



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Thursday 21 April 2022

location: Council Chambers
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 10:00am

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Thursday 21 April 2022

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

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

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

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 17 March 2022 be confirmed.

PRESENT

Members:

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

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Rebecca Olsen)
Acting Director Community, Planning and Environment (Duncan Coulton)
Director Community Infrastructure (Dan Bylsma)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Executive Assistant to the Mayor (Linda Kocis)

The meeting opened at 10:00am.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil.

03 LOCAL GOVERNMENT PRAYER

Pastor Will Jamieson from the Wauchope Baptist Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Slade

1. That the Minutes of the Ordinary Council Meeting held on 16 February 2022 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 7 March 2022 be confirmed.

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

06 DISCLOSURES OF INTEREST

Mayor Peta Pinson declared a Pecuniary Interest in Item 11.20 - Notice of Motion - Tendering Local Preference Policy, the reason being that Mayor Pinson's husband has a local company who is a local contractor (Stabilcorp).

07.01 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION'S "DON'T LEAVE LOCAL COMMUNITIES BEHIND" CAMPAIGN

RESOLVED: Pinson

That Council:

1. Note that Port Macquarie-Hastings Council has received \$9,589,061 in Federal grant funding within the last financial year, which has contributed to the delivery of projects such as The Hatch Road Upgrade, Port Macquarie Airport Security Upgrade, the Bicentennial Walkway Project, numerous sporting facility upgrades and kerb and gutter installation.
2. Support the National funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs.
3. Support and participate in the ALGA's advocacy for their endorsed National funding priorities by writing to the local Federal Members of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - a) express support for ALGA's funding priorities;

-
- b) identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - c) seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

CARRIED: 9/0

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

AGAINST: Nil

07.02 RECOGNITION OF THE LATE WILLIAM POOLE

RESOLVED: Pinson

That Council recognise the significant contribution to the local community of the late William Poole.

CARRIED: 9/0

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

AGAINST: Nil

At this juncture, Council conducted one minute of silence to recognise the significant contribution to the local community of the late William Poole.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Roberts/Intemann

That Council determine that the attachments to Item Number 14.07 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 9/0

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

AGAINST: Nil

09 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Mr Dave Reneke - Building an Observatory in Rotary Park.
2. Ms Lisa Baker - High Street Intersection Upgrade - Mill Estate Entrance, Wauchope.
3. Mr Bob McGowan - Annual cross country fun run, climate change - fires and floods, hot showers at Ellenborough Reserve camping ground.
4. Mr Steven Gates - Ratepayer Agreed Service Levels for Council Services.

-
5. Mr Stephen Healy - Requirement for Effect Wauchope Evacuation Centre.
 6. Bob Walker - Condition of Pipeclay Road

RESOLVED: Maltman/Sheppard

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

CARRIED: 9/0

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

AGAINST: Nil

09.01 BUILDING AN OBSERVATORY IN ROTARY PARK

Mr David Reneke addressed Council in relation to the proposed building of a new observatory in Rotary Park suggesting it should be located in a more appropriate location in Port Macquarie. Mr Reneke answered questions from Councillors.

09.02 HIGH STREET INTERSECTION UPGRADE - MILL ESTATE ENTRANCE, WAUCHOPE

Ms Lisa Baker addressed Council raising concerns to a proposed High Street intersection upgrade - Mill Estate Entrance, Wauchope and effects to local businesses in the vicinity. Ms Baker answered questions from Councillors.

09.03 ANNUAL CROSS COUNTRY FUN RUN, CLIMATE CHANGE - FIRES AND FLOODS

Mr Bob McGowan addressed Council in relation to his proposal for an annual cross country fun run on his property. Mr McGowan also raised climate change in relation to recent fires and floods (flooding on Wallis Road/O'Neills Creek bridge).

09.04 RATEPAYER AGREED SERVICE LEVELS FOR COUNCIL SERVICES

Mr Steven Gates addressed Council in relation to ratepayer agreed service levels for Council services and answered questions from Councillors.

09.05 REQUIREMENT FOR EFFECTIVE WAUCHOPE EVACUATION CENTRE

Mr Stephen Healy addressed Council in relation to a requirement for an effective Wauchope Evacuation Centre, suggesting that the Wauchope Showground Hall, and answered questions from Councillors.

09.06 CONDITION OF PIPECLAY ROAD

Mr Bob Walker addressed Council in relation to the condition of Pipeclay Road and requested if Council could consider funding in the 2022-2023 Operational Plan for the sealing of part of Pipeclay Road.

10 PUBLIC FORUM – MATTERS ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda, as follows:

Item 14.05 Koala Recovery Strategy Review - Mr Les Mitchell in support of the recommendation.

Item 14.09 Notice of Motion - Road Network - Mr Gordon Burch in support of the recommendation.

Item 14.09 Notice of Motion - Road Network - Mr Steven Gates in opposition of the recommendation.

RESOLVED: Roberts/Sheppard

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

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

Item 14.05 Koala Recovery Strategy Review - Mr Les Mitchell in support of the recommendation and answered questions from Councillors.

Item 14.09 Notice of Motion - Road Network - Mr Gordon Burch addressed Council in support of the recommendation.

Item 14.09 Notice of Motion - Road Network - Mr Steven Gates addressed Council in opposition of the recommendation and answered questions from Councillors.

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Maltman

That Standing Orders be suspended to allow Items 14.05, 14.09, 11.01, 11.03, 11.04, 11.07, 11.09, 11.10, 11.12, 11.14, 11.15, 11.17, 11.19, 11.20, 12.01, 12.02, 12.03, 12.04, 14.01, 14.02, 14.03, 14.04, 14.06, 14.08 and 14.10 to be brought forward and considered next.

CARRIED: 9/0

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

AGAINST: Nil

14.05 KOALA RECOVERY STRATEGY REVIEW

MOTION

MOVED: Griffiths/Roberts

That Council:

1. Request the Chief Executive Officer to provide a Councillor Workshop in the development of a Draft Koala Recovery Strategy.
2. Receive a report prior to the June 2022 Council Meeting on the Draft Koala Recovery Strategy.

AMENDMENT

MOVED: Intemann/Sheppard

That Council:

1. Note the Koala Recovery Strategy Review outcomes.
2. Endorse the development of an updated Draft Koala Recovery Action Plan to be presented to the June 2022 Ordinary Meeting of Council.
3. Request the Chief Executive Officer to provide a Workshop to Councillors prior to the June 2022 Ordinary Meeting of Council.

THE AMENDMENT WAS PUT AND CARRIED

CARRIED: 6/3

FOR: Edwards, Intemann, Lipovac, Pinson, Sheppard and Slade

AGAINST: Griffiths, Maltman and Roberts

THE AMENDMENT BECAME THE MOTION

RESOLVED: Intemann/Sheppard

That Council:

1. Note the Koala Recovery Strategy Review outcomes.
2. Endorse the development of an updated Draft Koala Recovery Action Plan to be presented to the June 2022 Ordinary Meeting of Council.
3. Request the Chief Executive Officer to provide a Workshop to Councillors prior to the June 2022 Ordinary Meeting of Council.

CARRIED: 9/0

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

AGAINST: Nil

14.09 NOTICE OF MOTION - ROAD NETWORK

Councillor Edwards left the meeting, the time being 12:02pm.

Councillor Edwards returned to the meeting, the time being 12:05pm.

Councillor Slade left the meeting, the time being 12:14pm.

Councillor Slade returned to the meeting, the time being 12:15pm.

MOTION

MOVED: Roberts/Pinson

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
 2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
 3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, Lake Road, Boundary Street and the Education Precinct surrounding CSU and St Columba Anglican College.
 4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.
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5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Governments.
 6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.
 7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
 8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
 9. Note that Council considers road network planning, corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

AMENDMENT

MOVED: Sheppard/Edwards

That consideration of this item be deferred until after the Councillor Road Network Workshop on 21 March 2022 to the April 2022 Ordinary Council Meeting.

THE AMENDMENT WAS PUT AND LOST

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

AMENDMENT

MOVED: Edwards/Sheppard

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, Lake Road, Boundary Street and the Education Precinct surrounding CSU and St Columba Anglican College.
4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.

5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Governments.
6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.
7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
9. Note that Council considers road network planning, wildlife and green space corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

THE AMENDMENT WAS PUT AND LOST

LOST: 1/8

FOR: Edwards

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, Lake Road, Boundary Street and the Education Precinct surrounding CSU and St Columba Anglican College.
4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.
5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Governments.
6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.

7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
9. Note that Council considers road network planning, corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

CARRIED: 7/2

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

AGAINST: Edwards and Sheppard

11.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Sheppard/Griffiths

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

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,

Sheppard and Slade

AGAINST: Nil

11.03 POLICY REVIEW - COUNCILLOR AND STAFF INTERACTION POLICY

RESOLVED: Intemann/Griffiths

That Council:

1. Place on public exhibition for a minimum of 28 days, the draft Councillor and Staff Interaction Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,

Sheppard and Slade

AGAINST: Nil

11.04 POLICY REVIEW - CUSTOMER COMPLAINT POLICY

RESOLVED: Intemann/Griffiths

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Customer Complaint Policy.
2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

11.07 POLICY REVIEW - BUSHFIRE RISK MITIGATION ON PUBLIC LAND

RESOLVED: Griffiths/Sheppard

That Council:

1. Place on public exhibition for a period of not less than 28 days, the draft Bushfire Risk Mitigation on Public Land Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

11.09 POLICY REVIEW - CLIMATE CHANGE RESPONSE POLICY

RESOLVED: Roberts/Griffiths

That Council publicly exhibit for 28 days the proposal to rescind the Climate Change Response Policy with a further report to be considered by Council at the May 2022 Ordinary Council Meeting following the public exhibition period.

CARRIED: 5/4

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

11.10 POLICY REVIEW - COMMUNITY ENGAGEMENT POLICY

RESOLVED: Griffiths/Roberts

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Community Engagement Policy.
2. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

11.12 POLICY REVIEW - SOCIAL IMPACT ASSESSMENT POLICY

MOTION

MOVED: Intemann/Sheppard

That Council:

1. Resolve not to exhibit the draft Social Impact Assessment Policy at this time.
2. Prepare a procedure to accompany the Social Impact Assessment Policy.
3. Report to Council with both documents for public exhibition.

COUNCILLOR ITEMANN WITHDREW HER MOTION

MOTION

MOVED: Intemann/Roberts

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Social Impact Assessment Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.
3. That a table of changes be made available with the draft Social Impact Assessment Policy.

AMENDMENT

MOVED: Griffiths/Roberts

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Social Impact Assessment Policy.

-
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

THE AMENDMENT WAS WITHDRAWN

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Roberts

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Social Impact Assessment Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.
3. That a table of changes be made available with the draft Social Impact Assessment Policy.

CARRIED: 9/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Griffiths

That Standing Orders be suspended to allow Item 14.04 to be brought forward and dealt next.

CARRIED: 9/0

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

AGAINST: Nil

**14.04 PP2014 - 10.1 - PLANNING PROPOSAL ASSESSMENT REPORT - 11
AND 33 MUMFORD STREET, PORT MACQUARIE**

RESOLVED: Roberts/Griffiths

That Council:

1. Note concurrent planning reforms to introduce a new approach to rezoning applications in NSW.
2. Note extended negotiations between Council staff and the Proponent and landowners to achieve a supportable development outcome on Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street Port Macquarie since 2017.

-
3. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for part Lot 2 DP0601094 and part Lot 4 DP0825704, 11 and 33 Mumford Street, Port Macquarie which rezones the subject land from part R1 General Residential and part C2 Environmental Conservation to part B5 Business Development and part C2 Environmental Conservation and apply the following associated development standards to the land:
 - a) Minimum Lot Size of 1000m² for the B5 Business Development zone, and
 - b) Maximum Height of Buildings of 11.5m for the B5 Business Development zone.
 4. Advise the proponent that a political disclosure in the format required under legislation, is required to be submitted prior to preparation and forwarding of a Planning Proposal to the NSW Government Gateway, if progressed.
 5. Upon receipt of the political disclosure, forward the Planning Proposal to the NSW Department of Planning, Infrastructure and Environment for a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
 6. Delegate authority to the Director Community, Planning and Environment to make any required minor or administrative amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition, should the Planning Proposal proceed through to public exhibition.
 7. Receive a further report following the public exhibition period on any submissions received.

CARRIED: 9/0

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

AGAINST: Nil

ADJOURNMENT OF MEETING

RESOLVED: Mayor/Roberts

That the Ordinary Council Meeting be adjourned for 30 minutes for a lunch break.

The Meeting adjourned at 1.37 pm and resumed at 2.05pm.

CARRIED: 9/0

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

AGAINST: Nil

11.14 POLICY RESCISSION - GIFTS AND BENEFITS POLICY - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Roberts

That Council:

1. Rescind the Gifts and Benefits Policy.
2. Thank those who made a submission and advise of Council's resolution in the matter while also responding to their comments.
3. In the replies mentioned in Point 2, include the relevant sections of Council's Code of Conduct that relate to this matter.

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

11.15 POLICY RESCISSION - STAFF AND CONSULTANT ACCESS TO PRIVATE PROPERTY POLICY - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Roberts

That Council:

1. Rescind the Staff and Consultant Access to Private Property Policy.
2. Thank those who made a submission and advise of Council's resolution in the matter while also responding to their comments.
3. Advise Councillors of the regulations governing Council access to private property, and make the relevant information publicly available through Council's website.

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

11.17 MONTHLY BUDGET REVIEW - FEBRUARY 2022

RESOLVED: Sheppard/Griffiths

That Council:

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

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

11.19 DRAFT INFRASTRUCTURE STRATEGY

MOVED: Sheppard/Edwards

That Council:

1. Note that the draft Infrastructure Strategy/Regional Integrated Transport Strategy is complete and is in a state appropriate for public exhibition.
2. Note that an Action Plan for delivery of the Port Macquarie-Hastings Blue Print is due to the April Council Meeting.
3. Note that should Council resolve to pursue the Blue Print in the April Council Meeting, it will be important to ensure that the draft Infrastructure Strategy aligns with the future Port Macquarie-Hastings Blueprint.
4. Place the draft Infrastructure Strategy on public exhibition for not less than 28 days.
5. Request the Chief Executive Officer provide a report to Councillors detailing the submissions received from the public during the exhibition period, to be tabled to the June 2022 Ordinary Council meeting.
6. Request the Chief Executive Officer to arrange a Councillor Workshop to consider how community submissions might be incorporated into the next version of the Infrastructure Strategy/Regional Integrated Transport Strategy, and inform the Blue Print, should Council resolve to pursue the Blue Print.

LOST: 4/5
FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

MOTION

RESOLVED: Roberts/Griffiths

That Council:

1. Note the progress of the development of the draft Infrastructure Strategy as outlined at the Councillor Briefing in February 2022.
2. Note the importance of ensuring that the draft Infrastructure Strategy aligns with the future Port Macquarie-Hastings Blueprint should it be adopted.
3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Infrastructure Strategy prior to it being finalised for further consideration by Council for public exhibition.

Councillor Sheppard asked that the Draft Infrastructure Strategy be tabled. The Mayor did not accept the tabling of the draft strategy due to an increased risk in making the strategy available outside a formal exhibition period.

CARRIED: 5/4

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

11.20 NOTICE OF MOTION - TENDERING LOCAL PREFERENCE POLICY

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair, left the room and was out of sight during the Council's consideration, the time being 2:48pm.

The Deputy Mayor assumed the Chair.

RESOLVED: Lipovac/Griffiths

That Council:

1. Note the current Tendering Local Preference Policy.
2. Request the Chief Executive Officer provide a briefing to Councillors on Procurement activities that:
 - a) Are currently in place to support local business, and
 - b) Provide opportunities to:
 - i) assist local business further in securing a greater proportion of Council's spend through both tendering and purchasing that is under the tendering threshold;
 - ii) generate Council's awareness of suppliers in our LGA and their offerings.
3. Request that a report be presented at the March 2023 Council Meeting that details Council's commitment to supporting local business through their tendering and purchasing process from the previous 12 months.

CARRIED: 8/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 2:56pm.

The Mayor resumed the Chair.

12.01 NOTICE OF MOTION - PRIORITISATION OF SPORTING INFRASTRUCTURE PROJECTS

RESOLVED: Pinson/Maltman

That Council:

1. Request the Chief Executive Officer to facilitate an urgent Councillor Workshop to reconsider priorities for delivery of four significant sporting infrastructure projects that are currently in the planning stages for the community, being:
-

-
- a) Hastings Regional Sporting Complex.
 - b) Rainbow Beach Sports Fields.
 - c) Thrumster Sporting Fields.
 - d) Port Macquarie Aquatic Facility.
2. Receive a further report to the April 2022 Ordinary Council Meeting following the Councillor Workshop to confirm priorities and funding for priority sporting infrastructure projects.

CARRIED: 9/0

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

AGAINST: Nil

12.02 GRAFFITI VANDALISM MANAGEMENT

RESOLVED: Sheppard/Roberts

That Council:

1. Place the draft Graffiti Vandalism Management Policy and Graffiti and Vandalism Reward Scheme Policy on exhibition for a period of not less than 28 days.
2. Note that a further report will be tabled at the May 2022 Ordinary Council Meeting detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

12.03 WAUCHOPE RIVERSIDE BICENTENARY SCULPTURAL TRAIL - ZOETROPE

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the information provided regarding the Zoetrope sculpture.
2. Request the Chief Executive Officer to schedule a meeting with the Mayor and representatives of the Bunyah Aboriginal Land Council to discuss the relocation of the Zoetrope.
3. Request the Chief Executive Officer to make necessary arrangements to relocate the Zoetrope to a site within Rocks Ferry Reserve, west of the playground and above the 1:20 year flood level, noting additional works would be required, including levelling, retaining works and pathway access.
4. Seek permission from the Zoetrope artist, Steven Gale, to enhance the Zoetrope once moved with solar lighting within to provide the community with a viewing experience of the artwork after dusk and in the evening.

-
5. Install a covered picnic table within the footprint of the Riverwalk Sculpture Trail following the relocation of the Zoetrope.
 6. Request the Chief Executive Officer to make provisions to fund the relocation of the Zoetrope and required subsidiary works in the 2022-2023 budget.
 7. Request the Chief Executive Officer write to the Hon Melinda Pavey MP, Member for Oxley, to advise her of the decision of Council.

AMENDMENT

MOVED: Edwards/Intemann

That Council:

1. Note the information provided regarding the Zoetrope sculpture.
2. Request the Chief Executive Officer to schedule a meeting with the Mayor and representatives of the Bunyah Aboriginal Land Council to discuss the possible relocation of the Zoetrope.
3. Request the Chief Executive Officer to investigate arrangements to relocate the Zoetrope to a site within Rocks Ferry Reserve, west of the playground and above the 1:20 year flood level, noting additional works would be required, including levelling, retaining works and pathway access.
4. Seek permission from the Zoetrope artist, Steven Gale, to relocate and enhance the Zoetrope once moved with solar lighting within to provide the community with a viewing experience of the artwork after dusk and in the evening.
5. Install a covered picnic table within the footprint of the Riverwalk Sculpture Trail following the relocation of the Zoetrope.
6. Request the Chief Executive Officer to make provisions to fund the possible relocation of the Zoetrope and required subsidiary works in the 2022-2023 budget.
7. Request the Chief Executive Officer write to the Hon Melinda Pavey MP, Member for Oxley, to advise her of the decision of Council.

AMENDMENT WAS PUT AND LOST

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note the information provided regarding the Zoetrope sculpture.
2. Request the Chief Executive Officer to schedule a meeting with the Mayor and representatives of the Bunyah Aboriginal Land Council to discuss the possible relocation of the Zoetrope.
3. Request the Chief Executive Officer to investigate arrangements to relocate the Zoetrope to a site within Rocks Ferry Reserve, west of the playground and above the 1:20 year flood level, noting additional works would be required, including levelling, retaining works and pathway access.

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4. Seek permission from the Zoetrope artist, Steven Gale, to enhance the Zoetrope once moved with solar lighting within to provide the community with a viewing experience of the artwork after dusk and in the evening.
 5. Install a covered picnic table within the footprint of the Riverwalk Sculpture Trail following the relocation of the Zoetrope.
 6. Request the Chief Executive Officer to make provisions to fund the possible relocation of the Zoetrope and required subsidiary works in the 2022-2023 budget.
 7. Request the Chief Executive Officer write to the Hon Melinda Pavey MP, Member for Oxley, to advise her of the decision of Council.

AMENDMENT WAS PUT AND CARRIED

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

THE AMENDMENT BECAME THE MOTION

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information provided regarding the Zoetrope sculpture.
2. Request the Chief Executive Officer to schedule a meeting with the Mayor and representatives of the Bunyah Aboriginal Land Council to discuss the possible relocation of the Zoetrope.
3. Request the Chief Executive Officer to investigate arrangements to relocate the Zoetrope to a site within Rocks Ferry Reserve, west of the playground and above the 1:20 year flood level, noting additional works would be required, including levelling, retaining works and pathway access.
4. Seek permission from the Zoetrope artist, Steven Gale, to enhance the Zoetrope once moved with solar lighting within to provide the community with a viewing experience of the artwork after dusk and in the evening.
5. Install a covered picnic table within the footprint of the Riverwalk Sculpture Trail following the relocation of the Zoetrope.
6. Request the Chief Executive Officer to make provisions to fund the possible relocation of the Zoetrope and required subsidiary works in the 2022-2023 budget.
7. Request the Chief Executive Officer write to the Hon Melinda Pavey MP, Member for Oxley, to advise her of the decision of Council.

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

12.04 NOTICE OF MOTION - WAUCHOPE SHOWGROUND - WAIVER OF FEES

Councillor Maltman left the meeting, the time being 3:28pm.

Councillor Sheppard left the meeting, the time being 3:30pm.

Councillor Maltman returned to the meeting, the time being 3:31pm.

Councillor Sheppard returned to the meeting, the time being 3:31pm.

RESOLVED: Pinson/Lipovac

That Council:

1. Note the community value of the Port Macquarie-Hastings Showgrounds in Wauchope, Kendall and Comboyne which have been utilised more recently in emergency situations of bushfire and floods.
2. Note the economic activity of the abovementioned Showgrounds outside of these times, that positively contributes to the local economy and the viability of the region.
3. Note the request from Wauchope Show Society for an increase in primitive camping sites and correspondence dated 11 December 2019.
4. Waive any developer contributions applicable under the Environmental Planning and Assessment Act 1979 and the Water Management Act 2000 for the establishment of five additional primitive campsites at the Wauchope Showground to bring the total number of primitive campsites to 21 for the purpose of waiving developer contributions.
5. Note that the Wauchope Showground Society is responsible for obtaining the necessary approvals for the five additional primitive campsites for the contributions waiver to take effect.

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

14.01 DRAFT JOINT INTEGRATED TRANSPORT NETWORK PLAN

MOTION

MOVED: Roberts/Slade

That Council:

1. Note the information provided in this report.
2. Request a report to the 19 May 2022 Council meeting presenting the Draft Joint Integrated Transport Network Plan for public exhibition.

Councillor Edwards left the meeting, the time being 3:39pm.

Councillor Edwards returned to the meeting, the time being 3:41pm.

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note the information provided in this report, including a list of road projects in order of prioritisation that has been substantially created during development of the Draft Joint Integrated Transport Network Plan.
2. Note the value of this prioritised list of projects for securing State and Federal funding, in particular noting the current position of the State and Federal election cycles.
3. Note that updates from Transport for NSW are expected in the near future regarding the upcoming delivery of a number of the high priority projects identified in the previous resolution of Council that fall within State responsibility, including but not limited to the Wrights Road intersection, Lake Road/Oxley Highway intersection, Oxley Highway/Pacific Highway slip-lane, King Creek/Oxley Highway Intersection.
4. Request the Draft give consideration to the increasing strategic value of Lorne Road and Lake Road, which fall within Council's responsibility.
5. Note the increasing cost of delivering transport infrastructure, and that delaying delivery of the Draft Joint Integrated Transport Network Plan will result in significantly increased costs of delivering these to our community.
6. Request a report to the April 2022 Council Meeting presenting the Draft Joint Integrated Transport Network Plan for public exhibition, with a view to expediting action to implement the Plan.

AMENDMENT WAS PUT AND LOST

LOST: 4/5

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Slade

That Council:

1. Note the information provided in this report.
2. Request a report to the 19 May 2022 Council meeting presenting the Draft Joint Integrated Transport Network Plan for public exhibition.

CARRIED: 8/1

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

**14.02 NEW EMPLOYMENT LANDS ZONES - TRANSLATION TO PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011**

Councillor Intemann left the meeting, the time being 03:47pm.

RESOLVED: Griffiths/Roberts

That Council:

1. Note the proposed employment zones translation of the Port Macquarie-Hastings Local Environmental Plan 2011 Business (B) and Industrial (IN) land use zones to the Standard Instrument (Local Environmental Plans) Order 2006 Employment (E) zones as detailed in this report.
2. Note that the NSW Department of Planning and Environment will lead the public exhibition of proposed amendments to Council's LEP employment zones in April 2022 and this will be done by a self-repealing State Environmental Planning Policy Explanation of Intended Effect.
3. Receive a further report following public exhibition to endorse the final employment zones translation (as approved by the Department) for the Port Macquarie-Hastings Local Environmental Plan 2011.
4. Provide a copy of this report to the NSW Department of Planning and Environment.

CARRIED: 8/0

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

AGAINST: Nil

**14.03 AMENDMENT TO PORT MACQUARIE-HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 - STATE GOVERNMENT PLANNING
AMENDMENTS FOR AGRITOURISM**

Councillor Intemann returned to the meeting, the time being 03:49pm.

RESOLVED: Sheppard/Roberts

That Council:

1. Adopt the Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 for inclusion in the Port-Macquarie-Hastings Local Environmental Plan 2011, when made.
2. Notify the NSW Department of Planning and Environment of its decision to opt-in to the 'Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021', including:
 - a) Permitting agritourism with development consent in the following land use zones of the Port Macquarie-Hastings Local Environmental Plan 2011:
 - i) RU1 Primary Production
 - ii) RU2 Rural Landscape
 - iii) RU5 Village

-
- iv) SP3 Tourist
 - b) Maintaining the current permissibility of farm stay accommodation without variation in the Port Macquarie-Hastings Local Environmental Plan 2011.
 - c) Clause 5.23 - Farm stay accommodation, when made, to include the following controls:
 - i) A maximum 200m² gross floor area for a building used for farm stay accommodation for the purpose of Clause 5.23(2)(b);
 - ii) A maximum number of 20 guests for the purpose of Clause 5.23(2)(a)(ii);
 - iii) A maximum of 6 moveable dwellings for the purpose of Clause 5.23(2)(d).
 - d) Clause 5.24 - Farm gate premises, when made, to include the following controls:
 - i) A maximum of gross floor area of 200m² for farm gate premises for the purpose of clause 5.24(2)(a);
 - ii) A maximum of 50 persons for the purpose of clause 5.24(2)(b).
 - 3. Note implementation of the Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 by the NSW Department of Planning and Environment will be through an amending State Environmental Planning Policy later in 2022.

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

14.06 DRAFT PORT MACQUARIE - HASTINGS REGIONAL INTEGRATED TRANSPORT STRATEGY

MOTION

MOVED: Roberts/Griffiths

That Council:

1. Note the progress of the development of the draft Port Macquarie - Hastings Regional Integrated Transport Strategy as outlined at the Councillor Briefing in February 2022.
2. Note the importance of ensuring that the draft Port Macquarie-Hastings Regional Integrated Transport Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.
3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Port Macquarie - Hastings Regional Integrated Transport Strategy prior to it being finalised for further consideration by Council for public exhibition.

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Note that the Regional Integrated Transport Strategy is complete and is in a state appropriate for public exhibition.
2. Note that an Action Plan for delivery of the Port Macquarie-Hastings Blue Print is due to the April 2022 Ordinary Council meeting.
3. Note that should Council resolve to pursue the Blue Print in the April Council meeting, it will be important to ensure that the draft Regional Integrated Transport Strategy aligns with the future Port Macquarie-Hastings Blueprint.
4. Place the draft Regional Integrated Transport Strategy on public exhibition for not less than 28 days.
5. Request the Chief Executive Officer provide a report to Councillors detailing the submissions received from the public during the exhibition period, to be tabled to the June 2022 Ordinary Council meeting.
6. Request the Chief Executive Officer to arrange a Councillor Workshop to consider how community submissions might be incorporated into the final version of the Regional Integrated Transport Strategy, and inform the Blue Print, should Council resolve to pursue the Blue Print.

Councillor Sheppard asked that the Draft Port Macquarie - Hastings Regional Integrated Transport Strategy be tabled.

The Mayor declined the request to table the Draft Strategy.

AMENDMENT WAS PUT AND LOST

LOST: 4/5

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Griffiths

That Council:

1. Note the progress of the development of the draft Port Macquarie - Hastings Regional Integrated Transport Strategy as outlined at the Councillor Briefing in February 2022.
2. Note the importance of ensuring that the draft Port Macquarie-Hastings Regional Integrated Transport Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.
3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Port Macquarie - Hastings Regional Integrated Transport Strategy prior to it being finalised for further consideration by Council for public exhibition.

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

14.08 FLOOD WASTE DISPOSAL COSTS WAIVER

RESOLVED: Sheppard/Roberts

That Council:

1. Cease to waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government Area residents' and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations on 31 March 2022.
2. Cease to waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents on 31 March 2022.
3. Make application to the NSW Environment Protection Authority (EPA) for an extension of the existing Waste Levy Exemption EX000878 until 30 June 2022.
4. Subject to an extension of the Waste Levy Exemption being approved by the NSW EPA, waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government area residents and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations until 30 June 2022.
5. Waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents until 30 June 2022.
6. Note that the waivers granted under recommendations four and five will be subject to an application to Council for determination of eligibility with suitable acceptance criteria to be established.

CARRIED: 9/0

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

AGAINST: Nil

14.10 NOTICE OF MOTION - PORT MACQUARIE-HASTINGS TREE MANAGEMENT POLICIES AND PROCEDURES

RESOLVED: Roberts/Griffiths

That Council:

1. Note the existing Council Tree Management Policies and Procedures and the significant backlog of tree maintenance issues across the Local Government Area.
2. Note the storm activity which has occurred over recent years which has added to the workload pressures on Council in attending to the backlog of tree concerns raised by residents and businesses.
3. Note the NSW State Government's 10/50 Legislation in regards to bushfire risk mitigation, which is currently already available for land owners to utilise

in specific circumstances via the Rural Fire Service NSW website, [NSW RFS - NSW Rural Fire Service](#)

4. Request the Chief Executive Officer to provide a report to the May 2022 Ordinary Council Meeting on the adjustments required to update Council's Tree Management Policies and Procedures to enable residents to undertake tree maintenance or removal on private property without Council approval.
5. Include in the report to the May 2022 Ordinary Council Meeting any procedural and or policy adjustments, funding requirements and or resources required to substantially fast-track clearing of the backlog of tree maintenance and removal works across the Local Government Area.

CARRIED: 8/1

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

AGAINST: Edwards

15 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Maltman

That Items 11.02, 11.05, 11.06, 11.08, 11.11, 11.13, 11.16, 11.18, 13.01, 14.07 be considered as a block resolution.

CARRIED: 9/0

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

AGAINST: Nil

RESOLVED: Roberts/Maltman

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

CARRIED: 9/0

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

AGAINST: Nil

11.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 FEBRUARY TO 2 MARCH 2022

BLOCK RESOLVED: Roberts/Maltman

That Council note the Mayoral Discretionary Fund allocations for the period 3 February to 2 March 2022 inclusive.

Item 11.03 Policy Review - Councillor and Staff Interaction Policy, has been addressed previously within the meeting.

Item 11.04 Policy Review - Customer Complaint Policy, has been addressed previously within the meeting.

11.05 POLICY REVIEW - CEMETERIES POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Place on public exhibition, for period of not less than 28 days, the draft Cemeteries Policy.
 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.
-

11.06 POLICY REVIEW - FOOTPATHS AND WALKWAYS IN PUBLIC ROAD RESERVES

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Place on public exhibition from 24 March 2022 to 21 April 2022 (28 days), the draft Footpaths and Walkways in Public Roads Policy.
 2. Note that a further report will be tabled at the 16 June 2022 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.
-

Item 11.07 Policy Review - Bushfire Risk Mitigation on Public Land, has been addressed previously within the meeting.

11.08 POLICY REVIEW - ROAD AND RESERVE NAMING AND RENAMING POLICIES

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Note that staff have undertaken a review of the Naming and Renaming of Reserves Policy and the Naming and Renaming of Roads Policy and there are no changes recommended as a consequence of this review.
 2. Adopt the Naming and Renaming of Reserves Policy.
 3. Adopt the Naming and Renaming of Roads Policy.
-

Item 11.09 Policy Review - Climate Change Response Policy, has been addressed previously within the meeting.

Item 11.10 Policy Review - Community Engagement Policy, has been addressed previously within the meeting.

11.11 POLICY REVIEW - PROVIDING FUNDING AND SUPPORT TO THE COMMUNITY POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Providing Funding and Support to the Community Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

Item 11.12 Policy Review - Social Impact Assessment Policy, has been addressed previously within the meeting.

11.13 POLICY REVIEW - CONTAMINATED LAND

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Publicly exhibit the draft Contaminated Land Policy for a period of not less than 28 days.
2. Note that a further report will be tabled at the May 2022 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.

Item 11.14 Policy Rescission - Gifts and Benefits Policy - Post Public Exhibition, has been addressed previously within the meeting.

Item 11.15 Policy Rescission - Staff and Consultant Access to Private Property Policy - Post Public Exhibition, has been addressed previously within the meeting.

11.16 POLICY REVIEW - ASSET MANAGEMENT POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Place on public exhibition, for a period of not less than 28 days, the draft Asset Management Policy

-
2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.

Item 11.17 Monthly Budget Review - February 2022, has been addressed previously within the meeting.

11.18 INVESTMENTS - FEBRUARY 2022

BLOCK RESOLVED: Roberts/Maltman

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

Item 11.19 Draft Infrastructure Strategy, has been addressed previously within the meeting.

Item 11.20 Notice of Motion - Tendering Local Preference Policy, has been addressed previously within the meeting.

Item 12.01 Notice of Motion - Prioritisation of Sporting Infrastructure Projects, has been addressed previously within the meeting.

Item 12.02 Graffiti Vandalism Management, has been addressed previously within the meeting.

Item 12.03 Wauchope Riverside Bicentenary Sculptural Trail - Zoetrope, has been addressed previously within the meeting.

Item 12.04 Notice of Motion - Wauchope Showground - Waiver of Fees, has been addressed previously within the meeting.

13.01 ROAD CLOSURE AND SALE OF LAND - PART FORMER RIVERSIDE DRIVE, RIVERSIDE

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Pursuant to Section 38D of the Roads Act 1993 publish a Notice in the NSW Government Gazette to close that part of the former alignment of Riverside Drive situated within Lot 6 Deposited Plan 215928 (11 Riverside Drive).
2. Vest the land in the closed road in Council as operational land.
3. Sell the land in the closed road to the owner of Lot 6 Deposited Plan 215928 at a value to be determined by Council's Consulting Valuer upon publication of the Notice in the NSW Government Gazette.
4. Reaffirm that all costs associated with the road closure and sale are the sole responsibility of the owner of Lot 6 Deposited Plan 215928.

Item 14.01 Draft Joint Integrated Transport Network Plan, has been addressed previously within the meeting.

Item 14.02 New Employment Lands Zones - Translation to Port Macquarie-Hastings Local Environmental Plan 2011, has been addressed previously within the meeting.

Item 14.03 Amendment to Port Macquarie-Hastings Local Environmental Plan 2011 - State Government Planning Amendments for Agritourism, has been addressed previously within the meeting.

Item 14.04 PP2014 - 10.1 - Planning Proposal Assessment Report - 11 and 33 Mumford Street, Port Macquarie, has been addressed previously within the meeting.

Item 14.05 Koala Recovery Strategy Review, has been addressed previously within the meeting.

Item 14.06 Draft Port Macquarie - Hastings Regional Integrated Transport Strategy, has been addressed previously within the meeting.

14.07 MATERIAL PUBLIC BENEFIT - DEVELOPER DELIVERED SEWER WORKS KENDALL

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. Note the sewer works proposed to be undertaken by Allam MHE Developments # 2 Pty Ltd under development Consent DA 2017/736 includes works above what is required to solely service the development therefore are of material public benefit, being the replacement and upgrade of Kew/Kendall Sewerage Pump Station #1 and associated works.
2. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the construction of the upgrade of Kew/Kendall Sewerage Pump Station #1 and associated works as it considers that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances for the reason of the works being associated with and linked to a development consent as outlined in this report.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a developer works deed following successful negotiations with Allam MHE Developments # 2 Pty Ltd, and present a further report to a future meeting of Council on completion of the works for Council's information.
4. Request the CEO to add a new action to the 2021-2022 Operational Plan - Kew Kendall SPS#1 Upgrade and Works, with a budget allocation for the current year of \$400,000, to be funded from the Sewer Reserve.

Item 14.08 Flood Waste Disposal Costs Waiver, has been addressed previously within the meeting.

Item 14.09 Notice of Motion - Road Network, has been addressed previously within the meeting.

Item 14.10 Notice of Motion - Port Macquarie-Hastings Tree Management Policies and Procedures, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Roberts/Griffiths

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.
2. That Council move into Closed Session to receive and consider the following items:
Item 16.01 T-21-03 Design & Construct of Six Sewer Pump Stations
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

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

16.01 T-21-03 DESIGN & CONSTRUCT OF SIX SEWER PUMP STATIONS

Councillor Intemann left the meeting, the time being 04:15pm.

RESOLVED: Slade/Lipovac

That Council:

1. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that: the Tender Evaluation Panel considers that the tenderers have demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender; inviting fresh tenders likely will not achieve a superior outcome; and, inviting fresh tenders will delay the project beyond the funding deadline.

-
2. Note the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender for T-21-03 Design and Construct Six Sewer Pump Stations following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
 3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-03 Design and Construct Six Sewer Pump Stations.

CARRIED: 8/0

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

AGAINST: Nil

MOVED: Roberts/Lipovac

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

CARRIED: 8/0

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

AGAINST: Nil

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

The meeting closed at 4.19pm.

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

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

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

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

- | | |
|--------------------------------|---|
| Item No: | 12.01 |
| Subject: | 2021-2022 Round 2 Community Grant Program for Endorsement |
| Attachment Description: | Confidential - 2021-2022 Round 2 Community Grant Assessment |
| Confidential Reason: | Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)). |
|
 | |
| Item No: | 13.03 |
| Subject: | Major Events Grant Program - Round 2, 2022 |
| Attachment Description: | Round 2 2022 Major Events Grant Evaluation Summary |
| Confidential Reason: | Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)). |
|
 | |
| Item No: | 14.11 |
| Subject: | Tacking Point Surf Life Saving Club External Sewer Upgrade Works |
| Attachment Description: | Entire Plumbing Quote 1 |
| Confidential Reason: | Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)). |

AGENDA

ORDINARY COUNCIL
21/04/2022

Item No: 14.11
Subject: Tacking Point Surf Life Saving Club External Sewer Upgrade Works
Attachment Description: Entire Plumbing Quote 2
Confidential Reason: Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)).

Item: 09**Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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

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

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

If you wish to address Council in the Public Forum - Matters Not On The Agenda, you must apply to address that meeting **no later than 12:00noon on the day prior to the meeting** by completing the 'Request to Speak in Public Forum' form. This form is available at Council's offices or online at [Speak in a Public Forum Port Macquarie Hastings Council \(nsw.gov.au\)](https://www.portmacquarie.nsw.gov.au/public-consultation)

Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 10.00am.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- A person may apply to speak on no more than two (2) items of business. Please note that the maximum time a speaker may speak to Council is five (5) minutes in total so both items must be discussed within that five (5) minutes.
- If you have any documentation to support your presentation, provide 2 copies to Council by 12:00noon on the day prior to the day of the meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12:00noon on the day prior to the day of the meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.21):
 - a) a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
 - b) a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
 - c) a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
 - d) a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the Council,
 - e) a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The meeting is recorded and will be made available to the public on Council's website.
- Members of the public may quietly enter and leave the meeting at any time.

Item: 10**Subject: PUBLIC FORUM – MATTERS ON THE AGENDA**

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

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

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

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

If you wish to address Council in the Public Forum - Matters On The Agenda, you must apply to address that meeting **no later than 12:00noon on the day prior to the meeting** by completing the 'Request to Speak On Agenda Item' form. This form is available at Council's offices or online at [Speak in a Public Forum Port Macquarie Hastings Council \(nsw.gov.au\)](https://www.portmacquariehastingscouncil.nsw.gov.au/speak-in-a-public-forum)

Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council on an agenda item, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- A person may apply to speak on no more than two (2) items of business. Please note that the maximum time a speaker may speak to Council is five (5) minutes in total so both items must be discussed within that five (5) minutes.
- If you have any documentation to support your presentation, provide 2 copies to Council by 12:00noon on the day prior to the day of the meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12:00noon on the day prior to the day of the meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.21):
 - a) a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
 - b) a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
 - c) a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
 - d) a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the Council,
 - e) a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The meeting is recorded and will be made available to the public on Council's website.
- Member of the public may quietly enter and leave the meeting at any time.

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie Aquatic Facility - post exhibition	21/07/2021 Item 10.03	The project Steering Group at its August 2021 meeting resolved to maintain the project on hold until after the December 2021 elections. A Councillor Briefing will be held in early 2022 to update the new Council on the project and next steps.	DCPE	Oct-21 Mar-22	Apr-22
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07	To be presented to a Councillor briefing	DCPE	Oct-21 Feb-22 Mar-22	Apr-22
Draft Community Strategic Plan	13/10/2021 Item 09.12	To be presented to a Councillor briefing	DCPE	Mar-22	Apr-22
T-21-13 Water & Sewer Client Side Engineering Support Services & T-	03/11/2021 Item 14.06	Contract awarded and inception meetings currently underway	DCU	Feb-22 Mar-22	Apr-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
21-14 Water & Sewer Design Services Panel Arrangement - post contract award					
Planning Proposal - 2021 Administrative Review of Port Macquarie- Hastings Local Environmental Plan 2011 - post exhibition	03/11/2021 Item 12.10	Public exhibition anticipated in Jan/Feb 2022. Report to Council in Apr-22 following assessment of submissions received.	DCPE		Apr-22
Rate Freeze	16/02/2022 09.09		DBP		Apr-22
Mayoral Discretionary Fund Policy - Review - post exhibition	16/02/2022 Item 09.12		CEO		Apr-22
Control of Burning Policy - Review - post exhibition	16/02/2022 Item 09.27		DCPE		Apr-22
Classification of land to be acquired by Council - Gillman Way, Thrumster - post exhibition	16/02/2022 Item 12.05		DCPE		Apr-22
Prioritisation of Sporting Infrastructure Projects	17/03/2022 Item 12.01		DCPE		Apr-22
Rawdon Island Bridge - Milestone Events	16/02/2022 Item 12.07		DCI		Apr-22
Town Centre Master Plan - Review of Business Sub-categories	16/02/2022 Item 12.03	To be presented to a Councillor briefing	DBP	Mar-22	May-22
T-21-54 Replacement of Filtration membranes - Camden Haven Waste Water Treatment Plant	13/10/2021 Item 14.06	Work still being undertaken on this tender	DCU	Feb-22 Mar-22	May-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Minister Kean advised of possible sites of interest in Oct 2020. Work is being done on a further report to Council. Report delayed until after the LG election. Councillor briefing to be held prior to May-22 meeting.	DCPE	Mar-21 May-21 Jul-21 Sep-21 Feb-22	May-22
Bushfire Mitigation - Progress Report	13/10/2021 Item 12.04		DCPE		May-22
Contract Extension - Processing of Dry Recyclables at the Cairncross Materials Recovery Facility - negotiations	16/02/2022 Item 14.01		DCU		May-22
Potential Purchase of Land	07/03/2022 Item 10.02		DCPE		May-22
Policy Review - Councillor and Staff Interaction Policy - post public exhibition	17/03/2022 Item 11.03		CEO		May-22
Policy Review - Bushfire Risk Mitigation on Public Land - post public exhibition	17/03/2022 Item 11.07		DCPE		May-22
Policy Review - Climate Change Response Policy - post public exhibition	17/03/2022 Item 11.09		DCPE		May-22
Policy Review - Social Impact	17/03/2022 Item 11.12		DCPE		May-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Assessment Policy - post public exhibition					
Draft Graffiti Vandalism Management Policy - post public exhibition	17/03/2022 Item 12.02		DCPE		May-22
Draft Joint Integrated Transport Network Plan	17/03/2022 Item 14.01		DCI		May-22
Port Macquarie-Hastings Tree Management Policies and Procedures	17/03/2022 Item 14.10		DCPE		May-22
Policy Review - Providing Funding and Support to the Community Policy - post public exhibition	17/03/2022 Item 11.11		DCPE		May-22
Policy Review - Contaminated Land - post public exhibition	17/03/2022 Item 11.13		DCPE		May-22
Developments, Public Place & Events Waste minimisation and Management Policy - outcomes of engagement	19/05/2021 Item 12.02	Initial engagement undertaken with local waste management (skip bin) operators. Further investigation required regarding Council's fees and charges, and corresponding construction and demolition waste policy provisions as part of a broader review of Council's Waste Strategy proposed in line	DCU	Nov-21 Mar-22	May-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		with OP action 4.1.7.27.			
Establishment of a "Fly Neighbourly Agreement"	21/10/2020 Item 12.01	Currently with CASA for review	DBP	Feb-21 Apr-21 Jun-21 Nov-21 Mar-22	May-22
Policy Review - Asset Management Policy - post public exhibition	17/03/2022 Item 11.16		DCU		May-22
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	Further investigation is required to determine the most efficient approach to the land reclassification.	DCPE	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Jun-22
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	The development of a new Contributions Plan will be incorporated in the program for review of Council developer contributions framework.	DCPE	Dec-20 Jun-21 Oct-21	Jun-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Working through with the community and the Community Council Action Team to finalise the Master Plan	DCPE	Apr-21 May-21 Jun-21 Jul-21 Sep-21 Mar-22	Jun-22
T-20-41 Kew Main Street Upgrade	21/04/2021 Item 15.01	Negotiations ongoing and awaiting design information from consultant	DCI	Jun-21 Jul-21 Sep-21 Nov-21 Feb-22 Mar-22	Jun-22
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	An update on the identification of hazard management options for Illaroo Road will be included in the Coastal Management Program (CMP) report to Council scheduled for April-22. Following community consultation to shortlist management options this report will be provided to the June 2022 Council meeting.	DCPE	Jun-21 Sep-21 Feb-22 Mar-22	Jun-22
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06	Targeted consultation with the community is required to address matters raised in submissions. Accordingly, this will be the subject of an industry workshop and future Councillor briefing.	DCPE	Oct-21 Mar-22	Jun-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Councillor Briefing to newly elected Council in early 2022	DCI	Oct-21 Nov-21 Feb-22	Jun-22
Dunbogan Beach - Upgrades	13/10/2021 Item 10.03		DCPE	Mar-22	Jun-22
Koala Recovery Action Plan - draft	17/03/2022 Item 14.05		DCPE		Jun-22
Policy Review - Community Engagement Policy - post public exhibition	17/03/2022 Item 11.10		DCPE		Jun-22
Policy Review - Footpaths and Walkways in Public Road Reserves - post public exhibition	17/03/2022 Item 11.06		DCI		Jun-22
Bridge Management Policy	21/07/2021 Item 12.03	Delayed due to current workload with Rowdon Island Bridge	DCI	Dec-21	Jul-22
Graffiti - Update Report	25/01/2022 Item 06.01		DCPE		Jul-22
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on. Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Aug-22
COVID-19 Recovery and	16/02/2022 Item 11.01		DCPE		Aug-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Stimulus Projects Update					
New Employment Lands Zones - Translation to Port Macquarie- Hastings Local Environmental Plan 2011 - post public exhibition	17/03/2022 Item 14.02		DCPE		Sep-22
Sale of Surplus Land- 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23		DBP		Dec-22
PP2014 - 10.1 - Planning Proposal Assessment Report - 11 and 33 Mumford Street, Port Macquarie - post public exhibition	17/03/2022 Item 14.04		DCPE		Dec-22
Draft 2022-2032 Economic Development Strategy - post exhibition	13/10/2021 Item 11.01		DCPE		TBA - early 2022
Material Public Benefit - Developer Delivered Sewer Works Kendall - completion of works	17/03/2022 Item 14.07		DCU		Feb-23
Tendering and purchasing process - Council's commitment and support to local business for previous 12 months	17/03/2022 Item 11.20		DBP		Mar-23

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DCPE		2024 (estimate)
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA
Lake Cathie - Pathway to Permanently Open	16/02/2022 Item 07.02		DCPE		TBA
Town Centre Master Plan - Finding of Independent Review	16/02/2022 Item 12.03		DBP		TBA
Bain Park Masterplan - Stages 1 and 2- amendments	07/03/2022 Item 07.01		DCPE		TBA
Lots 101 and 102 DP 1244390 Pacific Drive, Port Macquarie - options for operational land	07/03/2022 Item 10.01		DBP		TBA
Policy Review - Customer Complaint Policy - post	17/03/2022 Item 11.04		CEO		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
public exhibition					
Policy Review - Cemeteries Policy - post public exhibition	17/03/2022 Item 11.05		CEO		TBA
T-21-03 Design and Construct of Six Sewer Pump Stations - post contact award	17/03/2022 Item 16.01		DCI		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DCPE	Monthly	Every		
Opening Lake Cathie (13/01/2022 Item 05.01)	DCPE	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Sep		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DCPE	Biannual	May, Nov	Feb-22 Apr-22	new strategy on exhibition
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
Recreation Action Plan – Status	DCPE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	Annually	Aug		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken 04/08/2021 - Item 10.01)	DCPE	Annually	Aug		
Annual Report of the Activities of the Mayor's Sporting Fund	DCPE	Annually	Sep		
Council Meeting Dates	CEO	Annually	Sep		
Creation of Office - Deputy Mayor	CEO	Annually	Sep		
Audit Committee Annual Report	CEO	Annually	Sep		
Annual Report of Disability Discrimination Act Action Plan	DCPE	Annually	Sep		
Legislative Compliance Register	CEO	Annually	Sep		



Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		
Local Strategic Planning Statement (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Strategic Planning Statement - Implementation of Actions (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

Attachments

Nil

Item: 11.02

Subject: DISCLOSURE OF INTEREST RETURNS - COUNCILLORS

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

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

- **Mayor Peta Pinson**
- **Councillor Lauren Edwards**
- **Councillor Sharon Griffiths**
- **Councillor Lisa Intemann**
- **Councillor Nik Lipovac**
- **Councillor Danielle Maltman**
- **Deputy Mayor Adam Roberts**
- **Councillor Rachel Sheppard**
- **Councillor Josh Slade**

Executive Summary

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

Discussion

Clause 4.21 of Council's Code of Conduct, requires Councillors to prepare and submit written returns of interests. Councillors are required to lodge with the Chief Executive Officer a return as specified under clause 4.21 of Council's Code of Conduct. I advise that disclosure of interest returns have been submitted by the following Councillors:

- Mayor Peta Pinson
- Councillor Lauren Edwards
- Councillor Sharon Griffiths
- Councillor Lisa Intemann
- Councillor Nik Lipovac
- Councillor Danielle Maltman
- Deputy Mayor Adam Roberts
- Councillor Rachel Sheppard
- Councillor Josh Slade

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

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

The returns will be tabled at this meeting.

Options

Nil. Lodgement of a Return by a Designated Person is a requirement under Clause 4.21 of Council's Code of Conduct.

Community Engagement and Internal ConsultationInternal Consultation

- Group Manager Governance.
- Chief Executive Officer.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 11.03

Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 MARCH TO 6 APRIL 2022

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Mayoral Discretionary Fund allocation for the period 3 March to 6 April 2022 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocation for the period 3 March to 6 April 2022.

Discussion

The following allocation was made by the Mayor from the Mayoral Discretionary Fund during this reporting period:

Donation to Super Swim Challenge fundraiser for Starlight Foundation on behalf of Iesha Apthorpe	\$50.00
Total allocation	\$50.00

Options

This report is for noting only.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

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

Attachments

Nil

Item: 11.04

**Subject: POLICY REVIEW - MAYORAL DISCRETIONARY FUND POLICY -
FOLLOWING EXHIBITION**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Mayoral Discretionary Fund Policy.

Executive Summary

Council's current Policy for the Mayoral Discretionary Fund (Attachment 2) was last adopted by Council in July 2012. Following the recent Council election and duration since it was last considered by Council it is now appropriate to review this Policy.

A draft Policy (Attachment 1) was considered by Council at its February 2022 Ordinary Council meeting and placed on 28 days public exhibition. No submissions were received from the public.

Discussion

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

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

A draft Policy was considered by Council at its February 2022 Ordinary Council meeting and placed on 28 days public exhibition. No submissions were received from the public.

Options

Council has the option to not adopt the draft Mayoral Discretionary Fund or request further amendments to the draft policy.

Community Engagement and Internal ConsultationCommunity Engagement

This draft policy was placed on 28 days public exhibition with no submissions being received from the public.

Internal Consultation

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



Planning and Policy Implications

This report considers the review of the Mayoral Discretionary Fund policy. Following the exhibition period and consideration by Council, this policy (Attachment 1) may become Council's adopted Mayoral Discretionary Fund Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Policy - Mayoral Discretionary Fund
2.  Current Policy - Mayoral Discretionary Fund Policy

Item: 11.05

Subject: CODE OF MEETING PRACTICE

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than 28 days.**
- 2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.**
- 3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.**

Executive Summary

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

Council's draft Code of Meeting Practice has been developed based on the updated Model Code of Meeting Practice that was prescribed 12 November 2021.

Council is proposing modifying a number of the non-mandatory provisions of the code along with the addition of supplementary amendments to the Model Code of Meeting Practice.

It is proposed that the draft Code of Meeting Practice (Attachment 1) be publicly exhibited for 28 days (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public for the required 42-day period (*Local Government Act 1993* section 361(4)) before further considering the public submissions at a Council meeting in June 2022.

Discussion

A Council, under the *Local Government Act 1993* (the Act) must adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of the conduct of Council and committee meetings and may supplement the regulations with provisions that are not inconsistent.

The relevant regulation is the *Local Government (General) Regulation 2021* (the regulation).

Council's current Code of Meeting Practice was last adopted at the April 2021 Ordinary Meeting of Council.

For clarity, the draft Code applies to Council Meetings and any Council Committees established for which their membership consists solely of (any number of) Councillors. Council currently does not have any "Council Committees" established.

Council Sub-Committees and Working Groups (for which membership consists of members of the public) can elect to adopt the Code of Meeting Practice or a (commonly less formal) alternative process by which to conduct their meetings.

The draft Code (Attachment 1) makes the following key changes:

- Reduction in time that a Councillor may speak to a motion or amendment from five (5) minutes to three (3) minutes.
- Enhancing the section on tabling of documents and process around requesting that documents be tabled.
- Addressing irregularities when a procedural matter is not clearly identified in the Code of Meeting Practice
- Introduces non-mandatory provisions allowing Councillors to attend meetings by audio-visual link when approved by the Council or relevant committee.
- Introduces non-mandatory provisions allowing Council meetings to be held by audio-visual link in the event that a natural disaster or public health emergency occurs. This may only occur when the Mayor is satisfied that attendance at the meeting may present a risk to the health and safety of Councillors and their staff. The option to hold council meetings by audio-visual link also extends to pre-meeting briefing sessions and public forums to hear oral submissions from members of the public.
- Amend the mandatory webcasting requirements to reflect amendments to the Local Government Regulation since the previous iteration of the Model Code of Meeting Practice. Each council and committee meeting must be recorded by means of an audio or audio-visual device. At the start of each meeting, the chairperson is required to inform persons in attendance that the meeting is being recorded, is made publicly available via the Council's website and that all persons should refrain from making any defamatory statements. Council is no longer required to live stream a meeting however it is proposed that Council continue to do so where technically possible.
- Amend the disorders provisions, including mandatory clause 15.11(d), which specifies one of the ways a Councillor may commit an act of disorder at a meeting, i.e. where a councillor insults, 'makes unfavourable personal remarks about', or imputes improper motives to any other council official, or alleges a breach of the Council's code of conduct. The New Code replaces the previous phrase 'makes personal reflections on', which may have included a positive or negative reflection, with the more specific 'makes unfavourable personal remarks about'.

- Implement recommendation 6 of ICAC's report into the former Canterbury City Council. This requires all council business papers to include an ethical statement to remind Councillors of their oath or affirmation of office under s233A of the Local Government Act and obligation to disclose and manage conflicts of interest.

Council is required to adopt a code of meeting practice that incorporates changes to the mandatory provisions as set out in the New Code by 4 December 2022 in accordance with clause 360(3) of the Local Government Act being within 12 months of the ordinary election. However, if Council wishes to hold meetings by audio-visual link, and allow Councillors to attend meetings by audio-visual link after 30 June 2022, Council will need to adopt a new code of meeting practice on or before that date that includes these provisions.

Options

Council has a number of options in determining this matter. Council may resolve to:

- Place this draft Code of Meeting Practice on exhibition for public comment for a further report to come to Council following the exhibition period; or
- Place an amended draft Code of Meeting Practice on exhibition for public comment for a further report to come to Council following the exhibition period; or
- Further consider the draft Code of Meeting Practice prior to placing on public exhibition noting a Code of Meeting Practice must be adopted before 4 December 2022; or
- Not place the draft Code of Meeting Practice on exhibition and continue to use the current Code of Meeting Practice noting a Code of Meeting Practice must be adopted before 4 December 2022.

Community Engagement and Internal Consultation

Community Engagement

It is proposed that the draft Code of Meeting Practice be publicly exhibited for 28 days (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public for the required 42-day period (*Local Government Act 1993* section 361(4)).

Certain clauses of the draft Code are mandatory clauses from the Model Code which means that altering, amending or removing such clauses is not permitted. It is planned to communicate this fact throughout the community engagement process, ensuring that no confusion arises and that the engagement is focused on the sections of the draft Code that can be altered or amended (not sourced from mandatory clauses of the model Code).

Internal Consultation

- Mayor and Councillors.
- Executive Team
- Group Manager Governance


Planning and Policy Implications

There are no policy implications at this stage however it is proposed that the draft Code of Meeting Practice replace the current Code of Meeting Practice subject to the consideration of public submissions by Council at the June 2022 Ordinary Council meeting.

Financial and Economic Implications

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

Attachments

1.  Draft Code of Meeting Practice

Item: 11.06

Subject: MONTHLY BUDGET REVIEW - MARCH 2022

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of March 2022. The Council adopted 2021-2022 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report forecast a budget shortfall position of \$348,620 as at the end of March 2022. Details outlined in the table below.

Monthly Budget Review Summary

Original Budget as at 1 July 2021	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
October Review	Surplus	\$18,636
January Review	Surplus	\$65,560
February Review	Shortfall	(\$11,254)
March Review	Balanced	\$0
Forecast Budget Position for 30 June 2022	Shortfall	(\$348,620)

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

Discussion

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2021-2022 budget position along with the proposed movement of funds to accommodate any changes.

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

March 2022 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2022" on page 4 of this report. Further details on individual transactions are provided in Attachment "March 2022 Budget Review".

March Budget Adjustments

Grants totalling \$228k were recognised during the month of March. These include grants for the Port Macquarie Airport Solar Panels project (\$15k), several Weed Control and Identification projects (\$73k), Bushfire Community Recovery projects (\$130k), Community Drug Action Awareness (\$6k) and Youth Week 2022 (\$4k).

Reserve transfers were required this month for the purchase of a new drone (\$28k), Land and Buildings value indexation review as required by our external auditors (\$3k) and a COVID Careers Pop-Up project (\$12k).

Budget Variance Requests were approved by Executive for the Airport Terminal Sewer Rising Main project (\$65k), Sewer Relining Works (\$560k) and Rainbow Beach Sporting Fields (\$3.124m).

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

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

Works Program Review

As part of the development of the 2022-2023 Operational Plan, a review of the 2021-2022 works program has been ongoing. This review has focused on the current and projected status of projects and the latest data has identified a number of projects which need to be re-prioritised to the next financial year. As such projects totalling \$12.5m will be reallocated from the 2021-2022 works program and considered for incorporation into the 2022-2023 Operational Plan.

A certain amount of carry-overs is to be expected each year when projects are impacted by, for example, adverse weather conditions. The delivery of some of the projects within the 2021-2022 Operational Plan has been delayed due to impacts associated with local flooding and wet weather conditions. Indeed, recent flood emergencies across the State have resulted in significant procurement / contractor mobilisation delays and supply chain issues. In addition, the COVID-19 pandemic and global economic environments have further exacerbated supply chains and the availability of materials and resources. These factors have impacted the timing of projects originally scheduled in 2021-2022.

The specific projects moving to the 2022-23 Operational Plan are outlined in the Attachment 'March 2022 Budget Review'.

Forecast Budget Statement for the Year Ended 30 June 2022

	2021-22 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	Works Program Review '\$000	2021-22 Full Year Forecast '\$000
Operating Activities Movements							
Income from continuing operations							
Rates and Annual Charges	108,390		0	108,390			108,390
User Charges and Fees	39,588		30	39,618			39,618
Interest Received	5,455		0	5,455			5,455
Grants and Contributions	60,845	2,785	15,001	78,631	288	(5,411)	73,508
Other Operating Receipts	5,458		340	5,798			5,798
Expenses from continuing operations							
Employee Costs	(55,268)		(863)	(56,131)			(56,131)
Materials and Contracts	(45,201)	(2,104)	(714)	(48,019)	(225)	146	(48,098)
Depreciation	(50,236)		0	(50,236)			(50,236)
Interest Paid	(2,158)		0	(2,158)			(2,158)
Other Operating Payments	(15,352)		740	(14,612)	(3)		(14,615)
Loss on Disposal of Assets	(3,000)		0	(3,000)			(3,000)
Operating result from continuing operations	48,521	681	14,534	63,736	60	(5,265)	58,531
Restricted Asset Movements							
Transfer from Restricted Assets	38,796	6,146	5,845	50,787	3,732	(7,051)	47,468
Transfer to Restricted Assets	(55,466)		(519)	(55,985)			(55,985)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	5,326	(5,198)	3,732	(7,051)	(8,517)
Property, Plant and Equipment Movements							
Purchase of Assets	(67,573)	(6,827)	(20,208)	(94,608)	(3,792)	12,316	(86,084)
Developer Provided Assets	(6,500)		0	(6,500)			(6,500)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(74,073)	(6,827)	(20,208)	(101,108)	(3,792)	12,316	(92,584)
Financing Activities Movements							
Proceeds from Borrowings and Advances	0			0			0
Repayments of Borrowings and Advances	(11,014)			(11,014)			(11,014)
Net Revenues (Used in)/Provided by Financing Activity	(11,014)	0	0	(11,014)	0	0	(11,014)
Net Result (Incl Depreciation)	(53,236)	0	(348)	(53,584)	0	0	(53,584)
Add Back: Non Cash Items	53,236		0	53,236			53,236
Budget Surplus/(Shortfall)	0	0	(348)	(348)	0	0	(348)

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

Options

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

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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


Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report result in the budget position shortfall of \$348,620.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2021-2022 was a balanced budget. As at 31 March 2022 this position is changed to a budget shortfall of \$348,620 and this position is unacceptable. All budgets will need to be closely monitored with the view to reduce this shortfall position during the remainder of the financial year”.

Attachments

1.  March 2022 Budget Review

Item: 11.07

Subject: INVESTMENTS - MARCH 2022

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 31 March 2022 was \$394,668,341.
- Interest for the month of March was \$478,450.
- The year-to-date investment income of \$4,015,574 represents 78% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.52% above the benchmark (1.56% against 0.04%), benchmark being the Bank Bill reference rate as at 31 March 2022.

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

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Over the past 12 months, the portfolio has returned 1.64% p.a., outperforming bank bills by 1.60% p.a. This has been very strong given deposit rates have reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA still sees it as too early to conclude that inflation is sustainable within the target range. They have indicated that interest rate rises starting in 2022 was deemed "a plausible scenario", but caution remains on moving too quickly as that might impede a lower unemployment rate and higher wages growth.
- The biggest risk to Council's portfolio continues to be decreasing interest income while interest rates remain low, as opposed to loss of capital.
- Council's exposure to institutions that fund fossil fuels is 63% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m in additional interest income compared to its peers.

Discussion

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

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

Overview

Councils are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

Development Activity

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

Water and Sewer

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

Current Investments

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

As at 31 March 2022, the investments held by Council totalled \$394,668,341 and were attributed to the following funds:

General Fund*	178,184,863
Waste Fund	23,305,165
Water Fund	128,251,424
Sewer Fund	63,269,282
Broadwater	1,594,460
Sanctuary Springs	63,147
	394,668,341

**Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.1m.*

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

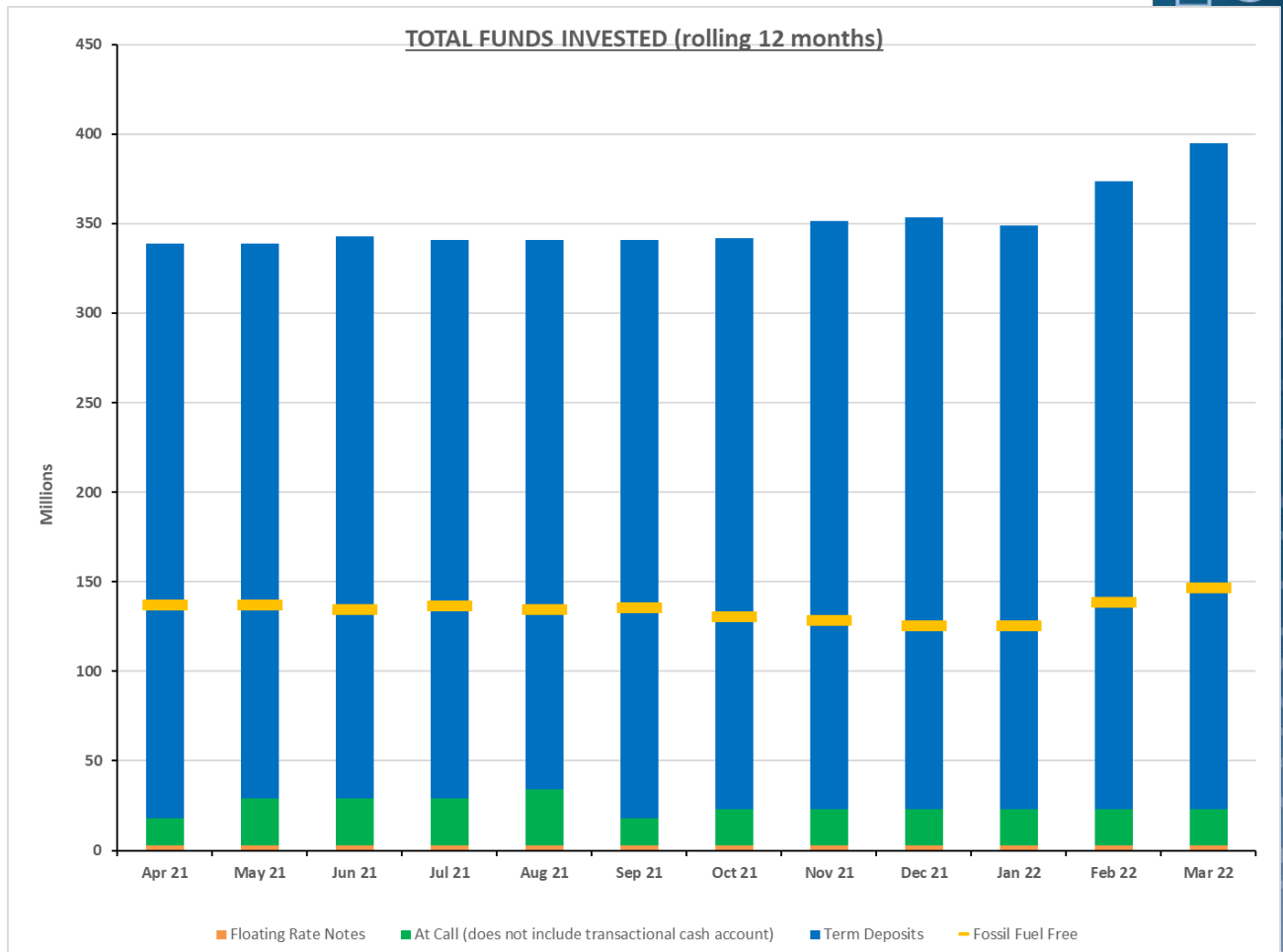
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$394,668,341), and total investments held as per Imperium's attached monthly report (\$394,671,029). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report.

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

Financial institutions funding fossil fuels	Purchases since 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/03/22 (\$)	Amount invested at 31/03/22 (%)
Yes	111,020,000	68%	248,168,341	63%
No	52,000,000	32%	146,500,000	37%
	163,020,000		394,668,341	

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



The value of Council's investments as at 31 March was \$21m higher than February due to receipts of \$20.678m in grants from Transport NSW that was invested during March.

Options

This is an information report.

Community Engagement and Internal Consultation

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

Planning and Policy Implications

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

Financial and Economic Implications

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

Council's total investment portfolio performance for the financial year to date is 1.52% above the benchmark (1.56% against 0.04%) and year to-date income is 78% of the total annual budget.

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



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

Certification

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

Nicole Spencer
Responsible Accounting Officer

Attachments

1.  Port Macquarie-Hastings Council Investment Report - March 2022
2.  Port Macquarie-Hastings Council Portfolio Valuation - March 2022

Item: 11.08

Subject: POLICY REVIEW - CONTROL OF BURNING - POST PUBLIC EXHIBITION

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Draft Control of Burning Policy.

Executive Summary

At the Ordinary Council Meeting held on 16 February 2022, Council resolved to place the Control of Burning Policy on public exhibition. The policy was subsequently placed on public exhibition for 28 days. During the exhibition period, two (2) submissions were received in relation to the proposed policy amendments which did not result in any changes being required. The draft policy is included as Attachment 1 and recommended for adoption.

Discussion

At the Ordinary Council meeting held on 16 February 2022, Council resolved as follows:

That Council:

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

This Policy ensures that burning of dead and dry vegetation can be carried out in accordance with the requirements of the Protection of the Environment Operations (Clean Air) Regulation 2021, whilst minimising cost to residents and reducing the regulatory burden of council.

The Control of Burning Policy has been reviewed with the following minor amendments. No further changes are considered necessary as a result of the public submission period.

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

Public Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

There were a total of 29 visits to Council's engagement website page during the exhibition period. Six (6) documents were downloaded or viewed. Two (2) submissions were received, one (1) in opposition of, and one (1) neutral to the proposed Policy amendments as summarised in Attachment 2. Neither of the submissions required changes to the amended draft policy as exhibited.

Options

Council has the option to amend or not to amend the draft Control of Burning Policy identified within this report.

Community Engagement and Internal Consultation

The draft (Attachment 1) and current Control of Burning Policy were placed on public exhibition from 22 February 2022 until 23 March 2022. A summary of the submissions received is included in Attachment 2.

Planning and Policy Implications

This report recommends the amendment of one (1) current Council Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Control of Burning Policy
2.  Table of submissions and responses for Draft Control of Burning Policy

Item: 11.09

Subject: POLICY REVIEW - VOLUNTEER POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Place the draft Volunteer Policy on public exhibition, for a period of not less than 28 days,**
- 2. Note that a further report will be tabled at the July 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The Volunteer Policy adopted on 21 October 2015 has been reviewed for consideration by Council.

Council engages the services of volunteers directly through projects and indirectly through partnerships with community organisations. Council recognises that volunteers and community organisations are integral to a strong community and make a valuable contribution to community life both socially and economically.

Discussion

Council is committed to creating opportunities for volunteers that are productive, meaningful and of benefit to the community and the volunteer. Council will ensure that all volunteers receive training where necessary, are given appropriate recognition and support and protected through the provision of a safe and healthy workplace. Council is strongly committed to increasing volunteering opportunities that will lead to skills development, learning opportunities and build a strong and connected community.

The objectives of the Volunteer Policy are to:

- Establish a procedure for the way Council engages with volunteers and community organisations
- Establish a high quality and consistent standard approach to recruiting, training and managing volunteers across all areas and activities of Council
- Provide the opportunity for community members to participate in Council programs or services as volunteers

- Ensure the health, safety and wellbeing of volunteers is protected in the workplace.

In review of the Volunteer Policy the following minor amendments were made:

- Refined the existing information to be more succinct and relevant
- Updated organisational information to reflect current roles and structures
- Added in *selection, engagement and management of volunteer* to provide greater clarity regards to the selection, engagement and management of Council's Volunteers

Options

Council has the options to:

1. Adopt the draft Volunteer Policy for exhibition; or
2. Request or make further amendments to the draft Policy, noting this may delay public exhibition; or
3. Not adopt the draft Policy.

Community Engagement and Internal Consultation

This report seeks to place the draft Policy on public exhibition for feedback.


Planning and Policy Implications

If ultimately adopted, this will provide a reviewed, updated and adopted Policy of Council for providing funding and support to the community.

Financial and Economic Implications

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

Attachments

1.  Draft Volunteer Policy
2.  Volunteer Policy adopted 2015-10-21

Item: 11.10

Subject: POLICY REVIEW - MEDIA RELATIONS POLICY

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the draft Media Relations Policy for the purpose of public exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the July 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

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

The Media Relations Policy has been reviewed for consideration by Council.

Discussion

The Media Relations Policy has been reviewed with the following amendments:

- the title has been changed to Communications Policy to better reflect that we utilise our own channels and platforms as well as third party media to communicate decisions, plans, projects and activities;
- the policy statement revised and principals underpinning how we communicate have been inserted;
- the role of the Mayor and Chief Executive and their delegates been more explicitly outlined;
- reference to the role of the Mayor as per the Local Government Act and a list of activities in which the Mayor would normally be expected to act as Council spokesperson is defined.

Options

Council has the option to not adopt the draft Communications Policy for exhibition noting the existing Media Relations Policy will remain current.

Community Engagement and Internal ConsultationCommunity Engagement

Nil.

Internal Consultation

- Chief Executive Officer.
- Group Manager Governance.

Planning and Policy Implications

This draft Policy is proposed to replace the current Media Relations Policy.

Financial and Economic Implications

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

Attachments

1.  Current Media Relations Policy Indicating Proposed Changes
2.  Draft Communications Policy

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: 2021-2022 ROUND 2 COMMUNITY GRANT PROGRAM FOR
ENDORSEMENT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2021-2022 Round 2, for the total amount of \$30,029 according to the following:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
Community Builders		
Port Macquarie Kart Racing Club	Hastings Road Safety Expo	\$5,000
	Sub-total	\$5,000
Community Celebrations		
Wauchope Chamber of Commerce	Christmas Celebrations	\$4,700
Liberty Domestic & Family Violence Specialist Services	Coastal Walk against Domestic & Family Violence	\$4,750
	Sub-total	\$9,450
Cultural Activities		
Hastings Fine Art Association	Hastings Valley Open Art Prize	\$1,000
Wauchope Community Art Council	Arts from the Heart of Wauchope	\$5,000
	Sub-total	\$6,000
Youth Projects		
Port Macquarie Squash Inc.	Junior Squash Competition	\$5,000
Hastings Neighbourhood Services	Cathie Youth Hub	\$4,759
	Sub-total	\$9,579
2021-2022 Round 1 Community Grants Distribution Total		\$30,029

Executive Summary

Applications for Round 2 of the 2021-2022 Community Grants Program opened on 28 February 2022 and closed on 20 March 2022. A total of 15 applications were received of which 7 were recommended for funding support by the assessment panel as having successfully met the Community Grants Program criteria.

Discussion

Annually, Port Macquarie-Hastings Council provides up to \$200,000 in Community Grants for our community with the objectives being to:

- provide opportunities for residents of Port Macquarie-Hastings to participate in a broad range of arts, culture, or local history activities that benefit the quality and cultural heritage of their lives;
- provide opportunities for residents to participate in special community events with the aim of celebrating and enriching the community's lifestyle;
- foster initiative and self-help among residents;
- encourage the participation of people in activities who have limited opportunities to participate due to low income, geographic or social isolation, cultural background or disability; or
- strengthen community skills and capacity.

The Community Grant Guidelines 2021-2022, available on Council's website, set out the objectives, eligibility and assessment criteria, and other information for the Grant round. Online applications were submitted online via the PMHC website or via email. Information sessions were held online on Tuesday 22 2022 at 12.30pm and 6.00pm, prior to the opening of the Grant program.

Applications opened on 28 February 2022 and closed on 20 March 2022. A total of 15 applications were received, the breakdown by category was as follows:

- 6 Community Builders
- 3 Community Celebrations
- 4 Cultural Activities
- 2 Youth Projects

The assessment of applications was undertaken in two stages. Stage 1 was a check against eligibility criteria, restrictions and supplementary information by the Community Inclusion Team Leader and Stage 2 was an assessment of projects against the criteria as published in the *Community Grant Guidelines* by the assessment panel.

The assessment panel consisted of the below staff members:

- Group Manager Community
- Community Inclusion Team Leader
- Cultural Development Officer
- Grants Officer

A total of \$30,029 is recommended for allocation in 2021-2022 Round 2 Community Grants program as follows:

- Community Builders for community organisations to establish, strengthen or implement projects that can demonstrate a benefit to the wider community (\$5,000);
- Community Celebrations to establish projects that engage the whole community, encourage celebration and strengthen community spirit & connectedness (\$9,450);
- Cultural Activities for projects that provide opportunities for residents to participate in a broad range of arts and cultural activities that enhance quality of life (\$6,000);
- Youth Grants that provide opportunities for youth to put on programs to benefit other youth (\$9,579)

Successful applicants will be contacted by telephone and email. Unsuccessful applicants will be contacted via email with feedback on their application, and suggestions on other possible grant opportunities that are available. Descriptions of all projects, grant guidelines and assessment evaluations are detailed in the confidential attachments, the reason being under Section 10A(2)(c) of the Local Government Act 1933, the information would, if disclosed, prejudice the commercial position of the person who supplied it.

Options

Council may choose to seek further information or request an alternative distribution.

Community Engagement and Internal Consultation

Internal consultation:

- Group Manager Community
- Community Inclusion Team Leader
- Cultural Development Officer
- Grants Officer
- Environmental Project Officer

External consultation: Nil.


Planning and Policy Implications

The grant process is consistent with *Council's Funding and Support provided to the Community Policy (July 2013)*.

Financial and Economic Implications

The above recommendation distributes \$30,029 from the available Community Grants budget.

Attachments

1.  2021-2022 Community Grants Guidelines
2. Confidential - 2021-2022 Round 2 Community Grant Assessment (Confidential)

Item: 12.02

Subject: RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND
COMMITTEE - MARCH 2022

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council award the following scholarships under the Mayor's Sporting Fund:

- **\$350 to Trelise Kirkby to support her attendance at the 2022 Australian Junior Basketball Championships in Ballarat from 10-17 April 2022.**
- **\$750 to Maddison Drewitt to support her attendance at the 2022 Australian National Hockey Championships in Cairns from 6-14 April 2022.**
- **\$500 to Lacey Costigan to support her attendance at the 2022 National Netball Championships in Hobart from 17-22 April 2022.**
- **\$350 to Tobias Toohey to support his attendance at the 2022 National Hockey Championships in Newcastle from 7-13 April 2022.**
- **\$350 to Hadyn Johnson to support his attendance at the 2022 Australian Youth Beach Volleyball Championships in Coolangatta from 28-31 March 2022.**

Executive Summary

The Mayor's Sporting Fund Committee met on 31 March 2022, to consider five (5) applications. The Mayor's Sporting Fund helps young local athletes attend elite level sporting competitions outside of our local government area.

The committee considered 5 applications and determined that all 5 were eligible in accordance with the Mayor's Sporting Fund Criteria and on that basis, recommends to Council that financial assistance be offered to all 5 applicants as follows:

- **\$350 to Trelise Kirkby to support her attendance at the 2022 Australian Junior Basketball Championships in Ballarat from 10-17 April 2022.**
- **\$750 to Maddison Drewitt to support her attendance at the 2022 Australian National Hockey Championships in Cairns from 6-14 April 2022.**
- **\$500 to Lacey Costigan to support her attendance at the 2022 National Netball Championships in Hobart from 17-22 April 2022.**
- **\$350 to Tobias Toohey to support his attendance at the 2022 National Hockey Championships in Newcastle from 7-13 April 2022.**
- **\$350 to Hadyn Johnson to support his attendance at the 2022 Australian Youth Beach Volleyball Championships in Coolangatta from 28-31 March 2022.**

AGENDA

ORDINARY COUNCIL
21/04/2022

Attachments

Nil

YOUR COMMUNITY
LIFE

Item: 12.03

Subject: DRAFT COMMUNITY INCLUSION PLAN

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

- 1. Place the draft Community Inclusion Plan on exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the June 2022 Ordinary Council Meeting detailing the submissions received from the public during the exhibition period.**

Executive Summary

Council values and respects the experiences, ideas, perspectives and lifestyle choices of our community. We want to encourage equal opportunities for all individuals who work, live and play within our place and create an environment in which diverse members share a sense of belonging, mutual respect and are valued for who they are. To enable Council to support, advocate and work with our community we have developed a Draft Community Inclusion Plan that incorporates the legislatively required Disability Inclusion Action Plan. This plan outlines the actions that Council will undertake to support our community to be inclusive and resilient.

Discussion

Council recognises that we have a role in promoting and facilitating active community participation and working with other levels of government and community organisations to help reduce disadvantage, strengthen community well-being and celebrate diversity in our community.

To assist Council has created the attached (Attachment 1) draft Community Inclusion Plan (CIP), which takes on a holistic approach to making the Port Macquarie-Hastings Council more welcoming, accessible and inclusive community. To assist in defining this approach the plan was guided by Social Justice Principles: Equity, Access, participation and Rights.

Additionally, key themes of Attitude and Behaviours, Liveable Communities, Employment and Systems and Processes as outlined by the *NSW government Disability Inclusion Action Plan* guidelines, inform Council actions relating to disability inclusion and accessibility within this plan.

In the past, Council has developed a Community Inclusion Plan in addition to a Disability Inclusion Action Plan (DIAP) which informs Council's actions and goals to achieving greater inclusion within Council and the Port Macquarie- Hastings Community. This year the decision was taken to combine these documents to streamline the process of implementing the actions outlined within this plan. The Disability Inclusion Action Plan will now come under the title of Community Inclusion Plan, and will run on a concurrent timeline of 2022-2025.

The draft Community Inclusion Plan includes actions that the Council will commit to over the next three years. Each Strategic outcome focuses on a different aspect of inclusion within Council and the Port Macquarie-Hastings community.

The five Strategic outcomes are:

- A Connected Community
- An Accepting Community
- A Liveable Community
- A Resilient Community
- A Community Leader

This plan will be led by the Community Inclusion Team. The outcomes from the actions in this plan will be reported to Council and the State Government on an annual basis as per legislative requirements.

Options

Council may choose to seek further information or resolve to not place the draft plan on exhibition.

Community Engagement and Internal Consultation

Community Engagement

Council regularly engages with the community; to understand the local social issues which assisted in the development of the Community Inclusion Plan. The feedback provided by our community gave clear guidance on areas for action to strengthen the social wellbeing and inclusiveness of our community.

To further support the plan, a specific DIAP survey was undertaken, aimed at people with a lived experience of disability, service providers, support workers, carers, family members and friends of people with disability and asked about what is early or difficult for people with disability in our community.

The survey ran from 3 December 2021 to 13 February 2022, and had five sections; About You, Attitudes and behaviours, Accessibility, Employment and Opportunities and Systems and processes and a total of 65 participants responded to the survey.

- Some of the themes that came from the community consultation include:
 - Greater education, acceptance and awareness of people from different backgrounds
 - Inclusive and accessible businesses and public facilities
 - Collaborating with support services and groups

- Employment opportunities- Council leading by example,
- Accessible and inclusive community events
- Improvements in footpaths, roads and carparks
- Inclusive parks and playgrounds

External Stakeholder Engagement

- Local Government NSW

Internal Stakeholder Engagement

- Community Infrastructure Planning and Design Team
- Communications Team
- People and Culture Team
- Community and Recreation Teams
- Glasshouse and Library Managers

Planning and Policy Implications

The outcomes from the actions in this plan will be reported to Council and the State Government on an annual basis as per legislative requirements.

Financial and Economic Implications

There are no financial and economic implications in relation to this report as many of the actions within this new plan are a continuation or improvement of Council's business as usual, and therefore will be within the Community team budget allocation.

Attachments

1.  Draft Community Inclusion Plan

Item: 12.04

Subject: POLICY REVIEW - MANAGEMENT OF PUBLIC SPACES

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.1 Ensure access to community facilities and activities; including access to natural environment.

RECOMMENDATION

That Council:

- 1. Adopt the draft Management of Public Spaces Policy which would replace nine policies for the purpose of public exhibition and publically exhibit the draft policy for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

Council has a range of policies for the use of public spaces. Council is committed to ensuring these spaces can be used safely, enjoyed by all and adequately maintained whilst also ensuring the process is not complicated for the customer.

A draft Policy aimed to consolidate the following existing policies for the use of public spaces the following policies are to be repeal

- A-Frame Sign Policy 2013
- Activities in Public Places Policy 2013
- Alcohol Use on Public Reserves and Beaches Policy 2018
- Commercial Activities on Council-managed Land Policy 2019
- Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018
- Mooring Agreement for Lady Nelson Wharf Policy 2010
- Outdoor Dining Policy 2018
- Parks and Reserves Use Policy 2010
- Port Macquarie Entertainment Precinct Event Use Policy 2018

The new Management of Public Places Policy has been developed following internal consultation on how such places are managed. This conversation was prompted by the fact some of the existing Policies are very dated and there has been an increased demand for and diversity of use of our public spaces.

Exhibition of this draft Policy (Attachment 1) will allow staff to engage with external stakeholders and to get their feedback on the consolidated approach.

Discussion

Council is looking to continue to support and encourage the sustainable use of Council owned and managed land. The aim being to determine a management approach which balances the interests of the community, local business, event owners and Council.

Council has nine existing policies for the management of public space, some of which are very outdated. These are included attached as Attachments 2-10. Council is seeking to simplify the process for the customer through implementation of an overarching policy, the draft Management of Public Spaces Policy (Attachment 1). The implementation of the draft Policy will ensure a consistent approach to managing our public spaces.

The draft Management of Public Spaces Policy aims to:

- replace nine (9) existing policies
- ensure a consistent approach to approvals,
- provide for appropriate and equitable access to public spaces for business activities and active and passive recreation;
- ensure that overcrowding is not an issue;
- ensure that activities are conducted in a safe manner;
- ensure there is capacity for activities to take place and contribute to the vibrancy of our places;
- ensure our community has fair and equitable access to public spaces.

With the repeal of the nine existing policies and implementation of one umbrella policy, Council would look to ensure customers can clearly navigate information on their specific requirements via the Council website.

Options

Council has the option to:

- a. Support the exhibition of the new draft Management of Public Spaces Policy; or
- b. Request to make further amendments to the Policy, noting this may delay exhibition; or
- c. Decline to proceed with the draft Management of Public Spaces Policy and request the update of the existing nine Council policies as identified below.

Planning and Policy Implications

There are no planning implications in relation to this report. Should Council choose to adopt the draft Policy in the future, the following existing policies would need to be repealed:











- A-Frame Sign Policy 2013
- Activities in Public Places Policy 2013
- Alcohol Use on Public Reserves and Beaches Policy 2018
- Commercial Activities on Council-managed Land Policy 2019

- Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018
- Mooring Agreement for Lady Nelson Wharf Policy 2010
- Outdoor Dining Policy 2018
- Parks and Reserves Use Policy 2010
- Port Macquarie Entertainment Precinct Event Use Policy 2018

Financial and Economic Implications

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

Attachments

1.  Draft Management of Public Spaces Policy
2.  A-Frame Sign Policy
3.  Activities in Public Places Policy
4.  Alcohol Use of Public Reserves and Beaches Policy
5.  Commercial Activities on Council Managed Land Policy
6.  Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy
7.  Mooring Agreement for Lady Nelson Wharf Policy
8.  Outdoor Dining Policy
9.  Parks and Reserves Use Policy
10.  Port Macquarie Entertainment Precinct Event Use Policy

Item: 12.05

Subject: DUNBOGAN BEACH RECREATIONAL ENHANCEMENT OPTIONS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities.

RECOMMENDATION

That Council not proceed with recreational enhancements to Dunbogan Beach at this time due to the constraints identified within the report.

Executive Summary

This report provides information on upgrade options and costs for recreational enhancements at Dunbogan Beach, as requested by Council at the 13 October 2021 Council Meeting where Council resolved to investigate upgrades such as boardwalk, public amenities, formalised carpark to enhance beach use to promote dog walking.

Background

The draft *Dogs in Public Open Spaces Policy* at the 13 October 2021 Council meeting considers concerns raised by *Crown Lands and National Parks and Wildlife Service (NPWS)* regarding the off leash dog access to the northern part of Washhouse Beach. The southern part of Washhouse Beach is part of the *Kattang Nature Reserve*; dogs are not permitted within National Parks areas. The existing access to Washhouse Beach is convenient for dog users noting that there are existing amenities, and is a short (approx. 100m) and relatively flat walk from the paved car park.

To address concerns raised by NPWS, Council resolved to investigate upgrades to the access at nearby offleash dog area on Dunbogan Beach (item 9) as follows:

That Council:

1. *Note the submissions and feedback received relating to the Draft Dogs in Public Open Spaces Policy during the public exhibition period.*
2. *Note that further discussions have been held with Crown Lands and National Parks and Wildlife Service (NPWS) regarding dogs on Washhouse Beach.*
3. *Note the correspondence received by the Chief Executive Officer from NPWS Acting/Area Manager, Hastings Macleay Area on 18 June 2021 and included as Attachment 5 to the report.*
4. *Note the mapping of the Kattang Nature Reserve as provided by NPWS and included as Attachment 5 to the report.*

5. Note the available area for dog off-leash walking is 125.86 metres from the rock breakwall, as per the mapping referred to in Item 4 above.
6. Note the correspondence from Shane Robinson, NPWS Manager Hastings Macleay Area to Council in February 2021 and included as Attachment 4 to the report.
7. Adopt the revised Dogs in Public Open Spaces Policy, including an amendment to permit off-leash dogs on Washhouse Beach, as referenced in Items 4 and 5 above.
8. Request the Chief Executive Officer urgently consult with NPWS regarding the erection of large information signage advising of the area permitted or prohibited to dogs and make available educational information as to the conservation and biodiversity value of the Kattang Nature Reserve.
9. **Request the Chief Executive Officer to investigate upgrades to Dunbogan Beach such as boardwalk, public amenities, formalised carpark to enhance beach use and promote dog walking on the 2.36 kilometre beach and provide a further report back to Council in March 2022 on estimates for upgrades for consideration in the draft 2022-2023 Operational Plan.**
10. Request the Chief Executive Officer ensure that the details of any proposed upgrades be the subject of community consultation prior to being finalised.
11. Thank those who provided feedback during the review of the Dogs in Public Open Spaces Policy and advise them of Council's determination.

Discussion

There are two existing formalised access points to Dunbogan Beach (refer to figure 1 below), and a number of informal tracks which are considered illegal tracks (i.e. not sign posted). This report will only discuss the formalised access points to Dunbogan Beach.

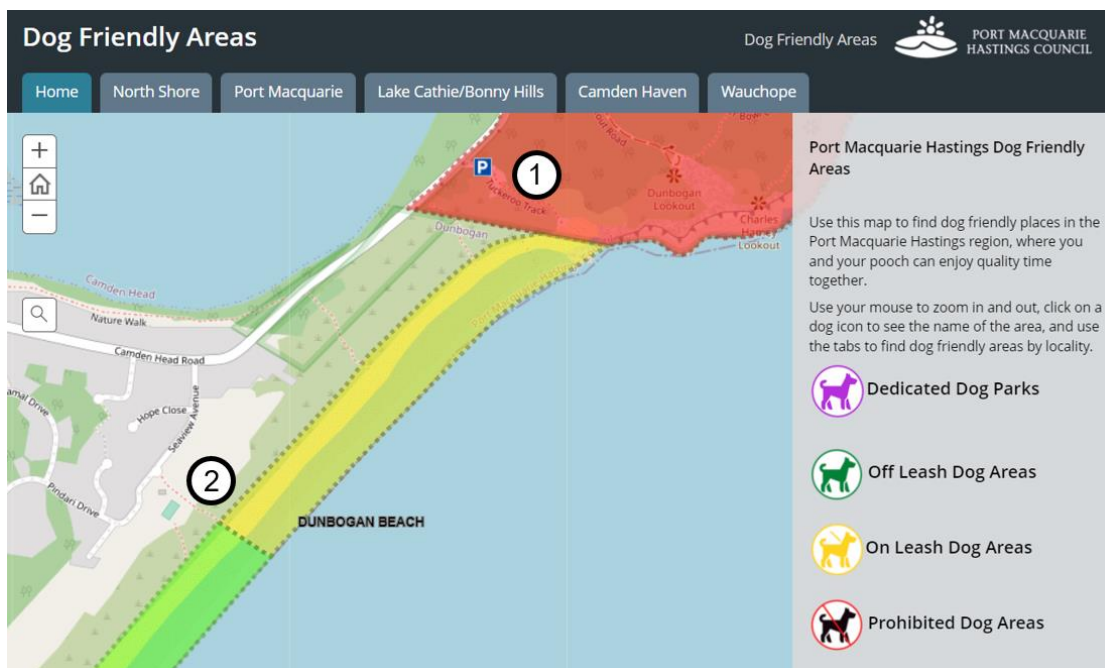


Figure 1 - Formalised access points to Dunbogan Beach

Site 1 - Tuckeroo Track

This access sits within one parcel of land (Lot 8 DP0754405) which is owned by Crown Lands (National Park). Dogs are prohibited within this area therefore this report will not seek to consider any further enhancement opportunities for this site.

Site 2 - Seaview Avenue (recommended access)

This access traverses three parcels of land (refer to figure 2 below) with the following land tenure:

- Road Reserve (Council Owned);
- Road Reserve (Council Owned);
- Crown Land (unsurveyed).



Figure 2 - Seaview Avenue beach access

The recreational enhancements considered for this location are as follows:

Parking

- Preliminary investigations have identified that there is sufficient width in the road reserve to formalise on street parking, and provide a footpath linking the parking to the Crown Land interface (refer to Figure 3 for an indicative layout). A needs analysis is recommended to establish the appropriate number of parking spaces.
- Providing on street parking could impact future development opportunities for Lot 21 DP 0835388.

Beach Access

- Access from Seaview Ave to the beach is via a 3m width / 90m long easement (Road Reserve) which is unpaved / exists as compacted sand track with a

relatively flat grade of 1:30. This section of the access could be improved through the addition of a concrete footpath.

- The access through the Crown Land parcel (to just above the high tide mark) is approximately 90m, unpaved / exists as loose sand track with a moderate grade of 1:15. Due to the existing gradient and soft sand, this track would be difficult for a person with limited mobility to access. As this is an unsurveyed parcel of land, it is unlikely that Crown would grant permission to improve this section of the beach access (i.e. introduce a boardwalk). This section of beach is also exposed and subject to coastal erosion - therefore the eastern extent of a formed structure could become undermined / damaged in storm / large swell event.

Amenities

- Public amenities (toilets) are not a permitted use within a road reserve.
- If Council were to acquire a portion of Lot 21 DP0835388 (say 15m width by full the depth of parcel) development as car parking and amenities would be permissible as development without consent under the Infrastructure SEPP following designation of the purchase as public reserve. This option however is not viewed as a feasible option due to the associated costs.

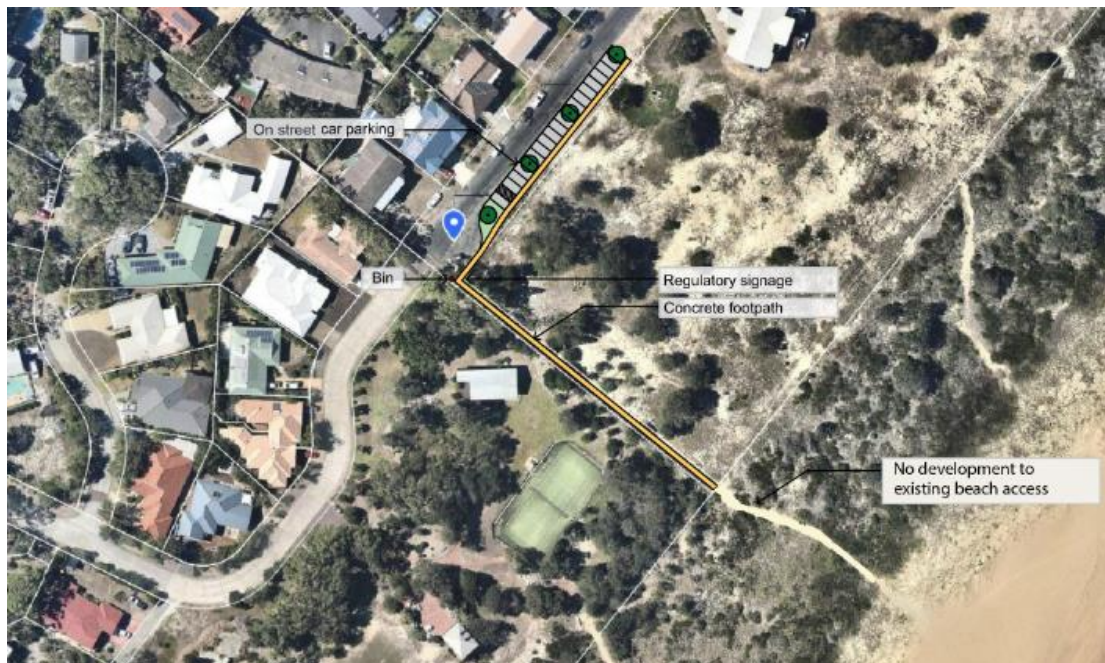


Figure 3 - Indicative layout of on street parking and beach access upgrades

Given the constraints identified in this report, it is recommended that Council does not proceed with recreational enhancements to Dunbogan Beach.

Community Engagement and Internal Consultation

If Council were to proceed with development of recreational enhancements at this site, community engagement should be undertaken with nearby residents, the Dunbogan community, key stakeholders including but not limited to Crown Land, Bunyah LALC and local environmental groups to help inform the design process.

Planning and Policy Implications

Further advice from Crown Lands would be required regarding formalising permission/licence for the existing access through the Crown Land parcel.

Financial and Economic Implications

The following assumptions have been made regarding budgets to progress this project:

Capital expenses:

- Site investigations, design and obtain approvals for:
 - o parking, landscaping, furniture, signage and access paths
 - \$60,000
- Construction of:
 - o parking, landscaping, furniture, signage and access paths
 - \$180,000

Ongoing expenses (per annum):

- Landscaping maintenance:
 - \$2500
- Crown Licence (renewal):
 - To be advised by Crown Lands

Attachments

Nil

Item: 12.06

Subject: NOTICE OF MOTION - AFFORDABLE HOUSING

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

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer provide advice to Council on affordable housing in the Port Macquarie-Hastings Local Government Area.**
- 2. Receive a report at the July 2022 Ordinary Meeting of Council on affordable housing.**

Comments by Councillor Lipovac:

Our housing market must deliver a diverse range of types and sizes to suit people and households of any culture, income, age, or ability.

In 2019, no housing stock was affordable for very low-income households, 5% for low-income households and 45% for moderate income households. What's the status in 2022?

Attachments

Nil

Item: 12.07

Subject: RESCISSION MOTION - NOTICE OF MOTION - ROAD NETWORK

Councillors Sheppard, Lipovac and Edwards have given notice of their intention to move the following motion:

RECOMMENDATION

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, Lake Road, Boundary Street and the Education Precinct surrounding CSU and St Columba Anglican College.
4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.
5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Governments.
6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.
7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
9. Note that Council considers road network planning, corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

be rescinded.

Should the rescission motion be successful, it is the Councillors' intention not to move an alternative motion.

Comments by Councillors

The goal of rescinding item 14.09 of the March 2022 Ordinary Council Meeting is to return to proper process and prudent decision-making for our transport infrastructure planning and road construction/maintenance delivery for the Port Macquarie Hastings.

In resolution on item 14.09, many clauses were statements of actions already underway. In terms of the new actions committed to, these were to direct Staff to:

- investigate and fast track planning for a range of specific road/pavement projects;
- consider significantly increasing funding for road/pavement construction and maintenance (clause 8), and;
- note that road/pavement delivery related activities are a "highest-level priority" for this term of Council (clause 9).

Without context, item 14.09 appears reasonable: The Port Macquarie Hastings has a visible backlog of road maintenance and a clear need to improve strategic planning and delivery of road transport infrastructure into the future. Item 14.09 might appear to address some of these issues.

However, in context, the decision on 14.09 can be seen as the Elected Council undertaking non-strategic prioritisation for transport infrastructure funding, with concerning consequences for future infrastructure delivery. Relevant contextual factors include:

1. **Council has already identified a detailed list of immediate, short, medium and long term transport infrastructure priorities, in collaboration with relevant stakeholders. We also have an existing list of priority infrastructure projects for funding. These existing priorities can and should be used as a basis for lobbying for funding to Federal and State MPs. (March Item 14.01 – Joint Integrated Transport Network Plan). See the list and the report it came from here:**

Council resolved to pursue a list of adhoc priorities without consideration of the existing current lists of priority projects, an informative report, or some other stated prioritisation process. Community members are well within their rights to wonder why their roads of concern weren't included in the list.

2. **During the March 2022 Ordinary Council Meeting, Council delayed progress on critical infrastructure strategies and plans (March Item 11.19- Infrastructure Strategy, March Item 14.06 – Regional Integrated Transport Strategy, Item 14.01- Joint Integrated Transport Network Plan).**

The draft strategies are complete, they of sound quality to exhibit, and should be progressed to public exhibition and toward adoption. Notably, each of these were delayed to ensure they will be aligned with a Blueprint proposed by Cr Roberts in February. At that time, the likely return date of Blueprint was advised to be 6 or so months. Council must reconsider whether it was appropriate to progress item 14.09 which has great relevance to the Blueprint, when three other critical strategies and plans were delayed for the sake of alignment with the Blueprint. At

the time of submission of these notes, clear information on the Blueprint has been very limited, with several sources in contradiction with each other.

I urge Councillors to rescind this decision. We need to use the existing and upcoming strategic resources being made available to us, to make financially prudent and strategically driven decisions on infrastructure priorities and delivery. This is how we will ensure we deliver the right transport infrastructure, when and where we need it.

Attachments

Nil

Item: 12.08

**Subject: RESCISSION MOTION - NOTICE OF MOTION - DRAFT
INFRASTRUCTURE STRATEGY**

Councillors Sheppard, Lipovac and Edwards have given notice of their intention to move the following motion:

RECOMMENDATION

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

- 1. Note the progress of the development of the draft Infrastructure Strategy as outlined at the Councillor Briefing in February 2022.**
- 2. Note the importance of ensuring that the draft Infrastructure Strategy aligns with the future Port Macquarie-Hastings Blueprint should it be adopted.**
- 3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Infrastructure Strategy prior to it being finalised for further consideration by Council for public exhibition.**

be rescinded.

Should the rescission motion be successful, it is the Councillors' intention to move the following alternative motion:

That Council:

- 1. Note that the draft Infrastructure Strategy is in a state appropriate for public exhibition.**
- 2. Note that should Council resolve to pursue the Blueprint in the April 2022 Council Meeting, it will be important to ensure that the draft Infrastructure Strategy aligns with the future Port Macquarie-Hastings Blueprint.**
- 3. Place the draft Infrastructure Strategy on public exhibition for not less than 28 days.**
- 4. Request the Chief Executive Officer provide a report to Councillors detailing the submissions received from the public during the exhibition period, to be tabled to the July 2022 Ordinary Council meeting.**
- 5. Noting the position in election cycles, request the Chief Executive Officer urgently write to the Federal Member for Cowper, Mr Pat Conaghan MP; Federal Member for Lyne, Hon Dr David Gillespie MP; State Member for Port Macquarie, the Hon. Leslie Williams MP and State Member for Oxley the Hon. Melinda Pavey MP identifying the following infrastructure projects in need of external funding, and seeking federal and state funding:**

- Rawdon Island Bridge
 - Hastings Regional Sporting Fields
 - Lake Road (Jindalee to Fernhill)
 - Beach to Beach Footpath
 - Lorne Road
 - Port Macquarie High performance Football Centre
 - Boundary Street
 - Hastings River Drive (Hughes to Boundary Street)
 - Ocean Drive Corridor Upgrades - Lake Cathie Township Stages 1 and 2
 - Beechwood Road Flood Access
6. Note that the list of funding priorities appearing in Clause 5 are derived from the existing list of infrastructure project funding priorities previously provided to the local state and federal members.

Comments by Councillors (if provided)

Attachments

Nil

Item: 12.09

Subject: RESCISSION MOTION - NOTICE OF MOTION - DRAFT REGIONAL INTEGRATED TRANSPORT STRATEGY

Councillors Sheppard, Lipovac and Edwards have given notice of their intention to move the following motion:

RECOMMENDATION

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

That Council:

- 1. Note the progress of the development of the draft Port Macquarie - Hastings Regional Integrated Transport Strategy as outlined at the Councillor Briefing in February 2022.**
- 2. Note the importance of ensuring that the draft Port Macquarie-Hastings Regional Integrated Transport Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.**
- 3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Port Macquarie - Hastings Regional Integrated Transport Strategy prior to it being finalised for further consideration by Council for public exhibition.**

be rescinded.

Should the rescission motion be successful, it is the Councillors' intention to move an alternative motion as follows:

That Council:

- 1. Note that the draft Regional Integrated Transport Strategy is in a state appropriate for public exhibition.**
- 2. Note that should Council resolve to pursue the Blueprint in the April 2022 Council meeting, it will be important to ensure that the draft Regional Integrated Transport Strategy inform the future Port Macquarie-Hastings Blueprint.**
- 3. Place the draft Regional Integrated Transport Strategy on public exhibition for a period of not less than 28 days.**
- 4. Request the Chief Executive Officer provide a report to Councillors detailing the submissions received from the public during the exhibition period, to be tabled to the July 2022 Ordinary Council meeting.**
- 5. Noting the position in election cycles, request the Chief Executive Officer urgently write to the Federal Member for Cowper, Mr Pat Conaghan MP; Federal Member for Lyne, Hon Dr David Gillespie MP; State Member for Port Macquarie, the Hon. Leslie Williams MP and State Member for Oxley the Hon.**

Melinda Pavey MP identifying the following infrastructure projects in need of external funding, and seeking federal and state funding:

- Rawdon Island Bridge
- Hastings Regional Sporting Fields
- Lake Road (Jindalee to Fernhill)
- Beach to Beach Footpath
- Lorne Road
- Port Macquarie High performance Football Centre
- Boundary Street
- Hastings River Drive (Hughes to Boundary Street)
- Ocean Drive Corridor Upgrades - Lake Cathie Township Stages 1 and 2
- Beechwood Road Flood Access

6. Note that the list of funding priorities appearing in Clause 5 are derived from the existing list of infrastructure project funding priorities previously provided to the local state and federal members.

Comments by Councillors (if provided)

Nil

Attachments

Nil

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 13.01

Subject: NOTICE OF MOTION - PORT MACQUARIE WORKS DEPOT

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

RECOMMENDATION

That Council request the Chief Executive Officer to provide a report to the May 2022 Ordinary Council Meeting as to the future plans for the relocation of the Port Macquarie Works Depot.

Comments by Mayor (if provided)

Nil

Attachments

Nil

Item: 13.02

Subject: 2022-2032 ECONOMIC DEVELOPMENT STRATEGY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities.

RECOMMENDATION

That Council:

- 1. Adopt the 2022-32 Economic Development Strategy as included as Attachment 1 to this report;**
- 2. Note significant community input into the development of the draft 2022-2032 Port Macquarie-Hastings Economic Development Strategy.**
- 3. Advise people and organisations who provided input and feedback through the community engagement on the 2022-2032 Economic Development Strategy of Council's determination in this matter and thank them for their input.**
- 4. Will receive an annual report on Strategy implementation commencing June 2023.**

Executive Summary

With the conclusion of the 2017-2021 Economic Development Strategy, a new ten-year Economic Development Strategy has been developed with broad community consultation to define Council's approach to supporting our community's economic future.

The draft 2022-2032 Economic Development Strategy sets out the strategic pathway to achieve inclusive and sustainable economic development outcomes over the coming decade. It aims to build on recent economic growth and development, support our continued recovery from recent economic challenges (natural disasters and COVID-19), and deliver a range of positive economic outcomes for our community.

The draft Strategy has been developed with broad community engagement reflecting on diverse perspectives across our region and was then placed on public exhibition seeking community feedback.

Overall it seeks to present Council's overarching commitment to economic development and our strategic direction, acknowledging that specific initiatives under each strategic objective included in the Draft will need to be considered as part of Council's annual Operational Plan and budget development.

Discussion

When developed, Council's 2017-2021 Economic Development Strategy was considered to be a renewal rather than a totally new strategy. It maintained the five key outcomes that had been prioritised in the previous 2013-2016 Strategy:

1. Embracing business and a stronger economy;
2. Providing the foundations;
3. Creating vibrant and desirable places;
4. Embracing opportunity.
5. Partnering for success.

While many aspects of the 2017-2021 Strategy are still relevant today, and indeed, were strong themes in the recent engagement, a holistic review and renewal of the Strategy was deemed timely, noting much has changed in our local economic landscape and many new challenges have been faced in recent times.

The final draft Economic Development Strategy (Attachment 1) has been developed to serve as a 'whole of council' strategy, integrating and aligning with Council's position and priorities across a range of other strategies and plans including our draft Community Strategic Plan, Local Strategic Planning Statement, and Regional City Action Plan.

The Economic Development Strategy has been informed with a thorough review of economic data and performance, including reflection on the gaps and opportunities in our economy, the impact of bushfires and COVID-19, and a range of engagement with local business, industry and community members.

Specific opportunities identified at the start of the project as a result of previous community engagement and economic analysis are detailed in the Discussion Paper at Attachment 2 and include our ability to leverage:

- Council leadership;
- Our growing population
- Geographic location/accessibility
- Our 'place' in the world
- Our collection of great towns
- Our natural assets
- Innovation and Entrepreneurship
- Local resilient communities.

A Supply Chain Gap analysis (Attachment 3), has and will continue to inform the potential for us to capture a greater share of economic development locally, rather than support suppliers of goods and services from outside our region.

The draft Strategy sets the following vision:

To forge a vibrant and inclusive economy that utilises our enviable lifestyle, skills and assets in a way that allows all community members and our environment to thrive.

The vision is presented as a balanced yet aspirational outlook, and seeks to maintain and protect core values while recognising that change is inevitable. Ultimately, it aims to acknowledge that development which achieves sustainable goals and is proactive

and innovative, is consistent with the values and aspirations of the Port Macquarie-Hastings community.

Sustainable economic development was a key theme in our engagement when developing the draft Strategy. There was strong recognition that, whilst economic growth is important, sustainable economic development is the ultimate outcome that will benefit all of our community via a better standard of living. It should be noted that the Strategy focuses on 'sustainability' as a process of ensuring the wise use and management of all resources within a framework in which environmental, social and economic well-being are integrated and balanced.

Other key themes emerging during the engagement sessions included strong support for continued investment in the infrastructure needed to facilitate sustainable growth; the on-going desire for Council to be solutions-focused, to embrace and encourage innovation and to create a connected and productive Port Macquarie-Hastings region. The topics of vibrant towns and villages, and economic participation for all, were also prominent in discussions.

The draft Strategy includes a simple 'Plan on a page' to provide an overarching snapshot of our proposed approach. This 'Plan on a page' (page 11), presents the proposed overarching commitment as a Council, links to the United Nations Sustainable Development Goals, outlines our strategic objectives, strategic priorities and provides a sample of key initiatives (which are presented in full from page 24).

The document also includes a detailed explanation on each strategic objective. This and the descriptions of key concepts aims to explain the "why". It is recognised that this document also serves as an education tool, so there is a focus on explaining economic approaches and concepts such as the circular economy. Finally, and importantly, the draft Strategy outlines how we intend to measure success using a range of qualitative and quantitative information.

Public Exhibition

The 2022-2032 Economic Development Strategy has been developed with broad consultation with the community.

Their input was received via a range of engagement methods during 2021 including:

- Community surveys completed online;
- Written submissions;
- Targeted 1-on-1 sessions (online and in person);
- Structured workshops (in person, in various locations across the region, and via zoom)
- Regular engagement with the Economic Development Steering Group; and,
- Internal consultation on strategies and initiatives across key areas of Council.

A public exhibition of the draft Strategy was conducted from October 2021 to January 2022. There were a total of 408 visits to the project's engagement page during the exhibition period. 165 documents were downloaded or viewed, and eight submissions were received.

The feedback gathered from exhibiting the draft 2022-2032 Economic Development Strategy indicates only minor amendments are required. These amendments are detailed and clearly marked in Attachment 4 to this report.

A summary of submissions received during the exhibition period is attached to this report at Attachment 5.

Options

Council has the option to:

- a. Resolve to adopt the 2022-2032 Economic Development Strategy as recommended; or
- b. Request amendment(s) to the 2022-2032 Economic Development Strategy; or
- c. Resolve not to adopt the 2022-2032 Economic Development Strategy and request a different approach to local economic development.






Planning and Policy Implications

If adopted, the 2022-32 Economic Development Strategy will set the new vision, strategic objectives and priorities for our economic future.

Financial and Economic Implications

If adopted and implemented, the initiatives outlined in the Strategy will be subject to consideration by Council as part of our Resourcing Strategy and annual Operational Plan and budget process. In addition, there will be strong focus on securing external funding to support the Strategy implementation.

Attachments

1.  PMHC 2022-32 Economic Development Strategy - FINAL
2.  Economic Development Discussion Paper 2021
3.  Supply Chain Gap Analysis
4.  PMHC 2022-32 Economic Development Strategy - FINAL with Markup
5.  Summary of submissions in response to public exhibition

Item: 13.03

Subject: MAJOR EVENTS GRANT PROGRAM - ROUND 2, 2022

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

RECOMMENDATION

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Grant Program Round 2, 2022 in the total amount of \$20,000 as follows:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. Elephant Trail Race (Coastal Sports Warehouse & Coastal Track & Trail Runners)	\$5,000
2. Gardenista (Creative Comboyne)	\$5,000
3. Academy Netball Challenge (North Coast Academy of Sport)	\$2,500
4. Rainbow Gold Enduro (Wauchope Bonny Hills Surf Lifesaving Club)	\$2,500
5. Beach Oztag (Australian Oztag)	\$2,500
6. Dropknee Sessions (Clayton Pickworth)	\$2,500
Total allocated this round	\$20,000

Executive Summary

The current round of Council's Major Events Grant program opened at the end of February and closed on 20 March 2022, for events to be held in the second half of 2022. The program, formerly called Major Events Marketing Grants, aims to support event organisers to develop, promote, execute and sustain locally grown, long-term major events which attract out of region visitation. Major events are an important and growing part of our local economy and add to the vibrancy of our region. The program's name changed just prior to this round to make it more accessible and achievable for sporting associations and clubs, by removing the requirement for them to use 100% of the grant monies for marketing, noting their out of region attendees for hosted events are a captive audience.

The panel members were unanimous in their agreement that the six (6) events noted in the recommendation were worthy recipients of the Major Events Grant Funding in this round.

Discussion

In applying for funding under Council's Major Events Grant program, applicants are required to demonstrate that the proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to 'major event' status with a significant economic impact. In making assessments, and given the recent challenges with the pandemic and weather events, we have considered all applications that have a strong focus on the KPI's relating to generation of destination exposure and visitation.

Events that are held in the Camden Haven, Hinterland and Wauchope areas are also looked upon favourably in an attempt to provide a better spread of events throughout the region and support businesses and community outside Port Macquarie.

Typically, there are four grants consisting of \$5,000 allocations on offer per round, with \$40,000 allocated to this annual Grant Program budget. Council has the discretion to offer less than \$5,000 per recipient, with the opportunity to allocate to a larger number of applicants per round. In addition, Council may leave funds in the grants pool unallocated if an insufficient number of quality applications are received. A maximum of three re-occurring allocations to any one event can be made under this program.

Applicants are also required to detail how the \$5,000 grant will be spent, with the proposed spending required to go towards marketing activities that assist in attracting out-of-region visitors, unless the applicant is a sporting association or club.

As per previous rounds, an internal review panel assessed applications. The individual panellists each assessed applications against the established program criteria, and weightings (refer Table 1 below), with 1 being the lowest and 5 being the highest.

Table 1- Program Criteria & Weightings

Criteria	Weighting
Potential to become a major event & attract significant visitor nights	5
Unique to the region/Mid North Coast	3
Financial sustainability	4
Substantial economic impact (or potential for)	3
Event organiser experience & resourcing	3
Off-peak or shoulder season placement	5
Robust marketing plan	4
Community Benefit	3

Following completion of their individual assessments, the panel met to discuss each application and make a final assessment. Based on criteria weightings, applicants were ranked and funds allocated. 65% of funds are payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data and proven marketing).

A summary of the panel's assessment of each applicant is detailed in confidential Attachment 1.

The confidential attachment titled "Round 2, 2022 Major Events Grant Evaluation Summary - Confidential" contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)).

Options

Council may choose to:

1. Endorse the final assessment of the internal review panel and funding allocations; or
2. Not endorse the final assessment of the internal review panel - either seeking further information, not expending any of the allocated budget for this round of funding, or re-opening this round of funding and calling for new applications.

Community Engagement and Internal Consultation

Round 2 of the Major Events Grant program was promoted to the community through various Council communication channels.

Internal consultation, including the internal assessment panel, included:

- Council's Executive Group
- Group Manager Economic & Cultural Development
- Acting Group Manager Community
- Acting Group Manager Recreation Property and Buildings
- Events Manager
- Project Officer - Events
- Project Officer - Destination & Culture
- Project Officer - Waste

Planning and Policy Implications

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

Financial and Economic Implications

Since February 2015, Council has allocated \$264,000 to the Major Events Marketing Grant Program with an economic impact of approximately \$13 million being realised (based on increased visitor nights as a direct result of these events). Attachment 2 shows a history of allocations under the Major Event Marketing Grant.

Under the 2021/2022 budget, Council has \$40,000 (total) for two contestable funding rounds for the Major Events Grant program. Should Council endorse the recommendation, \$20,000 will be allocated from this budget to the six (6) events recommended.

Attachments

1. Round 2 2022 Major Events Grant Evaluation Summary (Confidential)
2.  History of allocations under the Major Event Marketing Grant

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



Item: 14.01

Subject: NOTICE OF MOTION - BELLBOWRIE PARK, PORT MACQUARIE

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

RECOMMENDATION

That Council:

- 1. Give consideration to the establishment of a new dog park at Bellbowrie Park in conjunction with the upcoming annual review of Council's Recreation Action Plan.**
- 2. Request the Chief Executive Officer to include the concept of establishing a dog park at Bellbowrie Park in the community engagement for the Recreation Action Plan review.**

Comments by Mayor (if provided)

Nil.

Attachments

Nil

Item: 14.02

**Subject: PLANNING PROPOSAL - 2021 ADMINISTRATIVE REVIEW OF THE
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN
2011**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

- 1. Take the necessary steps under sections 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 61) in accordance with the exhibited Planning Proposal in Attachment 1.**
- 2. Delegate authority to the Director Community, Planning and Environment to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.**
- 3. Notify all persons who lodged submissions of the meeting outcome.**

Executive Summary

In November 2021, Council considered a report proposing to commence a Planning Proposal in relation to six minor amendments to *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011).

This report considers the submissions received in response to the public exhibition of the above Planning Proposal. The Planning Proposal was exhibited from 16 February to 16 March 2022.

Refer to Attachment 1 for the exhibited proposal.

The six matters are:

1. Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G - Insert labels for the Macquarie, Sea Acres and Lake Innes Nature Reserves to align with standard mapping practice.
2. Lot 1 DP 1261690, Highway Service Centre - Amend the Additional Permitted Use Map, LEP Clause 7.17 and Schedule 1 for "Item 12" - Use of certain land at 1179 Oxley Highway, Sancroix to update the legal description of the land on which the proposed highway service centre will be situated.
3. Lot 5 DP 21713, 46 Cooperabung Drive, Telegraph Point - Transport for NSW request to rezone site from SP2 Infrastructure zone to RU1 Primary Production zone.

4. Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rollands Plains - Rezone the Rollands Plains Showground from RU1 Primary Production zone to RE1 Public Recreation zone; and remove the Lot Size Map from the subject lands.
5. Part of lots 3, 21 and 65 DP 286585 Provence Close, Sancrox - Amendment to the C2 Environmental Conservation zone and corresponding amendment to the Lot Size Map.
6. Part of Lot 2 DP 1250767, Sovereign Drive, Thrumster - Rezone 431sqm of R1 General Residential zone to B1 Neighbourhood Centre zone to remove split zoning on the land and corresponding amendment to the Lot Size Map.

Two submissions were received during public exhibition of this Planning Proposal, one being from a government agency and the other from the landowner in relation to Issue 2.

The submission content is addressed in the Community Engagement section of the report.

After considering the submissions, it is recommended the Planning Proposal to amend LEP 2011 be supported, as exhibited (Attachment 1) by Council and finalised in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Discussion

Background

Council continually monitors the operation of the LEP 2011 to identify necessary refinements and adjustments to the LEP text and maps. A report to Council on 24 November 2021 recommended that a Planning Proposal be prepared to address six issues. Council subsequently resolved as follows:

That Council:

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

Following Council's resolution in November 2021, a Planning Proposal was prepared and forwarded to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination. A Gateway Determination was issued on 27

January 2022 allowing the Planning Proposal to proceed to public exhibition subject to proposal being updated as follows:

- a) amend all references from E2 Environmental Conservation to C2 Environmental Conservation;
- b) amend the planning proposal to remove all references to applying a Height of Building control to Item 4 Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600;
- c) amend Items 5 and 6 to refer to 'Part of' lots
- d) delete reference to the State Environmental Planning Policy (Rural Lands) 2008.

The planning proposal has been categorised as Basic under the Department's *Local Environmental Plan Making Guideline* (December 2021) and a public notification period of 28 days was required.

The Gateway Determination also required that consultation with the following public authorities occur:

- NSW Rural Fire Service
- Department of Planning and Environment - Crown Land

Options

This Planning Proposal relates to six separate issues as outlined in the Executive Summary.

Council's options are:

- 1) To support the Planning Proposal as exhibited and resolve to make the Local Environmental Plan; or
- 2) Not support the Planning Proposal.

It is recommended that Council endorse the recommendation and proceed with option 1 to finalise the proposal.

Community Engagement and Internal Consultation

The proposal was placed on exhibition from 16 February - 16 March 2022, consistent with the minimum exhibition period required by the Gateway determination.

A 30-day consultation period with NSW Rural Fire Service and Department of Planning and Environment – Crown Lands was also required by the Gateway.

Consultation in accordance with the Council's *Community Participation Plan* (2019) occurred. The public exhibition for this proposal included:

- Notification on Council's website
- Written notification to affected and adjoining landowners
- Notification to NSW RFS and the Department of Planning and Environment - Crown Lands.

The Planning Proposal was exhibited on the Council *haveyoursay* website (<https://haveyoursay.pmhc.nsw.gov.au/>)

Affected and potentially affected landowners for Issues 2 - 6 were also notified in writing of the proposed changes and invited to make a submission.

Over the 28 days of exhibition, the *haveyoursay* page received 63 visits and the Planning Proposal was downloaded 11 times. An enquiry was received from a member of the public seeking to understand how the changes in relation to Issue 1 (map tidy-ups) affected their property.

A total of two (2) submissions were received, one from NSW RFS and the other on behalf of the landowner in relation to Issue 2.

Details of the submissions received is provided below:

Submission		Issue
1.	NSW Rural Fire Service	RFS support the planning proposal and advise that future Development Applications shall be in accordance with Bushfire Protection Guidelines
	Response/ Comment:	Noted.
2.	Mr Peter Hore	Perceived removal of a dwelling entitlement on Lot 2 DP1261690 resulting from the removal of the LEP Additional permitted use (APU) map from this lot and update to LEP <i>Clause 7.17 - Development on land at 1179 Oxley Highway, Sancrox</i> Requests an additional permitted use is created on Lot 2 to permit the dwelling notwithstanding the minimum area shown on the site area map.
	Response/ Comment:	The submitter's mother originally owned the land on which the highway service centre is proposed to be located (Lot 11 DP1029846), 1179 Oxley Highway Sancrox. Lot 11 has since been subdivided into Lot 1 and Lot 2 DP1261690 under the provisions of LEP <i>Clause 7.17 - Development on land at 1179 Oxley Highway, Sancrox</i> . This clause requires the highway service centre and ancillary hotel or motel accommodation to be erected on the smaller lot (Lot 1, DP1261690) and the dwelling house is situated on the larger lot (Lot 2, DP1261690). Lot 1 has an area of 13.59ha and Lot 2 38.22ha. As the two-lot subdivision has been completed, the APU map (and clause 7.17) is no longer relevant to Lot 2 (land subject to this submission).

Submission	Issue
	<p>The intent of the Planning Proposal is to only apply the APU map and clause 7.17 to Lot 1 DP1261690. This is the land identified for the development of a highway service centre and ancillary hotel or motel accommodation. This proposed amendment to the LEP directly addresses concerns the submitter raised with Council in August 2019, about the APU applying to the entirety of Lot 11, and that this may prejudice approvals for alternate uses on any part of Lot 11 not developed for a highway service centre.</p> <p>Clause 7.17 of LEP 2011 was introduced for the purposes of allowing subdivision. Since the initial two lot subdivision has occurred, the clause is no longer applicable to Lot 2 (Hore's land), hence the proposed wording update will exclude Lot 2 from the provisions of the clause.</p> <p>Clause 7.17 needs to continue to apply to Lot 1 however, to enable this lot to be further subdivided to create lots less than the minimum lot size (of 40ha), only if there is a highway service centre and ancillary hotel or motel accommodation erected on the land.</p> <p>Clause 7.17 does not provide a dwelling entitlement on the land. A dwelling entitlement is enabled through continuing use rights. If the existing dwelling were to be demolished, the mechanism for erection of a dwelling on this lot could be through LEP Clause 4.2A(5)(a). Alternatively, and given that Lot 2 is 38.22ha, a Development Application for a dwelling under the variation principles at clause 4.6 could be lodged. When Council resolved on 19 June 2019 to approve the LEP amendment to permit the development of Lot 11, DP1029846, 1179 Oxley Highway Sancrox for the purpose of a Highway Service Centre, it expressly included in the resolution to permit a dwelling entitlement on the residue, following excision of the Highway Service Centre site, despite the minimum lot size provisions.</p> <p>Given the provisions of the LEP allow for a dwelling house on Lot 2, it is not considered necessary to add an additional provision in the LEP. Discussions with the Department of Planning and Environment have occurred, they substantiate the position that additional controls are not necessary.</p> <p>Council staff have agreed to provide the proponent with a letter to confirm that a dwelling entitlement remains on Lot 2 DP1261690.</p>

All persons who made a submission in response to the public exhibition have been notified in writing that this matter is being reported to Council at its 21 April 2022 meeting.

A full copy of the submissions has been made available to Councillors under separate cover.

Planning and Policy Implications

The proposed minor amendments will:

- Facilitate future development through fine-tuning the LEP provisions.
- Ensure continuous improvement of the LEP.

Following the finalisation of the LEP amendment to implement this planning proposal, an administrative amendment will need to be undertaken to Development Control Plan 2013 to update *Part D - Locality Specific Provisions - D8 Highways Gateway Sites* in relation to Issue 2 to reflect the application of the highway gateway development controls to Lot 1 DP1261690 and not the entirety of the former Lot 11, DP 1029846.

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

Financial and Economic Implications

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

Council's Strategic Land Use Planning staff have prepared the Planning Proposal as normal practice and will complete the process for finalisation of the plan, in accordance with section 3.36 of the Act, following a decision by Council.

Attachments

1.  Exhibited Planning Proposal - 16 February -16 March 2022

Item: 14.03

Subject: LE CLOS PLANNING PROPOSAL
OWNER: LCS ESTATES PTY LTD
APPLICANT: LAND DYNAMICS AUSTRALIA

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

1. Note the submissions received in relation to public exhibition of the 'Le Clos Sancrox' Planning Proposal.
2. Note the timeframe for completing the Planning Proposal is to be 12 months following the date of the Gateway determination, which was made on 13 May 2021.
3. Not proceed with the 'Le Clos Sancrox' Planning Proposal due to incomplete draft infrastructure contributions and costings required to ensure proposed infrastructure and public benefit of the Planning Proposal are made available to the public.
4. Request the Minister to determine that the matter not proceed pursuant to section 3.35 of the *Environmental Planning and Assessment Act 1979* due to incomplete draft infrastructure contributions and costings required to ensure proposed infrastructure and public benefit of the Planning Proposal are made available to the public.
5. Note the detailed investigations undertaken to date and the merits of the proposal however acknowledges the critical importance of resolving infrastructure issues before land is rezoned to a higher use.

Executive Summary

The "Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Amendment No 59) - Le Clos Sancrox" Planning Proposal (the Planning Proposal) seeks to amend Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

The intended effect of the Planning Proposal is to facilitate a change in land use from rural to urban and environmental uses, including medium density and general residential, public open space, business, environmental conservation, environmental management and environmental living. This change is intended to facilitate the development of a variety of residential and supporting uses and to conserve areas of high environmental value within the site.

At its Ordinary Meeting of 3 November 2021, it was resolved:

That Council:

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

Subsequent to Item 1 of the above resolution, the Planning Proposal was placed on public exhibition for a period of 50 days from 24 November 2021 to 12 January 2022. During this time feedback from the community was sought through:

- Addressed letters posted to landholders and neighbours.
- Provision of information on Council’s website.
- Provision of hard copy information at Council’s libraries and administration centres.
- Advertisements in local print and digital media.

33 submissions were received as a result of the above public exhibition. Feedback included within the submissions is summarised in Attachment 1 of this report. Full copies of the submissions are also provided to Councillors under separate cover.

In addition to the above, in accordance with Condition 3 of the Gateway determination issued under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act), consultation with public authorities/organisations under section 3.34(2)(d) of the Act has also been undertaken. As a result of this consultation, submissions were received from three government agencies, being the Rural Fire Service (RFS), Biodiversity Conservation Division of the Department of Planning and Environment (BCD) and Transport for New South Wales (TfNSW). These submissions are also summarised within Attachment 1 to this report, in addition to the submissions being provided as attachments to this report.

Subsequent to Item 2 of the above resolution, Council has sought to progress draft contributions and finance documentation for the Planning Proposal. The intent of this process is to ensure proposed infrastructure and public benefit outcomes in connection with the Planning Proposal are documented and made available to the public. Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation. However, whilst this process has been significantly progressed, to date, a final heads of agreement has not been achieved.

Given the draft infrastructure contributions and finance documentation is still being developed and correspondence from BCD, TfNSW are still to be fully addressed this now directly compromises the timeframe for completion of the LEP/PP as required by the Gateway Determination (Attachment 2) and Item 3 of the above Council resolution, to the extent that this timeframe can no longer be achieved. The potential

risk of being unable to meet the timeframe was identified by Council Staff and that risk was documented in a letter to the proponent dated 3 December 2021 (Attachment 3). This letter identified the progress to date of identification of infrastructure requirements and the issues that need to be considered to address Sewer and Water and Traffic and Transport requirements.

As such, given the significant extent of work that would be required to complete this LEP, it is recommended that Council request the Minister to determine that the matter not proceed and to complete outstanding tasks prior to requesting any future progression of a Planning Proposal. It is also considered that any future progression of a Planning Proposal should also consider the applicable strategic planning framework, including Fernbank Creek and Sancrox Planning Investigations as relevant.

Discussion

The "Port Macquarie-Hastings LEP 2011 (Amendment No 59) - Le Clos Sancrox" Planning Proposal (the Planning Proposal) seeks to amend Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

The intended effect of the Planning Proposal is to facilitate a change in land use zones from rural to urban and environmental uses, including medium density and general residential, public open space, business, environmental conservation, environmental management and environmental living. This change is intended to facilitate the development of a variety of residential and supporting uses and to conserve areas of high environmental value within the site.

In relation to the above, at its Ordinary Meeting of 17 March 2021, it was resolved:

That Council:

- 1. Note the preparation of the draft Fernbank Creek and Sancrox Villages Structure Plan and endorse this document for public exhibition for a period of not less than 28 days, subject to Item 2 below.*
- 2. Note that public exhibition of the draft Fernbank Creek and Sancrox Villages Structure Plan will not commence until such time as a Gateway Determination in relation to the Le Clos Sancrox Planning Proposal, facilitating public exhibition of this Planning Proposal, is issued by the New South Wales Minister for Planning and Public Spaces.*
- 3. Endorse the Planning Proposal in Attachment 3 of this report (the Le Clos Sancrox Planning Proposal) pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lots 1-52 DP0776681 and part of Lot 1 DP1009991 in accordance with the Planning Proposal.*
- 4. Forward the Planning Proposal to the New South Wales Minister for Planning and Public Spaces for a Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
- 5. Delegate authority to the Chief Executive Officer to make any required minor or administrative amendments to the above documentation prior to public exhibition, should the documents proceed through to public exhibition.*

6. *Request that the Chief Executive Officer prepare draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal.*
7. *This documentation is to be provided to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan.*
8. *Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.*
9. *Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.*

Subsequent to Items 3 and 4 of the above resolution, the Gateway determination in relation to the 'Le Clos Sancrox Planning Proposal' was issued by the (former) New South Wales Minister for Planning and Public Spaces on 13 May 2021. This Gateway determination is attached to this report as Attachment 2. In accordance with Clause 5 of this Gateway determination, this LEP amendment is to be completed by 13 May 2022.

In addition to other matters associated with the Le Clos Sancrox Planning Proposal that are required to be resolved in accordance with the Gateway determination, Council has sought to prepare draft infrastructure contributions and finance documentation and to report this information to Council. The intent of this process is to ensure proposed infrastructure and public benefit outcomes in connection with the Planning Proposal are documented and made available to the public.

At its Ordinary Meeting of 3 November 2021, it was resolved:

That Council:

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

Subsequent to Item 1 of the above resolution, the Planning Proposal was placed on public exhibition for a period of 50 days from 24 November 2021 to 12 January 2022. During this time feedback from the community was sought through:

- Addressed letters posted to landholders and neighbours.
- Provision of information on Council's website.
- Provision of hard copy information at Council's libraries and administration centres.
- Advertisements in local print and digital media.

33 submissions were received as a result of the above public exhibition. Feedback included within the abovementioned submissions is summarised within Attachment 1 to this report. Full copies of the submissions are also provided to Councillors under separate cover.

In addition to the above, in accordance with Condition 3 of the Gateway determination issued under section 3.34(2) of the Act in relation to the Planning Proposal by the former Department of Planning, Industry and Environment (now Department of Planning and Environment), consultation with public authorities/organisations under section 3.34(2)(d) of the Act has also been undertaken. These authorities/organisations included:

- NSW Department of Education
- Transport for NSW
- Mid North Coast Health
- NSW Police
- NSW Ambulance
- NSW Fire and Rescue
- NSW Department of Justice
- Department of Planning and Environment - Biodiversity and Conservation Division
- Department of Primary Industries - Agriculture
- Essential Energy
- Birpai Local Aboriginal Land Council
- NSW Heritage
- Department of Regional NSW - Mining, Exploration and Geoscience Division

As a result of this consultation, submissions were received from three government agencies, being RFS, BCD and TfNSW. These submissions are also summarised within Attachment 1 to this report, in addition to the submissions being provided as attachments to this report. Issues raised within these submissions are currently being addressed by the proponent as relevant.

Subsequent to Item 2 of the above resolution, Council has sought to progress draft contributions and finance documentation for the Planning Proposal. As such, Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation. However, whilst this process has been significantly progressed, to date, a final heads of agreement has not been achieved. Given the draft infrastructure contributions and finance documentation is still being developed and submissions from BCD and TfNSW on the Planning Proposal are still to be addressed, this now directly compromises the timeframe for completion of the LEP as required by the Gateway Determination and Item 3 of the above Council resolution, to the extent that this timeframe can likely not be achieved.

Options

Alternative options to the recommendations of this report are provided below:

- Option 1 - As per the Recommendations of this report; or
- Option 2 - Request an extension to the timeframe for completing the LEP under the Gateway determination

This option would involve Council formally requesting an extension to the time frame for completing the LEP under Condition 5 of the Gateway Determination. This option would allow Council Staff to continue working with the proponent to resolve outstanding matters as outlined within correspondence from Council to the proponent dated 3 December 2021, the submissions received from BCD and TfNSW and to progress the draft contributions and finance documentation. However, given the significant extent of work that would be required, it is considered that Council should request the Minister to determine that the matter not proceed and to complete outstanding tasks prior to requesting any future progression of a Planning Proposal. Any future progression of a Planning Proposal should also consider the applicable strategic planning framework, including the Fernbank Creek and Sancrox Planning Investigations as relevant.

This report recommends Option 1.

33 submissions were received as a result of the above public exhibition. Feedback included within the abovementioned submissions is summarised within Attachment 1 of this report. Full copies of the submissions are also provided to Councillors under separate cover.

Community Engagement and Internal Consultation

Community Engagement

The Planning Proposal was placed on public exhibition for a period of 50 days from 24 November 2021 to 12 January 2022. During this time feedback from the community was sought through:

- Addressed letters posted to landholders and neighbours.
- Provision of information on Council's website.
- Provision of hard copy information at Council's libraries and administration centres.
- Advertisements in local print and digital media.

The main topics raised within the submissions include:

- Concern regarding the impact of the proposal on the proposed expansion of the Sancrox Quarry.
- Request to consider any potential land use conflicts, particularly with the Sancrox Quarry.
- Concerns regarding an existing moratorium over the land.
- Request to consider the need for more affordable housing and shortage of land.
- Concern regarding not disclosing the names of all financial beneficiaries and land owners associated with the proposal and request to detail any political donations.
- Request to consider the existing character and amenity of the Sancrox area.
- Request to consider environmental sustainability initiatives associated with carbon emissions, water conservation and air quality.
- The need to address traffic issues west of Port Macquarie.
- Expression of support for the Planning Proposal.

- Objection to the Draft Fernbank Creek and Sancrox Villages Structure Plan and associated documents.
- Suggestion of concealing and failing to disclose essential facts in the proposed LEP amendment 59 - suggesting the current LEP Amendment Number 59 unjustly enriches the associated parties and stakeholders.
- The need to address infrastructure, particularly the road network.
- Request to consider the health impacts of overdevelopment.
- The need to address the effects of climate change.
- Concern over the timeliness of the delivery of the Planning Proposal.
- Concern over land use conflict with the industrial nature of the area.
- The need to preserve native flora and fauna including wildlife corridors.
- Concerns regarding the potential impact of domestic pets on the neighbouring Koala population and other native fauna.
- Request to consider R5 (large lot residential) zoning instead.
- Suggestion that areas on the eastern side of the Pacific Highway (such as Lake Innes) be rezoned as a priority before Le Clos.
- Concerns regarding land clearing in the Port Macquarie-Hastings Local Government Area.
- Request to consider retaining hollow-bearing trees and all existing tree-cover.
- Consider E2 zoning for most environmental protection zones to disable development of structures that can diminish its biodiversity values.
- Oppose the loss of existing native vegetation.
- All environmental protection zones should have public road boundaries and not be directly adjacent to proposed residences.

Responses to issues raised within the submissions received are provided within Attachment 1 to this report.

Other External Consultation

In addition to the above, in accordance with Condition 3 of the Gateway Determination issued under section 3.34(2) of the Act in relation to the Planning Proposal by the former Department of Planning, Industry and Environment (now Department of Planning and Environment), consultation with public authorities/organisations under section 3.34(2)(d) of the Act has also been undertaken. These authorities/organisations included:

- NSW Department of Education
- Transport for NSW
- Mid North Coast Health
- NSW Police
- NSW Ambulance
- NSW Fire and Rescue
- NSW Department of Justice
- Department of Planning and Environment - Biodiversity and Conservation Division
- Department of Primary Industries - Agriculture
- Essential Energy
- Birpai Local Aboriginal Land Council
- NSW Heritage
- Department of Regional NSW - Mining, Exploration and Geoscience Division

As a result of the above consultation, submissions were received from three government agencies, being RFS, BCD and TfNSW. These submissions are summarised within Attachment 1 to this report and are also provided as Attachments 4 and 5 of this report. Issues raised within these submissions are currently being addressed by the proponent as relevant.

Internal Consultation

Ongoing internal Council consultation has been undertaken as part of work associated with the Planning Proposal. This process has involved collaboration between Council's Strategy, Infrastructure Planning, Recreation, Property and Buildings, Environmental Services, Community Engagement and Development Assessment teams.

Planning and Policy Implications

This Planning Proposal is being progressed in accordance with Council's Planning Proposal Policy and relevant NSW Government legislative requirements.






Financial and Economic Implications

With regard to the preparation of draft infrastructure contributions and finance documentation in relation to the Planning Proposal, this work is intended to ensure that proposed infrastructure and public benefit outcomes in connection with the proposal are documented and made available for public inspection and feedback.

The above draft infrastructure contributions and finance documentation is a critical component of the strategic planning process associated with large and complex proposals such as Le Clos Sancrox, particularly given that the proposal is generally

not captured by Council's current infrastructure planning and contributions framework. As such, the thorough and transparent implementation of this process will ensure that infrastructure and public benefit outcomes are accurately identified and communicated with the wider community. This process will seek to ensure equity in the delivery of the proposal and minimise liability for the community through ensuring appropriate developer contributions towards demand for infrastructure and services associated with such development.

Attachments

1.  Attachment 1 - Summary of Submissions
2.  Attachment 2 - Gateway Determination
3.  Attachment 3 - Correspondance from Council to Proponent dated 3 December 2021
4.  Attachment 4 - TfNSW Response to Le Clos Sancrox Planning Proposal
5.  Attachment 5 - BCD Response to Le Clos Sancrox Planning Proposal

Item: 14.04

Subject: PP2017-11.1 PLANNING PROPOSAL ASSESSMENT REPORT -
LOT 1 DP1161722, THE CHIMNEYS, HOMEDALE ROAD, KEW
OWNER: YEVRAH SUPER PTY LTD
APPLICANT: GEM PLANNING PROJECTS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

1. Not support the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone Lot 1 DP 1161722, Homedale Road, Kew from RU1 Primary Production to R1 General Residential, C2 Environment Conservation and C3 Environmental Management, for the following reasons:
 - a) The proposed development resulting from the Planning Proposal is premature from an infrastructure servicing perspective. The current Kew/Kendall Sewerage Treatment Plant currently does not have capacity for currently zoned land within the Kew / Kendall area and therefore Council cannot approve the rezoning of any further land for urban purposes that will increase the sewerage loading to the treatment plant. A new system is only in the design phase and remains several years from completion.
 - b) The request proposes development of land which, if supported, would be inconsistent with Objectives (b), (c), (e), (f), (g) and (j) of the *Environmental Planning and Assessment Act, 1979*.
 - c) The Planning Proposal is inconsistent with State Environmental Planning Policies for SEPP (Biodiversity and Conservation) 2021 - Chapter 3 Koala Habitat Protection, SEPP (Resilience and Hazards) 2021 - Chapter 2 Coastal Management and SEPP (Transport and Infrastructure) 2021.
 - d) The Planning Proposal is inconsistent with the following *Environmental Planning and Assessment Act, 1979* Section 9.1 Ministerial Directions:
 - I. Direction 3.1 Conservation Zones
 - II. Direction 3.2 Heritage Conservation
 - III. Direction 4.2 Coastal Management
 - IV. Direction 4.3 Planning for Bushfire Protection
 - V. Direction 5.1 Integrating Land Use and Transport
 - VI. Direction 6.1 Residential Zones
 - VII. Direction 9.2 Rural Lands.
 - e) The proposed amendments requested to the Port Macquarie-Hastings Local Environmental Plan 2011 through the Planning Proposal do not

- demonstrate strategic and site specific merit under the Assessment Criteria in the NSW Department of Planning & Environment's Local Environmental Plan Making Guideline (December 2021).
- f) Under Section 3.6 b) of Council's *Planning Proposal Policy (2019)* the Planning Proposal does not promote the orderly and efficient provision of essential services, notably sewer and road infrastructure, and involves the development of areas of high environmental value.
 - g) The Planning Proposal is inconsistent with the *Biodiversity Conservation Act 2016* in that the biodiversity values of the site have not been sufficiently assessed and the physical constraints of the site avoided.
 - h) The Planning Proposal has not adequately assessed and demonstrated avoidance of the high environmental values on the site, as it does not:
 - I. Provide the required buffers to the three (3) Endangered Ecological Communities, as required by Council's Development Control Plan 2013,
 - II. Proposes the removal of four (4) Hollow Bearing Trees (HBT), which, due to the score these have achieved under Council's HBT Assessment Protocol, require retention and exclusion from development under DCP 2013,
 - III. Undertake an assessment of potential Koala presence in accordance with SEPP (Biodiversity and Conservation) 2021.
 - i) The proposed development does not incorporate community facilities, contrary to Council's Development Control Plan 2013, which requires a neighbourhood park to be located within a 500m walkable catchment.
 - j) The Planning Proposal has not interpreted the Port Macquarie-Hastings Local Environmental Plan 2011 Schedule 5 Environmental heritage item I161 (Chimneys - remains of mill workers' cottages) formerly located on the site, contrary to Condition 6 of DA No 2018/215, which required any future rezoning of the site to interpret the heritage item within a public reserve.
 - k) Secondary road access arrangements are not adequately addressed for the Planning Proposal in accordance with the requirements of the NSW Government's *Planning for Bushfire Protection (PBP) 2019* and Council policy. As required by Section 4.2.1 of PBP 2019, the increasing density of development and traffic movements on Homedale Road should be considered in the context of emergency access, egress and evacuation for any future development proposed on the site.
 - l) Pedestrian accessibility and connectivity of the site to the Kew village and public transport is not adequately addressed by the Planning Proposal. In the event of future secondary road access is provided from the land to Kendall Road (to the north-west) and Nancy Bird Walton Drive (to the east), footpaths will be required to meet the NSW Government requirements for Traffic Generating Development, which would allow easy pedestrian access to bus stops and into Kew.
2. For the reasons outlined in 1 above, not refer the Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979.
 3. Acknowledge that the subject land is located within the Urban Growth Area boundary of the *North Coast Regional Plan 2036* and *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*, and invite the Proponent to submit a new Planning Proposal application, which addresses the matters raised within this report, at a time when Council has entered

into a construction contract for the Kew/ Kendall Sewage Treatment Plant upgrade.

4. **Notify the Proponent of its decision in the matter.**
5. **Notify the NSW Department of Planning & Environment of its decision in the matter.**

Executive Summary

This report considers a planning proposal request (PP2017-11.1) to rezone land at Lot 1 DP1161722 Homedale Road, Kew (known as The Chimneys) and details the outcomes of a staff assessment of the request.

The Proponent for the Planning Proposal is GEM Planning. The Owner is Yevrah Super Pty Ltd.

The Planning Proposal requests the rezoning of land from RU1 Primary Production to R1 General Residential, C2 Environmental Conservation and C3 Environmental Management under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) to enable the land to be developed for urban and environmental purposes. The subject land is within the Urban Growth Area boundary of the *North Coast Regional Plan 2036* and *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* for urban investigation.

The intended effect of the Planning Proposal request is to amend planning controls including land zone, lot size, floor space ratio and height of building controls, on land within the proposed development areas.

Council initially considered a written request in August 2017, resolving (Item 12.04) to *'commence investigation of three additional requests for site-specific planning proposals at High Street, Wauchope, the proposed Highway service centre, Sancrox, and The Chimneys at Homedale Road in Kew as part of Council's strategic land use planning work program'*.

Investigation of the Chimneys site commenced in December 2018, when a Planning Proposal and supporting information was lodged.

Since then, there have been reviews of submitted information, meetings with the Proponent, correspondence, reports to Council on the status of the proposal and site visits. The Proponent has been formally advised (in writing in May 2019 and August 2020) that the information submitted in support of the request does not address fundamental issues. These issues have included the Sewer Pump Station, Kew/ Kendall Sewage Treatment Plant, secondary road access, environmental land, Hollow bearing trees, neighbourhood park, footpaths, bushfire assessment, flooding and interpretation strategy for The Chimneys heritage items.

The Proponent submitted a second revised planning proposal in June 2020, and a third revised planning proposal in December 2021. The December 2021 Planning Proposal is the subject of this report.

The NSW Department of Planning and Environment (DPE) is currently undertaking planning reforms, with a key aim to reduce the overall processing times for planning

proposals. The notion is that councils should determine whether they have enough information to make a recommendation to Council and that this should be done within 120 working days from lodgement for a Complex planning proposal. This proposal is assessed as being Complex under the DPE's new Local Environmental Plan Making Guidelines, which commenced on 15 December 2021, because it '*would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding*' (NSW Government, 2021:14).

While staff have sought to work with the Proponent to reach a positive outcome for this site over a lengthy period of time, it is considered that, when looking at the matter strategically and practically, the summary of all of the negotiations would result in a rezoning that is contrary to legislative requirements, and would not be in keeping with the wider social, environmental or economic context of the site.

Subsequently, and on assessment of the third revised planning proposal, it is determined that the planning proposal does not demonstrate strategic and site specific merit in accordance with the Department's LEP Making Guidelines. The proposal does not satisfactorily address planning and environmental legislation, Council's Development Control Plan (DCP) or the outstanding issues discussed in this report, for Council to progress the planning proposal to the Department seeking a Gateway Determination.

Following a meeting between staff and the Proponent, on 4 April 2022 the Proponent proposed further revisions to the current Planning Proposal (December 2021) in order to address some long-standing issues. To summarise, these revisions include:

- the creation of an additional C3 Environmental Living zone buffer to the east to retain identified hollow bearing trees;
- relocation of the eastern perimeter road to provide 35m buffer to the EEC;
- creation of an emergency easement in favour of Council along the southern boundary of the land to provide future access to/from Nancy Bird Walton Drive;
- proposed area of 1727m² to be set aside as a RE2 Private Recreation zone to allow a park to be developed as part of an integrated community title development.

Whilst some of these new amendments could be viewed as improvements to the current Planning Proposal, they do not alter the fundamental issue of the Kew/ Kendall STP being at capacity and that a rezoning of the land for urban purposes is not able to be adequately serviced at this time. The merit of these further amendments to the proposal are therefore not assessed in this report.

This report therefore recommends that Council not support the Proponent's request to prepare a planning proposal (December 2021) for the subject land for the reasons outlined in the report Recommendation.

Background

Subject Site

The 14.18 ha site is known locally as 'The Chimneys', is zoned rural (RU1 Primary Production), includes an existing dwelling and is less than 2km from Kew village centre.

The land comprises Lot 1 DP 1161722, Homedale Road Kew (refer to **Figure 1**) and is accessible from the north, via Homedale Road, which runs through the Links Estate.

The site adjoins R1 General Residential zoned land, Environmental lands and RU1 Primary Production land to the north and RU1 Primary Production zoned land to the east, south and west. Camden Haven River forms a natural boundary to the site to the west.

With its current RU1 Primary Production zoning, the minimum subdivision lot size is 40 ha.



Figure 1: Locality Plan

The rural zoned land is subject to a number of constraints which are mapped in **Figure 2** and explained below.

Environmental constraints:

- There are a number of Hollow Bearing Trees in the east and west of the site, some of which require mandatory protection in accordance with Council's Development Control Plan (DCP) 2013.
- Three Endangered Ecological Communities (EEC) are mapped across the site: Swamp Oak Floodplain Forest (NW corner), Swamp Sclerophyll Forest on Coastal Floodplains (North) and River-flat Eucalypt Forest on Coastal Floodplain (South). Of note, Swamp Sclerophyll Forest on Coastal Floodplains is listed as Endangered under the Federal *Environmental*

Protection and Biodiversity Conservation Act 1999. Council's DCP requires buffers around EEC, which are not demonstrated in the current proposal.

Coastal wetlands:

- A section in the north-western corner of the subject land is identified in SEPP (*Resilience and Hazards*) 2021 as containing coastal wetlands, and to a larger extent is located within the proximity area to coastal wetlands and coastal use areas.

Flooding:

- The south and western boundaries of the site are subject to the 1 in 100-year flood. This is largely addressed in the current proposal, with the plans showing a water quality and bio retention system in the flood risk area to the south.

Bushfire Prone land:

- There are sections of the site that are within a Category 1 bushfire area. The bushfire report submitted to support the proposal identifies appropriate Bushfire Attack Levels, these are mapped based on the proposed development footprint and demonstrate the buffer required between the vegetation and proposed development.

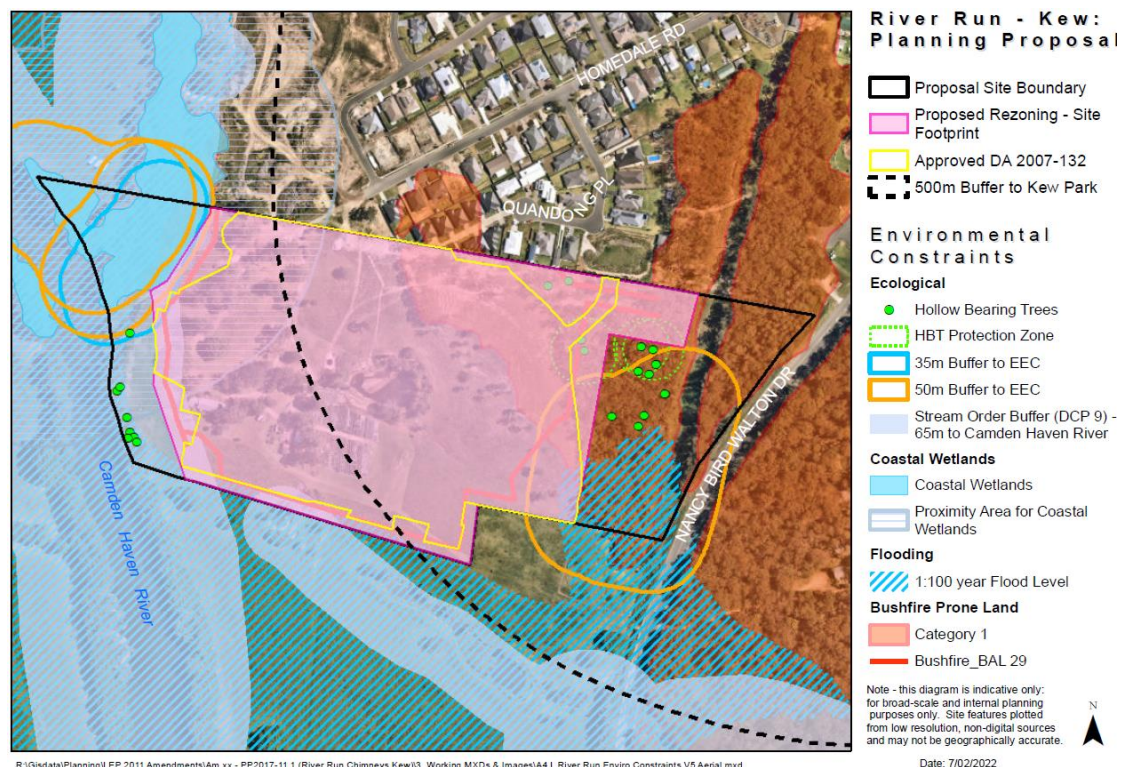


Figure 2: Constraints map

Development Approvals

The site enjoys a commenced development approval (DA 2017/132) for a 58 lot sustainable residential community development, reliant on on-site sewage treatment and water capture and supply.

The residential community title subdivision is enabled under Schedule 1 *Additional Permitted Uses* provisions of the Port Macquarie-Hastings Local Environmental Plan 2011. Item 1 of the Schedule provides as follows:

1 Use of certain land at Homedale Road, Kew

A.

- (1) This clause applies to land at Homedale Road, Kew, being Lot 1, DP 1161722, shown as "Item 1" on the Additional Permitted Uses Map.
- (2) Development for the purposes of a residential community (including for the purposes of dual occupancies, multi dwelling housing, residential flat buildings and community facilities) is permitted with development consent if—
 - (a) the number of lots is no more than 66, and
 - (b) the number of dwellings is no more than 66, and
 - (c) the provision of water and sewerage is on-site and self-contained, and
 - (d) no direct access (other than access for emergency vehicles) is provided to the Pacific Highway, and
 - (e) subdivision on the land is carried out in accordance with the [Community Land Development Act 1989](#).

Figure 3 demonstrates the site layout for the approved community title development.

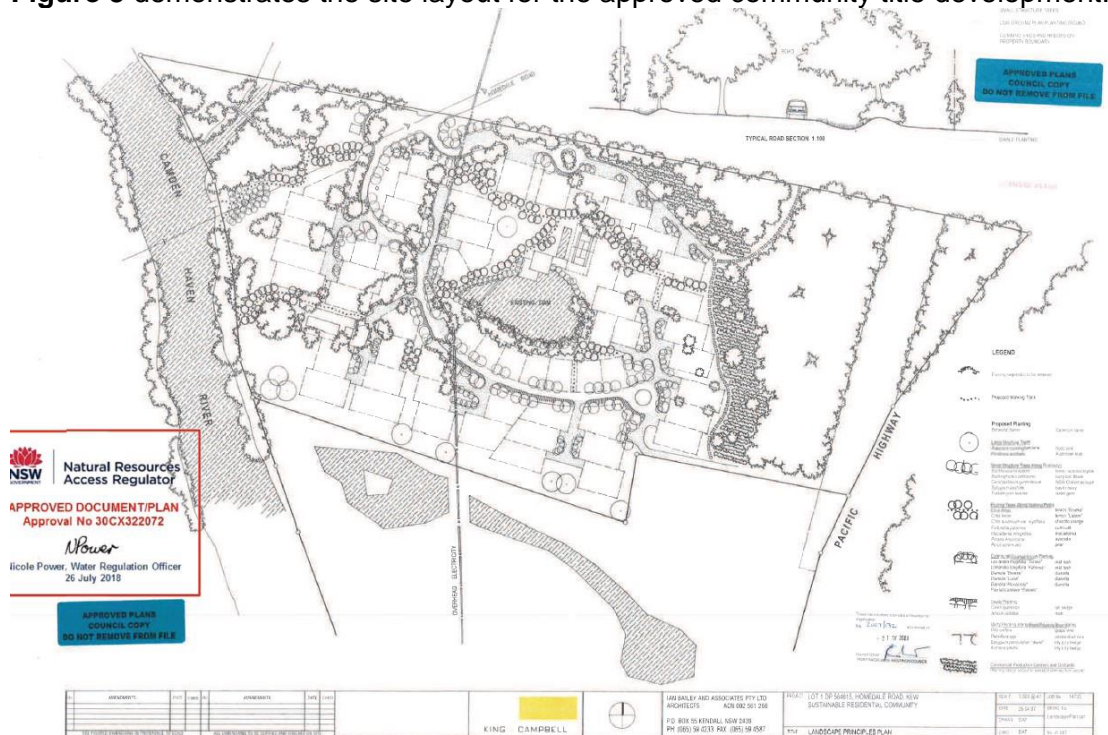


Figure 3: Stamped Plan of Approved Development (DA 2017/132)

The site originally included LEP Schedule 5 European Heritage Item I161 (Chimneys - remains of mill workers' cottages), which were deemed to be unsafe. The approval of DA2018/215 allowed for these to be demolished, although the heritage listing remains on the site.

Council Resolution August 2017

In August 2017, Council considered a report (Item 12.04), on the status of current Site Specific LEP Amendments and new planning proposal requests. This report discussed the Chimneys planning proposal request, stating that pursuing this rezoning *'would significantly increase the already large supply of zoned residential land in the Camden Haven. This is a significant strategic issue and it is therefore proposed to consider the status of this proposal in the review of the UGMS, prior to any decision to include the matter as a site specific amendment'*. Subsequently, the Recommendation of the report did not include commencing investigations of the Chimneys site as follows:

That Council:

1. *Note the current status of the eleven site-specific planning proposals considered at the Ordinary Meeting of 15 March 2017 as described in this report.*
2. *Take the necessary steps to discontinue planning proposals in relation to Ruins Way Port Macquarie, Mumford Street Port Macquarie and Ocean Drive Lakewood, for the reasons set out in this report.*
3. *Commence investigation of two additional requests for site-specific planning proposals at High Street, Wauchope and at the Oxley Highway and Pacific Highway interchange, Sancrox, as part of Council's strategic land use planning work program.*

At that meeting, Council ultimately resolved to include the Chimneys site as part of the strategic land use planning work program as follows:

That Council:

1. *Note the current status of the eleven site-specific planning proposals considered at the Ordinary Meeting of 15 March 2017 as described in this report.*
2. *In relation to the requests to rezone land at Ruins Way Port Macquarie,*
3. *Mumford Street Port Macquarie and Ocean Drive Lakewood, Council continue to assess these matters but notify the proponents that the proposals will be discontinued if the necessary information has not been submitted for Council to support a planning proposal by 16 February 2018.*
4. ***Commence investigation of three additional requests for site-specific planning proposals at High Street, Wauchope, the proposed Highway service centre, Sancrox, and The Chimneys at Homedale Road in Kew as part of Council's strategic land use planning work program.***
5. *Note the additional resource requirements placed on staff as a result of recommendations 2 & 3 above and allow the General Manager to resource this increased program appropriately.*
6. *Commence the preparation of a Policy in relation to site-specific planning proposals within the Port Macquarie-Hastings LGA, to provide guidance regarding the roles and responsibilities of Proponents and Council in such matters.*
7. *Request the General Manager to provide six monthly reports to Council on the progress of existing site specific planning proposals.*

Planning Proposal Chronology

Below is a summary of key dates in correspondence in relation to the Planning Proposal. The full chronology is at Attachment 1.

Date	Summary
21 July 2017	Letter from Geraldine Haigh (GEM Planning Projects) requesting consideration of a rezoning proposal for Lot 1 DP 1161722, Homedale Road, Kew
16 August 2017	Council resolution to investigate the subject request as part its annual Strategic Planning Program
21 March 2018	Council update report on Site Specific LEP Amendments (Item 12.03) noting that a planning proposal and supporting documents for the subject lands is yet to be received
18 December 2018	<p>Planning proposal and supporting studies lodged and Stage 1 fees paid</p> <p>Note: Proposal to support the rezoning of land for approximately 90 lots, including a request to include Council land in the rezoning to establish the 'Kew Parklands'</p> <p>This information included: Planning proposal, plan set, Chimneys interpretation option, Kew parklands concept, approved DA, approved landscape plan, servicing strategy, ecology report, bushfire report, traffic impact assessment.</p>
17 April 2019	Council update report on Site Specific LEP Amendments (Item 12.08) noting that additional information has been received, and is under assessment and negotiation with proponent
1 May 2019	<p>Further information request.</p> <p>Council letter to Proponent providing comments on the Planning Proposal submitted in December 2018 and requesting matters to be addressed in a revised Planning Proposal.</p>
11 December 2019	Council update report on Site Specific LEP Amendments (Item 13.10) noting that lodgement of a revised planning proposal has been pending since May 2019
17 June 2020	<p>Council update report on Site Specific LEP Amendments (Item 13.02) recommending that:</p> <p><i>In relation to the Planning Proposal (PP2017-11.1) for The Chimneys, Homedale Road, Kew advise the Proponent that:</i></p> <ul style="list-style-type: none"> a) A revised Planning Proposal and supporting information is to be submitted to Council by 21 August 2020, and b) If a revised Planning Proposal is not submitted to Council within the timeframe referred to in 3 a) above, the Planning Proposal as lodged, be reported to Council at its September 2020 Ordinary meeting with a recommendation that it not be supported.



Date	Summary
	Recommendation resolved and Carried 7/0
22 June 2020	<p>Revised planning proposal and supporting studies submitted Note: Proposal to support the rezoning of land for approximately 90 lots</p> <p>This information included: Planning proposal, plan set, ecology assessment, traffic impact assessment, bushfire study, Stage 1 contamination report, Bunyah record of contacts.</p>
26 August 2020	<p>Further information request. Letter to proponent providing comments and seeking further information on the planning proposal.</p>
9 December 2020	Council update report on Site Specific LEP Amendments (Item 13.02) noting that additional information from the proponent has been pending since August 2020.
16 June 2021	Council update report on Site Specific LEP Amendments (Item 12.06) noting that additional information from the proponent has been pending since August 2020
18 June 2021	Email to proponent outlining buffer requirements to the Camden Haven River but agreeing to consider a variation.
3 November 2021	Council update report on Site Specific LEP Amendments (Item 12.06) noting that an updated planning proposal and supporting studies is pending by proponent.
10 December 2021	<p>Revised planning proposal and supporting studies submitted Note: Proposal to support the rezoning of land for approximately 122 lots</p> <p>This information included: Planning proposal, plan set, existing DA consent, ecology report, hollow bearing tree survey, traffic impact assessment, bushfire report, site contamination, archaeology report</p>
31 March 2022	Meeting between Council staff and the proponent to reiterate the longstanding issues and to advise of intent to report to Council with a recommendation not to support the planning proposal due to the issues raised in this report.
4 April 2022	<p>Written advice from the proponent proposing further amendments in response to some of the outstanding issues.</p> <p>Note: while it appears that some of the concerns have been addressed, Council staff have not undertaken a full assessment. Even so, the latest further information does not address all concerns and the critical issue of the Kew/Kendall Sewerage Treatment Plant being at capacity cannot be resolved at this time.</p>

Original Planning Proposal - December 2018

The first version planning proposal included a rezoning proposal for approximately 90 lots, a park and interpretive information in the vicinity of the Chimneys historical site and the concept of Kew Parklands (refer the green mapped area in **Figure 4**).

The Kew Parklands plan included Council owned land and significant financial input from Council to achieve this vision. This had not previously been discussed with Council staff and the park was not identified in Council's strategic, operational or budget planning. The proponent was advised of this during a meeting. Staff also explained that the matter could be put to Council by the landowner or broader community to make a decision on. The Proponent later confirmed that they would not be pursuing the concept of the Kew Parklands as part of this proposal.

Concept layout - December 2018



Figure 4: First draft zoning proposal

Comments:

- RE1 Public Recreation zone proposed over the Chimneys historical site (north west) and land in the east, including Council owned land (in north)
- E3 Environmental Management along the western boundary (30m) and as a buffer to E2 Environmental Conservation in east
- E2 Environmental Conservation covering EEC but without the required buffer
- No consideration of flooding in the south
- One access in and out to Kendall Road leading north through the Links Estate

Council staff sent the proponent a further information request in May 2020 seeking resolutions to the following key issues:

- Biodiversity
- Flooding
- Vehicular access
- Sewer servicing
- Stormwater

- Site contamination
- Aboriginal archaeology

Second draft Planning Proposal - June 2020

The second version of the planning proposal attempted to address the issues raised, however there were still unresolved matters in relation to all of the initial concerns. The Kew Parklands concept had also been removed from the proposal but no public space provided by the developer on the subject land for the benefit of this new community. Furthermore, the original concept, celebrating the history of the Chimneys historical site, had also been removed due to the approval of DA2018/215 to demolish the Chimneys, which were deemed structurally unsound.

Concept layout - June 2020

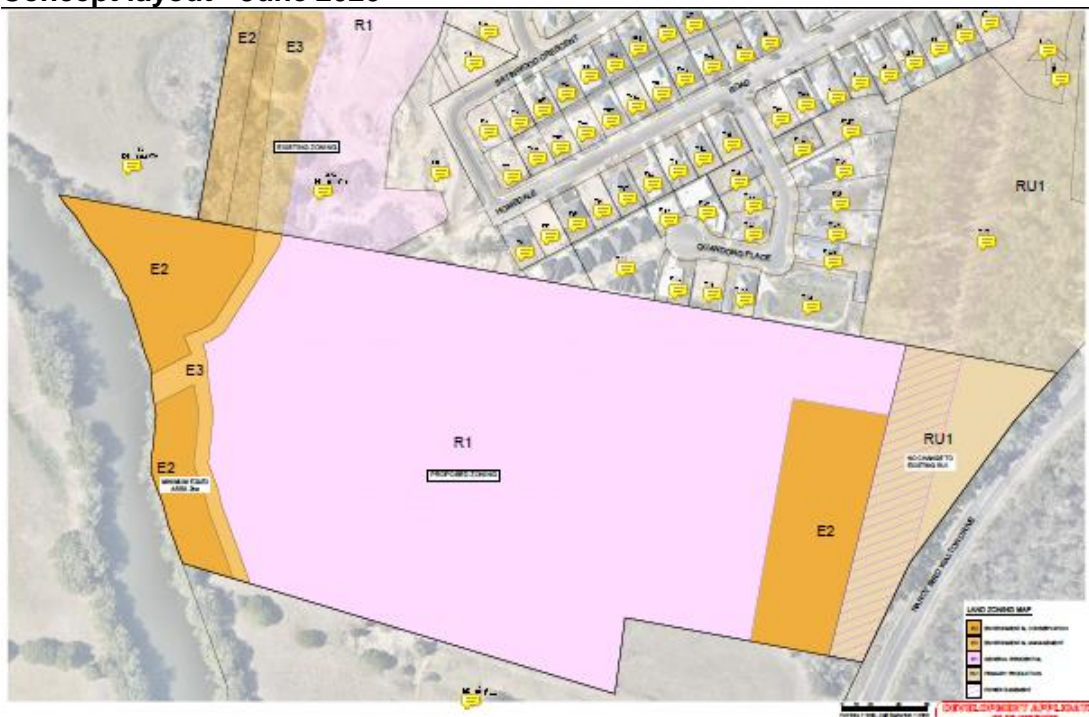


Figure 5: Second draft zoning proposal

Comments:

- RE1 Public Recreation zone removed completely
- RU1 Primary Production reinstated in east
- E2 Environmental Conservation (30m) replacing E3 Environmental Management in east and west (in response to Council advice)
- E3 Environmental Management (10m) buffer added to western boundary
- No consideration for flooding in the south
- One access access in and out to Kendall Road leading north through the Links Estate

Council staff sent the Proponent a further information request in August 2021, seeking resolutions to the following key matters:

- Biodiversity
- Traffic
- Stormwater
- Sewer servicing

- Site contamination
- Aboriginal archaeology
- Neighbourhood park
- Heritage conservation (Chimneys)

Third draft Planning Proposal - December 2021

The Proponent's revised planning proposal (December 2021) is the proposal which is the subject of this Council assessment report. **Figure 6** below shows the proposed zoning layout.

Concept layout - December 2021

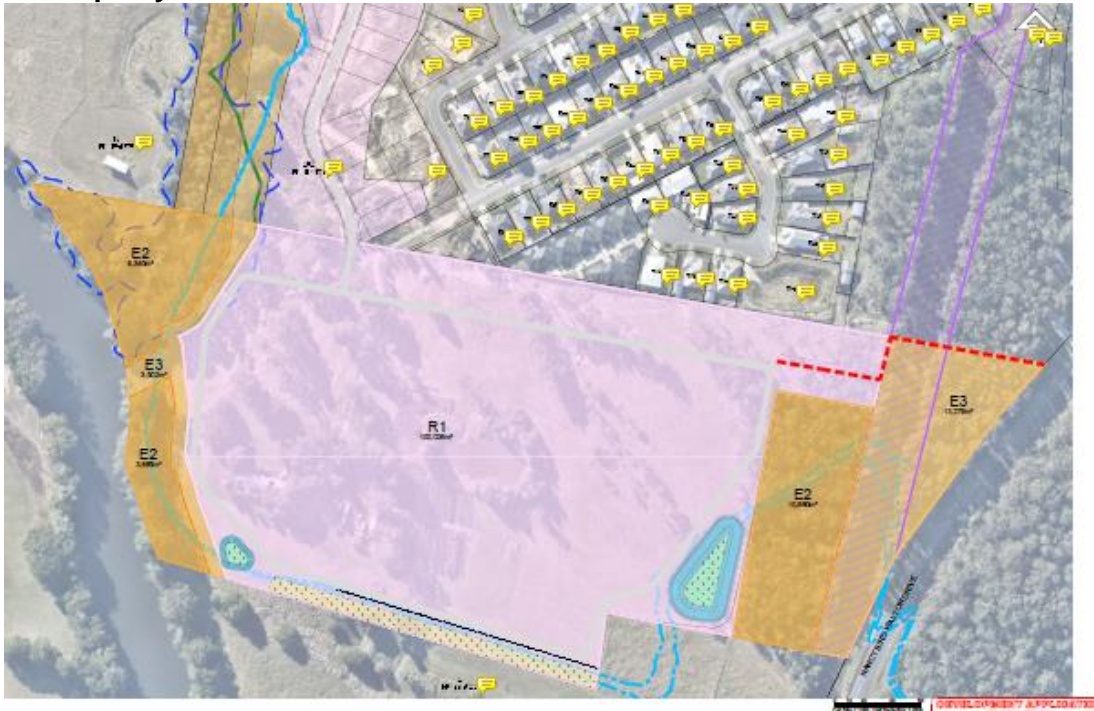


Figure 6: Third draft zoning proposal

Comments:

- No changes to zones
- Flood mitigation demonstrated on concept plan (in response to Council comments)
- Environmental zone extended in western boundary (in response to Council comments)
- Perimeter roads applied (in response to Council comments)
- A rustic pedestrian path proposed (red dotted line), in lieu of an offer to provide footpath along the south side of Homedale Road.

A copy of the Proponent's Planning Proposal is provided in **Attachment 2**.

An assessment of this third draft planning proposal is provided in the Discussion section of the report below.

DiscussionProponent's Planning Proposal request - December 2021

The Planning Proposal request seeks to amend the Port Macquarie-Hastings LEP 2011 by:

- Rezoning the subject land from RU1 Primary Production to:
 - Part R1 General Residential
 - Part E2 Environmental Conservation
 - Part E3 Environmental Management
- Amending the minimum Lot Size to permit:
 - 450 square metres on that part of the site proposed to be zoned R1 General Residential
 - 2 ha on that part of the site proposed to be zoned C2 Environment Protection and C3 Environmental Management.
- Amending the Height of Building to introduce a maximum building height of 8.5m on land to be zoned R1 General Residential
- Amending the Floor Space Ratio (FSR) to allow a maximum FSR of 0.65:1 on land to be zoned R1 General Residential
- Amending Schedule 1 Additional Permitted uses provisions at Clause 2.5 to remove "Item 1" the site-specific provision which limits development to a maximum of 66 lots and 66 dwellings.
- Amending the Additional Permitted Uses map to remove the hatching on the subject site, being Lot 1 DP1161722.

Item 14.04
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The following assessment is based on the Proponent's revised proposal lodged on 10 December 2021 and is informed by the Department's new *Local Environmental Plan Making Guideline* (December 2021) and Council's *Planning Proposal Policy* (2019).

The NSW Government's LEP Making Guidelines establish Assessment Criteria to assist in determining the strategic merit and justification for a planning proposal application. An assessment of the Planning Proposal against these criteria is provided in **Table 1** below.

Prior revisions of the planning proposal are not relevant to this assessment.

Section A - Need for the Planning Proposal	
	Comment
<i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	<p>The planning proposal is not the result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report.</p> <p>The subject land however is located within the Urban Growth Area boundary of the <i>North Coast Regional Plan 2036</i> and <i>Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036</i> for urban investigation.</p>
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	Yes. Preparation and completion of a planning proposal for the subject land is the only mechanism to achieve a change to existing planning controls.
Section B - Relationship to the strategic planning framework	
	Comment
<i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	<p>Partly.</p> <p>The applicable regional plan is the <i>North Coast Regional Plan 2036</i>. The proposal will contribute to the delivery of housing supply in a location which has been identified in the NCRP for urban investigation. However, there is a major inconsistency with <i>Direction 21 - Coordinate local infrastructure delivery</i> which provides that new development should be located to take advantage of both existing and new road, water, sewer, social and stormwater infrastructure.</p> <p>At this point in time, a residential rezoning of the land is unable to be serviced by sewer as the Kew/Kendall Sewerage Treatment Plant is at capacity.</p> <p>From an infrastructure planning perspective, there also remain outstanding matters with a southern secondary road access from Nancy Bird Walton Drive to the subject land and the provision of a publically access neighbourhood park within the site for the community and to provide a location for the re-interpretation of the former Chimneys (remains of mill workers' cottages).</p> <p>These matters are discussed further within the report.</p>

<p><i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i></p>	<p>Partly.</p> <p><u>Council's Local Strategic Planning Statement</u></p> <p>The Planning Proposal is not specifically identified in Council's Local Strategic Planning Statement - <i>Shaping Our Future 2040</i> (LSPS), however is broadly in keeping with the Strategic Planning Principles of the LSPS.</p> <p>A brief summary assessment of the proposed zone layout, as shown in Figure 6 above, against relevant Strategic Planning Principles of the LSPS is discussed further within the report.</p> <p>However, the proposal is inconsistent with LSPS <i>Planning Priority 19 - Plan, prioritise and deliver integrated infrastructure</i>, specifically the Key Principle to <u>Align infrastructure delivery with land use planning</u>. In <i>Shaping Our Future</i>, Council's infrastructure includes essential services infrastructure; transport and movement infrastructure, social infrastructure and green infrastructure. The LSPS recognises that the effective, efficient and sustainable development of urban growth areas, such as the current proposal, is dependent on the delivery of required local infrastructure in a timely and cost effective manner.</p> <p>As a key LSPS action, Council is currently developing an LGA-wide Infrastructure Strategy to ensure integration in the planning, delivery and funding of all forms of our infrastructure. A report on this matter was considered at the March 2022 Ordinary Council meeting.</p> <p>As the land is unable to be serviced by sewer at this time, the rezoning of this land for urban purposes is premature.</p> <p><u>Port Macquarie-Hastings Urban Growth Management Strategy 2017 -2036</u></p> <p>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.</p> <p>The environmental aims of the UGMS are to accommodate a growing population while avoiding areas of high environmental value; concentrate</p>
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	<p>growth to within existing centres; protect and manage native vegetation; plan for climate change; and incorporate measures such as buffers to protect environmental values and avoid land use conflict.</p> <p>The site is identified in the UGMS as part of the Camden Haven Urban Growth Area, which has an existing 30-year residential supply in the Camden Haven. Any future need for residential zoned land is classified in its 'long term' trajectory.</p> <p>This trajectory indicates that there is no immediate unmet demand requiring the need to rezone additional residential land and without the provision of infrastructure servicing, the proposal is premature. Investigations on the suitability of the site for urban and environmental purposes are considered incomplete, with the existing proposal insufficiently meeting the requirements for a Planning Proposal (as demonstrated throughout this report).</p> <p><u>Kew, Kendall, Herons Creek and Lorne Community Plan (2019)</u></p> <p>The vision for the Kew, Kendall, Lorne and Herons Creek Community indicates that residents enjoy their stunning natural environment and village atmosphere and take pride in their strong community spirit, rural lifestyle and unique history.</p> <p>The Community Plan identifies the following priorities for the future of the community:</p> <ul style="list-style-type: none"> • Protecting our environment and biodiversity • Creating community spaces for all where all ages can meet • Celebrating and preserving our heritage and local stories • Encouraging a sustainable and well-planned community • Promoting economic growth • Beautifying our villages • Enhancing the entrances of our villages • Being a well-connected community with safe roads and pathways <p>B.</p> <p>With a rezoning of this land, there is an opportunity to deliver on many these priorities. However, it is considered that the current proposal does not satisfactorily achieve this.</p>
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<i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	No other applicable State and regional studies or strategies have been identified as applying.
<i>Is the planning proposal consistent with applicable SEPPs?</i>	<p>No.</p> <p>The proposal has not demonstrated justification for inconsistencies with the following State Environmental Planning Policies (SEPPs):</p> <ul style="list-style-type: none"> • SEPP Biodiversity and Conservation 2021 - Chapter 3 Koala Habitat Protection • SEPP Resilience and Hazard 2021 - Chapter 2 Coastal Management • SEPP Transport and Infrastructure 2021 <p>See Attachment 3 for Full SEPP assessment.</p>
<i>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</i>	<p>No.</p> <p>The proposal is inconsistent with the following Ministerial Directions:</p> <p>3.1 Conservation Zones 3.2 Heritage Conservation 4.2 Coastal Management, 4.3 Planning for Bushfire Protection 5.1 Integrated Land Use and Transport (part) 6.1 Residential Development and 9.2 Rural Lands.</p> <p>See Attachment 4 for Full S9.1 Direction assessment.</p>
Section C - Environmental, Social, Economic Impact	
	Comment
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</i>	<p>Yes.</p> <p>Buffers to known Endangered Ecological Communities on the site have not been adequately addressed.</p> <p>Ecological matters are discussed further within the report.</p>
<i>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</i>	<p>Yes.</p> <p>Management of Koala's and preservation of large Hollow Bearing Trees (HBTs) has not been adequately addressed as part of the proposal.</p> <p>These matters are discussed further within the report.</p>

<i>Has the planning proposal adequately addressed any social and economic effects?</i>	<p>No.</p> <p>The current proposal does not propose to provide any social infrastructure for the future community, such as the provision of a publically access neighbourhood park within the site, or footpaths to provide improved connectivity and accessibility of the land to the Kew local village and road network.</p>
Section D - Infrastructure	
<i>Is there adequate public infrastructure for the planning proposal?</i>	<p>Comment</p> <p>No.</p> <p>The proposed area of rezoning will be serviced by Sewer Pumping Station (SPS) KK06. While this pumping station is currently at capacity for the current load, Council has received tenders for its upgrade, which will include the future load from the subject land.</p> <p>Currently, the Kendall/Kew Sewage Treatment Plant (STP) has a design capacity of 1,720 EP. At this design capacity, the STP is at capacity for <u>existing residentially zoned land</u>. Subsequently approved subdivision development approvals are conditioned such that subdivision certificates will not be issued until such time as there is capacity at the STP.</p> <p>Therefore, no further land can be rezoned, which would further increase the loading on the STP, until such time the plant has been upgraded.</p> <p>Infrastructure servicing matters are discussed further within the report.</p>
Section E - State and Commonwealth Interests	
<i>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</i>	<p>Comment</p> <p>Public authorities and government authorities would normally be consulted following receipt of a Gateway determination, if the planning proposal is supported.</p>

Table 1: Assessment of strategic and site specific merit of Planning Proposal (December 2021) against DPE Assessment Criteria

Key Issues

Key issues following an assessment of the strategic merit and site-specific merit of the current Planning Proposal (December 2021) are discussed below.

1. Shaping our Future 2040 Local Strategic Planning Statement (LSPS)

The LSPS sets out a 20-year vision for Port Macquarie-Hastings, and its role is to:

- Identify the special characteristics that contribute to local identity and make our area special.
- Recognise our shared community values and how they will be maintained or enhanced.
- Direct how we manage future change.
- Identify and give effect to relevant directions located within the North Coast Regional Plan.
- 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.
- Shape planning controls to facilitate future planning directions.

A brief summary assessment of the proposed zone layout (December 2021), as shown in **Figure 6**, against the following Strategic Planning Principles of the LSPS is as follows:

No.	Planning Principle	Comment
1.	Result in sustainable outcomes for our community now and into the future; considering Environmental, Social, and Economic factors and risks	<p>The Planning Proposal applies C2 Environmental Conservation and E3 Environmental Management zones over land in the east and west, partially environmental constraints on the subject land.</p> <p>A RE1 Private Recreation zone would strengthen the social outcome by way of providing an area of open space in the precinct and footpaths on the southern side of Kendall Road would provide an improved outcome for the future community of this estate.</p> <p>The economic benefit of changing the RU1 Primary Production zone to R1 General Residential is demonstrated.</p>
2.	Work in an adaptive management framework that allows the review and amendment of Council's planning policies to ensure that our unique scenic landscape qualities, ecological and biodiversity values are recognised	The proposal would rectify planning layers in this location in line with existing site conditions for residential development. Environmental zoning will ensure protection of environmental assets, however more attention to the high environmental values and Council's DCP requirements is needed.
3.	Positively contribute to our built environment	R1 General residential zone is considered the most appropriate zone having regard for surrounding land uses and activities.
4.	Enhance equity, social inclusion and community participation	Adverse social and equity issues have been identified in this report, with a need for better provision of access to public transport and town.
5.	Be robust, future-focused	The R1 General Residential zone will provide

No.	Planning Principle	Comment
	and evidence based	additional residential potential on this land that has been identified for investigation in Council's UGMS. However, the land is currently not serviceable and therefore not ready for intensification. Appropriate application of the environmental zones will provide protection of the environmental assets on the site (note these are already protected under the conditions of DA2007/132 for a sustainable residential community title subdivision).
6.	Facilitate transparent collaboration processes and involve stakeholders and the community early	This report provides transparency in identifying early issue with the proposal. A future proposal would require Council resolution.

2. Infrastructure Servicing

A. Sewer

The Kendall/Kew area is serviced by a conventional gravity sewerage reticulation system with nine pumping stations and approximately 21 kilometres of pipelines. There are three Sewer Pump Stations (SPS) which pump directly to the Kew/ Kendall Sewage Treatment Plant (STP), located north of Kew and east of the Pacific Highway – KK06, KK10 and KK11.

The proposed area of rezoning will be serviced by SPS KK06. While this pumping station is currently at capacity for the current load, Council has received tenders for its upgrade, which will include the future load from the planning proposal area. Currently, the Kendall/Kew STP has a design capacity of 1,720 EP. The design hydraulic loading is 344 kL/day and the design biological capacity is 103.2 kg BOD/day.

At this design capacity, the STP is at capacity for the existing residentially zoned land. Subsequently approved subdivision development approvals are conditioned such that subdivision certificates will not be issued until such time as there is capacity at the STP. Therefore, no further land can be rezoned urban development purposes, which would further increase the loading on the STP until the plant has been upgraded.

Council's Operational Plan for 2021-2022 includes a Capital Works Project (4.1.3.22 CW) for the *Investigation, Design and Construction of Kew Sewage Treatment Plant Upgrade*, which is identified as a multi-year project. Council is currently planning an upgrade of the STP, and until such time as Council has entered into a construction contract with a definitive timeframe for delivery of the required upgrades, will not be able to progress the planning proposal.

Development Servicing Plan

The subject land is not included in Council's current *Development Servicing Plan for Water Supply and Sewerage 2014* (DSP), adopted on 17 September 2014. The DSP only caters to upgrades for Area 15 and West Haven (upgrades identified at \$4.12M 2013), not Kew or others in Kendall.

Council has since expanded the upgrade, currently estimated at \$18M, which will cover the subject land proposed for urban investigation. However, the timing of the upgrade is not set and therefore supporting a land rezoning in at this time is considered premature. This advice is consistent with the NSW Government's Local Environmental Plan Making Guideline 2021, which specifies '*the need and capacity for local and regional infrastructure to support the future development resulting from the proposal should be considered upfront in the LEP making process*'.

B. Secondary Road Access

Council's current policy is that urban precincts over 200 residential lots should have two road access points to the broader arterial road network. This permits a greater movement function in the NSW Government's *Movement and Place* framework. Two or more road access points provide for greater flexibility and more direct movement patterns. The need for this policy was reinforced by a number of emergency bush fire evacuation events over the summer of 2019/20.

The fully developed Kew Links Estate / recently rezoned Homedale Road Estate and The Chimneys precinct, when complete, will exceed 200 residential lots, triggering the need for a second access point to supplement the single Homedale Road access point.

There have been ongoing discussions with the Proponent regarding a secondary access. The Proponent has offered a secondary access option onto Kendall Road. While this option does not resolve the single access leaving the proposed area in the north, it alleviates some pressure on Homedale Road and through Links Estate. This option was discussed with Transport for New South Wales (TfNSW), who provided indicative support, subject to suitable entry treatments onto Kendall Road.

The notion of a secondary access to the south was also discussed with TfNSW, who made no objection and provided suggestions in relation to consideration of the costs against other alternatives and benefits. Strategically, a southern road link would provide for a much better outcome for residents of the existing and new estates. In particular, it would provide for more direct access to Kew town centre, which is currently the focus of a major streetscape upgrade. It would split the traffic generated by the precinct onto two arterial roads - Kendall Road and Nancy Bird Walton Drive, and also balance traffic flow through the key intersection in Kew - Ocean Drive / Kendall Road / Nancy Bird Walton Drive.

The Proponent has suggested that physical constraints and environmental zones preclude the construction of an access road to Nancy Bird Walton Drive along the sites' southern boundary. The constraints in this exact location would be costly and potentially environmentally detrimental, however, from a strategic planning perspective, the 'option' for a secondary access into the future should be provided. There are a number of ways this could be achieved including zoning of the land or dedication of an easement. This would enable a future access to be constructed if considered necessary, and options for the most cost effective, least environmentally damaging should be explored.

Subsequently, the Proponent is encouraged to consider alternative southern access options, including an option to negotiate with the landowner to the south to allow for a realignment of the existing easement through their site and out onto the existing access to Nancy Bird Walton Drive. This would provide an ultimate future option that

is not environmentally constrained and topographically less challenging. See **Figure 8** (red line) for an indicative location for easement.

Of note, the requirements of the NSW Government's *Planning for Bushfire Protection* (PBP) 2019 state that secondary access is required for three or more lots. The increasing density of development and traffic movements on Homedale Road should be considered in the context of emergency access, egress and evacuation. This consideration is a requirement of S4.2.1 of PBP 2019. While the Bushfire report acknowledges a possible secondary access provision in the north onto Kendall Road, the report does not assess this.



Figure 8: Red line showing preferred location for future secondary road access

C. Footpaths

Due to Homedale Road being a Collector road in Council's roads hierarchy, which requires footpaths on both sides of the road, Council originally requested the provision of a footpath on the south side of Homedale Road (there is an existing footpath on the northern side). In discussions with Council staff, it was agreed that Council would consider a gravel path through the north eastern corner to connect to the park and Kew town centre, in lieu of a footpath to the south.

The third revised planning proposal provides very little information on this proposed gravel path and its actual route is unclear. Furthermore, it would not be suitable as an all-weather access or accessible to all (e.g. prams or mobility impaired persons). As such, it is considered reasonable for the proposal to provide approximately 150m of footpath along the unpathed area of Kendall Road (southern side). This is considered fundamental if a secondary access is provided onto Kendall Road as people (children, dogs, bikes, elderly, and public transport passengers) will be crossing the road to get to the existing footpath at the same location of the exiting traffic.

D. Neighbourhood Park

As outlined earlier in the report, the original planning proposal provided a community park in the vicinity of the Chimneys site. This has been removed by the proponent with the removal of the Kew Parklands Concept.

Council's Development Control Plan 2013 requires parks to be provided within a 500m walkable catchment. As identified in the black dotted line on the Constraints Map (**Figure 2**), the catchment extends beyond 500m and therefore a park is required to be provided.

Furthermore, Condition 6 of DA2018/215 (demolition of the Chimneys) requires that '*Any future rezoning of the site shall incorporate this interpreted heritage item within a public reserve*'. This is not provided for in this proposal.

E. Stormwater

The interface between the proposed development and the existing stormwater detention basin located off Quandong Place to the north east of the subject land poses a risk. Whilst overflows from the basin are currently directed to the east of the development and a failure presents minimal risk to downstream property, the fact that the basin will detain water at a level above the future downstream community title lots may trigger the need for this basin to be declared by the NSW Dam Safety Committee. Dams Safety NSW "declares" those dams that could potentially threaten downstream life, or cause major property, environmental, or public welfare damage.

The proponent will need to contact the Dam Safety Committee to confirm declaration of the existing basin and provide written advice to Council on the outcome.

3. Biodiversity

The Department of Planning and Environment (DPE) has provided advice to local Councils on the requirements of planning proposals in relation to the *Biodiversity Conservation Act 2016* and Regulation.

All such proposals are required to demonstrate consistency with the strategic planning framework, including the *North Coast Regional Plan (NCRP) 2036*.

Action 2.1. Under Direction 2 of the NCRP requires implementation of the avoid, minimise and offset hierarchy to biodiversity, which includes areas of High Environmental Value (HEV). Areas of HEV are defined in the NCRP as existing conservation areas, including national parks and reserves, marine parks, declared wilderness areas, Crown reserves dedicated for environmental protection and conservation, and flora reserves;

- native vegetation of high conservation value, including vegetation types that have been over-cleared or occur within over-cleared landscapes, old growth forests and rainforests;
- threatened ecological communities and key habitats;
- important wetlands, coastal lakes and estuaries; and
- sites of geological significance.

Planning proposals should include a report that demonstrates how HEV areas have been identified.

The current proposal only assesses 'additional impact' from the existing Development Application DA2007/132 for the sustainable residential community title subdivision, rather than looking at the site as a whole. As this is a planning proposal requesting the rezoning of the land and not a modification to the Development Application, the entire rezoning area is required to be assessed.

It appears that the approved clearing (as permitted under DA2007/132) has been exceeded by >0.2 hectares, including identified EEC Swamp Sclerophyll Forest on Coastal Floodplains which qualifies as HEV vegetation, resulting in ongoing concerns in relation to the proposed environmental protection of the land. The assessments undertaken in the ecology reports provided are not considered to be consistent with the requirements under the *Biodiversity Conservation Act 2016*, and the BAM plot locations are also not considered representative of the Plant Type Communities on the site, which has lowered the overall integrity score (environmental value score) of the environmental lands.

The proposal states that there were no Koalas or scats found on the site, however Council staff found and mapped fresh Koala scats at the base of two large hollow-bearing Tallowwoods. Staff assessment concludes that *'HBT 1 had evidence of both mature and juvenile scat suggesting a possible mother and joey at that location which indicates core koala habitat'*. This triggers the need for an assessment under Chapter 3 - Koala Habitat Protection of *SEPP (Biodiversity and Conservation) 2021*, which has not been provided with the proposal.

The Proponent contends that it provides for a superior environmental outcome to that of the approved development on the site due to the application of environmental zones. However, while the correct zones are recommended to appropriately reflect the environmental values on site, the approved landscape plan for DA2007/132 retains high value vegetation and Condition 11 of the consent requires that *'all recommendations and ameliorative measures detailed in summary section of the report prepared by Darkheart Eco-Consultancy dated August 2006, submitted with the DA, shall be adopted'*.

One of the recommendations of the *Darkheart Eco-Consultancy* report included the retention of trees with a trunk DBH>30cm, as these trees offer the best forage potential, are key food species, or are most likely to develop hollows. The current proposal is to remove four Hollow Bearing Trees, all of which have a DBH >30cm. Furthermore, two of the trees nominated for removal are recorded as showing signs of fauna use. Removal of large HBTs is contrary to Council's DCP.

Options

Council's options are:

1. Do nothing. The subject land would remain rural zoned land with an existing commenced Development Application (DA2007/132) for a 58 lot sustainable residential community. LEP Schedule 1 Additional Permitted Use would remain on the land, allowing a maximum of 66 residential lots; or
2. Resolve not to prepare a Planning Proposal for the reasons outlined in this report. The Proponent and the Department of Planning & Environment would be notified of Council's decision not to support preparation of the Planning

- Proposal. This would trigger an option for the Proponent to apply for a Rezoning Review with the Department of Planning and Environment; or
3. Resolve to prepare a Planning Proposal supporting the Proponent's request. There is a risk that the current planning proposal may be refused by the State Government if planning, infrastructure and environmental issues are not satisfactorily addressed.

Option 1 does not provide any scope for additional development of the subject site.

Option 2 is recommended as adequate infrastructure and services are not in place to support a rezoning for urban purposes at this time; there is no pressure for additional residential land in Kew, and there are unresolved environmental, infrastructure and access arrangements that are not considered acceptable for the preparation of a Planning Proposal, having regard to the statutory requirements for preparing and amending a local environmental plan.

Option 3 would necessitate submission of the full statutory requirements for preparing Planning Proposals and Local Environmental Plans. As discussed in this report, the proposal is not considered to have strategic and site specific merit, in its current state, to progress for a Gateway determination.

Community Engagement and Internal Consultation

Internal consultation has been ongoing since 2018, with formal feedback provided to the Proponent and a number of meetings held (refer Chronology in Attachment 1). Staff comments are in the Discussion section of the report.

Community engagement in relation to any Planning Proposal would normally occur following receipt of a Gateway determination, if the planning proposal is supported to progress to the State Government Gateway. If the proposal proceeds to public exhibition this would be undertaken in accordance with the conditions of any Gateway determination, the requirements of the EP&A Act and Council's Community Participation Plan.

Planning and Policy Implications

The DPE *Local Environmental Plan Making Guideline* (2021) for planning proposals and local environmental plans emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

Under the State LEP Guidelines, Council has a responsibility to determine the strategic and site specific merit of a planning proposal and determine if it should progress to the Government Gateway. This means ensuring that the land is suitable and acceptable for the proposed use and can be reasonably and practically developed for its intended purpose. It is not appropriate to defer assessment of relevant environmental, social, economic and other site specific merit considerations, or obligations to later development applications under Part 4 of the EP&A Act.

The State LEP guidelines are supported at the local level by Council's *Planning Proposal Policy* (2019), which provides at Section 3.6 b) that proposals will generally not be supported by Council where they do not promote the orderly and efficient

provision of infrastructure such as water, sewer and road infrastructure, and involve the development of areas of high environmental value.

Formal notification of any request for the preparation of a planning proposal that is not supported by the Council is regulated under the *Environmental Planning and Assessment Regulation 2000*. Council is required to notify a proponent in writing as soon as practicable after a decision not to proceed.

Financial and Economic Implications





A Stage 1 rezoning fee has been paid consistent with *Council's Fees and Charges*. Resources expended in pre-lodgement discussions, review and reassessment of revisions to the planning proposal, staff-proponent negotiations, and reporting requirements since 2018 has significantly exceeded the fee paid.

A decision by Council in favour of Option 2 above would necessitate payment of a new Stage1 rezoning Fee, if a new Planning Proposal request on the subject land is lodged at a future date. This would be in accordance with *Council's Fees and Charges* Schedule in effect at the time of lodgement.

Council has committed \$400,000 in the 2020 - 2021 Delivery Program and Operational Plan to the continued investigation, design and construction of the Kew Sewer Treatment Plant upgrade, which is a multi-year project. A proportion of this cost will facilitate the delivery of the necessary infrastructure to service future development of the subject land.

The NSW Dam Safety Committee - Dams Safety NSW "declares" those dams that could potentially threaten downstream life, or cause major property, environmental, or public welfare damage. This could trigger the need for the existing water detention basin on the land directly north of the subject site to be 'declared'. In the event of a 'declaration', Council would incur a financial burden to undertake routine monitoring and reporting on its structural integrity and condition.

Attachments

1.  Chronology - PP2017 - 11.1 The Chimneys - April 2022
2.  Proponents Planning Proposal and Supporting Information - December 2021
3.  State Environmental Planning Policies (SEPP) Compliance Assessment - April 2022
4.  Section 9.1 Ministerial Direction Compliance Assessment - April 2022

Item: 14.05

Subject: PORT MACQUARIE AQUATIC FACILITY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

RECOMMENDATION

That Council:

- 1. Note the information contained within the Port Macquarie Aquatic Facility report.**
- 2. Endorse the revised design options A, B, C, D to progress to development of a Business Case Report.**
- 3. Request to Chief Executive Officer (CEO) present the Business Case report to the June 2021 Ordinary Council meeting outlining the Capital and Operational impacts / Financial implications for Council.**

Executive Summary

This report seeks to address the resolution at the July 2021 Ordinary Council Meeting (below) and proposes to progress the revised facility options (A, B, C & D) incorporating community feedback into the next phase, being detailed business case assessment.

10.03 PORT MACQUARIE AQUATIC FACILITY

That Council:

- 1. Note the recommendation from the May 2021 Ordinary Council Meeting to provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.*
- 2. Note the completion of the 28-day consultation period on the 20 June 2021.*
- 3. Note that given the large amount of feedback received from the community in relation to the project there is further review required to be undertaken by staff.*
- 4. Request the Chief Executive Officer present a report to the October 2021*
 - Ordinary Council meeting outlining the community feedback provided during*
 - the public exhibition period and the proposed way forward.*

Discussion**1. Introduction**

The Port Macquarie Aquatic Facility project is a key infrastructure project that seeks to replace the current Port Macquarie Olympic Pool facility on Gordon Street with a purpose built modern facility at Macquarie Park, also on Gordon Street. The construction of a new aquatic facility would address the current pools significant age-related infrastructure issues, while also assisting Council in meeting the region's current and future community health and strategic recreational objectives, noting the region's rapidly expanding population forecast to reach more than 110,000 by 2041.

2. Background

The Port Macquarie Olympic Pool was opened in 1966, with the addition of the 25m pool coming in the late 1970's. It has served the community well for over 50 years however, it has come to the end of its functional life due to its poor structural condition, non-compliance with current health and access guidelines, and undersized facilities for its user base. A new facility is needed to meet the current and future needs of the community now and over the next 50 years.

There have been several previous reports exploring the feasibility of a new aquatic facility in Port Macquarie, namely the Port Macquarie Aquatic Facility Feasibility Study (Tregear, 2000), and the Port Macquarie Aquatic Facility Council Report (Council, 2005). To date, however, there has been slow progress in replacing the current pool. More recently in 2019, Council engaged Otium Planning Group to prepare a regional aquatic facilities strategy (Port Macquarie-Hastings Council Aquatics Facility Strategy). This report, which encompasses the Wauchope, Kendall, Laurieton, and Port Macquarie pools, has served as an overarching strategic document to inform the planning of the regions aquatic facilities.

3. Project Progress

Subsequent to the Otium report, the following progress has been made on the Port Macquarie Aquatic Facility project:

- Sep 2019** Macquarie Park selected as the preferred site for the new Aquatic Centre in the September 18 Council Meeting out of a total of six considered sites (Macquarie Park, Dixie Park, Findlay Park, Oxley Oval, Thrumster Sporting Fields, Wayne Richards Park).
- Oct 2020** Council engages CO-OP Studios to undertake detailed demand analysis, options assessment, detailed business case assessment, site investigations, concept design and environmental assessments for the new facility.
- Apr 2021** In the Ordinary Council Meeting, dated 21 April 2021, Council resolved to:
Endorse the Port Macquarie Aquatic Facility as a major strategic infrastructure project and as such, pursue progression of this project as a standalone item and as an urgent priority to seek external funding for the project noting the risk of failure of the existing facility

May 2021 In the Ordinary Council Meeting, dated 19 May 2021, Council were presented with a preferred option for the purpose of exhibiting to the public. This option was primarily informed by the detailed demand analysis and Council's other project objectives. Council resolved as follows:

That Council:

1. *Note the information contained within the Port Macquarie Aquatic Facility report*
2. *Place the Port Macquarie Aquatic Facility Layout Design presented within this report on Public Exhibition to seek feedback from the community for a minimum of 28 days*
3. *Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.*

May/June 2021 The preferred option exhibited to the public via the "Have Your Say" forum from 24/05/21 - 21/06/21.

Jul 2021 In the Ordinary Council Meeting, dated 21 June 2022, The Council resolved to allow more time to enable the large number of community submissions to be considered and to subsequently determine a way forward for the project. Council resolved as follows:

That Council:

1. *Note the recommendation from the May 2021 Ordinary Council Meeting to provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.*
2. *Note the completion of the 28-day consultation period on the 20 June 2021.*
3. *Note that given the large amount of feedback received from the community in relation to the project there is further review required to be undertaken by staff.*
4. *Request the Chief Executive Officer present a report to the October 2021 Ordinary Council meeting outlining the community feedback provided during the public exhibition period and the proposed way forward.*

Due to the ongoing impact of COVID-19 and delayed council elections towards the end of 2021, the project governance Steering Group (incorporating the Project Team, Project Sponsor, Council Executive Group and the Mayor and Councillors) further recommend to delay the project until a new Council was sworn in.

Mar 2022 Subsequent to the decision by the project governance Steering Group to delay the project until the new Council have been sworn in, the original preferred option was developed into four new options (Options A, B, C, & D) that incorporate key elements identified from the community consultation phase. These revised options form the basis of this report, and it is sought that the Councillors endorse these options to progress into the detailed business case phase.

Following completion of the business case, it is intended to seek endorsement of a preferred option to move into the Concept Design/Development Approval phase.

Phase. Following completion of this phase, and subject to funding, the detailed design and construction will commence.

4. Option Exhibited to the Public

The original preferred option was based on a detailed demand assessment by CO-OP Studios & Xypher Sport and Leisure). This option should in theory represent the best and most equitable utilisation of the facility and its elements by current and future demographics. This should also result in the facility being financially viable to operate. This is a “data based” approach however, and may not necessarily fully address the expectations of the community, hence the critical requirement to subsequently seek and incorporate feedback from the community.

The preferred option included the following key elements:

- 50m, 10 lane outdoor pool with moveable swim wall - to Swimming Australia’s “Local” Level Guidelines
- Indoor 20m program pool with moveable floor
- Outdoor Leisure Pool
- Warm Water Pool
- Outdoor Splash Pad & slide
- Café (with both “dry” and “wet” frontages)
- Gym/program rooms
- Change facilities and club room
- High Level Estimated Capital Cost

The inclusion of the swim wall (50m) and movable floor (program pool) in particular bring flexible programming opportunities to the facility, which will maximise utilisation and assist in attracting a high quality operator for the facility. The gym/program rooms and café are also key revenue generating elements of the facility that will help to offset the high operational costs of the pool elements. Refer to Attachment 1 for a plan of this layout.

5. Community and Stakeholder Feedback

Approximately 950 pieces of feedback from over 230 submissions were received on the exhibited facility options. Refer to Attachment 2 for a copy of the PMAF Public Exhibition Report, dated July 2021. In general, the feedback received was positive, with the community being excited by and supportive of a new facility. Most responses we regarding additional inclusions people would like to see. In particular, there was a very strong community voice for the inclusion of an indoor and heated twenty-five metre pool.

In addition to feedback from the public, feedback was received from sporting organisations, community groups, pool operators and internal Council stakeholders.

The following key requested inclusions are noted:

- The need for a heated indoor 25m pool
- The requirement for the outdoor 50m pool to generally meet the Swimming Australia Regional level guidelines for the purpose of being able to

periodically host regional-level events. Note that not all requirements of the guidelines are met.

- The need for the facility to have a single point of access, rather than multiple accesses from the southern car park and Gordon Street.
- Incorporating FINA compliant Indoor Diving in the indoor 25m pool.
- Incorporating FINA compliant outdoor Water Polo in the outdoor 50m pool.

There are also a number of other community feedback items that will be considered in more detail when the project progresses to concept design. These items are detailed in Attachment 2 (PMAF Public Exhibition Report July 2021), and include but are not limited to:

- Incorporating existing war memorial features (e.g. tiles and the pool name, historically call the “Port Macquarie Memorial Baths”) into the new facility
- Specific accessibility requirements above DDA requirements
- Incorporating Indigenous and other public art

6. Proposed Revised Option

It is proposed to include the following additional elements in the facility for the purpose of completing a detailed business case assessment:

- An indoor heated indoor 25m pool
- A higher specification outdoor 50m pool that will generally meet the Swimming Australia Regional level guidelines for the purpose of being able to periodically host regional-level events. Note that not all requirements of the guidelines are met.
- A single point of access, rather than multiple accesses from the southern car park and Gordon Street.
- An option to incorporate FINA compliant Indoor Diving in the indoor 25m pool.
- An option to incorporate FINA compliant outdoor Water Polo in the outdoor 50m pool.

Three schematic layouts (A, B, and C) have been developed to assist in the costing of the business case. In addition, the original Otium layout (Option D) has also been developed to baseline the new options. Refer to Attachment 3 for these layouts. These layouts are preliminary only and will be developed further at concept stage once additional constraints become clearer (such as flooding and staging). The key consideration at this point of the project is what key elements should be included in the facility going forward.

Refer to **Table 2** below for the key inclusions that will be considered in each option.

Table 2: Revised Facility Options (A, B, C, D)

Facility Items	• Exhibited Option 1	• New Option A	• New Option B	• New Option C	• Option D ³
50m, 10 lane outdoor pool with moveable swim wall - generally to Swimming Australia's "Regional" Level Guidelines* ¹	• X	• ✓	• ✓	• ✓	• X
50m, 10 lane outdoor pool with moveable swim wall - generally to Swimming Australia's "Local" Level Guidelines* ¹	• ✓	•	•	•	•
50m, 8 lane outdoor pool with moveable swim wall	• X	• X	• X	• X	• ✓
Indoor 25m pool (6 lane)	• X	• ✓	• ✓	• ✓	• X
Indoor 25m pool (8 lane)	• X	• X	• X	• X	• ✓
Indoor 20m program pool with moveable floor	• ✓	• ✓	• ✓	• ✓	• X
Indoor 20m program pool (no moveable floor)	• X	• X	• X	• X	• ✓
Outdoor Leisure Pool	• ✓	• ✓	• ✓	• ✓	• ✓
Warm Water Pool	• X	• X	• X	• X	• ✓
Outdoor Splash Pad & slide	• ✓	• ✓	• ✓	• ✓	• ✓
Café (with both "dry" and "wet" frontages)	• ✓	• ✓	• ✓	• ✓	• ✓
Gym and program rooms	• ✓	• ✓	• ✓	• ✓	• ✓
Change facilities and club room	• ✓	• ✓	• ✓	• ✓	• ✓
FINA Compliant Indoor Diving (1m, 3m, & 5m platforms, spectator seating)* ²	• X	• X	• ✓	• ✓	• X
FINA Compliant Outdoor Water Polo	• X	• X	• ✓	• ✓	• X
Single Point of Access	• ✓	• ✓	• ✓	• ✓	• X
High Level Estimated Capital Cost* ⁴	• \$60 - \$80m				

*** Notes**

1. The 50m pool will not be able to meet all recommendations of the guidelines for a regional facility, but will be sufficient for the facility to periodically hold regional events.
2. The business case will consider the operation of diving 2hrs per day. It will however exclude additional facilities often associated with competitive diving such as dedicated change rooms, spa, concourse showers, dry training areas.
3. Option 4 is the previous "Option 3" which was the Otium Planning Group Proposal.
4. The costs will be developed for each option as part of the next phase, being detailed business case.

7. Next Steps

It is proposed to complete a detailed business case assessment for the inclusions noted above, using the revised layout options as a basis. This will determine estimates for both CAPEX and OPEX. The CAPEX is key in that Council needs to be able to secure or provide funding for the construction of the facility. The OPEX is key in that the facility must be economically viable to operate. It is noted that the incorporation of the additional elements in the revised options will further increase CAPEX and OPEX estimates. The indoor diving requires a 3.8m deep 25m pool and higher roof height. The outdoor Water Polo also requires a deeper outdoor pool. This

has CAPEX implications, but also increases OPEX as there will be increased volumes of water to heat and indoor areas to heat/cool. The detailed business case will determine to what extent this will be the case.

Once the detailed business case has been finalised, a Business Case Report would be provided to Council with a recommendation to endorse a preferred option to proceed into the Concept Design & DA phase. Following completion of the DA phase, and confirmation of funding, the detailed design and construction will be able to commence.

Planning and Policy Implications

There are a range of planning implications associated with this project, which will be assessed through the development application process. The project will be assessed as a State Significant Infrastructure project by the Joint Regional Planning Panel. Ultimately, the facility will be subject to the statutory approvals process in accordance with the Environmental Planning and Assessment Act 1979.





Financial and Economic Implications

Council has allocated a funding commitment to undertake the Demand Analysis, Options Assessment, Concept Design, Business Case and prepare the Development Application. Additional funding will be required to finalise detailed design and for construction of the facility. The construction costs associated with new contemporary aquatic facilities are significant and will require all funding avenues to be explored in order to achieve project completion.

The business case will determine both Capital Expenditure (CAPEX) and Operational Expenditure (OPEX) estimates. The OPEX component is critical as the facility needs to be economically viable to operate for Council, and to attract funding both state and federal funding bodies generally require the cost benefit ratio of a project to be greater than one (i.e. it does not lose money during its operation). The CAPEX component is also critical in that the project will require significant construction funding. The preliminary CAPEX estimates for the revised options are significant and in the order of \$60-80m (The business case assessment will refine this estimate for each option).

Recent experience from other Councils in Australia who have sought state and federal funding for proposed pool and aquatic facility projects indicate that it will be difficult to secure more than \$10-15m in combined state and federal grant funding for the project. This reiterates the need for all funding avenues to be explored to ensure the success of the project.

Attachments

1.  Exhibited Option 1
2.  Public Exhibition Report July 2021
3.  Revised Options A, B, C, D
4.  Co-Op Project Development Briefing

Item: 14.06

**Subject: LAKE CATHIE NATURAL RESOURCE MANAGEMENT - MONTHLY
UPDATE REPORT**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the update report on Lake Cathie / Lake Innes / Cathie Creek waterway natural resource management projects/initiatives.**
- 2. Note the progress on development of the Coastal Management Program to manage the Lake Cathie / Lake Innes / Cathie Creek waterway.**
- 3. Delay presentation to Council of a further revision of the Lake Cathie Entrance Management Strategy Flow Chart and educational material until the Lake is closed, at which time any results and findings of current studies can be included in determining the future strategy direction.**

Executive Summary

Council is currently involved in a number of projects involved in the management of the Lake Cathie/ Lake Innes / Cathie Creek waterway (referred herein as Lake Cathie) and its surrounds.

At the Extraordinary Council Meeting on 13 January 2022 Council resolved as follows:

That Council:

- 1. Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.*
- 2. Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.*
- 3. Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.*
- 4. Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.*
- 5. Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.*

6. *Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.*
7. *Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.*
8. *Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.*
9. *That the Chief Executive Officer be requested to expedite the coastal management program.*

The purpose of this report is to advise Council of the progress undertaken to address the items identified in the abovementioned resolution.

Works currently being undertaken by Council to address the abovementioned items include:

- Multiple environmental investigations involved in the preparation of the Coastal Management Program (CMP), including;
 - Hydrodynamic Model of Lake Innes/Lake Cathie
 - Illaroo Road Coastal Hazard Protection Options Review and Codesign
 - Bushfire Affected Coastal Waterways Project
- The amendment of Councils existing approved development application (DA) that allows Council to dredge lower Cathie Creek
- Undertaking community consultation for the Illaroo Road Stormwater re-direction project
- The preparation of a ministerial brief on the management issues of Lake Cathie faced by Council
- Lake Cathie flood mitigation works
- Review of the Opening Strategy

Discussion

This report specifically responds to item number 7 of Item 05.01 *Opening Lake Cathie* from the Extraordinary Council Meeting held on the 13 January 2022 which states as follows:

1. *Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.*

Council is currently preparing a Coastal Management Program (CMP). The CMP aims to provide a long term, coordinated strategy for managing the coastal zone in accordance with the Coastal Management Act 2016 (CM Act) and local objectives. The CMP will have a chapter dedicated to Lake Cathie/Bonny Hills. It is expected that this chapter will be completed 2024 / 2025. The development of the CMP is currently in Stage 2 which involves the completion of investigations and assessments to determine the risks, vulnerabilities and opportunities of the system. The findings of these investigations will guide the development of the CMP to determine the most suitable management options for Lake Cathie.

In addition to various investigations associated with the development of the CMP, Council staff have been working on various activities to address the abovementioned points. The following section outlines a brief overview of the progress of the various investigations and activities Council staff have been working on that address the abovementioned items and that are required for the development of the CMP.

1. *Hydrodynamic Model of Lake Innes/Lake Cathie*

As part of the development of the Lake Cathie Bonny Hills chapter of the CMP, Council engaged Royal HaskoningDHV to undertake a hydrodynamic model of the Lake Cathie / Lake Innes waterway. The hydrodynamic model will enable the comprehensive assessment of the estuary, lake system and open coast responses to various management options, including a permanent opening and revised opening strategy. This project involves the update of the existing hydrodynamic model, including the collection and collation of additional environmental data from the waterway. A detailed overview of this project was provided to the February 2022 Council meeting. The hydrodynamic model will allow Council to objectively assess various management options in terms of the efficiency and environmental consequence.

The project commenced in March 2022. Royal HaskoningDHV plan to commence the fieldwork component of this work in early April 2022. This project is expected to be completed by late 2023.

2. *Illaroo Road Coastal Hazard Protection Options Review and Codesign*

Council is seeking to work with the community to develop a reasonable, feasible and achievable solution to managing the risk to private and public infrastructure at Illaroo Road that can be incorporated into the CMP. Due to the long history of the project and inability to identify an appropriate solution that was supported by the community, Council is now set to explore coastal hazard mitigation options via a co-design process with the local residents and community members.

Rhelm and Bluecoast Consulting Engineers were engaged by Council in December 2021 to undertake the Illaroo Road Coastal Hazard Protection Options Review and Co-design Project. The project entails a comprehensive review of historical options for coastal hazard protection options for Illaroo Road and options for new solutions to manage coastal erosion at Illaroo Road. Following this review of potential options, a targeted co-design process with the community to identify the most appropriate options based on both professional expertise and community values.

The co-design project is following a staged approach as follows:

- Stage 1 – Review of works undertaken to date and history of coastal management at Illaroo Road, Lake Cathie.
- Stage 2 – Prepare a Community Engagement Plan in consultation with Council,
- Stage 3 – Update the coastal hazard protection options,
- Stage 4 – Co-design workshops, and
- Stage 5 – Final Illaroo Road Coastal Hazard Protection Options Report that identifies a preferred/recommended option.

Stages 1 and 2 have been completed. Stages 3 and 4 will run concurrently. An initial information session will be held at the Lake Cathie Bowling Club on 27 April 2022. The information session will provide information about the codesign workshops, as well as an update to the Illaroo Road Stormwater Diversion project. Two co design workshops will be held in May 2022. Residents will be required to attend both workshops. The initial work shop will aim to create a shortlist of preferred coastal protection options. The second workshop will aim to identify the preferred option and discuss design refinements that reflect the values and uses of the site that would be fed back into the design team. A preferred Coastal Protection Option will be outlined in a Final Report in August 2022. Invitations to attend the workshops were distributed to residents previously identified as direct or indirect beneficiaries of any coastal protection works at Illaroo Road. Other members of the public can participate in the initial information session to be held on the 27 April 2022.

3. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project

In 2020 Council commenced the Bushfire Affected Coastal Waterways project to determine the impact the 2019 bushfire/drought event had on the local government areas coastal waterways, in particular the Lake Cathie system, as well as Watson Taylor lake. The project, which is expected to run until June 2023 involves:

- An invasive weed survey within the Lake Cathie Catchment
This was completed in early 2021 by Council Staff to see determine the spread of weeds through bushfire impacted areas on Council owned or managed parcels within the catchment.
- Establishing Water Quality Management Plans
Aquatic Science and Management were engaged by Council to undertake water quality management plans including the Lake Cathie System. The plans will address bushfire impact on water quality as well as defining pressures, catchment stressors, community values, management goals and baseline limits. The work commenced in August 2021 and is expected to be completed by mid-2022. Water quality monitoring will commence on the completion of the water quality management plans.
- Ecological Assessment
PMHC engaged Soil Conservation Services (SCS) in December 2020 to monitor the ecological recovery of the Lake Cathie waterway and the impacts of entrance management on the overall system. Over the past year SCS have monitored the systems recovery including the effects artificial openings have on the system. SCS have also undertaken detailed water quality sampling events around the artificial opening of the entrance in January 2021 and February 2022. SCS are in the final stages of collecting their field data. A final report of their findings is expected in June 2022. This report will also include modelling to determine how the system would have acted during the 2019 drought/bushfire event if Lake Innes was decoupled.

The findings of this investigation will be included in the development of the Lake Cathie/Bonny Hills chapter of the CMP.

4. Amendment of DA2013.151 - Dredging Lower Cathie Creek

Council has an approved Development Application (issued in 2013) to allow for the dredging of lower Cathie Creek every 5 - 10 years to maintain the recreational amenity of lower Cathie Creek. Under this DA, the dredging permitted included approximately 30,000m² or up to 20,000m³ of sand from east of the Ocean Drive bridge with beach nourishment of around 350m of Lighthouse Beach south of the entrance, adjacent to Illaroo Road.

A modified Development Application was lodged on 16 July 2021 to amend the previous development consent to allow for dredging to also occur in directed response to coastal erosion along Illaroo Road for beach nourishment, as well as increase the area material can be deposited adjacent to Illaroo Road to around 410m. The application was supported by a Statement of Environmental Effects and Technical memorandum that was prepared by Cardno (2021). The technical memorandum included a coastal hazard trigger developed by Cardno and their specialist Coastal Engineers. In essence the trigger measures the sand volume on the beach and the dune stability along a specified profile of the beach and dune. Once the beach loses enough sand to put the road at risk of damage should further erosion occur (when the "Zone of Reduced Foundation Capacity" reaches the edge of the road surface), the erosion hazard criteria has been met and dredging for beach nourishment can be considered. The other criteria that must be satisfied to initiate dredging are a closed lake and availability of sand supply.

The amended Development Application was approved on 8 November 2021.

A Crown licence application to undertake dredging was also submitted to DPE-Crown Lands in July 2021. The Crown Licence was unable to be assessed until the Development Application was finalised (8 November 2021). A Crown licence was offered to Council on 11 February 2022 for a five-year period. Council staff reviewed the license and requested some minor amendments be made to the licence, in particular around the hours of operation to allow activities to occur on Saturdays and School Holidays. Preliminary advice provided by to Council staff from Crown lands staff indicated the requested change could be supported. Council are currently awaiting the revised licence offer.

It must be noted that dredging can only occur when Cathie Creek is closed to the ocean.

5. Community consultation for the Illaroo Road Stormwater Diversion project

At present, stormwater infrastructure on Illaroo Road directs runoff onto Lighthouse Beach via two stormwater outlets. The Lake Cathie Coastal Zone Management Plan 2016 identified the two existing outlets as posing a risk to erosion of the beach fore dune and subsequent potential undermining of Illaroo Road. A detailed design was completed in 2017 to decommission the two outlets and redirect stormwater to a new outlet towards lower Cathie Creek at the far eastern end of Bundella Avenue. NSW Department of Environment contributed 1:1 grant funding of \$360,000 for the project.

Following development of the Review of Environmental Factors an Aboriginal Cultural Heritage Assessment including an Aboriginal Heritage Impact Permit was required and completed in 2021.

In response to the March 2021 flood event, the project was postponed until November 2021. Council staff received feedback from the community that the project should avoid peak holiday period in light of the recent hardships caused by the flood event and COVID 19 restrictions. As such, the project was postponed to commence after Easter 2022. In February 2022 Council resolved to delay the project until the Coastal Hazard Management Options are determined and it was requested that urgent community engagement be carried out. In March 2022, Council undertook community consultation to gauge the surrounding residents desire to continue with the project. A revised cost estimate to undertake the project was undertaken in late 2021 to determine costs associated with the civil works for the construction of the proposed stormwater diversion and removal of Asbestos Containing Material (ACM) limited to the proposed outlet only. Asbestos Containing Material restoration component of this project is dependent on the lake being closed to facilitate access and due to the sand from the entrance berm being used to replace the excavated material.

The findings of the community engagement and revised cost estimates have been presented in a Councillor briefing prior to this meeting and is the subject of a separate report. If Council agree to integrate the stormwater redirection project into the Coastal hazard management options, it will be necessary to undertake interim measures to at least one stormwater outlet and proceed with the ACM remediation as soon as possible.

6. Preparation of a Ministerial brief on the management issues of Lake Cathie faced by Council

As resolved at the 16 February Ordinary Council meeting, Council Officers prepared a Ministerial Brief that outlined the management issues faced by Lake Cathie, and the potential for permanently opening the Lake. This was prepared for the meeting arranged between the Mayor, Deputy Mayor and relevant Ministers on 22 March 2022.

7. Lake Cathie Flood Mitigation Event and Acid Sulphate Response - February 2022

Council undertook a dry scrape of the berm on the 24 February 2022 to prevent the sewer infrastructure from being inundated as this would result in an uncontrolled release of untreated effluent. The dry scrape methodology was based on feedback provided by NSW Government Agencies including Department of Industry, Planning and Environment (DPIE - now DPE), NSW Fisheries, NSW National Parks and Wildlife Services (NPWS) and Department of Primary Industry (Crown Lands). This methodology was selected to reduce the potential of rapid water level drawn down that could trigger a mass acid release into the environment. When Council arrived onsite to undertake the dry scrape, an unauthorised channel had already been excavated at the far north end of the berm. Although water was slowly exiting via the dry berm scrape as intended when water levels rose into the evening, by the following morning a full opening resulted from the location of the unauthorised channel. Crown Lands are understood to be undertaking an investigation into the unauthorised opening.

As part of the Bushfire Affected Coastal Waterways project, mentioned in Item 3 above, Soil Conservation Service (SCS) undertook an intensive sampling event to

see how the system will respond to the opening event. To date the work undertaken by SCS and Southern Cross University has identified drought induced translocated Fe²⁺ rich pore waters in the fringes of Lake Innes and Cathie Creek margins as the drivers for poor water quality associated from entrance opening events, and one of the main factors in determining the time required for the ICOLL to recover, reducing the likelihood of mass iron floc events from occurring in the future. The results of the sampling event will be included in the report for this project, which is expected in June 2022.

Observations by SCS during their sampling indicate that a mass iron floc response is yet to materialise in Cathie Creek. Freshwater catchment runoff from ongoing rainfall has likely masked some of the groundwater effluent impacts however Lake Innes is behaving quite differently to the Cathie Creek. There are new and quite thick (up to 200mm) deposits of Acid Volatile Sulfide (AVS) in the embayment of Lake Innes in the 0.3-0.5mm AHD zone. This AVS is already starting to oxidise with iron floc forming. In localised discharge channels entering the lake, where AVS is abundant, there is some novel white colloidal floc discharge forming at the interface of with the lake waterbody. This is most likely elemental sulfur S(0). It can form when sulfide-rich porewater contacts the surface and little bacteria get going on the sulfide and partially oxidise it. It can also form abiotically when sulfide S(II-) contacts Fe(III) oxides - the sulfide partially oxidises to S(0) and the Fe(III) is reduced (abiotically) to Fe²⁺. It points to really dynamic and active S cycling.

The findings of the investigation undertaken by SCS, as well as the hydrodynamic model being completed by Royal HaskoningDHV will allow Council to better understand how the system responds to flood mitigation measures such as artificial openings. This will allow Council to understand the potential environmental impacts associated with changes to the opening trigger of the Lake Cathie Opening Strategy.

8. Review of the Opening Strategy

An amended Entrance Management Strategy was requested by Council at the 13 January 2022 Extraordinary Council Meeting with a draft presented to Council at the 16 February 2022 Ordinary Council meeting with a recommendation that it be placed on public exhibition. Council subsequently resolved as follows:

That Council:

- 1. Request the Chief Executive Officer undertake a review of the revised draft Lake Cathie Entrance Management Strategy Flow Chart, with the involvement of Councillors and key stakeholders, before bringing an updated approach back to Council by April 2022.*
- 2. Request the Chief Executive Officer to prepare appropriate information material to clearly explain the issues impacting on Lake Cathie, entrance management and the draft Entrance Management Strategy.*
- 3. Request the Chief Executive Officer expedite the progress of delivery of the Coastal Management Program to inform best management practices of Lake Cathie system.*

Due to the Lake Cathie flood mitigation works this work has not yet been completed. Until the Lake opening has closed once again it is recommended that the further revision of the Draft Strategy and associated educational material be delayed so that any results and findings of current studies can be included in determining the future strategy direction.

Options

This report is provided for information.

Community Engagement and Internal Consultation

This report is provided for information only.

Community consultation has been undertaken in some of the abovementioned projects, as mentioned in the discussion section of this report.

The Land tenure of the Lake Cathie waterway is shared by various state agencies, excluding Council. West of the Ocean Drive Bridge, the watercourse is the Lake Innes Nature Reserve and is under the tenure of National Park and Wildlife Service. East of the Ocean Drive Bridge the watercourse is under the tenure of Department of Planning and Environment - Crown Lands (DPE - Crown Lands). The beach (and the associated sand berm that builds across the lake entrance) is under the tenure of DPE - Crown Lands). Council does not own or manage any part of the system. As such, an activity Council undertakes must be in consultation with or approved by the abovementioned stakeholders, as well as other key State stakeholders such as DPI-Fisheries.

Planning and Policy Implications

There are no planning or policy implications in relation to this report. However, the outcomes of the various investigations and activities referenced in this report will guide the content of the Lake Cathie Bonny Hills Chapter of the Coastal Management Program.

Financial and Economic Implications

Funding currently allocated to the projects outlined in this report total \$1,779,400 with \$1,102,325 being grant funded and the remaining being funding by Council as detailed below:

Project	Grant Funding \$	Council Contribution \$	Total Estimated Project Cost \$
Hydrodynamic Model	300,000	150,000	450,000
Illaroo Road Coastal Hazard Protection Options Review	80,500	40,250	120,750

Bushfire Affected Coastal Waterways Program	265,000	30,000	295,000
Illaroo Stormwater Redirection Project including variations for Asbestos Remediation and Aboriginal Cultural Heritage	456,825	456,825	913,650 (note a new cost estimate has been obtained and is to be presented at Councillor briefing on 14 April 2022)
TOTAL	1,102,325	677,075	1,779,400

Estimated cost of Dredging of Lower Cathie Creek

Prior DA2103.151 being modified, dredging could only occur after five years. The amended DA would potentially increase the frequency of dredging if the coastal hazard trigger is met. The previous dredging event in 2018 cost \$350,000. Council cannot tender for the work until funding has been approved by DPE under the CMP. The funding has in principle support from DPE but is awaiting announcement by the Minister

Attachments

Nil

Item: 14.07

Subject: 2021 ILLAROO ROAD COMMUNITY VALUES SURVEY RESULTS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the results of the Illaroo Road Community Values Survey as outlined in the report.

Executive Summary

Council is currently preparing a Coastal Management Program (CMP) for Lake Cathie-Bonny Hills and is seeking to work with the community to develop a reasonable, feasible and achievable solution to managing the risk to private and public infrastructure at Illaroo Road that can be incorporated into the CMP.

Following the outcomes of community engagement for the Illaroo Road Revetment Wall between February and April 2021, the Illaroo Road Community Values Survey was completed between June and September 2021. The survey gave stakeholders, including residents, local businesses and key stakeholders the opportunity to rank eight values associated with the Illaroo Road locality. There were 36 survey submissions received. The primary stakeholder group being property owners and residents of the Lake Cathie area. These submissions show a desire within the community to:

- prioritise longer-term values including protection of property and
- minimisation of environmental impact.

Conversely, the results show a low community focus on property value, recreational facilities and cost.

The purpose of this report is to advise Council of the results of the Illaroo Road Community Values Survey and how they will be used to help determine suitable coastal protection measures adjacent to Illaroo Road.

Discussion

Background

Like many coastal communities along the NSW coastline, public and private assets located in the Lake Cathie coastal strip and recreational amenity of the beach at Lake Cathie continue to experience erosion and shoreline recession due to a high energy wave climate and rising sea levels. These coastal hazards will likely increase in

severity in the coming years as climate change accelerates sea level rise and intensifies extreme weather events. A number of dwellings adjacent to this section of the coastline are at risk from coastal erosion currently, or will likely be in the future. In addition, infrastructure such as electricity services, stormwater pipes, beach access ways and Illaroo Road itself are at threat.

Since 2008 Council has undertaken several studies to identify the erosion risk at this location and consider appropriate solutions and has engaged with the community on a number of occasions. At the November 2013 Ordinary Council Meeting, Council resolved to proceed with a concept design for a rock revetment wall with beach nourishment.

Community engagement for the Illaroo Road Revetment Wall Cost Benefit Analysis (CBA) and Funding Model requirements of the NSW Government Coast & Estuary Grants was carried out between February and April 2021. The community meetings and feedback submissions contained the following key messages:

- There was a strong rejection of the Beneficiary Pays options from the Funding Model report;
- There is no capacity and willingness to pay by directly impacted residents;
- Concerns were raised regarding the revetment wall option, including the high cost, inclusion of public amenities in the design, visual impact, loss of beach and potential end effects and erosion at the extremities;
- Directly impacted property owners rejected the reports comments about the primary purpose of the road being to provide access and services to private properties;
- There was a strong sentiment that Council is the primary beneficiary as the wall would protect the road and assets that lie between the properties and the coastline; and
- Some feedback is showing that the revetment wall as the preferred option for coastal protection has diminished since community consultation in 2013 and there may be a willingness to explore short-term and long-term hazard mitigation options through the CMP process.

The following was resolved at the April 2021 Ordinary Council meeting, Item 13.06 *Lake Cathie - Illaroo road revetment wall - report on community engagement outcomes*

That Council:

1. *Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.*
2. *Request the Chief Executive Officer to review the problem and possible solutions and ensure consultation with the community to identify preferred actions.*
3. *Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.*
4. *Request the Chief Executive Officer to liaise with the Hon. Leslie Williams MP, Member for Port Macquarie, regarding actions to date and possible available government funding for coastal protection works at Illaroo Road.*

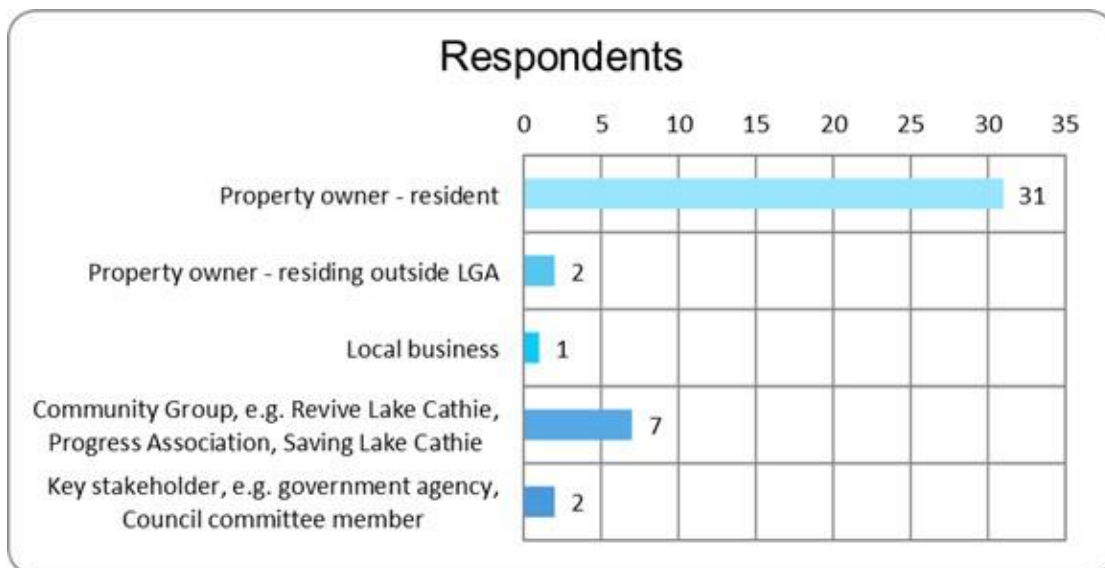
Illaroo Road Community Values Survey

The Illaroo Road Community Values Survey was completed between June and September 2021. A copy of the survey questions is included here as Attachment 1. The survey gave stakeholders, including residents, local businesses and key stakeholders the opportunity to rank eight values associated with the Illaroo Road locality. These values, and associated descriptions, presented to the community included:

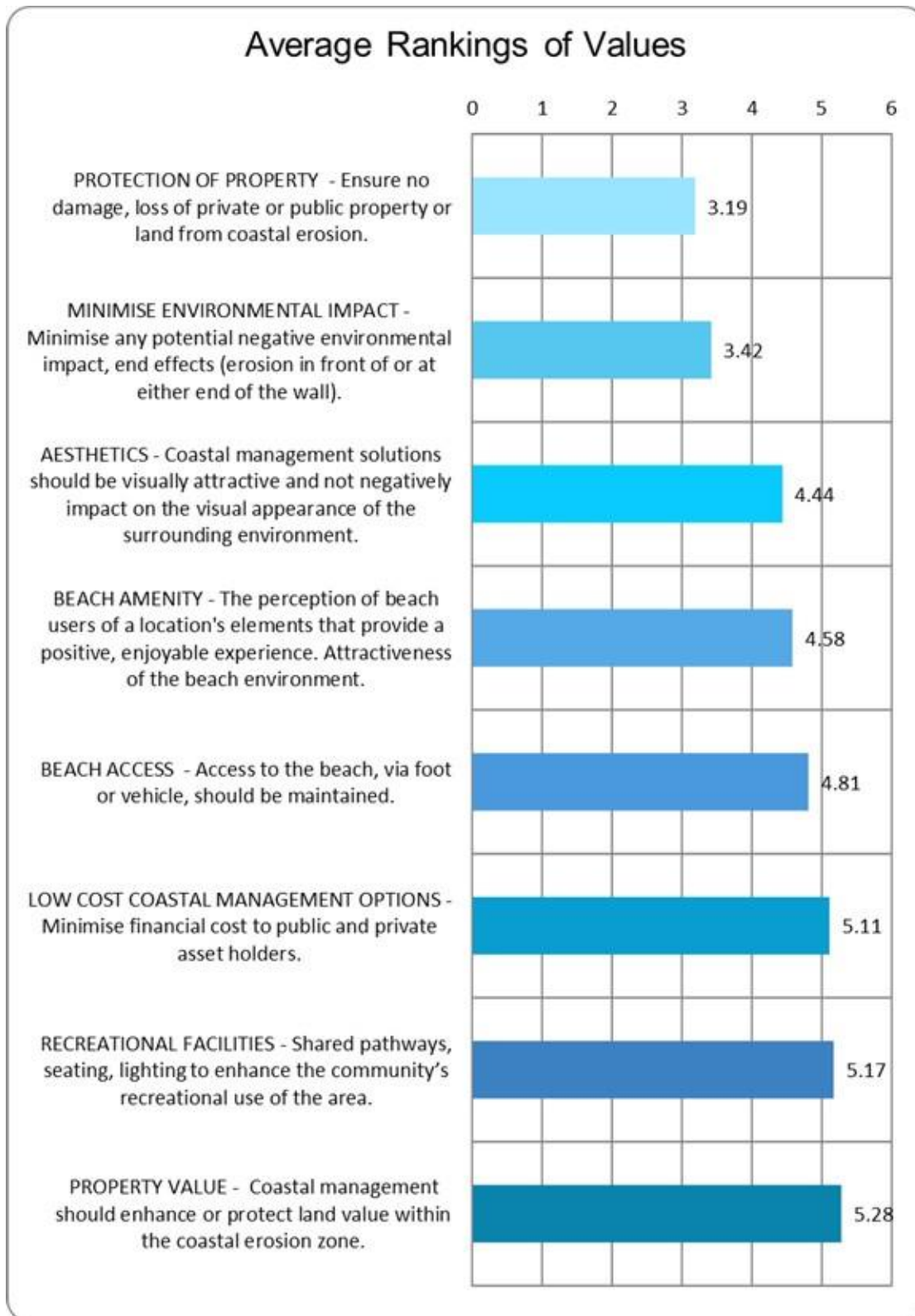
- Minimisation of environmental impact - minimise any potential negative environmental impact, end effects (erosion in front of or at either end of the wall),
- Aesthetics – coastal management solutions should be visually attractive and not negatively impact on the visual appearance of the surrounding environment,
- Recreational facilities – shared pathways, seating, lighting to enhance the community's recreational use of the area,
- Beach amenity – the perception of beach users of a location's elements that provide a positive, enjoyable experience (attractiveness of the beach environment),
- Beach access – access to the beach, via foot or vehicle, should be maintained,
- Cost – minimise financial cost to public and private asset holders,
- Property value – coastal management should enhance or protect land value within the coastal erosion zone, and
- Protection of property – coastal management should enhance or protect land within the coastal erosion zone.

Survey Results

There were 36 survey submissions received. The primary stakeholder group being property owners and residents of the Lake Cathie area (graph 1). These submissions show a desire within the community to prioritise longer-term values including protection of property and minimisation of environmental impact. Conversely, the results show a low community focus on property value, recreational facilities and cost (graph 2).



Graph 1: Survey Respondent Profile



Graph 2: Average Rankings of Values

Next Steps

The outcomes of the survey will be used by Rhelm who were engaged by Council in December 2021 to undertake the Illaroo Road Coastal Hazard Protection Options Review and Co-design Project. This project entails a comprehensive review of historical options for coastal hazard protection options for Illaroo Road as well as recommending options for new solutions to manage coastal erosion at Illaroo Road. The project involves a targeted co-design process with the community to identify the most appropriate options based on both professional expertise and community values. Workshops with the community are planned for May 2022 to assist with identify these options. It is expected a preferred option will be presented to Council in the second half of 2022.

It is noted that a further survey was carried out in March 2022 in relation to the Illaroo Road Stormwater Redirection Works. Although the stormwater redirection project also aims to reduce coastal hazard protection at 2 specific stormwater outlet locations, it is not addressing the greater coastal hazard along the entire Illaroo Road area. Once further direction is received from Council these two projects will be either undertaken separately or integrated into the one final solution.

Options

This report is provided for information only.

Community Engagement and Internal Consultation

The main component of the Illaroo Road Community Values Survey is the community engagement which was implemented by Council's Engagement team. Community engagement associated with these projects are described above.

Internal consultation was also undertaken with the following Council staff in the development and assessment of Request for Quotation (RFQ) for the Illaroo Road Coastal Hazard Protection Options Review and Co-design Project:

- Coast, Estuary and Flood Coordinator
- Community Engagement Manager
- Group Manager Environment and Regulatory Services

Planning and Policy Implications

The outcomes of the survey will be used to assist in the review of coastal hazard protection options for Illaroo Road and to develop recommendations for new solutions to manage coastal erosion at Illaroo Road.

Financial and Economic Implications

There are no financial or economic implications with this report. However, the outcomes of the survey will be used in the Illaroo Road Coastal Hazard Protection Options Review and Co-design Project to help select a suitable coastal protection option for Illaroo Road. The selection of the preferred coastal protection option will need to consider potential funding pathways to undertake the preferred options.

Attachments

1.  Illaroo Road Community Values Survey July 2021

Item: 14.08

Subject: PIPES AND FITTINGS PROCUREMENT EXEMPTION REPORT -
OCEAN DRIVE DUPLICATION - ENABLING WORKS - TRANSIT
HILL WATER TRUNKMAIN CUT IN

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders as it considers that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive tenderers for the reason of Council's specific specification requirements as outlined in this report.
2. Accept the quote provided by Reece Australia Pty Ltd t/a Viadux for up to \$385,035.46 (incl. GST) for the supply and delivery of necessary pipes and fittings for the Ocean Drive Duplication - Enabling Works - Transit Hill Water Trunkmain Cut In.

Executive Summary

Council, as part of its annual water main renewals programme and new capital works delivered by internal crews, is required to purchase all associated pipes and fittings direct from suppliers. Due to the size of water mains and makeup of the different projects, these purchases often amount to hundreds of thousands of dollars, often exceeding the legislated tendering threshold of \$250,000. Due the varying nature of every project, it is inefficient to individually tender for each project. Council has been procuring these items via quotes from various companies listed on the Local Government Procurement's (LGP) panel arrangement LGP908-3, in accordance with the Local Government Act tendering requirement, until 31 August 2021 when the arrangement expired. LGP retendered the provision of these products through a different scheme arrangement. Unfortunately, the new LGP arrangement does not provide Council sufficient coverage on our product requirements, with only one of our previous providers appointed to the arrangement. Council has since commenced the procurement process to establish our own supply panel arrangement for pipes and fittings.

To allow critical water main works to proceed, CEO approval was gained for establishing an interim panel arrangement for single select purchases under \$250,000 from suppliers who have historically provided these items. The Ocean Drive Duplication (ODD) Project requires enabling works on the Transit Hill Water

Trunkmain to be completed by Council, prior to the ODD contractor establishing on site. With the ODD contract award expected in July/August 2022, these enabling watermain works are on the critical path for the project and timely ordering of pipe and fittings is crucial.

In accordance with the CEO's approval, a quotation was received from Viadux, however the received quote of \$385,035.46 (incl. GST) has exceeded the tendering threshold of \$250,000, thus requiring a resolution of Council not to go to open tender for the purchase. It was estimated that this purchase would be in the order of \$240,000, however this has been exceeded due to sharp price rises across most economic sectors.

Viadux have a long-standing relationship with PMHC and hold Water Services Association of Australia (WSAA) certification for the required products. They also have a proven quality record in the supply of large diameter trunkmain products to PMHC, where the success of these projects can be disrupted by poor quality/non-conforming products. Therefore, it is recommended Council not go to tender for the required pipes and fittings and accept the quotation from Viadux of up to \$385,035.46 (incl. GST).

Discussion

Council is currently developing the required documentation for tender T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated products. This tender process is to replace the previous LGP contract, which expired in August 2021. A release to market of the new request for tender is planned in later this financial year. It is anticipated that the arrangement will commence following Council resolution anticipated an Ordinary Council Meeting before the end of 2022. Since 2019, Council has been procuring these items from various companies on the Local Government Procurement's (LGP) panel arrangement LGP908-3 until 31 August 2021 when the arrangement expired. LGP retendered the provision of these products through a different scheme arrangement. The new LGP arrangement does not provide Council sufficient coverage on our product requirements, with only one of our current providers appointed to the arrangement. Therefore, Council will establish our own supply panel contract.

In the interim period, there is a need to allow the procurement of ductile iron pipe and associated fittings for Water and Sewer works to facilitate the timely completion of Council's Operational Plan projects and effect emergency repairs to the water and sewer systems. An interim CEO approval has been granted to allow the use of a number of single select suppliers until the completion of the T-21-51 Tender. In accordance with the CEO's approval. A quotation was received from Viadux, however the received quote of \$385,035.46 (incl. GST) has exceeded the tendering threshold of \$250,000, thus requiring a resolution of Council not to go to open tender for the purchase. Council is still waiting on Viadux to price two (2) x high pressure gipaults that are expected to be in the price range of \$20,000 to \$30,000 and Council will source flange connection bolts, valued at \$58,503.42, from a different, more cost effective, supplier. Therefore, the overall quote from Viadux is likely to be less than the initial \$385,035.46 but will not exceed it for this project.

It is recommended to purchase from Viadux prior to the finalisation of the T-21-51 Tender as this project is scheduled for commencement and is needed to ensure the Ocean Drive Duplication Project is not delayed. Viadux is one of the suppliers on the

interim supply approval approved by the CEO, has been on previous supply panel tenders with Council, and has been identified as the preferred supplier for the above project for the following reasons:

- The market was recently tested in April 2021 via RFQ-21-17 (Pipes and fittings for Kennedy Drive Watermain Renewals - Coral Street to Koala Street) through the LGP908-3 arrangement and found very little difference in the pricing between Viadux, Vindex and Cadia Group.
- Viadux hold Water Services Association of Australia (WSAA) certification for the required product
- Viadux have a proven quality record in the supply of large diameter trunkmain products to PMHC, where the success of these projects can be disrupted by poor quality/non-conforming products.

Viadux would therefore be the preferred supplier in this circumstance. The required pipes and fittings has come in greater than the preliminary estimate of \$240,000 (exceeding the \$250,000 incl. GST tender threshold) due to sharp price rises across most economic sectors in recent months. Therefore, a Council resolution is required to purchase from Viadux directly as the supplier for this project.

Options

Council has the following options:

- Resolve in line with the recommendation of not going to open tender for the purchasing of the required pipes and fittings and accept the quote provided by Reece Australia Pty Ltd t/a Viadux for up to \$385,035.46 (incl. GST);
- Resolve to wait until to the current procurement process for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated products is complete and purchase the required pipes and fittings via the new panel arrangement. This option is not recommended, as it will delay the critical Ocean Drive Duplication Project.

Community Engagement and Internal Consultation

Ongoing community and stakeholder engagement may be put at risk if the enabling works on the Transit Hill Water Trunkmain are not completed by prior to the ODD contractor establishing on site. This may then have flow on effects to the timely completion of the Ocean Drive Duplication Project.

Significant internal consultation has been completed as part of the T-21-51 tender process.

Planning and Policy Implications

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

Financial and Economic Implications

Financial and economic implications in relation to this report are concerned with risks of delays with the Ocean Drive Duplication Project. If the enabling works on the Transit Hill Water Trunkmain are not completed by prior to the ODD contractor establishing on site, there may be contractual cost implications.

A budget allowance has been created for the enabling works on the Transit Hill Water Trunkmain to be completed as part of the ODD Project, and is under review by the project team based on current financial conditions.

Attachments

Nil

Item: 14.09**Subject: T-21-13 WATER & SEWER CLIENT SIDE ENGINEERING SUPPORT
SERVICES AND T-21-14 WATER & SEWER DESIGN SERVICES
PANEL ARRANGEMENT POST CONTRACT AWARD UPDATE****Presented by: Community Utilities, Jeffery Sharp**

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council note the information contained in this report.

Executive Summary

At the Ordinary Council Meeting held on 3 November 2021, it was resolved:

That Council:

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

Following this resolution, Council has subsequently entered into term contracts with several consultancy firms following a tender for T-21-13 Water & Sewer Client Side Engineering Support Services and tenders for T-21-14 Water & Sewer Design Services Panel Arrangement.

Council has now entered into a 3-year contract with Hunter H2O Pty Ltd for T-21-13 Water & Sewer Client Side Engineering Support Services. The contract has 2 x 2-year extension options making the maximum possible contract term 7 years.

Council has also entered into a 3-year contract with the following three consultancy firms for T-21-14 Water & Sewer Design Services Panel:

- GHD Pty Ltd
- Tonkin Consulting Pty Ltd
- Mott Macdonald Australia Pty Ltd

Again this panel contract has 2 x 2-year extension options making the maximum possible contract term 7 years.

This report is an update report on those contract awards as per the resolution.

Discussion

With a significant water and sewer capital works and asset renewal program of approximately \$500Million over the next ten years Council identified the need to establish long term contracts for engineering support and design services.

Council released two tenders in July 2021 in order to establish long term contractual arrangements with suitable consultants to assist in the delivery of Council's water and sewer works program over the coming years. One tender was for the Water and Sewer Client Side Engineering Support Services (T-21-13) and the other for a Water and Sewer Design Services Panel (T-21-14). Both contractual arrangements were advertised under a combined procurement process and RFT document.

T-21-13 Water and Sewer Client Side Engineer Services was aimed at securing a single consultancy firm ("consultant") to assist Council in all planning, scoping, optioneering, concept design works, and general engineering support services. This consultant will supplement Council's existing resources in a partnership-style arrangement with the aim of significantly increasing Council's capacity to plan and deliver Water and Sewer infrastructure projects over the term of the contract.

T-21-14 Water and Sewer Design Services Panel Arrangement is a panel of consultancy firms ("consultants") that will be utilised for completing detailed designs and construction phase support in the delivery of Water and Sewer Infrastructure Projects.

The two contractual arrangements are designed to be separate and distinct to ensure that no conflict of interest arises with consultants providing concept phase advice on designs and delivery methodology, and then having a competitive advantage for completion of the detailed design works on those same projects. In being identified as a successful tenderer for the Client Side Support Services, the consultant will agree to be precluded from any future contracts or tender processes for detailed design where they have provided concept phase support.

The benefits over the contract term (3 years with 2 x 2 year optional extensions, totalling 7 years) are expected to include:

- supplementing Council's internal resources significantly in Water and Sewer planning and strategy, improving efficiency of capital and operational project delivery,

- streamlining procurement process for the upcoming program of works while ensuring value for money,
- allowing Council to build long-term, mutually beneficial relationships with consultants through early involvement and in providing clarity of upcoming works, and
- providing ease of access to a number of consultant's technical expertise across a broad range of Water and Sewer Asset types.

Following initial tender submissions Council at Ordinary Council Meeting held on 15 September 2021, resolved:

That Council:

1. *In accordance with the clause 178(1)(b) and 178(3)(b) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-13 Water and Sewer Client Side Engineering Support Services and invite fresh tenders based on the same or different details.*
2. *In accordance with the clause 178(1)(b) and 178(3)(b) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-14 Water and Sewer Design Services Panel Arrangement and invite fresh tenders based on the same or different details.*
3. *Maintain the confidentiality of the documents and consideration in respect of Requests for Tender T-21-13 and T-21-14.*

Following this resolution Council requested further submissions from selected tenders identified as submitting complying and technically sound tenders in the first round. Clarifications were made to the contractual terms for the second round of tenders submitted.

Following the assessment of the tender and in accordance with the 03 November 2021 Ordinary Council Meeting resolution, shown below the CEO executed deeds of standing offer for the two contracts.

That Council:

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

For T-21-13 Water & Sewer Client Side Engineering Support Services, Council has entered into a contract with Hunter H2O Pty Ltd.

For T-21-14 Water & Sewer Design Services Panel. Council has entered into a contract with the following three consultancy firms:

- GHD Pty Ltd
- Tonkin Consulting Pty Ltd
- Mott Macdonald Australia Pty Ltd

Options

As this report is for information only no options are presented.

Community Engagement and Internal Consultation

No engagement has been undertaken in relation to this report.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 14.10

**Subject: CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL -
GILLMAN WAY, THRUMSTER**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thrumster, as Operational Land.

Executive Summary

This report recommends that Council adopt a classification of land recently acquired by Council situated at Gillman Way, Thrumster.

Discussion

Council at its Ordinary Meeting of 16 February 2022 considered a report on commencing the process of classifying land to be acquired by Council in Gillman Way at Thrumster. Council resolved:

That Council:

- 1. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 1275372 as 'operational land' by placing on public exhibition for a minimum period of 28 days, the proposed resolution; "It is intended to classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thrumster, as operational land.*
- 2. Note that a further report will be tabled at the April 2022 Ordinary Council meeting detailing any submissions received during the exhibition period.*

Options

There are no other options available.

Community Engagement and Internal Consultation

A Notice regarding the proposed land classification was exhibited on Council's website for the minimum period of 28 days. At the conclusion of the exhibition period, no submissions on the proposed land classification were received.

Council may now proceed to classify the land which is now in Council ownership.


Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Extent of land to be classified Operational Land

Item: 14.11

**Subject: TACKING POINT SURF LIFE SAVING CLUB EXTERNAL SEWER
UPGRADE WORKS**

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council:

- 1. Note the request from the Tacking Point Surf Life Saving Club to consider a contribution toward the expansion of the Club House in Matthew Flinders Drive, Port Macquarie.**
- 2. Request the Chief Executive Officer confirm with the Tacking Point Surf Life Saving Club that a contribution toward the new private sewage pumping station to the value of \$52,525 will be made upon completion of the project should the project continue.**
- 3. Include a budget line item to the value of \$52,525 in the 2021-2022 Operational Plan "Tacking Point Surf Life Saving Club SPS" funded from the sewer reserve.**

Executive Summary

Tacking Point Surf Life Saving Club (TPSLSC) has requested consideration of a contribution to the current proposed expansion of facilities at the site, which will include significant upgrades to the amenities available to Club patrons and the public alike.

Staff are aware that grant monies have been received from the NSW State Government, however the TPSLSC has approached Council in the hope that a contribution toward the project could be considered.

It is recommended that a contribution toward a new private sewage pumping station in the land just to the south of the building footprint be resolved.

Discussion

For many years, the Tacking Point Surf Life Saving Club (TPSLSC) has been completing extension works and upgrades to Surf Club building on Matthew Flinders Drive.

The TPSLSC has recently secured additional grant funding from the NSW State Government to complete further works, however has also sought a contribution from Council to the upgrade works.

Staff have been working with the TPSLSC project managers in an attempt to understand total expansion costs, as well as detailed quoting on components, which may be considered worthy of a contribution from Council. Detailed quotes have now been provided and are included in the attachments. (Attachments 1 and 2 are confidential under Section 10A(2)(d1) of the Local Government Act 1993 as they contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.)

The existing facility is connected to the sewerage network through both a junction connection on the northern side and an aging and constrained private sewage pumping station on the southern side of the building.

Surcharging from the sewer network has on occasion occurred at the yard gully on the northern side of the building. This has primarily been due to the level of the lower amenities in the building and the presence of sand and other debris in the mains in the area when significant rainfall events occur. Through remodelling the lower level amenities, the diversion of all sewer generated will be via the proposed upgraded private sewage pumping station.

It is proposed that Council consider a contribution to the private pumping station to the value of \$52,525 which will cover the quoted cost of the provision of the new sewage pumping station (inclusive of GST). This amount will be made available on completion of the project and confirmation of invoice amounts.

Other internal building works and necessary pipeline modifications are considered to be more part of the expansion of the facility and are the subject of grant funding available through various NSW State programs.

Options

Council has the option to support a contribution toward the works at the level proposed, ask for more information or clarification prior to consideration, or not contribute at this time.

Community Engagement and Internal Consultation

Internal consultation has occurred between the Chief Executive Officer and Director Community Utilities, as well as broader Executive discussions in presenting this report.

Planning and Policy Implications


There project works have been the subject of a Development Application and subsequent approval.

Whilst it is not common for Council to contribute from the sewer fund to private upgrade works, a contribution toward this public facility is considered appropriate at this time.

Financial and Economic Implications

It is proposed that a contribution of \$52,525 (inclusive of GST) be funded from the sewer reserve.

Attachments

1. Entire Plumbing Quote 1 (Confidential)
2. Entire Plumbing Quote 2 (Confidential)
3.  Stage 4a and 4b Scope

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:
 - Item 16.01 Independent Chairperson for the Audit, Risk and Improvement Committee

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - Item 16.02 Contract Matter

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 16.03 Supply and Delivery Water Treatment Chemicals

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 16.04 Chief Executive Officer's Performance Review

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.