobank	A+	No
ICBC, Sydney	A	No
ING Bank Australia	A	Yes
Australian Military	BBB+	No
BoQ	BBB+	Yes
Bendigo-Adelaide	BBB+	No
ME Bank	BBB+	Yes
AMP	BBB	Yes
Auswide	BBB	No
MyState Bank	BBB	No
Newcastle Permanent	BBB	No
P&N Bank	BBB	No

^^The underlying exposure in these managed funds includes the domestic major banks.

Source: <https://www.marketforces.org.au/info/compare-bank-table/>

Funding Fossil Fuel	Amount	Invested %	Wgt. Avg. Yield % p.a.
Yes	\$235,162,357	63%	1.24%
No	\$138,529,994	37%	1.72%
Total / Wgt. Avg.	\$373,692,351	100%	1.41%

During February 2022, Council diversified and increased its exposure amongst the non-Fossil Fuel lending ADIs, by taking up deposit investments with P&N Bank (BBB) at yields up to 25bp higher than the major banks on a 3 year term.



Credit Quality

The portfolio remains diversified from a credit ratings perspective. The portfolio is entirely directed to the investment grade ADIs (BBB- or higher), with zero allocation to unrated ADIs. There is high capacity to invest in the higher rated ADIs (A or higher), particularly after the downgrades of BoQ and Bendigo-Adelaide Bank in May 2017.

There is currently sufficient capacity to invest with the “BBB” rated ADIs (~\$15.3m remaining at month-end), although most ADIs in this sector are currently full on liquidity due to the combination of low credit growth and the term funding facility (TFF) provided by the RBA (access to cheap funding).

If there are any attractive deposits being offered in the “BBB” rated sector (outside of BoQ, which Council is close to maximum limits), we will inform Council to take advantage and invest accordingly.

All ratings categories are within the current Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$175,662,357	47.01%	100%	\$198,029,994
✓	A Category	\$82,500,000	22.08%	60%	\$141,715,411
✓	BBB Category	\$115,529,994	30.92%	35%	\$15,262,329
✓	Unrated ADIs	\$0	0.00%	5%	\$18,684,618
		\$373,692,351	100.00%		



Performance

Council's performance for the period ending 28 February 2022 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.01%	0.02%	0.05%	0.07%	0.10%
AusBond Bank Bill Index	0.01%	0.01%	0.02%	0.02%	0.03%
Council's T/D Portfolio	0.13%	0.39%	0.78%	1.06%	1.69%
Council's FRN Portfolio	0.09%	0.26%	0.50%	0.66%	1.00%
Council's Bond Portfolio	0.10%	0.30%	-	-	-
Council's Portfolio[^]	0.13%	0.38%	0.77%	1.04%	1.67%
Outperformance	0.12%	0.37%	0.75%	1.02%	1.64%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.10%	0.10%	0.10%	0.10%	0.10%
AusBond Bank Bill Index	0.07%	0.06%	0.04%	0.03%	0.03%
Council's T/D Portfolio	1.69%	1.57%	1.58%	1.59%	1.69%
Council's FRN Portfolio	1.14%	1.04%	1.01%	1.00%	1.00%
Council's Bond Portfolio	1.33%	1.23%	-	-	-
Council's Portfolio[^]	1.66%	1.55%	1.56%	1.57%	1.67%
Outperformance	1.59%	1.49%	1.52%	1.54%	1.64%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

For the month ending February 2022, the total portfolio (excluding cash) provided a solid return of +0.13% (actual) or +1.66% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.01% (actual) or +0.07% p.a. (annualised). Over the past year, the portfolio returned a very strong +1.67% p.a., outperforming bank bills by 1.64% p.a.

The strong performance continues to be driven by the handful of deposits still yielding above 3% p.a. However, some of these individual deposits are approaching maturity and will be reinvested at much lower prevailing rates.

We are pleased that PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, around \$2,800,000 in additional interest income compared to its peers (refer to our October 2021 rankings). We have been pro-active in our advice about protecting interest income and addressing reinvestment risk for many years and encouraged to maintain a long duration position. This is now reflected by the high performance of the investment portfolio. Of the 88 individual deposits PMHC held, 35 are still yielding higher than 1½% p.a. That is, around 40% of outstanding deposits held is earning an interest rate that is fifteen times the prevailing cash rate of 0.10%.



Council's Term Deposit Portfolio & Recommendation

As at 28 February 2022, Council's deposit portfolio was yielding 1.50% p.a. (down 5bp from the end of the previous month), with an average duration of ~2.14 years. Where possible, we recommend Council at least maintains this average duration whilst official rates are still expected to remain low over coming years.

As the past decade or so has highlighted (post-GFC era), we have seen too many portfolios' roll a high proportion of their deposits between 3-6 months, resulting in their deposits being reinvested at lower prevailing rates. That is, depositors have overpaid for liquidity and generally not insured themselves against the low interest rate environment by diversify their funding across various tenors (out to 5 years) but rather placed all their 'eggs in one basket' and kept all their deposits short. **Reinvestment risk has collectively been the biggest detriment to depositors' interest income over the post-GFC period.**

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	5 years	2.80% p.a.
ICBC, Sydney	A	4 years	2.60% p.a.
ICBC, Sydney	A	3 years	2.35% p.a.
MyState	BBB	3 years	2.25% p.a.
Westpac	AA-	4 years	2.23% p.a.
Westpac	AA-	3 years	2.01% p.a.
BoQ	BBB+	3 years	2.00% p.a.
ICBC, Sydney	A	2 years	1.85% p.a.
MyState	BBB	2 years	1.80% p.a.
BoQ	BBB+	2 years	1.70% p.a.
Westpac	AA-	2 years	1.65% p.a.

The above deposits are suitable for investors looking to provide some income protection and mitigate reinvestment/rollover risk for the next few years.



For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):

ADI	LT Credit Rating	Term	T/D Rate
AMP Bank	BBB	11-12 months	1.00% p.a. [^]
BoQ	BBB+	12 months	0.90% p.a.
ME Bank	BBB+	12 months	0.90% p.a.
MyState Bank	BBB	12 months	0.90% p.a.
NAB	AA-	12 months	0.88% p.a.
ICBC	A	12 months	0.86% p.a.
Bank of Sydney	Unrated ADI	9-12 months	0.85% p.a.
Westpac	AA-	12 months	0.83% p.a.
CBA	AA-	12 months	0.80% p.a.

[^] AMP T/Ds – contact us to receive an additional 0.20% p.a. rebated commission on top of the rate shown above

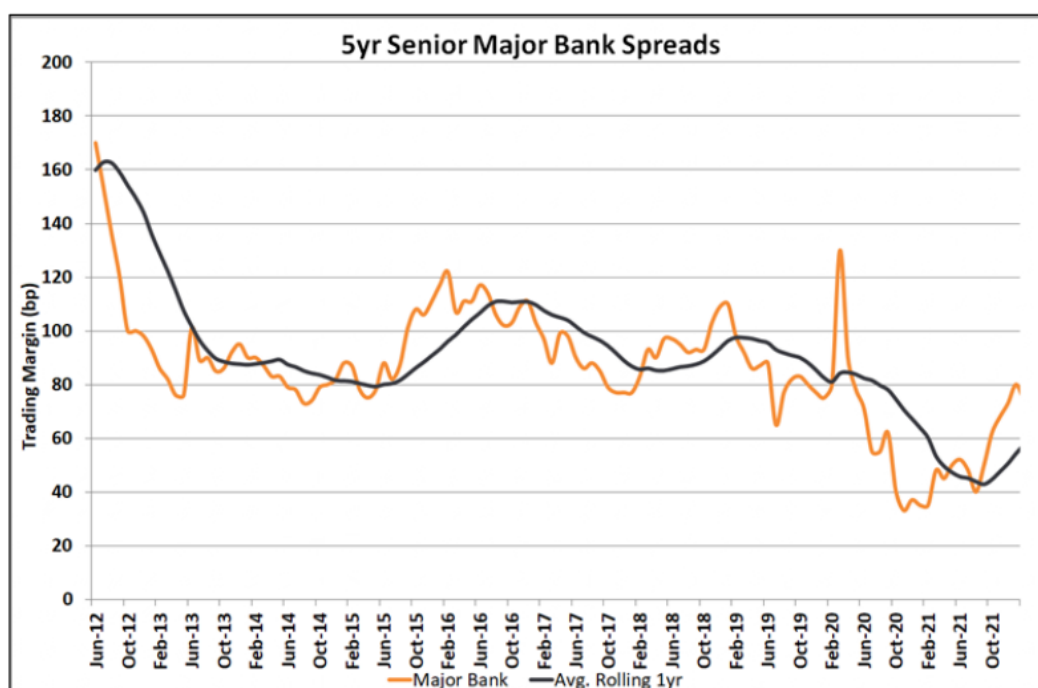
Amongst the investment grade sector, the majority of short-dated term deposits (maturing less than 12 months) are yielding under 0.90% p.a. Despite the uplift in outright rates recently, we generally believe there much better value in slightly longer-dated terms.

There is an upward pick-up in yield for investors that can take advantage of 2-3 year fixed T/Ds whilst official rates are stuck at very low levels at least for the next 12-18 months. For those investors that do not require high levels of liquidity and can stagger their investments longer-term, they will be rewarded over coming years if they roll for an average term of 18 months - 2 years (this is where we current value), yielding, on average, more than double the return compared to those investors that purely invest in short-dated deposits.



Senior FRNs & Recommendations

Over February, amongst the senior major bank FRNs, physical credit securities marginally tightened up to 5bp at the long-end of the curve. During the month, NAB (AA-) issued a dual 3 and 5 year deal at +47bp and +72bp respectively, printing \$4bn across the four tranches. This followed new 5 year issuances from WBC (AA-) and CBA (AA-) at +70bp in January. We anticipate ANZ (AA-) may follow suit over coming months looking to refinance their upcoming maturities at these historically cheap levels:



Source: IBS Capital

Amongst the “A” and “BBB” rated sector, the securities remained relatively flat at the long-end of the curve. For a second consecutive month, there was much more activity in the primary market, highlighted by new issuances from:

- Newcastle Permanent Building Society (BBB): 5 year senior FRN at +100bp
- United Overseas Bank, Sydney Branch (AA-): 5 year senior FRN at +72bp
- Mizuho, Sydney Branch (A): 3 year senior FRN at +60bp
- Société Générale, Sydney Branch (A): 5 year senior FRN at +100bp

While turnover in the secondary market is still predominately dominated by commonwealth, semi-government and major bank senior paper, given the lack of supply, we have started to observe that even a handful of regional bank senior paper has sometimes been trading inside “mid” levels over recent months.



The lack of supply from new (primary) issuances has played a major role with the strong rally in credit markets over 2020. This has now started to reverse as monetary policy easing measures are progressively being withdrawn.

FRNs will continue to play a role in investor's portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	28/02/2022	31/01/2022
"AA" rated – 5yrs	+75bp	+80bp
"AA" rated – 3yrs	+49bp	+47bp
"A" rated – 5yrs	+88bp	+90bp
"A" rated – 3yrs	+60bp	+60bp
"BBB" rated – 3yrs	+70bp	+70bp

Source: IBS Capital

We now generally **recommend switches** ('benchmark' issues only) into new attractive primary issues (or longer-dated alternatives), out of the following senior FRNs that are maturing:

- **On or before early 2022 for the "AA" rated ADIs (domestic major banks);**
- On or before early-mid 2023 for the "A" rated ADIs; and
- Within 12 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains.

In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

In late August 2019, Council placed a bid of \$3m into the new Bendigo (BBB+) 5 year FRN at +97bp maturing 06/09/2024 (ISIN: AU3FN0050019). This FRN should be viewed as a 3½-4 year holding period, with the ability to 'roll down the curve', realise capital gains which would boost the overall return of the investment portfolio. As at 28/02/2022, the security was marked around +56.0bp (from +53.5bp at the end of the previous month) or a capital price ~\$101.00 or unrealised capital gain of ~\$30.0k. We recommend Council holds this FRN at this stage.



Council's Senior Fixed Bond

During September 2021, Council placed parcels in NTTC (AA-) fixed bonds as follows:

Investment Date	Maturity Date	Principal	Rate % p.a.^	Remaining Term (Yrs)	Interest Paid
7/09/2021	15/12/2024	\$5,000,000	0.90%	2.80 yrs	Annually
14/09/2021	15/12/2025	\$5,000,000	1.10%	3.80 yrs	Annually
2/09/2021	15/12/2026	\$5,000,000	1.40%	4.80 yrs	Annually
7/09/2021	15/12/2026	\$5,000,000	1.40%	4.80 yrs	Annually
Totals / Wgt. Avg.		\$20,000,000	1.20%	4.05 yrs	

[^]Council will receive the full rebated commission of 0.25% (plus GST) on the face value of investment on all these parcels (currently totalling \$55,000).

We believe these investments were prudent at the time of investment given the low rate environment and especially after the rate cut delivered in early November 2020 and its ongoing forward guidance on official interest rates.

The NTTC bonds are a 'retail' offering and not 'wholesale' issuances. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, they are considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



Senior Bonds - Northern Territory Treasury Corporation (NTTC)

Investors should be aware of the following senior retail bond offering from Northern Territory Treasury Corporation (NTTC) effective 21st February 2022:

Maturity Date	Rate % p.a. [^]	Interest Paid
15/06/2023	0.70%	Annually
15/06/2024	1.20%	Annually
15/06/2025	1.80%	Annually
15/06/2026	1.90%	Annually
15/06/2027	2.20%	Annually

^{^^}The rates offered in the above table can be reviewed and changed at any time from Treasury. The rate for broker sponsored applications will be dropped by 0.20% p.a. effective 1 October 2020.

Any investor interested in this product should avoid placing through the broker channel and contact Imperium Markets to receive the full commission of 0.25% (plus GST) on the face value of the investment, in the form of an additional rebate. If placed through the brokers, they are likely to keep the 0.25% commission (on the face value of the investment).

Overview	Description
Issuer	Northern Territory Government
Credit Rating	Aa3 (Moody's), which is AA- equivalent (S&P)
Type	Fixed senior (retail) bonds
Program	Territory Bonds Issue 112
Date for applications	01/01/2022 – 31/05/2022
Liquidity	Weekly redemptions available, subject to the prevailing market rate and administration costs ^{^^}

^{^^} Note given this is a retail bond offering (min. parcel size of \$5,000), for wholesale investors, we would not consider this to be a liquid investment (the largest redemptions to date have only been \$200-\$300k).

The product should be viewed as a hold-to-maturity product, noting there are significant penalty costs including admin fees, the prevailing market interest rate, and factors in any associate commissions that were previously paid. Given the longer-term outlook for official interest rates, any investor interested should invest through Imperium Markets to receive an effectively higher rate, once factoring in the rebated commission. *These offers will need to be compared to other complying assets at the time of investment – term deposits are currently a better alternative.*



Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures have emerged, this has seen a significant lift in longer-term bond yields (valuations fell) as markets have strongly factored in a tightening of global central bank policy measures (i.e. withdrawal of Quantitative Easing and lifting official interest rates).

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0265403	Suncorp	AA-	Senior	30/07/2024	2.49	1.85%	2.05%
AU3CB0265593	Macquarie	A+	Senior	07/08/2024	2.52	1.75%	2.05%
AU3CB0265718	ING	AAA	Covered	20/08/2024	2.55	1.45%	2.00%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	2.58	1.55%	1.85%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	2.60	1.70%	2.13%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	2.75	2.00%	2.32%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	2.96	1.65%	2.12%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	2.98	1.65%	2.15%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	3.04	1.70%	2.36%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	4.26	1.40%	2.77%
AU3CB0282358	ING	AAA	Covered	19/08/2026	4.55	1.10%	2.60%



Economic Commentary

International Market

Russia's invasion of Ukraine and US Fed policy expectations dominated the selloff in financial markets this month. Global leaders condemned the invasion and announced various sanctions, including (immediately) on Russian debt and to Russian banks, designed to cut the country off from accessing debt finance.

Unsurprisingly, the Rouble and Russian assets have collapsed with the Russian currency down as much as 24% on a single day in late February, while Russia's central bank doubled interest rates to 20% in attempt to stabilise the domestic economy.

Across US equity markets, the S&P 500 Index fell -3.14%, while the NASDAQ dropped -3.43%. Europe's main indices also fell led by Germany's DAX (-6.53%), France's CAC (-4.86%) and UK's FTSE (-0.08%).

US Fed rate hike pricing continues to see 6½ rate hikes still priced in 2022, while a 50bp move in March is around a 40% chance.

US CPI for both core and headline came in higher than expected by 0.1%. More importantly, price pressures were broad based. Core inflation was +0.6% m/m and +6.0% y/y, while headline was +0.6% m/m and +7.5% y/y, its highest since 1982.

The US unemployment rate rose by 0.1% to 4.0%, above the consensus of 3.9%. The increase in the unemployment rate was attributed to a rise in labour force participation, by a statistically significant 0.28%, to 62.2%. Meanwhile, average hourly earnings rose +0.7% m/m vs +0.5% expected. On annual basis, wage growth jumped to +5.7%, but the last three-month annualised rate was an astonishing +7.7%.

EU inflation surpassed expectations and printed a new record high (post-2000). CPI for January climbed 0.1% to +5.1% y/y. ECB President Lagarde shocked markets with a dramatic shift in language, opening up the possibility of a 2022 rate hike.

The Bank of England raised interest rates for a second time in three months, to 0.50%, as it warned that surging energy bills would push inflation higher than expected, to more than 7% by April.

The RBNZ increased rates by 25bp to 1.00%, which was much more hawkish than the headline. The terminal rate forecast in their Monetary Policy Statement was revised significantly higher to around 3.35% from 2.60%, while the Bank also said it was happy to move by 50bp increments in the future.

The MSCI World ex-Aus Index fell -2.79% for the month:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-3.14%	-4.23%	+14.77%	+16.25%	+13.10%	+12.34%
MSCI World ex-AUS	-2.79%	-4.08%	+9.45%	+12.79%	+10.31%	+8.89%
S&P ASX 200 Accum. Index	+2.14%	-1.72%	+10.19%	+8.43%	+8.48%	+9.56%

Source: S&P, MSCI



Domestic Market

In its meeting in February, there was an important shift in the RBA's inflation language, which opens up optionality for the Board. The Board is still *"prepared to be patient"* as they await more information on wages growth and the outlook and trajectory for inflation until they can conclude inflation is sustainably at target. The RBA's central scenario is consistent with discussing an interest rate increase later this year, with Governor Lowe indicating, *"but it is certainly plausible, if the economy tracks in line with our central forecast, that an interest rate increase will be on the agenda sometime later this year"*.

The RBA's QE program has now ended. Just over \$360bn of bonds have been purchased across all the bond buying operations of the past two years.

January labour market data was stronger than expected even with the disruptions caused from the Omicron variant. Employment rose +13k, with the unemployment rate coming in unchanged at 4.2%, while the participation rate rose by 0.1% to 66.2% (from 66.1%).

The wage price index (WPI) came in line with expectations at +0.7% q/q and +2.3% y/y. The result was on the soft side of +0.70% being +0.65% unrounded, with the detail of the release still only showing a gradual acceleration in base wages growth late last year.

Credit growth was +0.8% m/m in December, beating expectations for a +0.6% m/m rise but edging back from the upwardly revised +1.0% m/m increase in November.

Retail sales for January were much stronger than expected at +1.8% m/m (consensus +0.3%). The rise in January comes after a sharp fall in December (-4.4%), which followed an even sharper rise in November (+7.3%), driven by shifting seasonals and the bounce out of lockdowns.

The trade balance in December declined \$1.4bn to \$8.4bn surplus. That takes the trade surplus to its lowest level since March 2021, and around \$5bn below its recent peak of \$13.3bn in July 2021.

The Australian dollar rose +2.44%, finishing the month at US71.82 cents (from US70.11 cents the previous month).

Credit Market

The global credit indices widened significantly over February as financial markets continue to be sold off. The indices are back to their levels experienced in mid-2020:

Index	February 2022	January 2022
CDX North American 5yr CDS	66bp	60bp
iTraxx Europe 5yr CDS	68bp	59bp
iTraxx Australia 5yr CDS	88bp	75bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	February 2022	January 2022
Bloomberg AusBond Bank Bill Index (0+YR)	+0.01%	+0.00%
Bloomberg AusBond Composite Bond Index (0+YR)	-1.21%	-1.02%
Bloomberg AusBond Credit FRN Index (0+YR)	-0.01%	+0.01%
Bloomberg AusBond Credit Index (0+YR)	-1.07%	-0.57%
Bloomberg AusBond Treasury Index (0+YR)	-1.31%	-1.03%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-1.18%	-1.20%

Source: Bloomberg

Other Key Rates

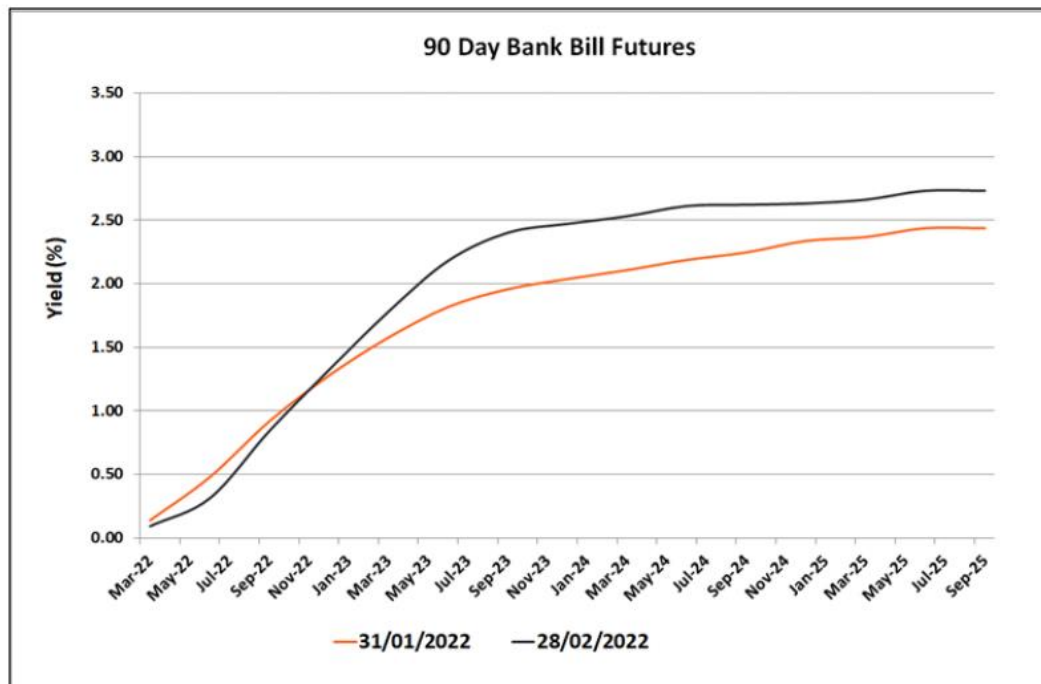
Index	February 2022	January 2022
RBA Official Cash Rate	0.10%	0.10%
90 Day (3 month) BBSW Rate	0.08%	0.08%
3yr Australian Government Bonds	1.50%	1.31%
10yr Australian Government Bonds	2.13%	1.94%
US Fed Funds Rate	0.00%-0.25%	0.00%-0.25%
10yr US Treasury Bonds	1.83%	1.79%

Source: RBA, AFMA, US Department of Treasury



90 Day Bill Futures

Over February, bill futures rose across the board as markets reacted to the US Fed accelerating their tightening cycle to control inflation:



Source: ASX

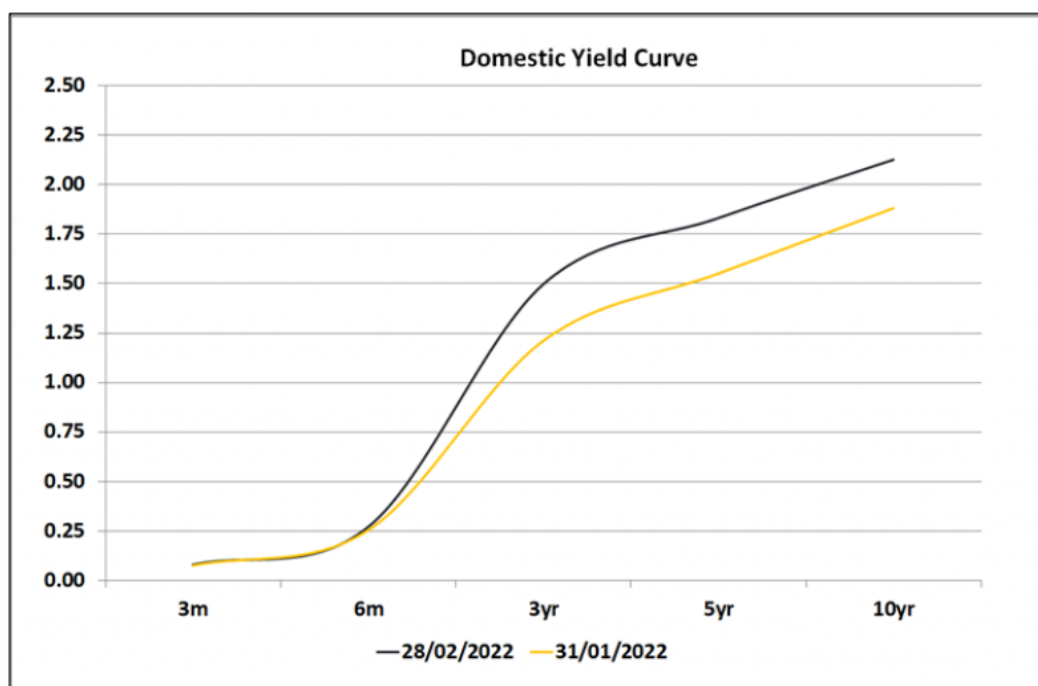


Fixed Interest Outlook

Despite the selloff in financial markets, central bank rate hike expectations continue to be well priced by markets. In the US, there is roughly 6½ hikes priced for 2022, with the first move in March now almost a certainty following the Fed's ongoing rhetoric (the market is still pricing in a chance of a 50bp hike in March). The Fed's long-term forecast remains unchanged at 2.5%. The Fed acknowledges that it has achieved its target for inflation given that it has *"exceeded 2% for some time"* and commentary suggest that rate hikes will begin once labour market conditions have reached levels consistent with the Committee's assessments of maximum employment.

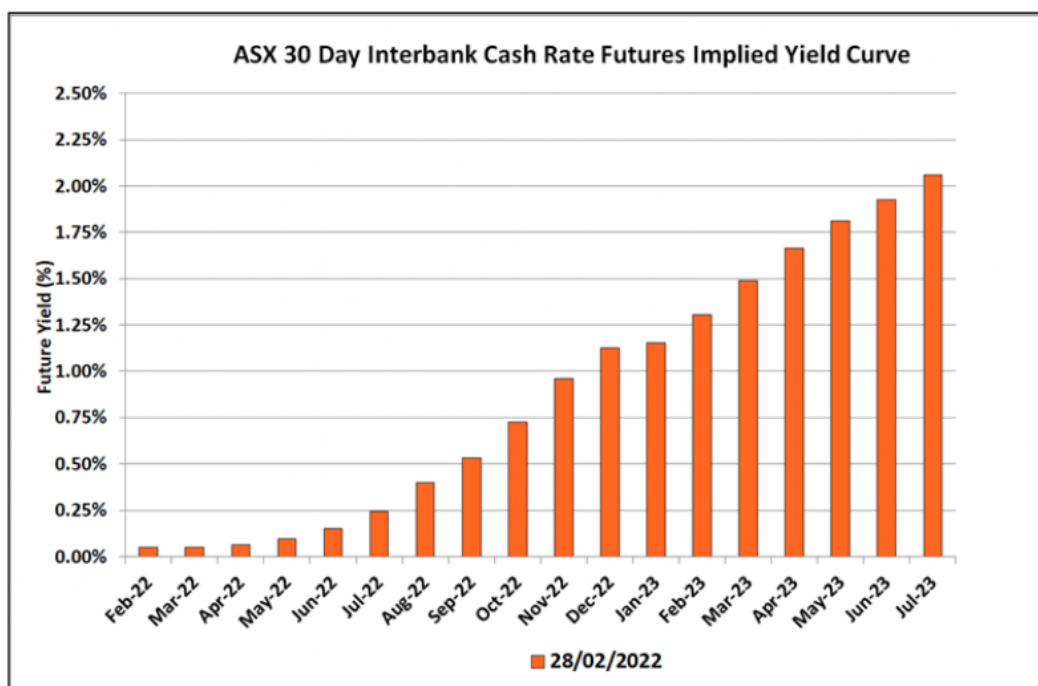
Domestically, there was an important shift in the RBA's inflation language in its February meeting, which opens up optionality for the Board. The Board is still *"prepared to be patient"* as they await more information on wages growth and the outlook and trajectory for inflation until they can conclude inflation is sustainably at target. Interest rate rises starting later in 2022 were deemed *"a plausible scenario"*, but Governor Lowe commented *"it's still quite plausible that the first increase...is a year or longer away"*.

The domestic bond market continues to suggest a prolonged low period of interest rates. Over the month, yields rose up to 25-30bp at the long-end of the curve:



Source: AFMA, ASX, RBA

Markets have brought forward RBA rate hike pricing following moves offshore with a full rate hike now priced by July 2022 and four hikes priced by December 2022, against the RBA's 'plausible' scenario of not seeing conditions for a hike at least until late 2022 or early 2023:



Source: ASX

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Investment Report

01/02/2022 to 28/02/2022



Portfolio Valuation as at 28/02/2022

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ING Direct	A	TD	GENERAL	Annual	02/03/2020	02/03/2022	1.5000	5,000,000.00	74,794.52	5,753.42
BOQ	BBB+	TD	GENERAL	Annual	15/03/2017	15/03/2022	3.8000	2,000,000.00	73,084.93	5,830.14
Newcastle Permanent	BBB	TD	GENERAL	Quarterly	12/03/2019	22/03/2022	2.9000	4,000,000.00	24,789.04	8,898.63
Newcastle Permanent	BBB	TD	GENERAL	Annual	27/03/2019	29/03/2022	2.8000	5,000,000.00	129,260.27	10,739.73
Newcastle Permanent	BBB	TD	GENERAL	Quarterly	18/04/2019	19/04/2022	2.7000	4,000,000.00	12,427.40	8,284.93
Westpac	AA-	TD	LOCAL BRANCH	At Maturity	21/05/2021	23/05/2022	0.2500	10,000.00	19.45	1.92
BOQ	BBB+	TD	GENERAL	Annual	28/05/2019	30/05/2022	2.4000	4,000,000.00	72,854.79	7,364.38
BOQ	BBB+	TD	GENERAL	Annual	02/06/2021	02/06/2022	0.4000	5,000,000.00	14,904.11	1,534.25
Rabobank Australia Branch	A+	TD	GENERAL	Annual	08/06/2017	07/06/2022	3.2200	5,000,000.00	117,331.51	12,350.68
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	15,942.47	1,764.38
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	15,942.47	1,764.38
Australian Military Bank	BBB+	TD	GENERAL	Annual	23/06/2020	23/06/2022	1.0500	3,500,000.00	25,271.92	2,819.18
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2020	23/06/2022	1.0100	3,500,000.00	6,585.75	2,711.78
Westpac	AA-	TD	GENERAL	Quarterly	24/06/2020	24/06/2022	1.0200	5,000,000.00	9,361.64	3,912.33
NAB	AA-	TD	GENERAL	Annual	02/08/2018	02/08/2022	3.2200	4,000,000.00	74,104.11	9,880.55
NAB	AA-	TD	GENERAL	Annual	16/08/2018	16/08/2022	3.0500	4,000,000.00	65,846.58	9,358.90
Westpac	AA-	TD	LOCAL BRANCH	Annual	23/08/2021	23/08/2022	0.2500	20,000.00	26.03	3.84
ICBC Sydney Branch	A	TD	GENERAL	Annual	28/08/2019	29/08/2022	1.6400	5,000,000.00	41,112.33	6,290.41



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Auswide Bank	BBB	TD	GENERAL	At Maturity	06/09/2019	06/09/2022	1.8000	3,000,000.00	134,186.30	4,142.47
Westpac	AA-	TD	LOCAL BRANCH	Annual	13/09/2017	13/09/2022	3.4100	3,000,000.00	47,366.30	7,847.67
Rabobank Australia Branch	A+	TD	GENERAL	Annual	13/09/2017	13/09/2022	3.3800	3,000,000.00	46,949.59	7,778.63
MyState Bank	BBB	TD	GENERAL	Annual	29/09/2020	29/09/2022	0.8500	5,000,000.00	17,815.07	3,260.27
Westpac	AA-	TD	GENERAL	Quarterly	29/09/2020	29/09/2022	0.7200	5,000,000.00	6,115.07	2,761.64
Auswide Bank	BBB	TD	GENERAL	Annual	30/09/2019	30/09/2022	1.7500	4,000,000.00	29,150.68	5,369.86
ICBC Sydney Branch	A	TD	GENERAL	Annual	23/10/2019	24/10/2022	1.7000	3,000,000.00	17,745.21	3,912.33
ICBC Sydney Branch	A	TD	GENERAL	Annual	31/10/2019	31/10/2022	1.7300	5,000,000.00	29,149.32	6,635.62
AMP Bank	BBB	TD	GENERAL	At Maturity	09/11/2021	09/11/2022	1.0000	2,000,000.00	6,136.99	1,534.25
Members Equity Bank	BBB+	TD	GENERAL	Annual	22/02/2022	22/02/2023	0.9000	5,000,000.00	863.01	863.01
ING Direct	A	TD	GENERAL	Annual	27/02/2020	27/02/2023	1.6000	2,500,000.00	109.59	109.59
Members Equity Bank	BBB+	TD	GENERAL	Annual	28/02/2022	28/02/2023	0.9000	5,000,000.00	123.29	123.29
BOQ	BBB+	TD	GENERAL	Annual	28/05/2019	29/05/2023	2.5500	4,000,000.00	77,408.22	7,824.66
BOQ	BBB+	TD	GENERAL	Annual	19/06/2020	19/06/2023	1.3500	2,000,000.00	18,715.07	2,071.23
BOQ	BBB+	TD	GENERAL	Annual	27/06/2019	27/06/2023	2.2000	5,000,000.00	74,136.99	8,438.36
AMP Bank	BBB	TD	GENERAL	Annual	28/07/2021	28/07/2023	0.7500	2,000,000.00	8,876.71	1,150.68
Westpac	AA-	TD	GENERAL	Quarterly	11/08/2021	11/08/2023	0.5600	5,000,000.00	1,380.82	1,380.82
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	16,569.86	2,761.64
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	16,569.86	2,761.64
AMP Bank	BBB	TD	GENERAL	Annual	12/10/2021	12/10/2023	0.8000	3,000,000.00	9,205.48	1,841.10



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ICBC Sydney Branch	A	TD	GENERAL	Annual	27/11/2019	27/11/2023	1.7600	6,000,000.00	26,616.99	8,100.82
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	04/12/2023	1.1900	3,000,000.00	8,704.93	2,738.63
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/12/2019	18/12/2023	1.8100	4,000,000.00	14,876.71	5,553.97
Westpac	AA-	TD	GENERAL	Quarterly	02/02/2022	02/02/2024	1.4500	2,500,000.00	2,681.51	2,681.51
Westpac	AA-	TD	GENERAL	Annual	08/02/2022	08/02/2024	1.5500	4,000,000.00	3,567.12	3,567.12
MyState Bank	BBB	TD	GENERAL	Annual	28/02/2022	28/02/2024	1.8000	5,000,000.00	246.58	246.58
Auswide Bank	BBB	TD	GENERAL	At Maturity	02/03/2020	04/03/2024	1.7500	3,000,000.00	104,856.16	4,027.40
BOQ	BBB+	TD	GENERAL	Annual	18/06/2020	18/06/2024	1.4500	3,000,000.00	30,509.59	3,336.99
ING Direct	A	TD	GENERAL	Annual	23/06/2020	24/06/2024	1.2500	3,000,000.00	25,787.67	2,876.71
BOQ	BBB+	TD	GENERAL	Annual	11/08/2021	12/08/2024	0.7900	2,000,000.00	8,744.11	1,212.05
Westpac	AA-	TD	GENERAL	Quarterly	11/08/2021	12/08/2024	0.7700	3,000,000.00	1,139.18	1,139.18
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/08/2021	19/08/2024	0.7200	3,000,000.00	11,480.55	1,656.99
Westpac	AA-	TD	GENERAL	Quarterly	17/08/2021	19/08/2024	0.7200	2,000,000.00	473.42	473.42
Bendigo and Adelaide	BBB+	FRN	GENERAL	Quarterly	06/09/2019	06/09/2024	1.0250	3,029,994.00	7,160.96	2,358.90
BOQ	BBB+	TD	GENERAL	Annual	27/09/2019	27/09/2024	2.0000	2,000,000.00	16,986.30	3,068.49
AMP Bank	BBB	TD	GENERAL	Annual	12/10/2021	11/10/2024	1.0000	3,000,000.00	11,506.85	2,301.37
NAB	AA-	TD	GENERAL	Annual	16/10/2020	16/10/2024	0.8000	5,000,000.00	14,684.93	3,068.49
ICBC Sydney Branch	A	TD	GENERAL	Annual	03/11/2021	04/11/2024	1.6500	3,000,000.00	16,002.74	3,797.26
Westpac	AA-	TD	GENERAL	Quarterly	09/11/2021	11/11/2024	1.4500	1,000,000.00	794.52	794.52
Westpac	AA-	TD	GENERAL	Quarterly	16/11/2021	18/11/2024	1.6000	4,000,000.00	2,279.45	2,279.45



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
NAB	AA-	TD	GENERAL	Annual	18/11/2020	18/11/2024	0.7000	5,000,000.00	9,876.71	2,684.93
Westpac	AA-	TD	GENERAL	Quarterly	29/11/2021	29/11/2024	1.6000	5,000,000.00	219.18	219.18
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	02/12/2024	1.6200	2,000,000.00	7,900.27	2,485.48
ICBC Sydney Branch	A	TD	GENERAL	Annual	09/12/2021	09/12/2024	1.9200	5,000,000.00	21,567.12	7,364.38
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	07/09/2021	16/12/2024	0.9000	5,000,000.00	9,369.86	3,452.05
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2025	0.7200	4,000,000.00	2,288.22	2,209.32
Westpac	AA-	TD	GENERAL	Quarterly	02/02/2022	03/02/2025	1.8200	2,500,000.00	3,365.75	3,365.75
P&N Bank	BBB	TD	GENERAL	Annual	15/02/2022	17/02/2025	2.3700	5,000,000.00	4,545.21	4,545.21
P&N Bank	BBB	TD	GENERAL	Annual	22/02/2022	24/02/2025	2.0500	2,000,000.00	786.30	786.30
MyState Bank	BBB	TD	GENERAL	Annual	28/02/2022	28/02/2025	2.2500	5,000,000.00	308.22	308.22
NAB	AA-	TD	GENERAL	Annual	02/03/2021	03/03/2025	0.9500	4,000,000.00	37,895.89	2,915.07
ICBC Sydney Branch	A	TD	GENERAL	Annual	18/06/2020	18/06/2025	1.7500	2,000,000.00	24,547.95	2,684.93
NAB	AA-	TD	GENERAL	Annual	26/07/2021	28/07/2025	1.0000	5,000,000.00	29,863.01	3,835.62
ICBC Sydney Branch	A	TD	GENERAL	Annual	02/09/2021	02/09/2025	1.2000	5,000,000.00	29,589.04	4,602.74
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/10/2020	16/10/2025	1.2000	5,000,000.00	22,027.40	4,602.74
ICBC Sydney Branch	A	TD	GENERAL	Annual	17/11/2020	17/11/2025	1.3000	6,500,000.00	24,076.71	6,482.19
NAB	AA-	TD	GENERAL	Annual	17/11/2020	17/11/2025	0.8500	3,500,000.00	8,476.71	2,282.19
ICBC Sydney Branch	A	TD	GENERAL	Annual	03/12/2020	03/12/2025	1.2000	5,000,000.00	14,465.75	4,602.74
ICBC Sydney Branch	A	TD	GENERAL	Annual	07/12/2020	08/12/2025	1.2000	5,000,000.00	13,808.22	4,602.74
NAB	AA-	TD	GENERAL	Annual	07/12/2020	08/12/2025	0.9000	5,000,000.00	10,356.16	3,452.05



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	14/09/2021	15/12/2025	1.1000	5,000,000.00	11,452.05	4,219.18
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2026	0.9100	4,000,000.00	2,892.05	2,792.33
NAB	AA-	TD	GENERAL	Annual	02/03/2021	02/03/2026	1.2100	4,000,000.00	48,267.40	3,712.88
Westpac	AA-	TD	GENERAL	Quarterly	09/03/2021	09/03/2026	1.2500	5,000,000.00	14,041.10	4,794.52
NAB	AA-	TD	GENERAL	Annual	16/03/2021	16/03/2026	1.2500	5,000,000.00	59,931.51	4,794.52
NAB	AA-	TD	GENERAL	Annual	26/05/2021	26/05/2026	1.2500	5,000,000.00	47,773.97	4,794.52
ICBC Sydney Branch	A	TD	GENERAL	Annual	02/06/2021	02/06/2026	1.4000	2,500,000.00	26,082.19	2,684.93
NAB	AA-	TD	GENERAL	Annual	02/06/2021	02/06/2026	1.3000	2,500,000.00	24,219.18	2,493.15
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2021	23/06/2026	1.3200	5,000,000.00	12,295.89	5,063.01
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2021	23/06/2026	1.3200	5,000,000.00	12,295.89	5,063.01
NAB	AA-	TD	GENERAL	Annual	26/07/2021	27/07/2026	1.2000	5,000,000.00	35,835.62	4,602.74
ICBC Sydney Branch	A	TD	GENERAL	Annual	28/07/2021	28/07/2026	1.3200	2,000,000.00	15,623.01	2,025.21
NAB	AA-	TD	GENERAL	Annual	23/09/2021	23/09/2026	1.2000	5,000,000.00	26,136.99	4,602.74
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	07/09/2021	15/12/2026	1.4000	5,000,000.00	14,575.34	5,369.86
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	02/09/2021	15/12/2026	1.4000	5,000,000.00	14,575.34	5,369.86
Westpac	AA-	CASH	GENERAL	Monthly	28/02/2022	28/02/2022	0.3500	20,132,356.84	5,404.00	5,404.00
TOTALS								373,692,350.84	2,288,068.25	362,382.77

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



Authorised by: <authority>
Authorised date: DD/MM/YYYY
Effective date: DD/MM/YYYY
Next review date: DD/MM/YYYY
File Number: #####

GRAFFITI VANDALISM MANAGEMENT

INTRODUCTION

Graffiti vandalism has a direct and immediate impact on the community by reducing the social amenity of public spaces, creating visual pollution and leading to increased fear for personal security.

The intended outcomes of the Policy are to:

- Minimise incidents of graffiti vandalism within the Port Macquarie-Hastings
- Reduce the social, environmental and economic impact of graffiti vandalism
- Provide Council and the community with an effective framework to respond
- Enhance community confidence and perception of safety.

POLICY STATEMENT AND SCOPE

Council recognises that graffiti vandalism is an increasingly prevalent social problem that causes serious damage to property and imposes significant repair and removal costs for Council, businesses and private citizens.

Council has identified and endorses the following Policy principles:

- Council believes that graffiti vandalism detracts from the visual amenity of the public domain
- Council supports the apprehension and prosecution of vandals by offering Graffiti & Vandalism Reward Scheme
- Council appreciates that graffiti prevention and removal is the responsibility of all levels of government, as well as private residents, businesses and utility owners
- Council is only responsible for cleaning graffiti from Council-owned property and will not remove graffiti from non-council owned property.
- Council accepts that while it does not have sufficient resources to remove graffiti from non-council owned property, nor is it appropriate to expend public funds on private property, it will lobby, assist, form partnerships with other stakeholders and encourage other parties to remove graffiti from their property
- Council will work in partnership with key stakeholders to identify appropriate locations and processes for the placement of public art
- Council is committed to a pro-active program of inspection, reporting and the rapid removal of graffiti from Council owned property
- Council recognises that its approach to graffiti vandalism needs to be managed holistically and transparently, and to do this has implemented a Graffiti Vandalism Management Plan to support, enhance and expand on the Policy

3. RESPONSIBILITIES AND AUTHORITIES

3.1 Responsible Officer

The Community Inclusion Team Leader will be responsible for:

- The implementation of the Policy.
- Ensuring that graffiti prevention, removal and reporting is undertaken in-line with the Policy.
- Ensuring policy is reviewed and updated to meet external compliance

- Develop and implement the Graffiti Vandalism Plan
- Develop a Graffiti and Vandalism Reward Scheme
- Maintain Graffiti Removal Register
- Encouraging community participation in graffiti vandalism removal and restoration

3.2 Council

In accordance with the Local Government Act 1993, Council is responsible for recording reported incidents of vandalism and for removing it from its property.

3.3 Directors

Directors are responsible for ensuring their Division adheres to the requirements of this policy and provide guidance in respect of enhancing safety in the public domain through a range of programs and partnerships within their division and the organisation.

3.4 Staff

All staff must adhere to the requirements of this policy and operate within the relevant authorities.

4. REFERENCES

Council has a firm commitment to establish and maintain a high quality system of managing graffiti and vandalism and has consulted the following legal document in the development of this Policy:

- Graffiti Control Act 2008
- Local Government Act 1993.
- Crimes Act 1900.
- Government Information (Public Access) Act 2009.

5. DEFINITIONS

Term	Definition
Graffiti Vandalism	Is the act of marking or defacing premises or other property without permission. It is illegal and an offence under the Graffiti Control Act (2008).

6. PROCESS OWNER

Group Manager Community

7. AMENDMENTS

Not applicable, new policy

APPENDIX A: GRAFFITI REMOVAL – SERVICE STANDARD

Council Property:

All graffiti vandalism to Council property that is reported will be removed. Removal of graffiti on Council property is the responsibility of the asset owner, and is prioritised based on the type of graffiti, with precedence given to the removal of offensive, racist or defamatory graffiti and/or graffiti on prominent sites or sites of significance within the community.

Removal Response:

The following table outlines the graffiti removal timelines on Council assets depending on the type of the graffiti.

Graffiti Type	Timeframe to Respond
Offensive graffiti (racist, defamatory, rude/offensive words) on Council property, prominent sites and sites of significance	Where possible, within 2 working days of it being reported to Council.
Non-offensive graffiti (tags, stencils, uncommissioned murals) on Council property	Where possible, within 20 working days of it being reported to Council.

Graffiti Removal Volunteer Program

Council offers a Graffiti Removal Program for volunteers (Graffiti Blasters), in order to assist with removal of graffiti and maintenance of community spaces and some Council property as determined by the Community Inclusion Team Leader. The program has been developed to respond to ongoing and escalating graffiti vandalism and anti-social behavior on Council-owned assets and property.

Graffiti Removal Register

The Graffiti Control Act (2008) requires all Councils to keep a register of all graffiti removal work that is undertaken including location and cost of removal. Council will develop this register through existing programs, and will have it available to community on request.

Kirsty Callander



Authorised by: <authority>
Authorised date: DD/MM/YYYY
Effective date: DD/MM/YYYY
Next review date: DD/MM/YYYY
File Number: #####

Graffiti and Vandalism Reward Scheme Policy

1. INTRODUCTION

Graffiti and Vandalism is of ongoing concern for the Port Macquarie-Hastings community because of its continuing visibility, detrimental impact on the local streetscape, and high cost of removal. Council recognises the value of programs that focus on the prevention of vandalism before it occurs as being complementary to those aimed at removing it once it has been applied.

The intended outcomes of the policy are to:

- Encourage the community to take action to report information about graffiti offenders or vandals to the NSW Police Force.
- Deter offending by increasing the risk of detection and apprehension.
- Remove excuse-making opportunities through educating people involved in the intentional or reckless damage of property (by committing incidents of vandalism or graffiti) that these acts are crimes.
- Promote a coordinated approach to addressing local vandalism and graffiti issues between state government, represented by the NSW Police Force, local government, represented by Port Macquarie-Hastings Council, and the community.

2. POLICY STATEMENT AND SCOPE

The Graffiti and Vandalism Reward Scheme Policy seeks to outline the process related to the payment of a financial reward to members of the community where information regarding a graffiti or vandalism incident is provided to the NSW Police Force, and results in legal action resulting in a conviction against offender.

The application of this Policy is limited by a number of factors, those being:

- The reward applies to incidents committed on, or to, Council-owned and managed property. Rewards may also apply (at Council's sole discretion) to offences committed on buildings on community land that are owned by a recognised community group, where Council has been involved in the repair or removal of damage.
- Rewards can only be paid to people 18 years and over. Informants under the age of 18 can submit a reward application with their parent's or guardian's consent. All rewards will be paid to a person 18 years and over.
- The amount of a reward will be equal to the remediation costs of the vandalism (as determined by Council and at Council's sole discretion) capped at a maximum of \$5,000 per event.
- The reward scheme is subject to an annual cap of \$20,000 per financial year. Once these funds have been exhausted, no further reward applications will be paid.
- All persons providing information must be aware that they may be required to attend a police station and make a formal statement and/or appear in a court to give evidence against the accused. Any person who makes a claim should be aware their identity will not remain confidential when required to appear in court.
- A reward under this scheme will only be payable in relation to information which leads to a criminal proceeding resulting in a conviction.

3. RESPONSIBILITIES AND AUTHORITIES

The CEO of Port Macquarie-Hastings Council will be responsible for:

- Approving any rewards after receiving confirmation of conviction from NSW Police Force.
Reward amount to be determined by amount of damage (see appendix A)

The Community Inclusion Team Leader will be responsible for:

- The implementation of the Policy.
- Ensuring policy is reviewed and updated to meet external compliance
- Develop and implement the Graffiti Vandalism Management Plan
- Develop a Graffiti and Vandalism Reward Scheme Procedure
- Encouraging community participation in graffiti vandalism reporting, removal and restoration.

The PMHC asset owners will be responsible for:

- Determining the level of damage inflicted and the cost of repair.

NSW Police Force Officers are responsible for:

- Examining the information provided to the NSW Police Force.
- Undertaking appropriate investigations of the incident at the discretion of the NSW Police Force.
- Providing comment on the validity of applications and the information contained therein to the Community Inclusion Team Leader.

4. REFERENCES

Council has a firm commitment to establish and maintain a high quality system of managing graffiti and vandalism and has consulted the following legal document in the development of this Policy:

- Local Government Act 1993.
- Crimes Act 1900.
- Summary Offences Act 1988.
- Graffiti Control Act 2008.
- Young Offenders Act 1997.
- Government Information (Public Access) Act 2009.

5. DEFINITIONS

Term	Definition
Graffiti	Any inscription, word, figure, or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without owners consent.
Vandalism	The willful or malicious destruction, injury, disfigurement, or defacement of any public property.
Criminal proceeding	

	A criminal proceeding is an action taken by the Police against an individual for a malicious damage offence. Criminal proceedings include an individual being charged for the offence, where that individual has admitted guilt, or been found guilty of those charges in a Court of law.
Incident	An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.
Council-owned Property	Property owned or managed by Port Macquarie-Hastings Council

6. PROCESS OWNER

Group Manager Community

7. AMENDMENTS

Not applicable, new policy

Appendix A: Graffiti and Vandalism Reward Scheme - Reward Amount Scale

Category	Damage Amount	Reward Amount for a Conviction
1	Up to \$1000	\$200
2	\$1001 to \$3000	\$500
3	\$3001 to \$5000	\$750
4	\$5001 to \$10,000	\$1500
5	\$10,001 to \$20,000	\$2,000
7	\$20,000 and above	\$5,000

Kirsty Callander

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.

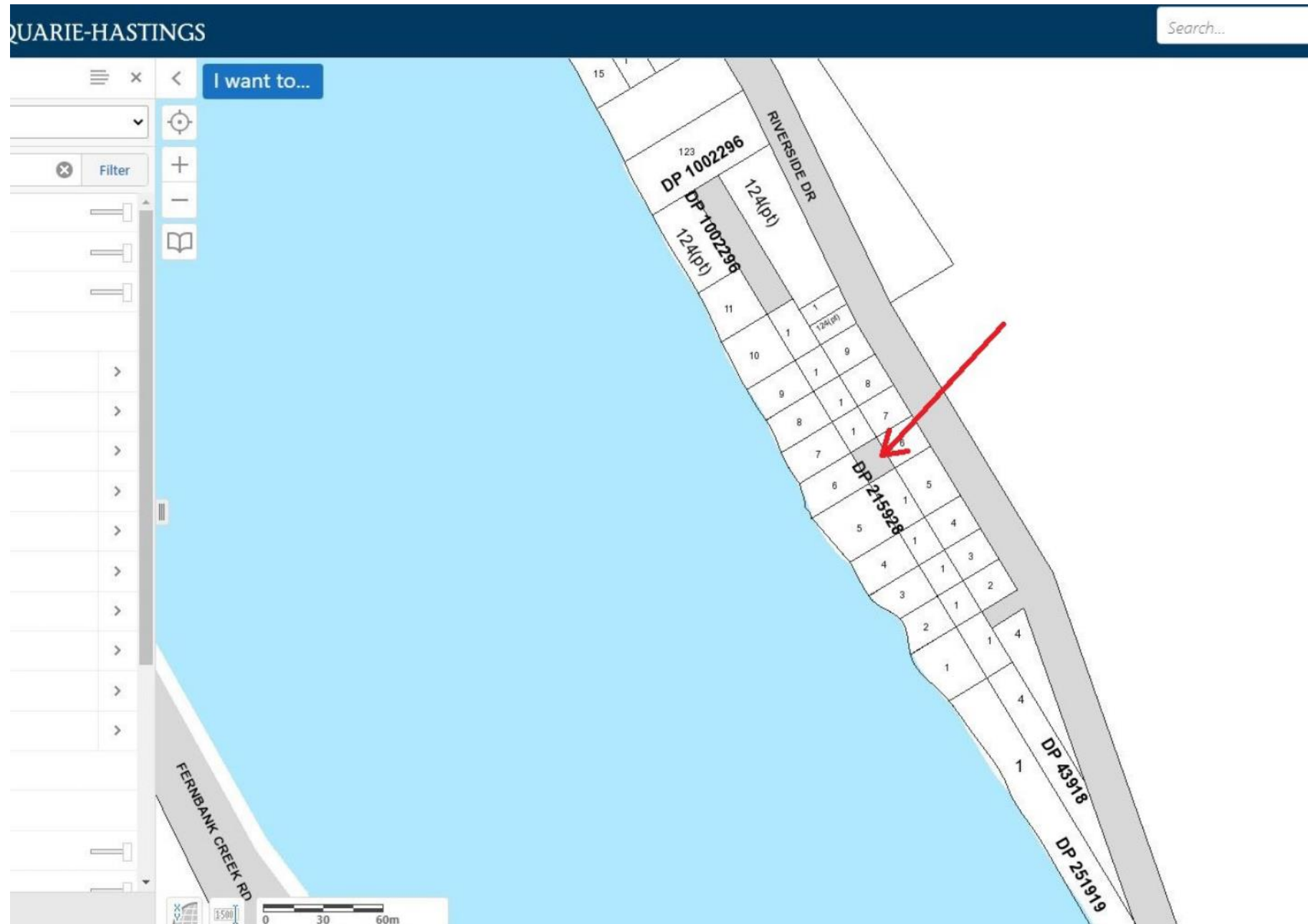
What the result will be

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



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



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, make the following Order under the *Environmental Planning and Assessment Act 1979*, section 3.20.

Dated, this 3rd day of November 2021.

By Her Excellency's Command,

ROB STOKES, MP
Minister for Planning and Public Spaces

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Land Use Zones) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*.

2 Commencement

- (1) This Order commences on 1 December 2021 and is required to be published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 3 commences on 1 December 2022.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 2.1 Land use zones [compulsory]

Insert after the matter relating to **Residential Zones**—

Employment Zones

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

E5 Heavy Industrial

Mixed Use Zones

MU1 Mixed Use

[2] Clause 2.1

Insert “SP4 Enterprise” after “SP3 Tourist”.

[3] Clause 2.1

Omit “**Environment Protection Zones**”. Insert instead “**Conservation Zones**”.

[4] Clause 2.1

Omit “E1”, “E2”, “E3” and “E4” from the matter relating to **Conservation Zones**, as amended by item [3].

Insert instead “C1”, “C2”, “C3” and “C4”, respectively.

[5] Clause 2.1

Insert “W4 Working Waterfront” after “W3 Working Waterways”.

[6] Land Use Table

Insert “Creative industries;” “Data centres;” and “Goods repair and reuse premises;” in alphabetical order in Direction 5.

[7] Land Use Table, Direction 7

Insert after Direction 6—

Direction 7— At least 1 type of commercial premises or health services facilities must be permitted wherever shop top housing is permitted in the Land Use Table.

[8] Land Use Table, Zone RU5 Village, item 4

Omit “Pond-based aquaculture”.

[9] Land Use Table, Zone RU6 Transition, item 4

Omit “Pond-based aquaculture”.

[10] Land Use Table, Zone R3 Medium Density Residential, item 4

Omit “Pond-based aquaculture”.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[11] Land Use Table, Zone R4 High Density Residential, item 4

Omit “Pond-based aquaculture; Tank-based aquaculture”.

[12] Land Use Table

Insert after the matter relating to **Zone R5 Large Lot Residential**—

Zone E1 Local Centre

Direction— The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Building identification signs
Business identification signs
Home businesses
Home industries
Home occupations
Recreation areas
Roads

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Zone E2 Commercial Centre

Direction— The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Building identification signs
Business identification signs
Home businesses
Home industries

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Home occupations
Roads

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development that is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Zone E3 Productivity Support

Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone—

Building identification signs
Business identification signs
Home industries
Roads

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

2 Permitted without consent

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Zone E4 General Industrial

Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone—

Building identification signs

Business identification signs

Roads

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries;
Goods repair and reuse premises; Hardware and building supplies;
Industrial retail outlets; Industrial training facilities; Light industries;
Local distribution premises; Neighbourhood shops; Oyster aquaculture;
Take away food and drink premises; Tank-based aquaculture;
Warehouse or distribution centres

4 Prohibited

Zone E5 Heavy Industrial

Direction— The following must be included as either “Permitted without consent” or
“Permitted with consent” for this zone—

Building identification signs
Business identification signs
Roads

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

2 Permitted without consent

3 Permitted with consent

Data centres; Depots; Freight transport facilities; General industries;
Hazardous storage establishments; Heavy industries; Industrial training
facilities; Offensive storage establishments; Oyster aquaculture;
Tank-based aquaculture; Warehouse or distribution centres

4 Prohibited

Zone MU1 Mixed Use

Direction— The following must be included as either “Permitted without consent” or
“Permitted with consent” for this zone—

Building identification signs
Business identification signs
Home industries
Roads

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations

4 Prohibited

[13] Land Use Table

Insert in appropriate order—

Zone SP4 Enterprise

Direction— The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

1 Objectives of zone

- To provide for development and land uses that support enterprise and productivity.

2 Permitted without consent

3 Permitted with consent

Building identification signs; Business identification signs; Food and drink premises

4 Prohibited

[14] Land Use Table

Omit “Zone E1 National Parks and Nature Reserves”.

Insert instead “Zone C1 National Parks and Nature Reserves”.

[15] Land Use Table

Omit “Zone E2 Environmental Conservation”.

Insert instead “Zone C2 Environmental Conservation”.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[16] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C2 Environmental Conservation, item 4, as amended by item [15].

[17] Land Use Table

Omit “**Zone E3 Environmental Management**”.

Insert instead “**Zone C3 Environmental Management**”.

[18] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C3 Environmental Management, item 4, as amended by item [17].

[19] Land Use Table

Omit “**Zone E4 Environmental Living**”.

Insert instead “**Zone C4 Environmental Living**”.

[20] Land Use Table

Insert “Local distribution premises;” in alphabetical order in Zone C4 Environmental Living, item 4, as amended by item [19].

[21] Land Use Table, Zone W1 Natural Waterways, item 4

Insert “Local distribution premises;” in alphabetical order.

[22] Land Use Table, Zone W2 Recreational Waterways, item 4

Insert “Local distribution premises;” in alphabetical order.

[23] Land Use Table

Insert in appropriate order—

Zone W4 Working Waterfront

Direction— The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads

1 Objectives of zone

- To retain and encourage industrial and maritime activities on foreshores.
- To identify sites for maritime purposes and for activities requiring direct foreshore access.
- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps;
Jetties; Light industries

4 Prohibited

[24] Clause 4.6 Exceptions to development standards [compulsory]

Omit “Zone E2”, “Zone E3” and “Zone E4” from clause 4.6(6).

Insert instead “Zone C2”, “Zone C3” and “Zone C4”, respectively.

[25] Clause 5.1 Relevant acquisition authority [compulsory]

Omit “Zone E1” from clause 5.1(2), table. Insert instead “Zone C1”.

[26] Clause 5.3 Development near zone boundaries [optional]

Omit “Zone E1”, “Zone E2” and “Zone E3” from clause 5.3(3)(a).

Insert instead “Zone C1”, “Zone C2” and “Zone C3”, respectively.

[27] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Insert “Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or” after “Plan in” in clause 5.4(10).

[28] Clause 5.16, heading

Omit “environment protection”. Insert instead “conservation”.

[29] Clause 5.16(1)

Omit “environment protection”. Insert instead “conservation”.

[30] Clause 5.16(2)(g)

Omit “Zone E2”. Insert instead “Zone C2”.

[31] Clause 5.16(2)(h)

Omit “Zone E3”. Insert instead “Zone C3”.

[32] Clause 5.16(2)(i)

Omit “Zone E4”. Insert instead “Zone C4”.

[33] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit “Zone E3” and “Zone E4” from clause 5.18(7), definition of *residential zone*.

Insert instead “Zone C3” and “Zone C4”, respectively.

[34] Clause 5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

Omit “or tank-based aquaculture” from clause 5.19(2)(b)(i).

[35] Clause 5.19(2)(b)(i)

Omit “Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential”.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Insert instead “Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use”.

[36] Clause 5.19(2)(b)(ii) and (iii)

Omit “Zone E3” and “Zone E4” wherever occurring.

Insert instead “Zone C3” and “Zone C4”, respectively.

[37] Clause 5.19(2)(b)(iii)

Omit “Zone R3 Medium Density Residential,”.

Insert instead “Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential,”.

[38] Dictionary

Omit “industrial or rural” from the definition of *artisan food and drink industry*, note.

Insert instead “certain”.

[39] Dictionary, definition of “business premises”

Omit “a funeral home”. Insert instead “funeral homes, goods repair and reuse premises”.

[40] Dictionary, definition of “business premises”

Omit “internet access facilities,”.

[41] Dictionary, definition of “centre-based child care facility”

Insert at the end of the definition—

Note— Centre-based child care facilities are a type of *early education and care facility*—see the definition of that term in this Dictionary.

[42] Dictionary

Insert in alphabetical order—

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists’ studios, recording studios, and set design and production facilities.

Note— Creative industries are a type of *light industry*—see the definition of that term in this Dictionary.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note— Data centres are a type of *high technology industry*—see the definition of that term in this Dictionary.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note— Goods repair and reuse premises are a type of *business premises*—see the definition of that term in this Dictionary.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[43] Dictionary

Omit the definition of *crematorium*. Insert instead—

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

[44] Dictionary, definition of “high technology industry”

Insert “and includes a data centre,” before “but”.

[45] Dictionary, definition of “home-based child care”, note

Omit “Note”. Insert instead “Note 1”.

[46] Dictionary, definition of “home-based child care”, note 2

Insert after note 1, as amended by item [45]—

Note 2— Home-based child care is a type of *early education and care facility*—see the definition of that term in this Dictionary.

[47] Dictionary, definition of “kiosk”

Omit “such as newspapers, films and the like”.

[48] Dictionary, definition of “light industry”

Insert after paragraph (c)—

(d) creative industry.

[49] Dictionary, definition of “local distribution premises”

Omit the note.

[50] Dictionary, definition of “neighbourhood shop”

Omit “and may include ancillary services such as a post office, bank or dry cleaning.”.

[51] Dictionary, definition of “school-based child care”, note

Omit “Note”. Insert instead “Note 1”.

[52] Dictionary, definition of “school-based child care”, note 2

Insert after note 1, as amended by item [51]—

Note 2— School-based child care is a type of *early education and care facility*—see the definition of that term in this Dictionary.

[53] Dictionary, definition of “shop top housing”

Omit “ground floor retail premises or business premises”.

Insert instead “the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities”.

[54] Dictionary, definition of “storage premises”

Insert “, local distribution premises” after “establishment”.

[55] Dictionary, definition of “warehouse or distribution centre”

Omit “, and includes local distribution premises”.

Insert instead “, but does not include local distribution premises”.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 2 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Schedule 2 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Clause 10

Insert after clause 9—

10 Transitional provisions consequent on making of Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021

- (1) In a document, a reference to a land use zone specified in Column 1 is taken to include a reference to a land use zone specified in Column 2—

Column 1	Column 2
Zone E1 National Parks and Nature Reserves	Zone C1 National Parks and Nature Reserves
Zone E2 Environmental Conservation	Zone C2 Environmental Conservation
Zone E3 Environmental Management	Zone C3 Environmental Management
Zone E4 Environmental Living	Zone C4 Environmental Living

- (2) This clause does not limit the operation of clause 8.
- (3) In this clause—
document means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 [NSW]
Schedule 3 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

**Schedule 3 Amendment of Standard Instrument prescribed
by Standard Instrument (Local Environmental
Plans) Order 2006**

- [1] **Clause 2.1 Land use zones [compulsory]**
Omit the matter relating to **Business Zones** and **Industrial Zones**.
- [2] **Land Use Table**
Omit the matters relating to Zones B1–B8 and IN1–IN4.
- [3] **Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]**
Omit “an industrial or” from clause 5.4(10). Insert instead “a”.
- [4] **Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock
agriculture permitted with consent]**
Omit “Zone B4 Mixed Use, Zone B6 Enterprise Corridor,” from clause 5.18(7), definition
of *residential zone*.

DRAFT COMPARISON OF EXISTING LEP 2011 BUSINESS AND INDUSTRIAL ZONES LAND USE TABLES TO PROPOSED EMPLOYMENT ZONES LAND USE TABLES MARCH 2022

Key:

Yellow:	LEP 2011 currently prohibits use but mandated as 'permitted with consent' in the new employment zone
Turquoise:	LEP 2011 currently permits without consent (option to make permitted with consent)
Pink:	LEP 2011 currently permits with consent (option to make permitted without consent)
Green:	Option for permitted with or without consent
Blue text:	Council LEP 2011 content
Red text:	New land uses added by Council to the land use table

LEP 2011 - B1 NEIGHBOURHOOD CENTRE ZONE

	Current LEP 2011 Zone	Proposed employment zone
	B1 Neighbourhood Centre (Existing)	E1 Local Centre
		<p>Note: The land's primary purpose is local retail with supporting residential, not large scale commercial and associated land uses.</p> <p>The prohibited uses of B2 have been reproduced as the prohibited uses of E1 for all LEPs that contain B2. That is, LEPs that only contain B2 (and no B1) and those that have both B1 and 2. This results in B2 uses being the 'dominant land uses' for prohibited in the E1 zone.</p>

		<p>Where the existing B1 or B2 zone is open, councils need to carefully consider the land uses that are permitted through the mechanism 'any other development' and ensure that these have been captured in the new E1 LUTs.</p> <p>Direction: - The following must be included as either "Permitted without consent" or "Permitted with consent for this zone:</p> <p>Building identification signs (permitted with consent)</p> <p>Business identification signs (permitted with consent)</p> <p>Home businesses (permitted without consent)</p> <p>Home industries (permitted without consent)</p> <p>Home occupations</p> <p>Recreation areas (permitted with consent)</p> <p>Roads</p>
1. Objectives	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. To provide a focal point for the neighbourhood community. 	<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. <p>• To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. [delete]</p> <p>• To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. [delete]</p> <p>• To provide a focal point for the community by ensuring development is appropriately designed to minimise amenity</p>

		impacts and positively contributes to a safe local environment (amended).
2. Permitted without Consent	Home occupations	Home occupations
3. Permitted with consent	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4	Amusement centres; Artisan food and drink industry; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Any other development not specified in item 2 or 4
4. Prohibited	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway

	<p>facilities; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Marinas; Mooring pens; Mortuaries; Open cut mining; Plant nurseries; Pond-based aquaculture Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage systems; Sex services premises; <u>Specialised retail premises</u>; Storage premises; Timber yards; <u>Tourist and visitor accommodation</u>; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies</p>	<p>service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies</p>
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LEP 2011 - B2 LOCAL CENTRE ZONE

	B2 Local Centre (Existing)	E1 Local Centre (Proposed)
		<p>Direction: - The following must be included as either "Permitted without consent" or "Permitted with consent for this zone:</p> <ul style="list-style-type: none"> Building identification signs Business identification signs Home businesses Home industries Home occupations Recreation areas Roads
1. Objectives	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. 	<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

		<ul style="list-style-type: none"> • To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. [delete] • To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment. [delete] • To provide a focal point for the community by ensuring development is appropriately designed to minimise amenity impacts and positively contributes to a safe local environment (amended).
2. Permitted without consent	Home occupations	Home occupations
3. Permitted with consent	Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4	Amusement centres; Artisan food and drink industry; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Any other development not specified in item 2 or 4

4. Prohibited	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies
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LEP 2011 - B3 COMMERCIAL CORE ZONE

	B3 Commercial Core (Existing)	E2 Commercial Centre (Proposed)
		<p>Direction: - The following must be included as either "Permitted without consent" or "Permitted with consent for this zone:</p> <p>Building identification signs (permitted with consent)</p> <p>Business identification signs (permitted with consent)</p> <p>Home businesses (permitted without consent)</p> <p>Home industries (permitted without consent)</p> <p>Home occupations</p> <p>Roads</p>
Objectives	<ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use. To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre. 	<ul style="list-style-type: none"> To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. To encourage investment in commercial development that generates employment opportunities and economic growth. To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. To enable residential development that is consistent with the Council's strategic planning for residential development in the area. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. To ensure that new residential accommodation and tourist and visitor accommodation does not conflict with the primary function of the centre for retail, business, entertainment and community uses. (amended)

		<ul style="list-style-type: none"> To ensure that the design of new commercial buildings makes a positive contribution to the streetscape through opportunities for improved pedestrian links throughout the Greater Port Macquarie City Centre, retention and creation of view corridors and the provision of a safe public domain (amended)
Permitted without Consent	Home occupations	Home occupations
Permitted with consent	Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4	Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Early education and care facilities; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4
Prohibited	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries;	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive

	<p>Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; <u>Mortuaries</u>; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; <u>Vehicle repair stations</u>; <u>Veterinary hospitals</u>; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies</p>	<p>industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.</p>
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LEP 2011 - B5 BUSINESS DEVELOPMENT ZONE

	B5 Business Development (Existing)	E3 Productivity Support (Proposed)
		<p>Note: Where the E3 zone is constructed by combining more than one zone (B5 or B6 or B7) the translation done by the department may result in a generic strategic intent for the zone that does not reflect local circumstances and creates land use conflicts. Councils will need to carefully review the LUT and in some cases the LUT will need to be amended.</p> <p>The construction of the LUT for E3 may not be straightforward and other mechanisms such as additional permitted uses may need to be considered.</p> <p>Councils need to carefully consider the land uses that are permitted through 'any other development' and ensure that these have been captured in the new E3 LUT.</p> <p>Direction: - The following must be included as either "Permitted without consent" or "Permitted with consent for this zone: Building identification signs Business identification signs Home industries Roads</p>
Objectives	<ul style="list-style-type: none"> To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. To minimise conflict between land uses within the zone and with adjoining zones. To ensure that new developments make a positive contribution to the public domain and streetscape. 	<ul style="list-style-type: none"> To provide a range of facilities and services, light industries, warehouses and offices. To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres. To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity. To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.

		<ul style="list-style-type: none"> • To provide opportunities for new and emerging light industries. • To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site. • To minimise conflict between land uses within the zone and with adjoining zones. [retain] • To ensure that new developments make a positive contribution to the public domain and streetscape. [retain] • To ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings region and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery. [retain] • To create employment environments within large scale developments that are of high visual quality and relate favourably in architectural and landscape treatment to the large scale development. [retain]
Permitted without Consent	Nil	Nil

Permitted with consent	Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads ; Self storage units; Specialised retail premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Animal boarding or training establishments ; Boat building and repair facilities ; Building identification signs ; Business identification signs ; Business premises ; Centre-based child care facilities; Community facilities; Crematoria ; Depots; Food and drink premises ; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation ; Industrial retail outlets; Industrial training facilities ; Information and education facilities; Kiosks ; Landscaping material supplies; Light industries; Liquid fuel depots ; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises ; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations ; Respite day care centres; Roads ; Rural supplies ; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops ; Vehicle repair stations ; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments ; Boat building and repair facilities ; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises ; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training	Advertising structures ; Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises ; Correctional centres; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Industries; Marinas; Mooring pens; Open cut mining; Port facilities; Registered clubs;

	facilities; Industries; Marinas; Mooring pens; Open cut mining; Pond-based aquaculture Port facilities; <u>Recreation facilities (major)</u> ; <u>Recreation facilities (outdoor)</u> ; Registered clubs; <u>Research stations</u> ; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; <u>Storage premises</u> ; <u>Tourist and visitor accommodation</u> ; Transport depots; Truck depots; <u>Vehicle body repair workshops</u> ; Waste or resource management facilities; Water supply systems; Wharf or boating facilities	Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; <u>Tourist and visitor accommodation</u> ; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities
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LEP 2011 - B7 BUSINESS PARK ZONE

	B7 Business Park (Existing)	SP4 Enterprise (Proposed)
		<p>Note: Where the E3 zone is constructed by combining more than one zone (B5 or B6 or B7) the translation done by the department may result in a generic strategic intent for the zone that does not reflect local circumstances and creates land use conflicts. Councils will need to carefully review the LUT and in some cases the LUT will need to be amended.</p> <p>The construction of the LUT for E3 may not be straightforward and other mechanisms such as additional permitted uses may need to be considered.</p> <p>Councils need to carefully consider the land uses that are permitted through 'any other development' and ensure that these have been captured in the new E3 LUT.</p> <p>Direction: - The following must be included as either "Permitted without consent" or "Permitted with consent for this zone:</p> <p>Building identification signs Business identification signs Home industries Roads</p>
Objectives	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings region and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery. 	<ul style="list-style-type: none"> To provide for development and land uses that support enterprise and productivity. To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area To ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings region and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery. (retain)

	<ul style="list-style-type: none"> To create employment environments within large scale developments that are of high visual quality and relate favourably in architectural and landscape treatment to the large scale development. 	<ul style="list-style-type: none"> To create employment environments within large scale developments that are of high visual quality and relate favourably in architectural and landscape treatment to the large scale development. (Retain)
Permitted without Consent	Nil	Nil
Permitted with consent	Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
Prohibited	Agriculture; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Funeral homes; Heavy industrial storage establishments; Highway service centres; Home-based	Agriculture; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Funeral homes; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Mooring pens; Open cut mining; Pond-

	child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Mooring pens; Open cut mining; Pond-based aquaculture; Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities	based aquaculture; Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities
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LEP 2011 - IN1 GENERAL INDUSTRIAL ZONE

	IN1 General Industrial (Existing)	E4 General Industrial (Proposed)
		<p>Note: The prohibited uses of IN1 have been reproduced as the prohibited uses of the E4 for all LEPs that contain IN1. That is, LEPs that only contain IN1 (and no IN2) and those that have both IN1 and IN2. This results in IN1 uses being the 'dominant land uses' for prohibited in the E4 zone.</p> <p>In an open zone - 'any other development not specified in item 2 or 4' needs specific attention by council to ensure that all permitted and/or prohibited land uses have been captured. This is particularly important for E4 where existing zoned IN2 land may allow a variety of different land uses captured through 'any other development not specified in item 2 or 4'.</p> <p>Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Building identification signs Business identification signs Roads</p>
Objectives	<ul style="list-style-type: none"> • To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. 	<ul style="list-style-type: none"> • To provide a range of industrial, warehouse, logistics and related land uses. • To ensure the efficient and viable use of land for industrial uses. • To minimise any adverse effect of industry on other land uses. • To encourage employment opportunities. • To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

		<ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. [delete]
Permitted without Consent		Nil
Permitted with consent	Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pubs; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Building identification signs; Business identification signs; Crematoria; Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Medical centres; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pubs; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage

	establishments; Health services facilities; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Pond-based aquaculture Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Wharf or boating facilities	storage establishments; Health services facilities; Heavy industries; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Wharf or boating facilities
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LEP 2011 - IN2 LIGHT INDUSTRIAL ZONE

	IN2 Light Industrial (Existing)	E4 General Industrial (Proposed)
		<p>Note: The prohibited uses of IN1 have been reproduced as the prohibited uses of the E4 for all LEPs that contain IN1. That is, LEPs that only contain IN1 (and no IN2) and that that have both IN1 and IN2. This results in IN1 uses being the 'dominant land uses' for prohibited in the E4 zone.</p> <p>In an open zone - 'any other development not specified in item 2 or 4' needs specific attention by council to ensure that all permitted and/or prohibited land uses have been captured. This is particularly important for E4 where existing zoned IN2 land may allow a variety of different land uses captured through 'any other development not specified in item 2 or 4'.</p> <p>Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Building identification signs Business identification signs Roads</p>
Objectives	<ul style="list-style-type: none"> To provide a wide range of light industrial, warehouse and related land uses. To encourage employment opportunities and to support the viability of centres. To minimise any adverse effect of industry on other land uses. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To support and protect industrial land for industrial uses. 	<ul style="list-style-type: none"> To provide a range of industrial, warehouse, logistics and related land uses. To ensure the efficient and viable use of land for industrial uses. To minimise any adverse effect of industry on other land uses. To encourage employment opportunities. To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

Permitted without Consent	Nil	Nil
Permitted with consent	Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pubs; Roads ; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Building identification signs; Business identification signs; Crematoria ; Depots; Freight transport facilities ; Funeral homes ; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks ; Landscaping material supplies ; Light industries; Local distribution premises; Medical centres ; Neighbourhood shops; Oyster aquaculture; Plant nurseries ; Pubs ; Roads ; Rural supplies ; Take away food and drink premises; Tank-based aquaculture; Timber yards ; Vehicle sales or hire premises ; Warehouse or distribution centres; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria ; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities ; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Places of public worship; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage establishments; Health services facilities; Heavy industries; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education; facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation;

	accommodation; Respite day care centres; Rural industries; Schools; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water storage facilities; Wharf or boating facilities	Respite day care centres; Schools; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Wharf or boating facilities
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LEP 2011 - IN3 HEAVY INDUSTRIAL ZONE

	IN3 Heavy Industrial (Existing)	E5 Heavy Industrial (Proposed)
		Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Building identification signs Business identification signs Roads
Objectives	<ul style="list-style-type: none"> To provide suitable areas for those industries that need to be separated from other land uses. To encourage employment opportunities. To minimise any adverse effect of heavy industry on other land uses. To support and protect industrial land for industrial uses. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. 	<ul style="list-style-type: none"> To provide areas for industries that need to be separated from other land uses. To ensure the efficient and viable use of land for industrial uses. To minimise any adverse effect of industry on other land uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. [retain]
Permitted without Consent	Nil	Nil

Permitted with consent	Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Kiosks; Offensive storage establishments; Oyster aquaculture; Roads; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Building identification signs; Business identification signs; Crematoria; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; Kiosks; Offensive storage establishments; Oyster aquaculture; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Community facilities; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Information and education facilities; Light industries; Marinas; Mooring pens; Passenger transport facilities; Pond-based aquaculture Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Self-storage units; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water storage facilities; Wharf or boating facilities; Wholesale supplies	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Health services facilities; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Light industries; Marinas; Mooring pens; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Self-storage units; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water storage facilities; Wharf or boating facilities; Wholesale supplies

LEP 2011 - B4 MIXED USE ZONE

	B4 Mixed Use (Existing)	MU1 Mixed Use (Proposed)
		<p>Note: The land supports a broader mix of uses or is not the primary focus of jobs within the LGA.</p> <p>Direction— The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone: Building identification signs Business identification signs Home industries Roads</p>
Objectives	<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure that new developments make a positive contribution to the public domain and streetscape. 	<ul style="list-style-type: none"> • To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To ensure that new developments make a positive contribution to the public domain and streetscape. [delete]

Permitted without Consent	Home occupations	Home occupations
Permitted with consent	Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4	Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4
Prohibited	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck

	depots; Truck depots; Vehicle body repair workshops; <u>Vehicle repair stations</u> ; Waste or resource management facilities; Wharf or boating facilities	depots; Vehicle body repair workshops; Waste or resource management facilities; Wharf or boating facilities
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LEP 2011 - IN4 WORKING WATERFRONT ZONE

	IN4 Working Waterfront (Existing)	W4 Working Waterfront (Proposed)
		Direction— The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Roads
Objectives	<ul style="list-style-type: none"> • To retain and encourage waterfront industrial and maritime activities. • To identify sites for maritime purposes and for activities that require direct waterfront access. • To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore. • To encourage employment opportunities. • To minimise any adverse effect of development on land uses in other zones. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To ensure that industrial activities located in the zone require direct waterfront access or are associated with other industrial activities that require direct waterfront access. 	<ul style="list-style-type: none"> • To retain and encourage industrial and maritime activities on foreshores. • To identify sites for maritime purposes and for activities requiring direct foreshore access. • To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore. • To encourage employment opportunities. • To minimise any adverse effect of development on land uses in other zones. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. [retain] • To ensure that industrial activities located in the zone require direct waterfront access or are associated with other industrial activities that require direct waterfront access. [retain]

Permitted without Consent	Nil	Nil
Permitted with consent	Aquaculture; Boat building and repair facilities; Boat launching ramps; Industrial training facilities; Jetties; Kiosks; Light industries; Roads; Take away food and drink premises; Wharf or boating facilities; Any other development not specified in item 2 or 4	Aquaculture; Boat building and repair facilities; Boat launching ramps; Industrial training facilities; Jetties; Kiosks; Light industries; Roads; Take away food and drink premises; Wharf or boating facilities; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops;	Advertising structures; Agriculture; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor

	Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Wholesale supplies	accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Wholesale supplies
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draft



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “*not less than 8*” from clause 5.4(8). Insert instead “*not less than 9*”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [*set out other objectives of the clause*]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [*insert number no less than 60*] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [*insert number no more than 20*] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [*insert number no more than 6*], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

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Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of **agritourism**—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of **agritourism**—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

(FUTURE) PUBLIC EXHIBITION DATES
(Start) to (Finish)

Planning Proposal under section 3.33 of the EP&A Act

Port Macquarie-Hastings LEP 2011 (Amendment No *)

**REZONING OF LAND IN MUMFORD STREET,
PORT MACQUARIE -**

**Lot 2 DP 601094 & Lot 4 DP 825704,
11 & 33 Mumford Street, Port Macquarie**

Ccl ref: PP032.00000010.001

DP&E ref: PP-2014-10.1

Date: 07/03/21



Planning Proposal under s.3.33 of the EP&A Act

Mumford Street PP

Planning Proposal status (for this copy)

Stage	Version Date
Draft	June 2019
Reported to Council (section 3.33)	17/03/21
Adopted by Council & referred to DP&E (sec 3.34 (1))	
Gateway Panel determination (sec 3.34 (2))	
Revisions required: Yes / No . Completed	
Public Exhibition (where applicable) (Sch 1 cl 4)	
For Council review (sec 3.35 (1))	
Adopted by Council for submission to Minister's delegate (sec 3.36 (2))	

Council reference: DD032.2014.00000010.001

(Amendment No will initially be blank) Port Macquarie-Hastings LEP 2011 (Amendment No *)

Department of Planning & *

Environment reference:

Council Address

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

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Land Use Planner
Email leanne.harris@pmhc.nsw.gov.au
Phone 02 6581 8674

Adoption of the Planning Proposal**1. For initial Gateway determination**

This Planning Proposal was endorsed on by Port
Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed

Name

Position

2. For section 3.35 finalisation

This Planning Proposal was endorsed on by Port
Macquarie-Hastings Council, or the undersigned Council delegate (delete one):

Signed

Name

Position

Planning Proposal under s.3.33 of the EP&A Act

Mumford Street PP

Exhibition information *(To be completed prior to Exhibition)***Content**

Proposed amendments to Local Environmental Plans are exhibited in a descriptive form within a "Planning Proposal".

Details of the amendments contained in this **Planning Proposal PP2014-10.1** are contained in **Part 4**. The cover:

- Land zoning;
- Lot size; and
- Height of buildings.

The specifics of how the LEP would be amended are described in **Part 2**.

The exhibition period is from **start** to **finish**, with the Planning Proposal available for inspection by any person at Council's offices at Port Macquarie, **Laurieton and Wauchope**, and on haveyoursay.pmhc.nsw.gov.au.

Submissions

Any person may make a written submission to Council up until the end of the exhibition period. The submission should quote Council's reference - PP2014-10.1, and be emailed to council@pmhc.nsw.gov.au, lodged through haveyoursay.pmhc.nsw.gov.au, or posted to

The Chief Executive Officer
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444.

Note that any submission may be made public.

Section 10.4 (5) of the *Environmental Planning and Assessment Act 1979* states in part:

"A person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council,
- (b) all gifts made to any local councillor or employee of that council."

If further information or forms are required, ask Council's Customer Service staff.

Further information

For further information please contact Leanne Harris on phone 02 6581 8674.

Planning Proposal under s.3.33 of the EP&A Act

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Planning Proposal under sec 3.33 of the EP&A Act

Mumford St PP
Background

Executive Summary

This is a Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Port Macquarie-Hastings Local Environmental Plan 2011*. It will be assessed by Port Macquarie-Hastings Council, the NSW Department of Planning and Environment, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	Rezone land at Mumford Street, Port Macquarie
Property Details	Lot 2 DP601094 and Lot 4 DP805704 11 and 33 Mumford Street, Port Macquarie
Applicant Details	Alan Taylor Pty Ltd
Land owner	Hastings Association for Christian Education and Gantons Pty Ltd
Brief history	<p>The Planning Proposal seeks to amend the Port Macquarie-Hastings LEP 2011 (LEP), to modify land zoning, the minimum lot size and the height of buildings provisions in relation to land comprising Lot 2 DP601094 and Lot 4 DP805704. For the purposes of this report, the land described above is referred to as the subject site.</p> <p>The intended effect of the Planning Proposal request is to facilitate a change in land use from part residential and environmental conservation to part business and environmental conservation. This change is intended to enable the continuation of existing and envisaged land uses which are not permissible uses within the current zoning and conserve areas of high environmental value within the subject site.</p>
Location	A location map is included in Part 4 - Mapping.

Planning Proposal

Part 1 - Objectives or Intended Outcomes

This Planning Proposal seeks to amend the LEP to rezone the subject site from R1 General Residential and C2 Environmental Conservation to B5 Business Development and C2 Environmental Conservation and amend the minimum lot size and height of buildings provisions for the proposed B5 Business Development portion of the subject site.

The intended effect of the Planning Proposal request is to facilitate a change in land use from part residential and environmental conservation to part business and environmental conservation. This change is intended to enable the continuation of existing and envisaged land uses which are not permissible uses within the current zoning and conserve areas of high environmental value within the subject site.

Part 2 - Explanation of Provisions

As detailed in Part 1, the Planning Proposal seeks to amend the LEP to rezone the subject site from R1 General Residential and C2 Environmental Conservation to B5 Business Development and C2 Environmental Conservation and amend the minimum lot size and height of buildings provisions for the proposed B5 Business Development portion of the subject site.

The intended effect of the Planning Proposal is to facilitate a change in land use from residential and environmental conservation to business and environmental conservation. This change is intended to enable the continuation of existing and envisaged land uses which are not permissible uses within the current zoning and conserve areas of high environmental value within the subject site.

A comparison of provisions between the existing LEP and the proposed LEP in terms of objectives and intended outcomes is provided within Tables 1-3 below.

Planning Proposal under sec 3.33 of the EP&A Act

Mumford St PP
Part 2 - Explanation of Provisions**Table 1** - Explanation of Provisions (Land Use Zones)

Land Use Zone	Objectives	Intended Outcomes
Current Provision		
General Residential (R1)	<ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	To provide general residential housing opportunities within the site under the framework of Council's Urban Growth Management Strategy and Local Strategic Planning Statement.
Environmental Conservation (C2)	<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. To protect coastal wetlands and littoral rainforests. To protect land affected by coastal processes and environmentally sensitive land. To prevent development that adversely affects, or would be adversely affected by, coastal processes. To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values. 	To protect, manage and restore areas of the site with identified high environmental value, such as areas containing endangered ecological communities.
Proposed Provision		
Business Development (B5)	<ul style="list-style-type: none"> To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres To minimise conflict between land uses within the zone and with adjoining zones. 	The proposed B5 Business Development zoning allows for a variety of land uses which would complement the emerging planned residential and existing rural-residential land uses nearby, as has been achieved by way of other local and neighbourhood centres within the local government area.

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Part 2 - Explanation of Provisions

	<ul style="list-style-type: none"> • To ensure that new developments make a positive contribution to the public domain and streetscape. 	
Environmental Conservation (E2)	<ul style="list-style-type: none"> • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values. • To protect coastal wetlands and littoral rainforests. • To protect land affected by coastal processes and environmentally sensitive land. • To prevent development that adversely affects, or would be adversely affected by, coastal processes. • To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values. 	To protect, manage and restore areas of the site with identified high environmental value, such as areas containing endangered ecological communities.

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Mumford St PP
Part 2 - Explanation of Provisions**Table 2** - Explanation of Provisions (Minimum Subdivision Lot Size)

Minimum subdivision lot size			
Objectives	Current Provision	Proposed Provisions	Intended Outcomes
<ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	450m ² (G)	1000m ² (U1)	To facilitate larger lot sizes within areas identified for 'business', to both facilitate a variety of business land uses of the land.
<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. To protect coastal wetlands and littoral rainforests. To protect land affected by coastal processes and environmentally sensitive land. To prevent development that adversely affects, or would be adversely affected by, coastal processes. To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values. 	40 hectares (AB3)	40 hectares (AB3)	Retention of a large minimum lot size within areas of high environmental value, to minimise potential development, intensification and protection of environmental values within these areas.

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Part 2 - Explanation of Provisions**Table 3** - Explanation of Provisions (Height of Buildings)

Height of Buildings			
Objectives	Current Provision	Proposed Provisions	Intended Outcomes
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development, (c) to minimise the adverse impact of development on heritage conservation areas and heritage items, (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.	8.5m	Blank - no maximum	Retention of no height of buildings provision in reflection of the limited potential for land use intensification within areas identified as having environmental value.
		11.5m (L)	To facilitate a transition to business areas that are suited to such development due to proximity to existing supporting services to the subject site.

Part 3 – Justification**A - Need for the planning proposal.****1. Is the planning proposal a result of any strategic study or report?**

The Planning Proposal is not a result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the only means of amending the LEP to permit the objectives and intended outcomes as outlined within this document, as the current LEP provisions applying to the land (including land zoning, minimum lot size and height of buildings) do not permit the proposed urban and environmental land use objectives and outcomes sought through this proposal.

B - Relationship to strategic planning framework.**3. Is the planning proposal consistent with the objectives and actions of the North Coast Regional Plan 2036?**

The North Coast Regional Plan 2036 (NCRP) identifies that the greatest population growth on the North Coast will be experienced around regional cities like Tweed Heads, Coffs Harbour and Port Macquarie. As such, bringing opportunities for additional businesses and increased economic growth and employment to support the growing and changing population is supported. The NCRP also encourages economic growth of coastal areas whilst protecting coastal and environmental values. In this regard, the site is considered suitable for the proposed uses as:

- It would provide a range of business development outcomes to cater for future population growth within Port Macquarie;
- Retention of areas of high environmental value within the site have been sought for conservation through the application of the 'avoid, minimise, offset' principals;
- The site is subject to direct flooding but the subject site has been filled and any future development will need to comply with Council's planning controls and build to the required flood planning level and associated freeboard; and
- The site is able to be serviced by extension and upgrading of existing infrastructure as required for any future development.

In addition to the NCRP, the North Coast Settlement Planning Guidelines 2019 (NCSPG) have been produced to provide councils with guidance when considering the most appropriate location for future residential and employment land when preparing or reviewing land use planning strategies. The objectives of the NCSPG are:

- To ensure that residential and employment land uses are located on the most appropriate land.

Constraints planning has been undertaken in relation to the proposal and areas of high environmental value. The NCSPG indicates that *'Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimise environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.'* The site is located outside of the existing business centre boundaries identified in the NCRP. However, this is addressed below, and the assessment criteria has been considered to demonstrate the merit of this Planning Proposal.

This Planning Proposal provides an opportunity to accommodate additional businesses without significant adverse environmental impacts.

The proposal is consistent with the NCRP goals as follows:

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Part 3 – Justification

- Proposed development has been focused to areas of least biodiversity sensitivity, with consideration of the 'avoid, minimise, offset' principles.
- In relation to natural hazards, the flooding and bush fire constraints have been considered to ensure compliance with Council's flood planning controls and the NSW Rural Fire Service's Planning for Bush fire Protection 2019.
- The proposal will facilitate the extension of an existing business centre.
- The proposal considers the local character and areas of high environmental value.
- The subject site is in proximity to an existing transport network.
- The proposal provides additional commercial development and retains additional environmental values.

It is considered that the Planning Proposal is consistent with the NCRP as it satisfies the Variation Criteria required for development outside the Urban Growth Area and has merit.

The consistency of the proposal with the Urban Growth Area Variation Principles as detailed within Appendix A of the NCRP is detailed below.

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Part 3 – Justification**Table 5** - Consistency with Urban Growth Area Variation Principles

Urban Growth Area Variation Principles		Comment
Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.	The subject proposal is consistent with the objectives and outcomes in the North Coast Regional Plan 2036, relevant Section 117 Directions, applicable State Environmental Planning Policies and Council's Urban Growth Management Strategy.
Infrastructure	The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government. The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.	The road network, transport and servicing of the site and the wider area has been considered. Any upgrades required for future development can be provided without relying upon adjoining private landowners.
Environmental and farmland protection	<p>The variation should avoid areas:</p> <ul style="list-style-type: none"> • of high environmental or heritage value; and • mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review. 	<p>The subject site comprises high environmental values comprising potential Koala habitat.</p> <p>The draft Koala Plan of Management recommends various measures to protect and enhance the Koala Habitat.</p> <p>An Ecological Constraints Assessment of the subject site has informed the proposed LEP provisions and has considered the 'avoid, minimise and offset' hierarchy. In doing so, areas of high environmental value will be protected and corridors created to provide good connection to areas of environmental significance on adjoining land.</p> <p>The maps accompanying the current LEP do not identify the site as being affected by heritage. An Aboriginal Cultural Heritage Assessment has also been undertaken. The assessment advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues.</p> <p>The site does not contain mapped important farmland.</p>

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Part 3 – Justification

Urban Growth Area Variation Principles		Comment
Land use conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.	There are no active intensive commercial agricultural activities, sewerage treatment plants or waste facilities within the vicinity of the proposal.
Avoiding risk	<p>The variation must avoid physically constrained land identified as:</p> <ul style="list-style-type: none"> • flood prone; • bushfire-prone; • highly erodible; • having a severe slope; and • having acid sulphate soils. 	<p>The site is bush fire prone land and bush fire constraints, along with associated mitigation measures, have been identified through a Bushfire Planning Report to comply with Planning for Bushfire Protection 2019 (PBP 2019) in relation to any expansion of the educational facility.</p> <p>The subject site has been identified as being located within the floodplain of the Hastings River and subject to inundation by a probable maximum flood and 1% annual exceedance probability flood event. Any future development on the subject site will need to be comply with Council's planning controls and build to the required flood planning level and associated freeboard.</p> <p>No other hazards have been identified in relation to this proposal.</p>
Heritage	The variation must protect and manage Aboriginal and non-Aboriginal heritage.	<p>The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment prepared by the Birpai Local Aboriginal Land Council. The assessment advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues. The recommendations of the report state:</p> <p><i>'Based on the Site Inspection and other investigation, there is no reason from an Aboriginal Cultural and Heritage perspective that this rezoning cannot proceed. However during any earthworks, in the event of any items of Aboriginal significance being found on the site, work is to cease and Sites Officer from Birpai Local Aboriginal Land Council is to be engaged to determine how best to proceed.'</i></p> <p>As such, it has been determined that the rezoning can continue, subject to monitoring of any earthworks during development of the site.</p>

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Part 3 – Justification

Urban Growth Area Variation Principles		Comment
		In addition to the above, the maps accompanying the current LEP do not identify the site as being affected by heritage, nor the surrounding land. No State listed items are located within the vicinity of the site.
Coastal area	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.	The subject site is located within the coastal strip, with wetland and other areas comprising high environmental values, including core Koala habitat, bushfire prone areas and areas inundated by flooding. The environmental conservation zone is being reconfigured to retain the high environmental values on the subject site whilst allowing for reasonable redevelopment of the site for business.

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Part 3 – Justification

Given the above, the Planning Proposal is considered to have planning merit for the following reasons:

- It gives effect to the North Coast Regional Plan 2036.
- It gives effect to the local Urban Growth Management Strategy.
- It gives effect to the Local Strategic Planning Statement.
- It has site-specific merit, having regard to:
 - The proximity to an existing business zoned area;
 - The implementation of the 'avoid, minimise, offset' principals in relation to the environmental values that are present on the site.

The ability to connect the site to existing services and infrastructure, subject to extension and upgrading as applicable.

4. Is the planning proposal consistent with Council's Community Strategic Plan and endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Towards 2030 Community Strategic Plan (CPS) is an overarching 10-year plan prepared by Council and the community, and based on community priorities. The plan outlines the community's objectives for each of the themes identified in the plan:

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

Proceeding with a rezoning to reconfigure existing C2 Environmental Conservation zoning with the corresponding built and environmental conditions on the site, and apply an alternative zone to the balance of the site (zone R1 General Residential to B5 Business Development) is consistent with the objectives of the Community Strategic Plan.

The UGMS was endorsed by Council at its Ordinary Meeting of 20 June 2018 and conditionally approved by the former NSW Department of Planning on 2 November 2018.

Our vision for the Port Macquarie-Hastings local government area is a "sustainable high quality of life for all". In the Urban Growth Management Strategy this means that land use and population growth will be managed to maintain and enhance quality of life for all persons in the community in a balanced way for current and future generations. A "balanced way" means that social, economic and ecological objectives are balanced with each other.

This strategy helps us to plan and deliver growth and change, provide opportunities for new housing and economic development and informs our local environmental plan and the assessment of planning proposals and development applications.

The UGMS aims to promote housing in the right locations; ensure efficient use of infrastructure; avoid environmental impacts; and enhance the character and natural qualities of the location; and in the public interest.

The environmental aims of the UGMS is to accommodate a growing population while avoiding areas of high environmental value; concentrate growth to within existing centres; protect and manage native vegetation; plan for climate change; and inactivate measures to such as buffers to protect environmental values and avoid land use conflict.

The proposed alteration to the existing C2 Environmental Conservation zone aims to conserve high environmental value and allow for reasonable redevelopment of the site.

The proposed change in zoning from R1 General Residential to B5 Business Development will enable the expansion of a commercial zone to facilitate economic growth within an existing area.

Port Macquarie-Hastings Council adopted its first Local Strategic Planning Statement (LSPS) 'Shaping Our Future 2040' on 30 September 2020. 'Shaping Our Future 2040' is the core strategic land-use planning document for the whole of Port Macquarie-Hastings Local Government Area (LGA). It outlines the 20-Year vision for land-use planning in the local area and sets the direction for the community's environmental, social, and economic land-use needs.

Shaping Our Future will guide land-use planning decisions into the future. It will guide the character of centres and neighbourhoods and give direction to the decisions made to preserve and enhance the wellbeing of people, the environment and lifestyle. It sets in motion a series of actions to be implemented by Council, other levels of government and the private sector over time.

Shaping Our Future is a living document and as such will be regularly reviewed in order to adapt to changes in the community's needs and priorities, national and state priorities and changes in the external environment over its 20-year life.

The Role of *Shaping Our Future* is to:

- Set the 20-year land-use vision for the Port Macquarie - Hastings region;
- Identify the special characteristics that contribute to local identity and make the area special;
- Recognise shared community values and how they will be maintained or enhanced;
- Direct how future change is managed;
- Identify and give effect to relevant directions located within the North Coast Regional Plan 2036;
- Identify gaps of knowledge where further strategic planning work is needed;
- Link Council's strategies and plans to the implementation of the NSW Government's Strategic Plans; and
- Shape planning controls to facilitate the external environment over its 20-year life.

This Planning Proposal, with demonstrated consistency with the North Coast Regional Plan 2036, seeks to ensure that appropriate land use planning is undertaken in order to achieve the above goals.

Relevant aspects of this LSPS that have been considered as part of the development of this planning proposal include:

- Assessing this planning proposal within a strategic framework as part of the strategic merit test (as outlined in NSW Department of Planning, Industry & Environment guidelines for preparing planning proposals and local environmental plans), as detailed within Part 3 of this document; and
- Using LSPS principals within Part 3 of this document to inform proposed planning controls as outlined within Part 4 of this document.

Given the above, this proposal is considered to give effect to Council's endorsed CSP, LSPS and UGMS.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with applicable State Environmental Planning Policies. Detailed assessment of consistency is contained in Appendix B.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with applicable Ministerial Directions under section 9.1 of the *Environmental Planning and Assessment Act 1979*. Detailed assessment of consistency is contained in Appendix C.

C - Environmental, social and economic impact.**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

An ecological assessment has been undertaken in relation to this proposal and is included within Appendix D of this report. This assessment has found that the site contains threatened species and their habitats along with a confirmed and a mapped endangered ecological community (EEC). In order to avoid impacts to these species and these areas, the principles of 'avoid, minimise, offset' as detailed within the *Biodiversity Conservation Act 2016* have been implemented in relation to the proposal through:

- The modification of the environmental conservation zone to retain high environmental values land; and
- Minimising vegetation removal where possible and subsequent requirements for offsets.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Other likely environmental effects of the Planning Proposal are discussed under the headings below.

Bush Fire

The site is identified as being bush fire prone land. As such, a bushfire planning report has been prepared to ensure consideration of potential bush fire impacts and the implementation of appropriate mitigation measures in accordance with the NSW Governments guideline '*Planning for Bushfire Protection 2019*'. This study is included within Appendix D to this report.

Flooding

The subject site has been identified as being located within the floodplain of the Hastings River and subject to inundation by a probable maximum flood and 1% annual exceedance probability flood event. Any future development on the subject site will need to be comply with Council's planning controls and build to the required flood planning level and associated freeboard.

Wetland

The subject land is affected by coastal wetlands and proximity to coastal wetlands. The C2 Environmental Conservation zone is to be reconfigured to retain where possible the significant vegetation on the subject site to protect the coastal wetland.

Potential Noise Impacts

An acoustic review has been undertaken to assess potential noise impacts associated with the proposal. This review is included within Appendix D of this report. This report concluded that the any new educational establishment and business uses are to be undertaken so as not to result in noise related land use conflicts.

9. How has the planning proposal adequately addressed any social and economic effects?

Social and economic impact assessments have not been undertaken for the Planning Proposal due to the size of the area to be rezoned.

The Planning Proposal will enable the existing educational establishment to expand their existing footprint and increase their student numbers and enable the expansion of the business centre to create additional employment.

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Mumford St PP
Part 4 – Mapping**D - State and Commonwealth interests.****10. Is there adequate public infrastructure for the planning proposal?**

Infrastructure would be adequate to meet the needs of any potential expansion of the existing educational facility and any new businesses, including access to water and sewer and road upgrades. Essential infrastructure currently available to the site includes water, sewer, electricity and telecommunications.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation in relation to this proposal will be undertaken in accordance with relevant statutory requirements as part of the planning process, which occurs post-Gateway determination.

Notwithstanding the above, proactive consultation in relation to this proposal has been undertaken with representatives of the former Department of Planning, Industry and Environment's (now Department of Planning and Environment) Biodiversity and Conservation Division in relation to changes to existing conservation zones on the subject land under the *Biodiversity and Conservation Act 2016*. Below is a summary of the recommendations:

1. *Proponents of a Planning Proposal should seek biodiversity certification of the development under the BC Act, as part of the Planning Proposal.*
2. *If biodiversity certification is not sought, then the Planning Proposal must:*
 - a. *Include site investigations of the planning area undertaken by a suitably qualified ecological consultant for the presence of high environmental value (HEV) land as per the criteria for HEV land set criteria for the North Coast Regional Plan and suggest verification methods; and*
 - b. *Maximise avoiding land use intensification in confirmed areas of HEV land and protect HEV land with a suitable zone (either E2 Environmental Conservation or E3 Environmental management) and other planning controls, such as minimum lot sizes that prevent future subdivision, as part of the Planning Proposal, and*
 - c. *Justify why land use intensification in some areas of confirmed HEV land cannot be avoided and design these areas to minimise the impacts of future development on HEV land, and*
 - d. *Determine biodiversity credits required to offset future development impacts by applying Stage 1 of the Biodiversity Assessment Method (BAM) to areas of confirmed HEV land proposed for land use intensification, including areas subject to indirect impacts, and enter into the Biodiversity Offsets Scheme (BOS) under the BC Act and the biodiversity credits required by the BOS are greater than those required by the planning agreement.*

Part 4 – Mapping**A - Affected land**

The land directly affected by the planning proposal is formally shown in Figure 1 below.

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Part 4 – Mapping

Figure 1: The 'Site' and surrounding context

B - Comparison of before and after

Below are map extracts showing the current mapping and proposed changes.

Figure 2 below indicates the existing development and extent of the R1 General Residential (pink) and C2 Environmental Conservation zoned land on the subject land.



Figure 2: Existing zoning

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Part 4 – Mapping

Figure 3 indicates the proposed supportable zoning layout shown in yellow over the proponents initial proposed concept (dark outline). The proposed C2 Environmental Conservation zone recognises the existing buildings, flood platforms and adjustments to the useable proposed B5 Business Development area.

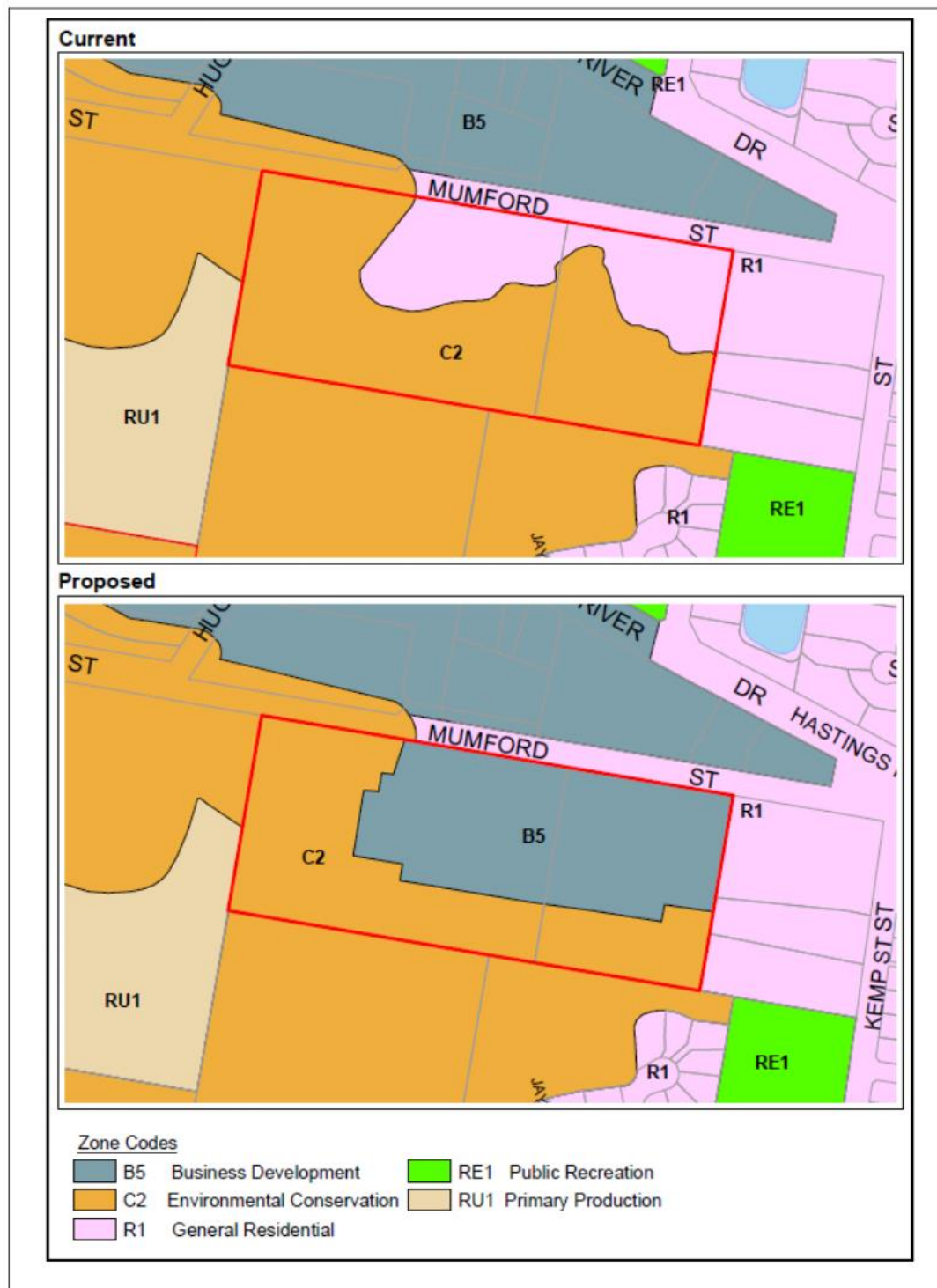


Figure 3: Preferred and proposed zone concept

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Mumford St PP
Part 4 – Mapping

Land Zoning Map



Planning Proposal under sec 3.33 of the EP&A Act

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Part 4 - Mapping

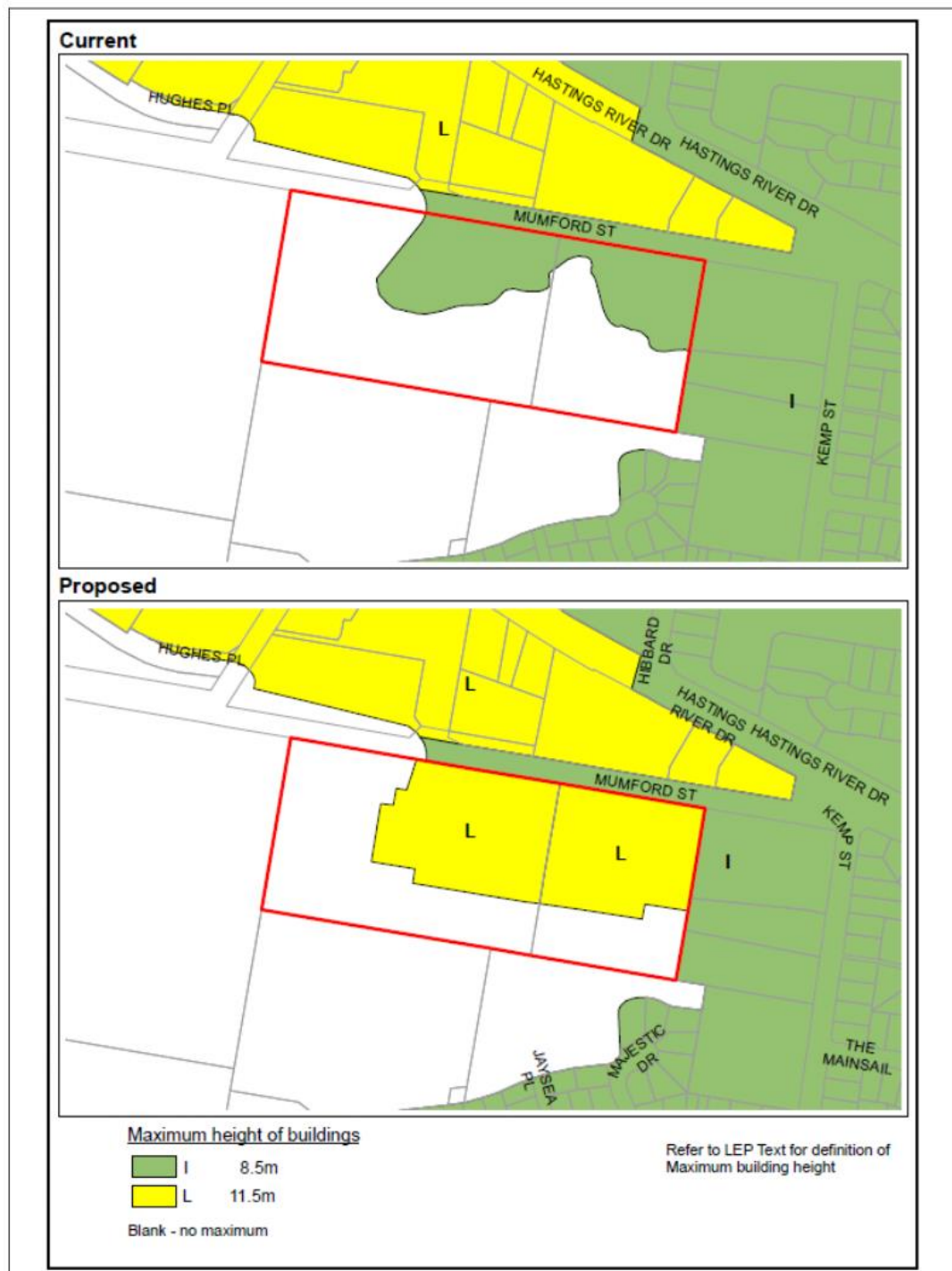
Lot Size Map



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Mumford St PP
Part 4 – Mapping

Height of Buildings Map



C - Draft LEP maps

If the Planning Proposal is approved, then the current relevant LEP map sheets will be replaced by the map sheets indicated in Part 4 of this report.

Note that while these maps may appear like the legal LEP maps, the only LEP maps that have any legal status are those listed and viewable on the NSW Legislation website. The map name (at the bottom of the map legend), including the date (“YYYYMMDD”) at the end, is important. The date represents the date that version of the map was prepared, and not the date that it took effect (if at all).

If the Planning Proposal is approved, then the final maps may be updated from the maps forming part of this Planning Proposal to include:

- any changes made by Council,
- formatting changes, and
- any applicable updates arising from other concurrent LEP amendments.

Part 5 – Community Consultation

Community consultation associated with this proposal would be undertaken in accordance with relevant statutory requirements as part of the planning process, which occurs post-Gateway determination.

Consultation in accordance with the Council’s Public Consultation Policy is proposed for the site. The proposed consultation strategy in conjunction with the public exhibition for this proposal will be:

- Notification in a locally circulating newspaper.
- Notification on Council’s website.
- Written notification to affected and adjoining landowners.

Part 6 – Project Timeline

This project timeline is based on anticipated dates and timeframes, though there can be unexpected delays. It is assumed that Council does have delegation to carry out certain plan-making functions. Delegation would be exercised by Council’s Chief Executive Officer or the Director of Community Planning Environment.

Anticipated dates	2022												2023											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Commencement (date of Gateway determination)																								
Timeframe for the completion of required technical information																								

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Part 6 – Project Timeline

Anticipated dates	2022												2023											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)																								
Commencement and completion dates for public exhibition period																								
Timeframe for consideration of submissions																								
Timeframe for the consideration of a proposal post exhibition																								
Date of submission to the department to finalise the LEP																								
Date Council will make the plan (if delegated)																								
Date Council will forward to the department for notification.																								

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Appendix A – Report to Council and meeting Minutes 17 March 2022

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Appendix B – Consistency with applicable State Environmental Planning Policies

Appendix B – Consistency with applicable State Environmental Planning Policies

Listed below are the SEPPs that are relevant to the subject proposal.

State Environmental Planning Policies	Consistency
SEPP (Biodiversity and Conservation) 2021	<p>Chapter 3 - Koala Habitat Protection</p> <p>The aim of this is SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline -</p> <ol style="list-style-type: none"> by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and by encouraging the identification of areas of core koala habitat, and by encouraging the inclusion of areas of core koala habitat in environment protection zones. <p>Clause 3.9 of this part of the Policy applies to the subject land as it is identified as core habitat and has an area greater than 1ha and does not have an approved Koala Plan of Management.</p> <p>The Planning Proposal is supported by a draft Koala plan of management, dated April 2019.</p> <p>The subject land contains potential Koala habitat and the site plan was amended to include additional environmentally sensitive area. However, additional information may be required as part of the Gateway Determination to address the HEV of which the potential Koala habitat is located.</p>
SEPP (Resilience and Hazards) 2021	<p>Chapter 2 - Coastal Management</p> <p>The aim of this part of the Policy is to manage development in the coastal zone and protect the environmental assets of the coast. The subject land is identified as being located within the coastal zone.</p> <p>The subject land is affected by coastal wetlands, proximity to coastal wetlands and coastal environment and use areas.</p> <p>Clause 2.10 – Development on certain land within coastal wetlands and littoral rainforests area. The subject site is located within a mapped coastal wetland area.</p> <p>Clause 2.11 – Development on land in proximity to coastal wetlands or littoral rainforest. The site is located within the mapped proximity area to mapped coastal wetlands’.</p> <p>Clause 2.13 - Development on land within the coastal environment area. The subject site is located within the mapped coastal environment area.</p> <p>Clause 2.14 - Development on land within the coastal use area. The subject site is located within the coastal use areas.</p>

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Appendix B – Consistency with applicable State Environmental Planning Policies

State Environmental Planning Policies	Consistency
	<p>An assessment of the impact in regard to the provisions of this policy will apply at the time of future development applications for the land.</p> <p>Future development must avoid impacts on the biophysical, hydrological or ecological integrity of the adjacent wetland, and ensure quantity and quality of surface and ground water flows to and from the adjacent coastal wetland is acceptable. It is considered that any planning proposal should provide adequate buffers to sensitive coastal wetlands.</p> <p>Chapter 4 - Remediation Clause 4.7 - Contamination and remediation to be considered in determining development application.</p> <p>This policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use. The site is not mapped as being subject to potential contamination from past land uses. However, an adjoining site has been mapped as having potential contamination.</p> <p>A Preliminary Phase 1 Geotechnical and Contamination Assessment may be required to be undertaken as part of any future development application.</p>
SEPP (Transport and Infrastructure) 2017	<p>Chapter 3 - Educational Establishments and Child Care Facilities</p> <p>Part 4 of this Chapter provides the development provisions for schools.</p> <p>The proposed B5 Business Development zone, is a prescribed zone that will enable the continuation of and any future expansion of the existing educational establishment.</p> <p>Any future development application will need to take into consideration the provisions of this Part.</p>

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Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Listed below are the Section 9.1 (2) Directions (including Objectives) that apply to land within the Port Macquarie-Hastings Local Government Area.

Copies of the full Directions are available on the Department of Planning & Environment website.

Section 9.1 (2) Directions and Objectives	Consistency
1 Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	Proceeding with a Planning Proposal on the basis of the proponent request to change part of the site from R1 General Residential to B5 Business Development is consistent with this direction.
2 Environment and Heritage	
2.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW.	<p>A planning proposal must give effect to the direction; the <i>Coastal Management Act 2016</i>; and SEPP (Resilience and Hazards) 2021.</p> <p>A planning proposal must not rezone land which would enable increased development or more intensive land use on land within a coastal wetlands and littoral rainforests area (in this case, coastal wetlands, proximity area to coastal wetlands, coastal environment and use areas) identified by the SEPP (Resilience and Hazards) 2021.</p> <p>A planning proposal may be inconsistent with the direction only if the relevant Authority can satisfy the State government that the provisions of the planning proposal are:</p> <ul style="list-style-type: none"> • justified by a strategy or a study which gives consideration to the direction; • consistent with the relevant regional plan; • of minor significance. <p>Notwithstanding the above, proceeding with a planning proposal for commercial uses as recommended in the report, is broadly consistent with the North Coast Regional Plan 2036 and Council's adopted LSPS and UGMS.</p> <p>Approval for any inconsistency with the Direction will be necessary if the proposal proceeds.</p>
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment prepared by the Birpai Local Aboriginal Land Council. The assessment advised that there is no reason that the rezoning cannot proceed in respect to Aboriginal Cultural Heritage issues. The recommendations of the report state:</p> <p><i>'Based on the Site Inspection and other investigations, there is no reason for an Aboriginal Cultural and Heritage perspective that</i></p>

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Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Section 9.1 (2) Directions and Objectives	Consistency
	<p><i>this rezoning cannot proceed, subject to the following:</i></p> <ol style="list-style-type: none"> <i>1. An Aboriginal Sites office be present when excavation or clearing commences.</i> <i>2. At such time as development site works start, should any artefacts be turned up or located, Birpai LALC Aboriginal Site Officers are to be contacted immediately and work on site stopped pending further assessment.'</i> <p>As such, it has been determined that the rezoning can continue, subject to monitoring of any future clearing or earthworks during development of the site.</p> <p>In addition to the above, the maps accompanying the current LEP do not identify the site as being affected by heritage, nor the surrounding land. No State listed items are located within the vicinity of the site. The proposal is consistent with the Direction.</p>
<p>2.6 Remediation of Contaminated Land</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This Direction applies when a relevant planning authority prepares a planning proposal that will result in development on land, in this instance, educational purposes:</p> <ol style="list-style-type: none"> in relation to which there is no knowledge (or incomplete knowledge) as to whether development for the proposed purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>The land in question is not known to be contaminated, however the subject site adjoins an identified contaminated site. In addition, the subject site has been filled.</p>
<p>4 Hazard and Risk</p>	
<p>4.3 Flood Prone Land The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p>	<p>The subject site has been identified as being located within the floodplain of the Hastings River and subject to inundation by a probable maximum flood and 1% annual exceedance probability flood event.</p>

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Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Section 9.1 (2) Directions and Objectives	Consistency
(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Any future development on the subject site will need to be comply with Council's planning controls and build to the required flood planning level and associated freeboard.
<p>4.4 Planning for Bushfire Protection The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p><i>Further details:</i> When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If</p>	<p>According to the Rural Fire Service bushfire prone land maps, the subject site accommodates vegetation category 1 and vegetation buffer.</p> <p>Consequently, in the preparation of the Planning Proposal, Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination, as the existing educational establishment is classified as special fire protection purpose.</p>

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Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Section 9.1 (2) Directions and Objectives	Consistency
<p>the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
5 Regional Planning	
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>The Planning Proposal is consistent with the relevant actions of the North Coast Regional Plan 2036.</p> <p>The subject land has been identified in the North Coast Regional Plan 2036 as being partially located within the coastal strip, with wetland and other areas comprising high environmental values, including core Koala habitat, bushfire prone areas and areas inundated by flooding.</p> <p>The Planning Proposal requests the alterations of the C2 Environment Conservation boundary to protect the natural environment by retaining the wetland vegetation community and accounting for such hazards as flooding and bushfire.</p> <p>The B5 Business Development zone will provide for an expansion of the existing B5 Business Development zone to the north of the subject site and provide for additional commercial development and employment. Only the defined building and flood platforms are suitable for urban development at present. Additional fill will be necessary to ensure the suitability of additional areas for B5 Business Development.</p>
6 Local Plan Making	
<p>6.1 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>This Planning Proposal will not introduce any additional requirements for concurrence with other Government agencies. The proposal is considered consistent with the Direction.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>The implementation of the subject Planning Proposal is intended to facilitate a higher order use for the site in accordance with the provisions of the North Coast Regional Plan 2036, the relevant Community Strategic Plan and Port Macquarie-Hastings Council Urban Growth</p>

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Appendix C – Consistency with applicable Section 9.1 Ministerial Directions

Section 9.1 (2) Directions and Objectives	Consistency
	Management Strategy. The proposal will utilise existing land use zones as detailed within the current standard planning instrument and will not introduce new planning provisions to this instrument in accordance with this direction. The proposal is considered consistent with the Direction.

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Appendix D – Applicants Planning Proposal Documentation

Appendix D – Applicants Planning Proposal Documentation

The following documentation has been submitted in relation to the Planning Proposal:

- Planning Proposal Amendment Report, Love Project Management Pty Ltd, February 2018;
- Aboriginal Cultural Heritage Assessment, Birpai Aboriginal Land Council, February 2018;
- Desktop Acid Sulphate Soils Assessment, David Pensini, 14 December 2017;
- Building Mass Diagram, AB3D Building Design, 13 February 2018;
- Bushfire Planning Report, David Pensini, 14 December 2017 and amended June 2019;
- Flood Impact and Risk Assessment, Advisian, 9 February 2018;
- Desktop Noise Impact Report, David Pensini, 14 December 2017;
- Site Plan, AB3D, 12 February 2018 and amended 28 June 2019;
- Drainage Plan, Alan Taylor & Associates, 6 February 2018;
- Stormwater Management Plan & Report, Alan Taylor & Associates, 19 January 2018;
- Traffic impact Assessment, Alan Taylor & Associates, received February 2018;
- Ecological Constraints Assessment, JBEnviro, December 2018;
- Koala Plan of Management, JBEnviro, March 2019;
- Preliminary BAMC Assessment for Rezoning, JBEnviro, 12 August 2020.

Appendix 1: KRS Actions and Outcomes

Actions	Due Date	Status	KPI	Comments	Outcome
1. Within the first three months of the Strategy's adoption an expert panel will be formed to design a monitoring program in conjunction with the Comprehensive Koala Plan of Management.	19/12/2018	Not undertaken	Monitoring plan / program to be delivered that incorporates the following two actions on PMHC koala populations	An expert panel was not formed as the Comprehensive Koala Plan of Management (CKPoM) was not adopted at Council Meeting 19 September 2018. Council further resolved at 12 August 2020 Council Meeting to not proceed. This was likely due to the on-going uncertainty regarding State Environmental Planning Policy (SEPP) Koala Habitat Protection 2020 & 2021. <i>Current status: The guidelines for SEPP Koala Habitat Protection 2021 are not released. Until such time as they are, an LGA wide Koala Plan of Management remains unattainable.</i>	Unachievable
2. A comprehensive initial survey to examine likely populations within the CKPOM area (using genetics) delivered within the first 12 months.	19/09/2019	Not undertaken	Initial baseline survey	As above	Unachievable
3. Snapshot surveys using a stratified, replicated design at the 1, 3 and 5-year mark which can examine broad population trends.	19/09/2020	Not undertaken	Replicated survey	Requires the previous initial baseline survey.	Unachievable
	19/09/2022	Not yet due	Replicated survey & trends		

Actions	Due Date	Status	KPI	Comments	Outcome
	19/09/2024	Not yet due	Replicated survey & trends		
Actions - Habitat Loss and Fragmentation					
4. (a) Completion and adoption of the draft Coastal Koala Plan of Management (CKPoM) .	September 2018	Not completed	Plan is adopted by Council and approved by NSW Department of Planning and Environment.	As above	Unachievable
4. (b) Review provisions in the Development Control Plan (DCP).	Date not specified	Review		Provisions within the DCP were to be updated once the PMHC CKPoM was approved. As stated previously, SEPP Koala Habitat Protection 2020 & 2021 remain in flux with each applying to different land zones. This continuing complexity applies where land use zoning is split across one parcel of land. Until such time that the SEPP and guidelines are finalised appropriately, such provisions or updates to PMHC DCP remain out of scope.	Unachievable
5. Request an update of the NSW Biodiversity Values Map pursuant to Biodiversity Conservation Act 2016 to include core koala habitat as per approved Coastal Koala Plan of Management.	Date not specified	Review	Biodiversity Values Map updated	While the CKPoM has not progressed, all identified Core Koala Habitat in previously approved KPOM's has been incorporated into the Biodiversity Values Map as at Nov 2020.	Completed those Comprehensive KPOM's currently approved by DPIE were incorporated

Actions	Due Date	Status	KPI	Comments	Outcome
					into the Biodiversity Values Map.
6. In partnership with NSW OEH update the NSW koala likelihood model based on updated home range information and koala habitat mapping (see Research Initiatives) to improve koala habitat protection measures associated with private native forestry.	Date not specified	Report & Mapping Completed by MNCJO. PNF is outside of Council's remit.		The Joint Organisation Koala Recovery Ecologist (on behalf of multiple partners including PMHC) has determined the most suitable Plant Community Types (PCT's_ for Koalas in Port Macquarie and Kempsey LGA's. It is uncertain as to how this information can be used to improve koala habitat protection measures associated with PNF given PNF is applied by Local Land Services.	Achieved in part, however protection measures for PNF fall outside of Council's remit.
7. Expand Coastal Koala Plan of Management to include the entire LGA once home range study and fine scale habitat mapping is complete (see Research Initiatives)	Date not specified	Review		As noted, SEPP 2020/2021 and guidelines are not finalised.	Unachievable
8. Explore re-populating unoccupied koala habitat on rural lands with willing landholders.	Date not specified	Underway		Within the scope of works undertaken by the Joint Organisation Koala Recovery Ecologist (on behalf of PMHC) and the NSW Government. Education Plan is under development and in partnership with the JO - Koala Recovery Ecologist and interested community members	Outside of Council's remit

Actions	Due Date	Status	KPI	Comments	Outcome
9. Resolve, by way of Council internal procedure, that development approved under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> be subject to the same provisions as those outlined in Council's Coastal Koala Plan of Management.	Date not specified	Completed		Completed with the adoption of the Koala Recovery Strategy, however as the CKPoM was not adopted, measures are awaiting definition.	Part 5 activities approved currently abide by PMHC DCP provisions. A new internal procedure is awaiting Executive sign off.
10. Ensure land rezoning takes into account koala habitat as per Council's Coastal Koala Plan of Management (once approved)	Date not specified	Yet to commence Identify Land to rezone E2 to be included in OP 2022-2023.		Planning proposals consider rezoning in accordance with the North Coast Regional Plan 2036, including the identification of High Environmental Value (HEV) land which is assessed at planning proposal stage. HEV should be avoided and zoned as E2 through this process.	OP 2022-2023 includes a project to rezone environmental lands. However, as the CKPoM was never adopted, koala habitat remains undefined by current SEPP provisions.
Action - Road Strike					
11. Risk of road strike on future development regulated by provisions	Date not specified	Underway		Draft CKPoM not proceeding in current format. Road design measures are applied during development assessments using the	Partially achieved and addressed

Actions	Due Date	Status	KPI	Comments	Outcome
and road design measures detailed in Council's Coastal Koala Plan of Management.				provisions of currently approved KPoM's and guidance provided by the BCD division (formerly OEH) of DPIE.	wherever possible through consent conditions relating to currently approved KPoM's.
12. Design and trial an 'urban- friendly' koala road grid solution to be used on urban road intersections together with fit for purpose koala proof fencing to exclude koala from high risk roads	2017-2018	Underway	Koala grid and fit for purpose fence trialled and approved for urban streets.	Road Strike Mitigation feasibility study RFQ for engineering solutions will be released in September 2021(OP 4.6.1.24). This aims to address road strike at five identified locations within the LGA.	Original action was modified and contract awarded (Nov 2021) to identify engineering solutions for road strike at five locations as well as 'Guidelines for fauna on roads'.
13. Install koala proof fencing and koala grids at major intersections shown to be koala black spots.	Date not specified	Underway		As above	

Actions	Due Date	Status	KPI	Comments	Outcome
14. Target and investigate solutions to reduce road strike on currently identified roads, as listed below, and future sites as identified: Lake Road between Blackbutt Road and Hill Street and Oxley Highway between Morton Street and Widderson Street.	2019-2021	Underway	Road Strike mitigation measures designed and with allocated budget.	Contemporary road strike hot spot report completed for 2020. This data was included to identify 5 locations to focus the Road Strike feasibility study outlined above. Garden bed design for Widderson Street is underway and was due for submission by end of September.	As noted, this project has been awarded and will be included in the OP up until 2025 in conjunction with Infrastructure Delivery team.
15. Advocate for the installation of koala proof fencing on the Pacific Highway between the Oxley Highway and Kew interchanges.	2019-2020	Review		Letter to be drafted to request consideration of this to the NSW Government as the Pacific Highway is a state managed road.	Outside of Council's remit.
16. Install 28.8km of koala proof fencing and koala grids at major intersections on Ocean Drive, from Koala Street to the Lake Innes Fire trail	Upgrade of Ocean Drive or external funding	Review	Fence and grids installed. Road strike reduced by 90%	Cost within the Strategy was estimated at \$1.32M as part of RMS funded Ocean Drive upgrade	Outside of Council's remit.
Action - Dog Predation					
17. Risk of dog attack from future development be regulated by provisions / development design measures detailed within	Date not specified	Ongoing	None	Draft CKPoM not proceeding in current format. Currently addressed during development assessments using the provisions of currently approved KPOM's and guidance provided by the BCD division (formerly OEH) of DPIE.	Unachievable given there is no compliance mechanism once

Actions	Due Date	Status	KPI	Comments	Outcome
Council's Coastal Koala Plan of Management.					development is finalised.
18. Develop a dog desensitisation training mobile app and education material to be provided to all new registered dogs and to local dog clubs.	2019-2020	Completed training package. Educational information is ongoing.	App and brochures developed and used by 50% of new dog owners.	A program was initiated with an expert dog trainer however the program proved to be cost prohibitive. The app was not developed after this finding. Staff are currently investigating the most beneficial ways to provide education to prevent dog attacks.	Unachievable
19. Where dog desensitisation is not an option, investigate measures with the home- or dog-owner to exclude koalas from entering the property in areas.	Date not specified	Review	None	No options have been found for individual dog owners at this time.	Unachievable
20. Provide annual community education /awareness information at the start of each year's breeding season and upon registration of new dogs in areas of koala habitat.	2019-2020	Review	100% of primary schools engaged per annum	Memorandum of Understanding (MOU) between Hastings Secondary College and Council resulted in the installation of 4 koala climbing structures (stiles) on 11 May 2021. The stiles provide safe passage for koalas from the Oxley Highway road corridor into Hastings Secondary College school grounds where suitable koala habitat is present. This MOU requires Council's Ecologist to deliver two presentations annually on koala ecology to the students.	Achieved in part as resources allowed.
Action - Fire Management					
21. The issue of managing fire and koala habitat is	2017-2019	Review	Plan completed	States complete with grant funding of \$41K what actions do we have?	Outside of Council's remit

Actions	Due Date	Status	KPI	Comments	Outcome
currently being explored through the Hastings-Macleay Fire and Biodiversity Consortium (FABCON) who will produce a Hastings-Macleay Koala Fire Plan for the coastal koala habitat areas in both LGAs. This strategy seeks to enable FABCON to meet its stated objectives and aims.			and actions implemented by agencies		
Research					
22. Undertake fine scale detailed koala habitat mapping is as required for land west of the Pacific Highway.	2018-2020	Review	Mapping completed to standard that is accepted by DPE and OEH	Allocated budget of \$80K	Unachievable as the CKPoM was not adopted the relevance of this mapping became obsolete.
23. Koala home range analysis	2017-2019 (underway)	Review	Home ranges defined for western division of LGA	\$8K grant funding? - no evidence that this was completed.	Not finalised.

Actions	Due Date	Status	KPI	Comments	Outcome
24. Assessment of koala presence of habitat previously considered to be 'Unoccupied' habitat	2020 onwards	Review	None	As above had a budget of \$20K	Unachievable - unsure of the relevance.
Education					
25. Citizen science koala location app	2019-2020	Review	App developed and utilised by local community	I Spy Koala app was developed by DPIE in 2019.	Outside of Council's remit
Monitoring					
26. Koala population assessment	2018 then every 3 years	Review	Data is current and relevant to measure the success of the strategy.	No koala population assessments have been undertaken in the LGA as all of Council KPoM's are in non-compliance. This has been addressed within proposed OP actions for 2022-2023.	Allocation of budget and requisition of project officer pending.