

ORDINARY COUNCIL

Thursday 16 June 2022

Ordinary Council Meeting

Thursday, 16 June 2022

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1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



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REVISED CUSTOMER COMPLAINTS POLICY

1. INTRODUCTION

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

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

Our approach to complaints is intended to:

- enable us to respond to issues raised in a timely, efficient and confidential way;
- boost public confidence in our services, activities and administrative process;
- provide useful information to improve our service provision and processes.

2. POLICY STATEMENT

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

We recognise, promote and protect the rights of individuals or organisations to make a complaint, and maintain customer information in accordance with relevant privacy and data standards.

Complaints must be swiftly and efficiently assessed, investigated and resolved in accordance with agreed timeframes. Complainants must be kept informed of progress at regular intervals.

3. SCOPE

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

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

3. PRINCIPLES

3.1 Complaints are welcomed and facilitated.

- Our staff are empowered to resolve complaints promptly and with as little formality as possible.
- Complaints may be made anonymously. However, such complaints may not be fully investigated or resolved if insufficient information is available to do so.
- Complaints will be acknowledged within five business days and complainants will be kept informed of the expected timeframes of our actions.
- Complaints may be made by staff via our internal Speakup service.
- Information about how complaints are managed is published on our website.

- We utilise smart forms to facilitate and capture all relevant data at the point of receipt and inform customers of our process to set expectations.
- Our customers, community members and complainants are:
 - provided with information about our complaint handling process
 - provided with multiple and accessible ways to make complaints
 - listened to, and provided with reasons for our decision/s and any options for redress or review.

3.2 Complaints will be responded to.

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

3.3 Complaints will be managed

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

4. RESPONSIBILITIES AND AUTHORITIES

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

Tier one: Frontline Complaint Handling

- a) Staff are empowered to respond to and resolve complaints at the first point of contact, with as little formality wherever possible.
- b) A complaint can be received verbally or in writing.
- c) We promote and encourage complaints, feedback and requests for service to be logged via our corporate website
- d) Complaints made over the phone, via email or in person are captured by the staff member in the online feedback form available on Council's corporate website to ensure consistent capture of all relevant information.

- e) When a complaint or request for service is made to a Councillor, the customer should be referred in the first instance to lodge the request or complaint via the online forms published on our website.
- f) Whilst in many cases, the very receipt of the complaint resolves the matter, a response must be provided either verbally or in writing and be noted with a record of the complaint.
- g) Staff must use appropriate record keeping practices so that complaints can be used for reporting and analysis purposes.
- h) When a complaint is about a Councillor, or the Mayor, the complaint is referred to the Group Manager, Governance for assessment and to determine action.
- i) When a complaint is about a staff member, the complaint is referred to the Executive Manager People, Culture & Performance for assessment and action. Complaints about the CEO are referred to the Mayor.
- j) Should the complaint be unresolved at the point of receipt because of the complexities (that may include, but not be limited to financial consequence or legislative breach) the matter must be referred to the appropriate functional area for resolution.
- k) Where possible complaints must be resolved within 10 business days. Where this is not possible, complaints must be kept informed at agreed intervals of the progress of the investigation and resolution of complaint.
- l) If this is not resolved satisfactorily or within the timeframe, the matter is to be referred to tier two.

Tier two: Internal Review

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

Tier three: Review by independent staff or external agencies

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

4. REPORTING

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

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

5. RESPONSIBILITIES

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

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

Group Manager Customer Experience may be responsible for internal reviews of complaints about services, actions, or decisions of Council.

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

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

4. REFERENCES

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

5. DEFINITIONS

CEO	Chief Executive Officer of Port Macquarie Hastings Council
Complainant	member of the public making the complaint
Complaint	the communication (orally or in writing) of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided which may include a delay in taking action, making a decision or providing a service. A complaint in the context of this policy does not include: <ul style="list-style-type: none"> • response to requests for feedback about the standard of our service provision • reports of problems or wrongdoings merely intended to bring a problem to our notice • requests for information • customer requests • staff grievance
Complaint coordinator	Team Leader Customer Service or relevant Executive Assistant
Customer requests (also known as service requests)	<ul style="list-style-type: none"> • requests for action • requests for provision of a service or product • reports of infrastructure faults • requests for maintenance of infrastructure
Elected officials	The Mayor and elected Councillors of Port Macquarie-Hastings Council.
External agencies	any of the following: NSW Ombudsman; Independent Commission against Corruption; Anti-Discrimination Board; Australian Competition and Consumer Commission; Privacy Commissioner, NSW Independent Commission Against Corruption or the NSW Civil and Administrative Tribunal.
PMHC Speakup service	A service run independently by an external company engaged to receive and report on complaints from employees of PMHC.

6. POLICY OWNER

Group Manager Customer Experience, Communication & Corporate Affairs

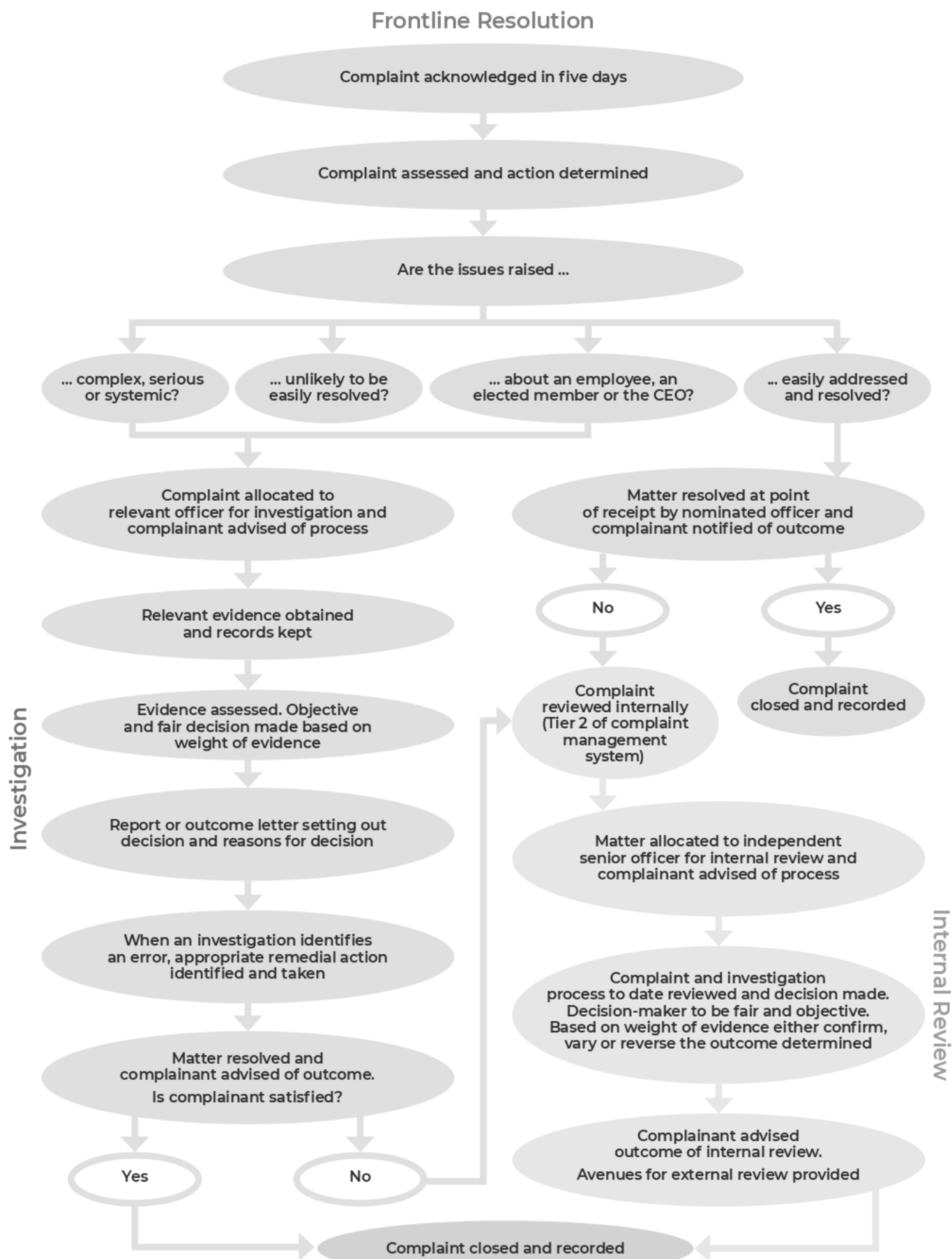
7. AMENDMENTS

Updated March 2022 to specify responsibilities and authorities.

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Complaints handling flowchart





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DRAFT CEMETERIES POLICY

1. INTRODUCTION

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

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

2. POLICY STATEMENT AND SCOPE

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

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

3. RESPONSIBILITIES AND AUTHORITIES

3.1 In Council owned and operated cemeteries, we are responsible for the:

- granting of an interment right in respect of an interment site;
- transfer of interment rights;
- administration and management of all plot and niche purchases;
- retaining appropriate registers and records;
- permitting monumental works;
- issuing licences/permits to work in cemeteries;
- maintenance of cemetery grounds; and
- interment of ashes into columbarium walls and ashes gardens.

3.2 Interment Right

- is granted in perpetuity;
- may be transferred only with approval from Council.

3.3 Fees

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

3.4 Records

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

3.5 Maintenance

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

3.6 Works

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

4. REFERENCES

- Cemeteries & Crematoria NSW Act 2013
- Cemeteries and Crematoria Regulation 2014
- Cemeteries & Crematoria NSW Regulatory Framework
- Cemetery team internal procedures

5. DEFINITIONS

Interment	<i>burial in the earth or placement of human remains in columbarium wall or other structure designed for the placement of such remains.</i>
Interment right	<i>grants exclusive entitlement to the holder/s to arrange to inter the remains of a deceased person in the reserved location.</i>
Interment site	<i>a place in the cemetery for the interment of human remains.</i>
Memorials	<i>a gravestone, plaque or other monument or structure used to memorialise a deceased person.</i>

6. POLICY OWNER

Group Manager Customer Experience, Communication & Corporate Affairs

7. AMENDMENTS

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



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Bushfire Risk Mitigation on Public Land Policy

1. INTRODUCTION

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

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

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

The objectives of this policy are:

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

2. POLICY STATEMENT AND SCOPE

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

2.1 Fuel Management on Public Lands

The following are required when implementing this policy:

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

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

2.2 Planning and Development Controls

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

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

3. RESPONSIBILITIES AND AUTHORITIES

The Environmental Project Officer - Bushfire Mitigation is responsible for:

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

4. REFERENCES

- [Mid Coast Bushfire Risk Management Plan \(BFRMP\) 2019](#)
- Rural Fires Act 1997
- Rural Fires Regulation 2022
- Rural Fire Service Bushfire Environmental Assessment Code 2021.
- Local Government Act 1993
- Crown Lands Management Act 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Biodiversity Conservation Act 2016
- Local Land Services Act 2013
- Planning for Bushfire Protection, NSW Rural Fire Service 2019

- Rural Boundary Clearing Code for NSW, Rural Fire Service 2021
- 10/50 Vegetation Clearing Code of Practice for NSW, Rural Fire Service 2015
- Australian Standard AS4373 Pruning of Amenity trees
- Work Cover Code of Practice Amenity Tree Industry 1998
- Protection of the Environment Operations Act 1997
- Work Health and Safety Act 2011
- Protection of the Environment (Clean Air) Regulation 2010
- Port Macquarie-Hastings Local Environmental Plan 2011
- Development Control Plan 2013
- Standards for Asset Protection Zones, Rural Fire Service
- Standards for Low Intensity Bush fire Hazard Reduction Burning, Rural Fire Service
- NSW RFS Fire Trail Standards, Rural Fire Service 2016
- Planning for Bush fire Protection NSW, Rural Fire Service 2019
- Bushfire Planning for Existing Development Tool

5. DEFINITIONS

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

6. PROCESS OWNER

Group Manager Environment & Regulatory Services

7. AMENDMENTS

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

DRAFT

Appendix 1:

BUSHFIRE - PUBLIC LAND PROCEDURE

1. All requests for asset protection works are to be forwarded to Council in writing, by logging a request with Council's Customer Service Centre (6581 8111) or through the 'report a hazard' page on Council's website.
2. Council will determine if works are required by referring to the Midcoast Bushfire Risk Management Plan and Council's GIS Asset Protection Zone register.
3. Where there is no record in Council's GIS APZ register Council will carry out a site specific assessment. This may be carried out in conjunction with the RFS if further support is required.
4. All requests will be assessed in accordance with the Rural Fires Act 1997, Rural Fire Regulation 2022 and the Rural Fire Service Bushfire Environmental Assessment Code 2021.
5. The resident will be notified of the determination within the relevant service standard.
6. Works required are to be in accordance with the hazard reduction certificate. The area nominated for clearing from the private property boundaries is to be free of encroachments.
7. Residents will be given 14 days written notice to remove encroachments such as garden plants and edging, garden materials/waste, outdoor furniture, fences, vehicles, cubby houses, wood piles, paving etc.
8. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised any property/materials remaining on a reserve will be assumed to be abandoned and disposed accordingly after the grace period nominated on the written notice.
9. Clean up notices and/or fines can be applied to a person(s) either abandoning property/materials in this reserve or carrying out activities as set out in point 10.
10. To ensure that the purpose and future maintenance of an Asset Protection Zone is not compromised the following activities are not permitted within the APZ.
 - 10.1 Planting or removal of vegetation
 - 10.2 Vehicle, boat or trailer storage
 - 10.3 Fires or barbeques
 - 10.4 Dumping of rubbish, building or garden waste
 - 10.5 Construction of any kind
 - 10.6 Storage of construction/ garden materials
 - 10.7 Storage of firewood
 - 10.8 Camping

Appendix 2:

FIRE INTERVALS FOR VEGETATION FORMATIONS:

(Threshold measured in years)

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



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Regulatory Enforcement Policy

1. INTRODUCTION

The existing Compliance Policy, adopted in 2007, is well out of date and does not adequately deal in detail with the reasoning, priorities and objectives of the compliance activities of the Port Macquarie-Hastings Council.

There is a need for an updating of this policy, clearly stating the procedures, methodology and service levels to be applied, based on risk management principles, when responding to complaints from members of the community. This will better guide the allocation of the Council's finite human and financial resources to address those regulatory issues which present the greatest risk.

The Council receives a significant number of compliance-related customer requests, and expends considerable resources responding to them. Customer requests can be reasonably classified into two categories:

- Matters which primarily impact on the interests of private individuals, and
- Matters which impact the broader public interest.

The policy is intended to give guidance regarding the process of receiving, acknowledging, assessing, investigating and, where relevant, prosecuting reports of alleged unlawful activity.

2. PURPOSE

The purpose of the policy is to establish a framework to guide the most efficient and effective use of building, environmental and general regulatory resources to achieve the best environmental, health and safety outcomes for the community.

3. POLICY STATEMENT AND SCOPE

The policy is intended to clearly identify the methodology used by Council regulatory staff to prioritise and attend to complaints received from the community and to assist Council staff to act promptly, consistently and transparently while giving clear guidelines for the exercise of their legislative discretionary powers.

The objectives of the policy are:

- To provide the community with a clear statement of the way Council staff will assess and respond to complaints received in relation to compliance with building, environmental and general regulatory matters.
- To clearly state the methodology which will be used to appropriately respond to complaints from the community.
- To define how we prioritise responses based on priorities and risk management principles.
- To provide information on alternatives available to the community to resolve complaints, should the Council assess the complaint as low priority or one that will not be responded to.
- To maximise the capacity of Council's compliance staff resources.

4. GUIDING PRINCIPLES

(a) Best practice

We deliver compliance and enforcement functions efficiently and effectively and to foster public confidence in our capacity and effectiveness as a regulator.

(b) Impartiality

We exercise our compliance and enforcement powers independently in the public interest with integrity and professionalism and without fear, favour or bias.

(c) Objectivity

We act fairly and objectively to ensure our enforcement actions are based on evidence and that appropriate checks and balances exist in the decision making process.

(d) Transparency

We deal with customers in an open and transparent manner so that they have a clear understanding of what is expected from them and what they can expect from the Council.

We exercise good governance when making decisions which can be reviewed by courts and tribunals, and other agencies such as the NSW Ombudsman, the Independent Commission Against Corruption and the NSW Auditor General;

(e) Accessibility

We are focused on good customer service. We therefore assist customers to undertake and enforce their consumer rights by providing information on their rights regarding the laws we administer and the Council's role as a regulator.

(f) Timeliness

We investigate complaints in an impartial and timely manner and provide a fair, reasonable and appropriate remedy.

(g) Consistency

We aim to provide clarity and certainty about our priorities and processes, noting there may be unique circumstances for matters we investigate.

(h) Proportionality

We ensure enforcement action is proportional to the level of customer detriment and the seriousness of the breach. More serious or persistent offences warrant more serious enforcement action.

(i) Targeting

We make effective use of our finite resources by targeting issues, practices and offences in line with inherent risks and our enforcement priorities.

(j) Accountability

We accept that we are accountable for our compliance and enforcement activity.

(k) Inter-agency cooperation

The Council will cooperate and share information with other enforcement agencies at a local, State and Federal level, where appropriate, to achieve common compliance objectives.

5. RESPONSIBILITY

This policy applies to all authorised officers investigating reports of breaches of relevant State legislation, regulations and Council policies and all compliance action where the Council has regulatory responsibility under NSW legislation.

6. STATUTORY OBLIGATIONS

The Local Government Act contains a Charter or set of guiding principles designed to direct councils in the carrying out of their functions. These guiding principles include a range of matters with the following considered to be of relevance to the policy:

- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected.

The Local Government Act provides Councils with the power to give an order (or notice or direction) requiring or prohibiting the doing of a wide range of things to or on premises. However, Council has discretion as to how it exercises this power.

Whilst the Local Government Act does not mandate the matters Councils must regulate, there are a number of other Acts that confer responsibility upon them to take appropriate measures to ensure compliance with the requirements of the Act, for example:

- a) The Public Health Act requires Councils to regulate matters such as public swimming pools and spa pools, regulated systems and premises on which skin penetration procedures are carried out (as referred to in Part 3).
- b) The Swimming Pools Act requires Councils to investigate complaints about breaches of the Act in accordance with section 29A.

The NSW Ombudsman's Enforcement Guidelines for Councils have also been used as a basis for framing this policy and for developing complimentary operational procedures to address compliance issues.

All actions by Council staff in association with the management of compliance and enforcement action will align with the Council's Code of Conduct.

7. INVESTIGATING UNLAWFUL ACTIVITY

All complaints and reports of alleged unlawful activity must be logged on a customer report (CRM) and directed to the appropriate Council officer for action. All reports and complaints made to the Council will be acknowledged within ten (10) days of receipt.

Not all complaints will warrant investigation. Council will consider a range of factors when deciding whether to investigate. These include:

- Is the matter within the jurisdiction of Council?
- Where applicable, has the person making the complaint attempted to resolve it prior to making a complaint to the Council?
- Is the complaint premature, for example, does it relate to some unfinished aspect of work that is still in progress?
- Is the activity or work permissible with or without consent?
- If the activity is permissible with consent, is there a consent in place?
- Is it possible to determine from the information available to Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- Is the complaint trivial, frivolous or vexatious?
- Is the person making the complaint willing to make a statement and, if necessary, give evidence as a witness in any prosecution of the matter?
- Has too much time elapsed since the events the subject of the complaint took place?
- Is there another body that is a more appropriate agency to investigate and deal with the matter?
- Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?
- Does the complaint indicate the existence of a systematic problem, e.g. if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- Has the person or organisation complained of been the subject of previous complaints?
- Does the complaint have special significance in terms of the Council's existing priorities?
- Are there any significant resource implications in relation to an investigation and any subsequent enforcement action?
- Is it in the public interest to investigate the complaint?

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision, approved by the relevant line manager or Director and then communicated to the person who made the original complaint within twenty-eight (28) days of the receipt of the original complaint.

Options for Dealing with Confirmed Cases of Unlawful Activity

Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible, unless there is little likelihood of compliance with such options or the particular circumstances warrant more formal action.

Approaches to be considered will include:

- referring the complaint to an external agency for further investigation or prosecution
- taking no action on the basis of lack of evidence or some other appropriate reason
- counseling the subject of the investigation to educate them on the relevant Council requirements
- negotiation with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation, e.g. an application for modification of development consent
- issuing a letter requiring work to be done or activity to cease in lieu of more formal action
- issue a "Notice of Intention to serve an Order" or notice under relevant legislation, followed by service for an appropriate order or notice.
- Issuing a notice requiring work to be done under various legislation
- starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant act or regulation.
- seeking injunctions from the Land & Environment Court or the Supreme Court
- issuing a summons in the Local Court
- issuing a penalty infringement notice
- taking proceedings for an offence against the relevant Act or Regulation.
- carrying out the works specified in an order under the LG Act at the cost of the person served with the order.

A decision to prosecute will not be made until such time as the alleged offender has been given the opportunity to offer an explanation for his/her actions or reasonable attempts have been made to allow the alleged offender this opportunity.

Actions by Authorised Officers

Pursuant to relevant legislation, the Council will delegate authority to (and thereby authorise) regulatory staff to carry out inspections and take necessary action as part of their duties. The Council views the power to enter private property in order to carry out investigations very seriously and will ensure that these powers are exercised in accordance with all relevant legal requirements.

All Council staff who carry out investigations and inspections on private land for regulatory purposes must:

- Have a delegation from Council to enter the premises in order to carry out investigations.
- Be authorized by the Council where it is required by specific legislation to permit inspections on private property.
- Carry appropriate photographic identification demonstrating their authorisation to enter private property under the relevant legislation.
- Be courteous and helpful.
- Be conscious of any requirements relating to work health and safety.

Taking Enforcement Action

When deciding whether to take enforcement action, Council will consider the circumstances of the case. These include:

- Has the Council created an estoppel situation?
- Is the breach a technical breach only?

- When was the unlawful activity carried out and for how long?
- How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- Would consent have been given if it had been sought?
- Can the breach be easily remedied?
- Does the person in breach show contrition?
- Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
- Has the person the subject of the complaint received a previous warning or other non-coercive approach or has formal legal action been taken?
- Would an educative approach be more appropriate than a coercive approach?
- What are the costs and benefits of taking formal enforcement action as opposed to taking information action?
- Is there sufficient evidence to warrant the allocation of resources to investigating and prosecuting the activity?
- What are the chances of success if the proposed enforcement action was challenged in court?
- Is the person making the complaint willing to provide the Council with a statement and appear in court as a witness?
- Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- What action would be reasonable and proportionate to the circumstances of the case?
- What would be in the public interest?

A decision whether or not to implement proceedings will not be influenced by:

- any elements of discrimination against the person, e.g. race, nationality, political associations
- personal empathy or antipathy towards the offender or the complainant
- the political or other affiliations of any person/s involved in the proceedings.

Enforcement options which may be appropriate for breaches determined to be low, medium or high risk are set out in the guide below:

Enforcement action	Breach significance		
	High	Medium	Low
Prosecution	✓		
Court order	✓		
Penalty notice	✓	✓	✓
Notice/Order/Direction	✓	✓	✓
Undertaking	✓	✓	✓
Negotiated outcome		✓	✓
Formal caution		✓	✓
Warning letter		✓	✓
Record of breach		✓	✓

A comprehensive list of compliance issues and their risk ratings is included with this policy statement at **Appendix 1**.

Considerations regarding Private Certifiers or Principal Certifying Authorities

The Council recognizes that when a private certifier is acting as the Principal Certifying Authority (PCA), they are responsible for ensuring that the development is carried out in accordance with the *Environmental Planning and Assessment Act 1979* and the development consent.

Community members making complaints regarding a development under the responsibility of a private certifier will be advised to contact the private certifier in the first instance. Where a complaint is received, the Council will advise the relevant PCA, requesting them to investigate and respond. While the Council does not have legal control over PCAs, it will liaise with them and will make every effort to ensure that the requirements of all relevant laws are met.

The Council may make complaints to the Building Professionals Board, through the General Manager, if it considers that a PCA has not acted in accordance with their obligations under legislation or has not acted in the public interest.

Procedural Fairness and Natural Justice

The Council has a duty to act fairly and to ensure the principles of procedural fairness and natural justice are adhered to when investigating unlawful activity. In this regard, the Council will:

- Inform people of the substance of any allegations made against them at an appropriate stage of the investigation.
- Inform people of the substance of any adverse comment made about them and provide them with an opportunity to put their case forward.
- Objectively consider any submission put forward by a party to the matter.
- Make reasonable inquiries or investigations before making a decision to take action.
- Ensure no person makes a decision about a case in which they have a conflict of interest.
- Act fairly and without bias.
- Conduct the investigation without unnecessary delay.

Absolute discretion of delegated regulatory officers

In accordance with well-established legal principles, a decision about what action to take in any situation is the responsibility of authorized officers exercising their discretion vested in them by the relevant laws or regulations. If a decision is made not to further investigate a matter, the decision should be recorded with clear reasons for not doing so, authorised by a line manager, and the complainant advised in writing of the reason for the decision.

Authorisation of legal action

Council officers involved in compliance activities will have the appropriate delegations to serve Notices/Orders and to issue Penalty Infringement Notices (on-the-spot fines).

Any legal action involving the initiation of prosecution through the Courts or injunctive proceedings/court orders must be authorised by the General Manager, following an appropriate briefing and recommendation from the relevant Director.

8. RESPONSIBILITIES AND AUTHORITIES

The Group Manager (Regulatory Services) is responsible and accountable for:

- Implementing and communicating this policy
- Monitoring compliance with this policy
- Ensuring this policy is reviewed and updated to compliment external changes in legislation or government policy or administrative guidelines.

9. REFERENCES

Local Government Act 1993
Port Macquarie-Hastings Council Operational Plan 2016-17
Coffs Harbour City Council - Enforcement Policy (2013)
NSW Fair Trading – Compliance and Enforcement Policy (2013)
EPA Victoria - Compliance and Enforcement Policy (2011)
Great Lakes Council – Enforcement Policy (2014)
The City of Newcastle – Compliance Policy (2013)
Parramatta City Council – Development Control Enforcement Policy (2010)
NSW Ombudsman's Office – Enforcement Guidelines for Councils (2015)

10. DEFINITIONS

“DLG” means the Department of Local Government

"NSW EPA" means the NSW Environmental Protection Agency.

"NSW FA" means the NSW Food Authority.

"Councillor" means an elected member of Council

"General Manager" means the first tier management position and titled as such

"Director" means the second tier management position and titled as such

"Group Manager" means the third tier management position and titled as such

"Council office" means a member of Council staff

"Council" means the Port Macquarie-Hastings Council

"Unlawful activity" means any activity which has, or is being carried out contrary to law, regulation or policy.

"Compliance" means following the law, obtaining the right approvals or permissions, conducting authorised activities in accordance with any conditions or regulatory requirements.

"Compliance Activity" means the investigation and application of a range of regulatory or non-regulatory compliance tools.

"PCA" means a principal certifying authority

"BPB" means the Builder's Professional Board

"CDC" means a complying development certificate

"Authorised Officer" means any employee appointed by the General Manager as an authorised officer under various legislation.

"estoppel" is a legal principle that bars a party from denying or alleging a certain fact owing to that party's previous conduct.

11. PROCESS OWNER

The process owner for the revision of the policy and its implementation is the Group Manager (Regulatory Services).

12. AMENDMENTS

This policy revises and supersedes the following policies:

Compliance Policy (Adopted July 2007)

The Enforcement of Unlawful Activity Policy (Adopted August 2010)

Appendix 1: Schedule of risk ratings for certain types of illegal activity:

DESCRIPTION	RISK RATING				
	SEVERE	MAJOR	MODERATE	MINOR	LOW**
BUILDING AND DEVELOPMENT					
Dangerous structure adjoining public land, e.g. dilapidated awnings		<input type="checkbox"/>			
Swimming pools-unsafe barrier complaint on private land		<input type="checkbox"/>			
Development without consent		<input type="checkbox"/>			
Development not in accordance with consent			<input type="checkbox"/>		
Development carried out without construction certificate			<input type="checkbox"/>		
Right of way and covenant complaints, other than conditions of consent					✓
Building works carried out without approval now made lawful by Exempt and Complying Development SEPP				✓	
Boundary fence and retaining wall issues where the Dividing Fences Act applies.					<input type="checkbox"/>
COMPANION ANIMALS					
Dog attacks-major - (e.g. imminent risk to public, where a person has been bitten or serious injury to other animals, or assistance to Police)	<input type="checkbox"/>				
Dog attacks-minor (after an event - minor or no injury to persons or animals or risk to public safety)		<input type="checkbox"/>			
Dog - Dangerous, Menacing or Restricted Breed as per Companions Animal Act, no imminent risk to public safety, e.g. dog contained		<input type="checkbox"/>			
Pick up of seized and contained dog			✓		
Roaming dog complaint			<input type="checkbox"/>		
Dog barking (complaints from 2 or more persons willing to give court statement)			<input type="checkbox"/>		
Barking Dogs-anonymous complaint or uncorroborated complaint only.					<input type="checkbox"/>
Impounding of Cats - Council provides pound facility but no collection service					✓

Breach of Companion Animals Act - identification, registration			✓		
FOOTPATH OBSTRUCTIONS					
Footpath obstruction-danger to public (After-hours police matter)	✓				
Footpath obstruction e.g. builder's material obstructing pedestrian access		<input type="checkbox"/>			
Footpath obstructions minor or nuisance			<input type="checkbox"/>		
LANDFORM					
Illegal earthwork/land filling involving potential flooding impacts or potential property damage		<input type="checkbox"/>			
Earthwork/land filling without consent			<input type="checkbox"/>		
OTHER ANIMAL COMPLAINTS					
Wild dogs and foxes on Council owned land			<input type="checkbox"/>		
Stock on Main Arterial Roads	<input type="checkbox"/>				
Stock on non arterial sealed roads		<input type="checkbox"/>			
Stock on dirt rural roads			✓		
Stock Complaints-trespassing etc					✓
Keeping of non stock animals e.g. rabbits, birds, geese, ferrets, chickens, roosters - including enclosures, noise and odours					<input type="checkbox"/>
OVERGROWN LAND					
Overgrown land which exceeds the following criteria: a) The average height of grass on the land exceeds 500mm or one metre in any area; and b) The site has an accumulation of vegetation, rubbish or materials which provides a harbourage for vermin.			<input type="checkbox"/>		
Overgrown land which does not meet the above criteria				<input type="checkbox"/>	
PARKING AND VEHICLE OFFENCES					
Parking traffic hazard (after-hours police matter)		✓			
Parking - general complaints			<input type="checkbox"/>		
Abandoned motor vehicles posing immediate safety hazard (after hours - police matter)		✓			

Abandoned motor vehicles and articles (public place)			<input type="checkbox"/>		
POLLUTION					
Air Pollution - source occurring from commercial or industrial premises		<input type="checkbox"/>			
Air Pollution - burning of prohibited items e.g. tyres, coated wire, paint and solvent containers		<input type="checkbox"/>			
Air Pollution - Prohibited lighting of fires: Schedule 2 areas under POEO			<input type="checkbox"/>		
Nuisance from domestic smoke - BBQ's, domestic wood heaters, residential burning off					<input type="checkbox"/>
Rural and Agricultural nuisances including but not limited to burning of vegetation, noise, soil and erosion control issues (not entering waterways)				<input type="checkbox"/>	
Land Pollution - Accumulation of waste, dumped or deposited waste on private land impacting on the public interest and or public health			<input type="checkbox"/>		
Land pollution on public lands - rubbish dumping, littering			✓		
Odours - Residential and commercial garbage complaints: location of garbage bins, dog faeces, domestic odours				<input type="checkbox"/>	
Noise Pollution - commercial and industrial impacting on residential areas affecting the community and or public interest			<input type="checkbox"/>		
Neighbour to neighbour complaints associated with domestic noise pollution - e.g. air conditioners, heat pumps, amplified sound equipment, musical instruments, power tools, lawn mowers, leaf blowers, swimming pool pumps and motor vehicles/trail bikes.					<input type="checkbox"/>
Water pollution Incidents having an effect on waterways - Environmental degrading substances into waterways e.g. oil, paint - Failing Onsite Sewerage Management System into waterways	✓				
PUBLIC HEALTH					
Urgent response requests from other agencies (i.e. NSW Police, HAZMAT, EPA, Ministry of Health, NSW Food Authority), relating to food poisoning outbreak, asbestos, major pollution incidents, notifiable disease outbreaks and clandestine drug laboratories.	✓				
Complaints relating to regulated premises (food premises, skin penetration/hairdressers, beauty salons, cooling towers/warm water systems, public swimming and spa pools, caravan parks, water carters)		✓			

Public swimming pool water quality		✓			
Unhealthy condition of premises –vermin and pests, failing on-site sewage systems, accumulation of waste impacting on public health			<input type="checkbox"/>		
Domestic green/unclean pools - no evidence of mosquito larvae					<input type="checkbox"/>
Unsanitary motels including bed bugs				<input type="checkbox"/>	✓
Unightly premises - condition of property not deemed a public health risk				<input type="checkbox"/>	<input type="checkbox"/>
Mould in private residences					<input type="checkbox"/>
SEDIMENT AND EROSION CONTROL					
Inadequate sediment and erosion controls, direct flow into waterway			<input type="checkbox"/>		
Inadequate sediment and erosion control not in accordance with consent		<input type="checkbox"/>			
Inadequate Sediment and Erosion Control not direct flow into waterway but nuisance to public place			✓		
Inadequate sediment and erosion control causing nuisance between adjoining neighbours (works not requiring consent)				<input type="checkbox"/>	
SEWER / WATER / STORMWATER					
Overland stormwater flow nuisances (private property)					<input type="checkbox"/>
Overland stormwater flow nuisances (from Council owned property)			<input type="checkbox"/>		
Overland stormwater flow nuisances associated with development consent			<input type="checkbox"/>		
Stormwater nuisance (diversion /downpipes /guttering)			<input type="checkbox"/>		
Water Restriction Breaches			✓		
UNAUTHORISED USE OF PUBLIC LANDS					
Illegal Camping public lands		<input type="checkbox"/>			
Trading without approval public lands (Section 68 Local Government Act)				<input type="checkbox"/>	
Public reserve breaches			<input type="checkbox"/>		
Public land licence breaches (fitness, outdoor dining, surf school)			<input type="checkbox"/>		
Illegal signage public place			<input type="checkbox"/>		
USE OF PREMISES					
Unauthorised use of premises (requiring consent)			<input type="checkbox"/>		

Holiday letting in residential zones without consent or where prohibited			✓		
VEGETATION REMOVAL					
Unauthorised clearing of high conservation prescribed native vegetation (work under way)	<input type="checkbox"/>				
Unauthorised clearing of prescribed native vegetation (operational machinery)		<input type="checkbox"/>			
Non-compliance with development consent governing biodiversity protection (work under way)	<input type="checkbox"/>				
Non-compliance with development consent governing biodiversity protection (works ceased)			<input type="checkbox"/>		
ROAD APPLICATION COMPLIANCE					
Road opening permits - works without a permit or non-compliance with permit		<input type="checkbox"/>			
Driveways- works without a permit or non compliance with permit			<input type="checkbox"/>		
Damage to Council infrastructure - local roads/kerbing/footpath during construction work			<input type="checkbox"/>		

**** Note:** Low priority matters are actioned by:

- Referral to Council / Government / Industry website, and/or
- Posting a pamphlet / information sheet, and/or
- Sending a letter to the complainant providing relevant information



Authorised by:	Council
Authorised date:	
Effective date:	
Next review date:	2026
File Number:	

Regulatory Enforcement Policy

1. INTRODUCTION

This policy is based on the NSW Ombudsman Model Compliance and Enforcement Policy 2015 as well as Council's previous Regulatory Enforcement Policy 2017. The policy intends to outline the procedures, methodology and service levels to be applied, based on risk management principles, when responding to reports of alleged unlawful activity from members of the community. This will better guide the allocation of council's finite human and financial resources to address those regulatory issues which present the greatest risk, and to utilise a collaborative educational approach when appropriate to achieve suitable outcomes without the need for harsher, more punitive action.

Council receives a significant number of customer requests related to alleged unlawful activity, and expends considerable resources responding to them. Customer requests can be reasonably classified into two categories:

- Matters which primarily impact on the interests of private individuals, and
- Matters which impact the broader public interest.

The LG 1993 contains a Charter or set of guiding principles designed to direct councils in the carrying out of their functions. These guiding principles include a range of matters with the following considered to be of relevance to the policy:

- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.

The policy is intended to give guidance regarding the process of receiving, acknowledging, assessing, and investigating reports of alleged unlawful activity as well as guide the appropriate response, as quickly and as informally as possible, to either educate, assist to achieve compliance, or enforce where necessary.

The purpose of the policy is to establish a framework to guide the most efficient and effective use of council's regulatory resources to achieve the best environmental, health and safety outcomes for the community.

2. POLICY STATEMENT AND SCOPE

This policy provides information for all internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the local government area.

Council aim to:

- prevent or minimise harm to health, welfare, safety, property and the environment;
- manage risks;
- meet the expectations of the community;
- reduce incidents of non-compliance by educating the community of their legal obligations and how to comply;
- efficiently allocate council resources.

This policy assists council to meet these aims through:

- providing structure for consistency and transparency in decision making, and facilitating a proportional approach to compliance and enforcement;
- assisting council staff to act promptly, effectively and consistently in response to allegations of unlawful activity;
- defining how we prioritise responses based on priorities and risk management principles;
- addressing non-compliances in a manner that is consistent with the seriousness of the non-compliance;
- educating offenders and the wider community to prevent non-compliance;
- setting out a collaborative and cooperative approach to matters where council have shared enforcement responsibilities with other regulatory authorities or private certifiers;
- clarifying the role of Councillors in enforcement.

Delegated council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits of the matter being investigated.

This policy applies to regulatory issues within council's area of responsibility including, but not limited to:

- | | |
|------------------------------------|--|
| • development and building control | • septic systems |
| • pollution control | • animal management |
| • environmental health | • food safety |
| • public health and safety | • fire safety |
| • biosecurity | • pool barrier compliance |
| • water and sewer | • native vegetation |
| | • Parking and traffic issues (excluding routine parking enforcement) |

Routine parking enforcement is not covered under this policy as penalty notices are generally issued on-the-spot and arrangements with Revenue NSW are in place for management of these. Other short term programs or blitzes may also be carried out utilising on-the-spot fines that may not be consistent with this policy such as litter enforcement campaigns or dog registration programs. Although the enforcement option for these may not be consistent with this policy, the compliance principles still apply.

2.1 Compliance and Enforcement Principles

The following are the principles that underpin council actions relating to compliance and enforcement:

- a) Best practice
We deliver compliance and enforcement functions efficiently and effectively in line with best practice principles to foster public confidence in our capacity and effectiveness as a regulator.
- b) Communication
 - We will acknowledge the receipt of requests and keep customers informed regarding the progress of investigations;
 - We will communicate with our complainants, alleged offenders and internal stakeholders in a transparent, timely, efficient, empathetic and informative manner so that expectations are clear and issues can be resolved prior to escalation;
 - We will work with our customers to identify and facilitate solutions that will address non-compliances; and
 - We will refer customers to alternate government services when council can no longer assist. (eg Community Justice Centres, Local Court, Police, RSPCA, Fair Trading, Safe Work, Food Authority, NSW EPA, NSW Health).
- c) Timeliness
We investigate requests in an impartial and timely manner, providing fair, reasonable and appropriate timeframes for non-compliances to be addressed before further enforcement is considered.
- d) Consistency
 - Ensuring all compliance and enforcement action is implemented consistently; and
 - Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.
- e) Proportionality
 - We ensure enforcement action is proportionate to the level of risk and the seriousness of the breach;
 - We make cost effective decisions about enforcement action; and
 - We take action to address harm and deter future unlawful activity.
- f) Focused
We make effective use of our finite resources by focusing on issues, practices and offences in line with risks, new and emerging issues and our enforcement priorities. (eg we may focus on sediment control in periods of wet weather to address the increased risk of pollution or respond to a change in legislation by undertaking a regulatory campaign to prevent breaches).
- g) Accountable and transparent
 - We act in the best interests of public health and safety and in the best interests of the environment;
 - We ensure accountability for decisions to take or not take action;
 - We act fairly and impartially and without bias or unlawful discrimination;
 - We provide information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the community;
 - We ensure meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy; and
 - We act on any complaints or concerns about the service provided or conduct of compliance

officers in accordance with Council's *Complaints Management Policy* and procedures advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

h) Inter-agency cooperation

Council will cooperate and share information with other enforcement agencies at a local, State and Federal level, where appropriate, to achieve common compliance objectives.

These principles build on the foundation set in Council's Code of Conduct which all staff are expected to comply with at all times.

2.2 Responding to concerns about unlawful activity

How reports alleging unlawful activity will be dealt with by council

- Council will record and assess every report alleging unlawful activity in accordance with Council's *Customer Experience Policy* and *Customer Complaints Policy*.
- Council will respond to the customer, unless the person raising the matter has indicated they do not wish to receive a response, or the report is anonymous.
- Not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.
- If investigated, staff will give the customer regular feedback on the progress of the investigation, and any reasons for delay. (This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation or the protection of personal information).
- Decisions about what action should be taken by council are made at council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.
- Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, council may be unable to take further action. They will also explain that council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual.
- While there are certain statutory requirements that must be met in relation to notices and orders, council staff will ensure that all explanatory communications are made in plain English and explain any technical language the law requires to be used.

Confidentiality of people who report allegations of unlawful activity

People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter;
- their identity has already been disclosed to the subject of their report directly or in a publicly

available document;

- the individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and did not object to the disclosure;
- the individual consents in writing to their identity being disclosed;
- the disclosure is required to comply with principles of procedural fairness;
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

What council expects from people who report allegations of unlawful activity

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by council. This includes:

- providing a clear description of the problem (and the resolution sought, if relevant);
- giving all available and relevant information to council, including any new information about the alleged activity that may become known to the person following the making of their report;
- not giving any information that is intentionally misleading or wrong;
- cooperating with council's inquiries and giving timely responses to questions and requests for information;
- treating council's staff with courtesy and respect; and
- allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by council.

If these expectations of the individual are not met, council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual. Any unreasonable conduct will be dealt with in accordance with Council's *Unreasonable Customer Conduct Policy*.

What parties can expect from council staff

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action, can expect that council staff will:

- treat them with courtesy and respect;
- advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances;
- clearly explain decisions in plain English;
- provide information about any relevant internal and external appeal processes that may be available; and
- carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken.

Complaints about council's enforcement actions

Any complaints about council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with Council's *Customer Complaints Policy* and procedures.

Where a person or organisation subject to enforcement action merely disputes council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers in accordance with council's *Customer Complaints Policy* and the *Code of Conduct*.

Anonymous reports

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation. Anonymous reports that have an immediate Very High to High risk to public safety or the environment will still be investigated as a matter of urgency. (Eg. a dog attacking, a pollution event or a serious fire risk).

Unlawful activity outside business hours

Unlawful activity can occur outside business hours. In particular, council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

Due to resource and operational capability restraints on council, investigations into alleged unlawful activity outside business hours will be assessed on the basis of risk of harm to health, welfare, safety, property or the environment or it is otherwise in the public interest to take such action.

Neighbour disputes

Council will receive reports from parties involved in neighbour disputes seeking council's involvement. When a dispute between two neighbours is a civil matter, council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require council's involvement and some of which will be personal to the parties.

Council staff will determine whether there is evidence of any possible unlawful activity requiring action by council. Request that council may need to investigate often involve matters relating to noise, development, animals, drainage or vegetation. Care will be taken to explain which aspects of a report council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess NSW and Community Justice Centres.

It is possible that one party will provide further information about a matter which changes council's decision about whether it will become involved. In such circumstances, council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons council has changed its position on a matter. Council staff will not change a decision about whether or not council should be involved purely as a response to the conduct of an individual such as persistent demands or threats

2.3 Investigating alleged unlawful activity

Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and environment.

Table 1: Risk Categories for prioritising investigation of unlawful activity

LIKELIHOOD	CONSEQUENCE			
	<i>Minor</i> eg. Small, isolated, minor damage to health, property or environment	<i>Moderate</i> eg. Reoccurring, short-term, medium level damage to health, property or environment	<i>Major</i> eg. Long-term, reoccurring and serious damage to health, property or environment	<i>Severe</i> eg. Permanent and serious damage to health, property or environment
Very likely - almost certain, could happen any time	Medium	High	Critical	Critical
Likely - possible, could happen sometime	Medium	Medium	High	Critical
Unlikely - could happen but rarely	Low	Medium	Medium	High
Very unlikely - probably won't happen	Low	Low	Medium	Medium

Table 2: Example risk categories and indicative response timeframes

	RISK CATEGORY			
	CRITICAL	HIGH	MEDIUM	LOW
FEATURES OF CATEGORY	Permanent, long-term or reoccurring and serious damage to health, property or environment likely or very likely Large scale impacts Very serious offences Very high priority issue for council and community	Moderate, major or severe consequences likely, or very likely Medium-large scale impacts Serious offences Very high priority issue for council and community	Moderate consequences are likely, serious impacts are very unlikely Small- Medium scale impacts Moderate offence severity Very high priority issue for council and community	Consequences are minor or moderate and are unlikely or very unlikely to occur Small scale, isolated impacts Low level offence severity Very high priority issue for council and community
INDICATIVE TIMEFRAME OF INITIAL RESPONSE	Immediate and urgent response	Response within 24hrs	Response within 5 working days	Response within 10 working days
EXAMPLE REPORT TYPES/ISSUES	Significant pollution incidents Large scale vegetation clearing Threatened species Food poisoning Abandoned vehicles - unsafe location Collapsed/unsafe building works in public areas Dog attacks Serious public safety issues	Roaming dogs Unsafe buildings and building works Rubbish dumped in unsafe location/ hazardous Pollution incidents Tree Removal Dangerous/ restricted dogs Straying stock on roads	Abandoned vehicles Stormwater or drainage issues Dumped rubbish (not hazardous) Breach of consent conditions (e.g. waste management) Sediment control Noise affecting several people	Biosecurity Minor consent breaches Signage Unauthorised land use Overgrown land Aesthetic issues Neighbour disputes Nuisances- eg. domestic noise, barking dogs Stormwater runoff

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Staff may also need to consult other divisions of council or seek direction from Council.

Circumstances where no action will be taken:

Council will take no further action if, following a preliminary assessment, it is identified that:

- council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, council may bring the matter to the attention of the authority or provide information and contact details to the individual.
- the report relates substantially to a matter previously determined by council and no new or compelling information is presented which would cause council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response)
- the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required)
- the report is not supported with evidence or appears to have no substance
- the relevant Group Manager, Director or the CEO determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

Relevant factors guiding decisions as to whether to take action:

When deciding whether to investigate, council will consider a range of factors including whether:

- the activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety
- the report is premature as it relates to some unfinished aspect of work that is still in progress
- the activity or work is permissible with or without permission
- all conditions of consent are being complied with
- much time has elapsed since the events the subject of the report took place
- another body is a more appropriate agency to investigate and deal with the matter
- it appears there is a pattern of conduct or evidence of a possible wide spread problem
- the person or organisation reported has been the subject of previous reports
- the report raises matters of special significance in terms of the council's existing priorities
- there are significant resource implications in relation to an investigation and any subsequent enforcement action
- it is in the public interest to investigate the report.

The above are factors for council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes council staff use when investigating incidents of alleged unlawful activity is to:

- determine the cause of the incident
- determine if there has been a contravention of law, policy or standards
- gather evidence to the required standard to support any required enforcement action
- assist with solutions to achieve compliance
- determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

Council may develop procedures to guide investigations. In addition, guidance material such as NSW Ombudsman *Enforcement Guidelines for Councils* 2015 and NSW Ombudsman *Investigating complaints - a manual for investigators* 2004 may be referred to

2.4 Taking enforcement action

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist council staff in determining the most appropriate response in the public interest:

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

Considerations about the potential for remedy:

- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

A further explanation of the above considerations is provided in **Appendix 1**.

Legal or technical issues

Where legal and/or technical issues are in question, council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Legal advice can only be pursued by delegated staff in accordance with council's Seeking Legal Advice Procedure. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to council for assessment as to whether further action is required.

Requirements of council staff considering enforcement action

- Prior to taking enforcement action, council staff will take into account the above considerations as well as the evidence gathered during their investigation.
- Council staff must act impartially, be mindful of their obligations under Council's *Code of Conduct* and not act as a decision-maker in relation to any matter in which they have a personal interest.
- Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.
- Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties.
- Council staff will at all times adhere to council's internal approval processes prior to the commencement of any enforcement action.
- Council staff will take steps to ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, council staff may be guided by legal advice in determining the appropriate persons to pursue.
- In addition to this policy, council may also adopt guidelines and procedures for staff about specific types of regulatory activity and the circumstances in which enforcement action will or will not be taken.

2.5 Options for dealing with confirmed cases of unlawful activity

Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by council will depend on the full circumstances and facts of each case, with any decision being made on the merits and in the public interest.

At all times, council's key concerns are:

- to prevent or minimise harm to health, welfare, safety, property or the environment
- to influence behaviour change for the common good and on behalf of the community.

Procedural Fairness and Natural Justice

Council has a duty to act fairly and to ensure the principles of procedural fairness and natural justice are adhered to when investigating unlawful activity. In this regard, council will:

- Inform people of the substance of any allegations made against them at an appropriate stage of the investigation.
- Inform people of the substance of any adverse comment made about them and provide them with an opportunity to put their case forward.
- Objectively consider any submission put forward by a party to the matter.
- Make reasonable inquiries or investigations before making a decision to take action.
- Ensure no person makes a decision about a case in which they have a conflict of interest.
- Act fairly and without bias.
- Conduct the investigation without unnecessary delay.

Absolute discretion of delegated regulatory officers

In accordance with well-established legal principles, a decision about what action to take in any situation is the responsibility of authorised officers exercising their discretion vested in them by the relevant laws or regulations. If a decision is made not to further investigate a matter, the decision should be recorded with clear reasons for not doing so, authorised by a line manager, and the complainant advised in writing of the reason for the decision.

Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible, unless there is little likelihood of compliance with such options or the particular circumstances warrant more formal action.

Enforcement Options

Council's primary objective is to resolve the issue and achieve a suitable outcome that addresses the non-compliance in the quickest and most informal manner possible. Council will choose a response which is proportionate to the seriousness of the offence, will be considered reasonable, and will be consistent with responses for similar incidents. Approaches to be considered will include:

- referring the matter to an external agency for further investigation or prosecution
- taking no action on the basis of lack of evidence or some other appropriate reason
- counseling the subject of the investigation to educate them on the relevant council requirements
- negotiation with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation, e.g. an application for modification of development consent
- issuing a letter requiring work to be done or activity to cease in lieu of more formal action
- issue a "Notice of Intention to serve an Order" or notice under relevant legislation, followed by service for an appropriate order or notice.
- Issuing a notice requiring work to be done under various legislation
- issuing a penalty infringement notice
- carrying out the works specified in an order at the cost of the person served with the order.
- seeking an injunction through the courts to prevent future or continuing unlawful activity.
- commence legal proceedings for an offence against the relevant Act or Regulation.

A decision to prosecute will not be made until such time as the alleged offender has been given the opportunity to offer an explanation for his/her actions or reasonable attempts have been made to allow the alleged offender this opportunity.

The following enforcement options to be considered by council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Significance of Breach	Enforcement Options	Examples
Very low	<ul style="list-style-type: none"> take no action on the basis of a lack of evidence or not in the public interest, some other appropriate reason provision of information/advice on how to be compliant 	<ul style="list-style-type: none"> Low risk anonymous requests Illegal Camping Woodsmoke concerns Minor/unknown non-compliance with development consent
Low	<ul style="list-style-type: none"> Negotiate a corrective action and timeframes issuing a warning or a formal caution 	<ul style="list-style-type: none"> Residential parking Minor activities in public places without approval Small scale works without consent
Medium	<ul style="list-style-type: none"> Negotiate a corrective action issuing a letter requiring work to be done or activity to cease in lieu of more formal action issuing a penalty notice issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate 	<ul style="list-style-type: none"> Noise issues Minor Food premise non-compliances Overgrown Land Unregistered Dog Abandoned Vehicles Illegal Dumping Tree Removal
High	<ul style="list-style-type: none"> issuing a penalty notice issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate carrying out the works specified in an order at the cost of the person served with the order 	<ul style="list-style-type: none"> Dog Attack Pollution of land/water Development without/not in accordance with consent Large scale clearing, earthworks, dumping, pollution Non-compliance with an Order Public health incidents Non-compliant pool barriers posing a risk to the public
Very High	<ul style="list-style-type: none"> seeking an injunction through the courts to prevent future or continuing unlawful activity commence legal proceedings for an offence against the relevant Act or Regulation. 	<ul style="list-style-type: none"> Major Dog Attacks on people Large scale/irreversible damage to environment Major development without/not in accordance with consent

Actions by Authorised Officers

Pursuant to relevant legislation, the Council will delegate authority to (and thereby authorise) regulatory staff to carry out inspections and take necessary action as part of their duties. Council views the power to enter private property in order to carry out investigations very seriously and will ensure that these powers are exercised in accordance with all relevant legal requirements.

All council staff who carry out investigations and inspections on private land for regulatory purposes must:

- Have a delegation from Council to enter the premises in order to carry out investigations.
- Be authorised by the Council where it is required by specific legislation to permit inspections on private property.
- Carry appropriate photographic identification and delegations demonstrating their authorisation to enter private property under the relevant legislation.
- Provide adequate notice where required in the relevant legislation.
- Be courteous and helpful.
- Be conscious of any requirements relating to work health and safety.

Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, council staff will consider other enforcement options.

2.6 Taking legal action

The Council and its delegated staff will be usually guided by legal advice in deciding whether to commence criminal or civil proceedings. Prior to considering obtaining legal advice council should ensure all possible actions in accordance with the risk level have been taken to try and resolve the matter and the following matters considered:

- whether there is sufficient evidence to establish a case to the required standard of proof
- whether there is a reasonable prospect of success before a court
- whether the public interest warrants legal action being pursued.

If it is considered appropriate to take further action legal advice must only be obtained by delegated staff with the approval of Group Manager, Director or CEO in accordance with council's *Seeking Legal Advice Procedure*.

A decision whether or not to implement proceedings will not be influenced by:

- any elements of discrimination against the person, e.g. race, nationality, political associations
- personal empathy or dislike towards the offender or the complainant
- the political or other affiliations of any person/s involved in the proceedings.

Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In civil enforcement proceedings, council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

Whether there is a reasonable prospect of success before a court

Given the expense of legal action council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

Whether the public interest requires legal action be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply. (See Section 2.4 Taking enforcement action).

The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:

- the availability of any alternatives to legal action
- whether an urgent resolution is required (court proceedings may take some time)
- the possible length and expense of court proceedings
- any possible counter-productive outcomes of prosecution
- what the effective sentencing options are available to the court in the event of conviction
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

Time within which to commence proceedings

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

2.7 Shared enforcement responsibilities

Some reports will raise matters involving shared regulatory responsibilities between council and other authorities including the Environment Protection Authority, the NSW Police Force, the Office of Liquor, Gaming and Racing, NSW Fair Trading, NSW Food Authority, NSW Health and Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, council staff will liaise with relevant authorities to establish:

- which authority will take the leading role on any joint investigation
- which activities each authority will carry out
- responsibilities for updating an individual where relevant
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

2.8 Role of council where there is a private certifier

- Council retains its regulatory role and enforcement powers where a private certifier has been appointed the Principal Certifying Authority (PCA). However, if a private certifier is appointed the PCA, it is not council's responsibility to ensure building and construction compliance.
- Community members making requests regarding a development under the responsibility of a private certifier will be advised to contact the private certifier in the first instance.
- Private certifiers have limited enforcement powers as the PCA. They have the power to issue a notice of intention to issue an order to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any notice of intention issued by a private certifier must be provided to council for assessment as to whether council will enforce the notice by issuing an order.
- Council and private certifiers will work together to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.
- The Council may lodge concerns with NSW Fair Trading, through the CEO, if it considers that a PCA has not acted in accordance with their obligations under legislation or has not acted in the public interest.

2.9 Role of Councillors in enforcement

- Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised council staff or the Council itself.
- Individual Councillors do not have the right to direct council staff in their day-to-day activities.
- Councillors can help individuals who raise concerns with them by satisfying themselves that their council's policies are being carried out correctly, however they cannot ignore or alter a policy in order to satisfy the demands of individuals or special groups.
- Customers should be requested to use the normal request process (preferably lodging via smart forms on Council's website) in accordance with Council's *Customer Experience Policy* and *Customer Complaints Policy*. No preference or additional urgency is given to an issue if it is lodged through a Councillor.
- The CEO may present certain decisions to be ratified by the elected Council if this is necessary or desirable, and the Councillors may also have the right to call for a report about particular issues to a Council meeting.

3. RESPONSIBILITIES AND AUTHORITIES

The Group Manager Environment and Regulatory Services is responsible and accountable for:

- Implementing and communicating this policy
- Monitoring compliance with this policy

- Ensuring this policy is reviewed and updated to compliment external changes in legislation or government policy or administrative guidelines.

Council staff delegations for taking action under this policy are included in council's Delegation Register. All authorised officers who deal with written and verbal customer requests or complaints alleging unlawful activity are responsible for implementing this policy.

4. REFERENCES

Local Government Act 1993
NSW Ombudsman Model Compliance and Enforcement Policy
NSW Ombudsman Enforcement Guidelines for Councils
NSW EPA Regulatory Strategy 2021-24
NSW EPA Regulatory Policy 2021
NSW Planning Compliance Policy October 2020
NSW Fair Trading Compliance and Enforcement Policy 2013
HCCREMS Managing Reports of Non Compliance Guideline 2012
HCCREMS Enforcement Options Guideline 2012

4.1 Other resources

The NSW Ombudsman website has the following helpful resources at www.ombo.nsw.gov.au:

- Managing unreasonable complainant conduct – a model policy and procedure
- *Managing Unreasonable Complainant Conduct Manual 2012*
- *The Rights Stuff – Tips for making complaints and solving problems*
- *Effective complaint handling guidelines – 2nd edition*
- Managing information arising out of an investigation – Balancing openness and confidentiality
- *Reporting of progress and results of investigations*
- *Good Conduct and Administrative Practice*
- Options for Redress
- *Investigating Complaints – A manual for investigators*
- *Enforcement guidelines for councils*
- *Better Service and Communication for Council*

See also:

- Commonwealth Director of Public Prosecutions (2014), *Prosecution Policy of the Commonwealth: Guidelines for the making of decisions in the prosecution process*
- NSW Planning (2010), *Prosecution Guidelines*.

5. DEFINITIONS

The following are the definitions of key terms in this policy:

Authorised Officer -

Any employee delegated by the Chief Executive Officer as an authorised officer under various legislation.

CEO -

Chief Executive Officer (General Manager), a first tier management position and titled as such

Complaint -

The communication (orally or in writing) of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided which may include a delay in taking action, making a decision or providing a service.

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

- Response to requests for feedback about the standard of our service provision
- Reports of problems or wrongdoings merely intended to bring a problem to our notice
- Requests for information
- Customer requests
- Staff grievance

Council -

Port Macquarie-Hastings Council

Councillor -

An elected member of Council

Director -

Second tier management position and titled as such

Enforcement -

Actions taken in response to serious or deliberate contraventions of laws.

Estoppel -

A legal rule which prevents a person from later denying something which may have previously been relied on, and acted upon by another person.

Group Manager -

Third tier management position and titled as such.

NSW EPA -

NSW Environmental Protection Authority

Regulation -

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by council.

Report alleging unlawful activity -

An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity -

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:

- terms or conditions of a development consent, approval, permit or licence
- an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- a legislative provision regulating a particular activity or work
- a required development consent, approval, permission or licence.

6. PROCESS OWNER

The process owner for the revision of the policy and its implementation is the Group Manager Environment & Regulatory Services.

7. AMENDMENTS

This policy revises and supersedes the following policies:

Regulatory Enforcement Policy (Adopted 2017)

Compliance Policy (Adopted July 2007)

The Enforcement of Unlawful Activity Policy (Adopted August 2010)

Appendix 1**Taking enforcement action**

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider all the circumstances of the matter. The section below is intended to assist staff by providing a further explanation of matters to be taken into consideration when deciding whether to take enforcement action.

Considerations about the alleged offence and impact

- the nature, extent and severity of the unlawful activity including whether the activity continued
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- the time period that has lapsed since the date of the unlawful activity.

Consideration should be given to the nature, extent and severity of any actual or potential impact of the unlawful activity. If there is actual or potential detriment to the natural or built environment, to the health or safety of residents or the amenity of an area, this would normally warrant a decision to take action to remedy or restrain the breach. It is also important to consider whether the unlawful activity is ongoing or has ceased.

Consideration should be given to whether the likely costs and benefits of any enforcement action is justifiable where breaches result in no material impacts upon any other party or the health, safety and amenity of the environment and community. A breach of a technical, inconsequential or minor nature, in the absence of any other aggravating factor, will generally not warrant a decision to take action to remedy or restrain the breach.

Legislation may provide time limits in which to commence proceedings and take enforcement action, and sometimes prosecution will be statute barred despite good evidence that unlawful activity has taken place.

In addition, consideration should be given to the time which the offence or breach occurred and the 'reasonableness' of taking enforcement action if a significant time has lapsed since the time of the offence or breach.

Considerations about the alleged offender

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the subject of the report
- any particular circumstances of hardship affecting the person or organisation reported.

Consideration should be given to the previous history of the offender. If prior warnings, instructions or advice has been issued to the person or organisation reported which was not followed, a more formal and coercive enforcement approach would appear more appropriate.

Consideration should be given to whether the offence was committed deliberately, recklessly or with gross negligence. It may be appropriate that cases of this nature are more likely to result in prosecution. Where an offence was committed as a result of an accident or genuine mistake, providing education and guidance or a formal warning may be more suitable in achieving desired outcomes.

Where the offender has been proactive in the resolution of the matter and has assisted council in the resolution of the matter, it may be that the public interest would not be best served by prosecuting the offender, especially if the offending conduct or work has been rectified. If the offender has demonstrated a lack of contrition and is uncooperative with the investigation or remediation, a prosecution or monetary penalty would appear more appropriate.

Consideration should be given to any genuine mitigating circumstances of the offender such as age, physical or mental health, disability and any financial hardship of the offender resulting in an inability to pay.

Considerations about the impact of the enforcement action

- the need to deter any future unlawful activity
- whether an educative approach be more appropriate than a coercive approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether the council has created an estoppel situation

Consideration should be given to the deterrent effect, both on the offender and others. Prosecutions, because of their great stigma if a conviction is secured, may be appropriate even for minor unlawful activity where they might contribute to a greater level of overall deterrence.

When deciding whether to take an educative approach or enforcement approach, consideration should be given to the following matters:

- the reasonable likelihood that the person may have known or should have known the relevant requirements or rules
- the level of contrition shown by the responsible person
- whether the parties have previously been advised of the regulatory requirements or provisions
- whether or not any previous warnings or instructions have been provided
- the apparent level of intent shown by the responsible person.

It may not be appropriate to take enforcement action if the chances of success, in the event of an appeal or hearing, are unlikely. In such situations, you would need to identify the causes of that likelihood and address them in the particular case or as a general issue.

Consideration should be given to what is reasonable in the particular circumstances that apply. This includes a reasonable proportionality between the ends to be achieved and the means used to achieve them.

Consideration is to be given to what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach.

Legal proceedings are expensive. When doing a cost-benefit analysis, costs and benefits should be assessed broadly and indirect costs and benefits should also be considered.

Estoppel is a legal rule which prevents a person from later denying something which may have previously been relied on, and acted upon by another person.

Consideration should be given to whether the actions of council have created a reasonable expectation that no enforcement action would be taken.

Considerations about the potential for remedy

- whether the breach can be easily remedied.
- whether it is likely consent would have been given for the activity if it had been sought.
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

If there is evidence of a significant issue of unlawful activity and that matter can be easily remedied by some action on the part of the person the subject of the report, there is a less compelling case for enforcement action, depending on the other circumstances of the case such as the conduct of the offender.

If retrospective approval is possible, it may be reasonable to allow an opportunity to obtain this prior to taking other enforcement action. In some cases, compliance by informal means may be the most efficient way to resolve the matter and other enforcement action may not be necessary.

This needs to be balanced with other considerations such as the public interest in enforcing the law.



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

Council Policy FOOTPATHS AND WALKWAYS IN PUBLIC ROAD RESERVES

1. INTRODUCTION

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

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

2. POLICY STATEMENT AND SCOPE

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

2.1. How we prioritise footpaths

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

We use our Pedestrian and Access Mobility Plan and [PMHC 2015 Bike Plan](#) as a planning guide, and look at the safety, cost, traffic numbers and location of community footpath requests to decide where to build new paths and walkways. We partner with the State and Federal Governments for opportunities to deliver more paths, and also with community groups and property developers.

2.2. Road Reserves

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

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

2.3. New Development

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

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

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

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

2.4. Parks and Recreational Areas

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

3. RESPONSIBILITIES AND AUTHORITIES

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

Council as the governing body is responsible and accountable for:

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

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

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

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

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

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

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

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

4. REFERENCES

NSW Local Government Act 1993
NSW Roads Act 1993
NSW Environmental Planning and Assessment Act 1979
Port Macquarie Local Environment Plan
Development Control Plan
Pedestrian and Access Mobility Plan
All PMHC Area and Town Centre Master Plans
PMHC Bike Plan 2015 and associated town centre bike lanes and shared pathways
PMHC AUS-SPEC Design and Construction Specifications
PMHC Local Strategic Planning Statement

5. DEFINITIONS

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

6. PROCESS OWNER

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

7. AMENDMENTS

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

8. REVIEW

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

Summary of Submissions Received for the Footpaths and Walkways in Public Road Reserves Policy

Submission - Footpaths and Walkway in Public Road Reserves		Issue
1.	Stuart Watson	<p>I am concerned that draft policy does not reference the PMHC 2015 cycle plan. Linked safe cycleways and walkways are central to a sustainable community plan.</p> <p>The 2015 plan was a great document and should be updated and incorporated into this policy.</p> <p>Thanks</p>
	Response/Comment:	The bike plan was referenced in the draft policy. A minor change was proposed to make this more apparent in section 2.1.
2.	Deborah DOYLE	<p>shared walkways/footpath that allow sufficient room for cycle and foot traffic,</p> <p>the existing cycle ways that are on the road are unsafe and need not to allow cars/parking</p>
	Response/Comment:	<p>The design of footpaths, shared paths and cycleways is in accordance with Council's adopted design standards, industry guidelines and best practice. This policy currently references Council's design and construction specifications, and any issues regarding those specifications should be addressed separately.</p> <p>This matter will be addressed separately by a specific CRM.</p>
3.	John Maloney	<p>I have communicated with Council on previous occasions requesting information on road and footpath changes on Ocean Drive Kew between Brother Glen Drive and Mountain View Road. These changes are required in order to provide turning lanes into the following development:- DA2019-552.1 Manufactured Homes Estate Lot 10. DP1250178 11 Resort Road Kew.</p> <p>I have indicated my concerns regarding the safety of these footpath alterations in previous correspondence. I have requested information on the current situation with regard to the changes to be made to the road and footpath but other than an acknowledgement of receipt no response to my recent emails has been received.</p> <p>There seems little point in requesting submissions from the public regarding footpaths if communication from council departments is not forthcoming. Updated information to the public is an important part of the process. Thank you.</p>
	Response/Comment:	The overall improved connectivity of our path network is an objective referenced by the policy. Discussion around specific locations will be addressed via Council's Pedestrian Access and Mobility Plan (PAMP) which is incorporated through this policy and planned to be updated following its adoption.

Summary of Submissions Received for the Footpaths and Walkways in Public Road Reserves Policy

		Specific requests for consideration of locations and other information relating to developments will be addressed separately by a specific CRM.
4.	Heather Joan Watson	<p>As a Port Macquarie Resident, who regularly walks and cycles and occasionally pushes prams, I applaud the work that the council has done to upgrade the Coastal Path and the paths around Town Beach and Town Green. These are wonderful asset for residents and visitors.</p> <p>I have noticed many Australian rural towns are installing networks of cycleways and footpaths, which are being used by residents for recreation and transport and in many cases are a huge draw to tourists.</p> <p>However in my opinion, some of the existing footpaths and cycleways around the residential parts of Port Macquarie lack connectivity and are becoming increasingly dangerous as the volume of traffic grows. This is a deterrent to their use by both residents and visitors and increases the risk of accident.</p> <p>For example;</p> <ul style="list-style-type: none"> - The short stretch of road along Lighthouse road between Bangalay Drive and Pacific Drive has no footpath or cycleway although it connects a cycle way behind Tacking Point Primary School and a path along Pacific Drive. The road is twisty and narrow with a heavy volume of traffic. It is a very dangerous route for cyclists and pedestrians with no available alternative route. I note there is a proposed pathway for this stretch of road but I suggest installing warning signs to traffic or some form of traffic calming at the very least until the pathway is constructed. - Leanda street is a street well used by walkers as it connects a large suburb with several beaches and the coastal pathway. It is also a connection for vehicles some of which travel very quickly for the conditions. There is no footpath along this road although it a relatively wide road. In addition, at the section where Leanda Street crosses Wrights Creek, the road abruptly narrows and is heavily shaded making visibility for drivers more difficult. This is also a major crossing for wildlife such as koalas and bush turkeys which move along the wildlife corridor provided by Wrights Creek Reserve. I would like to suggest some signs and/or methods of slowing traffic be used at this location. - Another problem is many roads such as Lake road and Lord Street are difficult to negotiate as the cycle pathways are always occupied by parked cars. This makes them

Summary of Submissions Received for the Footpaths and Walkways in Public Road Reserves Policy

		<p>useless to cyclists as weaving in and out of the traffic is more dangerous than cycling in it.</p> <p>My request is for the council to implement the proposed pathways in the Port Macquarie Hastings Bike Plan as soon as possible and in the meantime install some precautionary signs or methods of reducing traffic speed in particularly dangerous areas such as these.</p> <p>Thank you for allowing me the opportunity to express my opinion.</p>
	Response/ Comment:	<p>The overall improved connectivity of our path network is an objective referenced by the policy. Discussion around specific locations will be addressed via Council's Pedestrian Access and Mobility Plan (PAMP) which is incorporated through this policy and planned to be updated following its adoption.</p> <p>The issue of cycle lanes and provision of cycling opportunities is complex and multi-faceted. The specific issue of cars parking is not addressed in this policy. It is addressed through the plans and strategies referenced in the policy and the policy outlines the responsibilities for addressing this matter.</p> <p>Council officers are currently investigating this issue and how best to address this through our strategic documents and practices.</p> <p>Specific requests for consideration of locations will be addressed separately by a specific CRM.</p>
5.	Julie Pleace	<p>Being a local Port Macquarie resident who likes to walk around our pathways as well as bike ride at times, I do have an interest in this area. In fact, I recently sent an email message to PMHC regarding safety on our 'in town' pathways, and am awaiting a reply. Perhaps you have seen my concerns?</p> <p>The purpose of my email today was to suggest that the two documents that are linked (referenced in S2 Policy Statement & Scope) to the above draft policy also be made available as web links, to improve ease of access for interested persons to the PMHC document library. (This suggestion would probably apply to any document that refers internally to other documents, not just this one). Also a Policy document is (understandably) quite brief so I am probably more interested in the more detailed Plans that this Policy feeds into. Are these also under review/in draft?</p>
	Response/ Comment:	This matter will be addressed separately by a specific CRM.



ASSET DISPOSAL POLICY

Responsible Officer	Director Corporate & Business Services
Contact Officer	Group Manager Business Services
Authorisation	Council
Effective Date	20/02/13
Modifications	
Superseded Documents	n/a
Review	Director Corporate & Business Services February 2015
Associated Documents	<ul style="list-style-type: none"> - Tendering Policy - Purchasing Policy - Asset Disposal Form

1. INTRODUCTION

This policy applies to the disposal of all assets by Council and ensures that an appropriate level of discipline and compliance with any legal or policy requirements is applied across the organisation.

2. POLICY OBJECTIVE

The objectives of this Asset Disposal Policy are to ensure that:

- All Council staff understand clearly their responsibilities, accountabilities and reporting requirements;
- Council service delivery objectives are supported to maximise the use of Council assets and reduce associated service and operational costs resulting in increased asset performance and a lower total cost of ownership;
- Assets are only disposed of where they meet identified criteria for disposal and that appropriate planning and approval is undertaken prior to any asset disposal;
- An appropriate level of discipline for asset disposal, and compliance with any legal or policy requirements, is applied across the organisation;
- Best practice asset management (disposal) principles are upheld;
- Any disposal complies with Council's position and responsibilities on sustainability and environmentally friendly practices.

3. POLICY SCOPE

This scope of this policy applies to all assets and applies to all staff at all levels of the Council and includes:

- All Councillors;
- All employees (whether full time, part time, temporary and casual);
- All sub-contractors, volunteers and work experience students working with Council employees and using Council services and assets;
- Any business units and/or corporatised entities.

4. DEFINITIONS

Assets	An asset shall mean any resource owned or controlled by the Council, from which the Council expects to derive economic benefits or use for service delivery to the general public during its useful life.
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5. LEGAL & POLICY FRAMEWORK

NSW Local Government Act 1993;

NSW Local Government (General) Regulation 2005.

6. POLICY STATEMENT

The Independent Commission Against Corruption (ICAC) advise that public sector agencies that regularly dispose of depreciated, redundant or excess stock need to ensure they have standardised methods to manage the disposal of unwanted resources in a transparent and accountable manner.

This policy directs Council activities to openly and transparently dispose of assets that have reached end of useful life or are deemed to be surplus to its needs. In doing so, Council must aim to:

- Provide a systematic and transparent method for the disposal of assets;
- Ensure that best value for money is achieved;
- Promote fair and effective competition to the greatest extent;
- Comply with Council's position on sustainability and environmentally friendly practices.

Decision to Dispose

A decision to dispose of an asset may be based on one or more of the following:-

- Reached the end of its useful life;
- Surplus to requirements;
- Under-utilised;
- Not fit for purpose;
- Unserviceable;
- Does not meet legislative requirements

Factors to be considered prior to disposal

- Other uses (a reasonable effort should be made to ensure no other Council department has a need for the asset)
- Hazardous Materials (that any dangerous goods are disposed of in an authorised manner)
- Conflict of Interest (that the officers involved in the disposal process has no conflict of interest)
- Identifying marks (that any Council identifying mark or insignia is removed)
- Associated material (ensure that assets to be disposed do not contain confidential documents; software which may have licensing implications or additional items which are not intended for disposal).
- The method most likely to provide the highest revenue to Council

Methods of Disposal

As a general principle, sale of assets to staff is not to occur outside of a public process.

Authorised disposal methods are:

1. Public Tender (conducted in accordance with the same principles as Council's tendering Policy);
2. Public Auction (maximises opportunity for public participation);
3. Expressions of Interest/Quotations (conducted in accordance with the same principles as Council's Purchasing Policy);
4. Trade In (must be based on a clear analysis of the benefits of the trade in as opposed to separate sale of surplus goods);
5. Writing off the Value of the Goods (where the goods are deemed to have no value; are beyond economical repair or that the disposal cost is higher than the likely return.)

Assets with value under \$1,000

The method of disposal for items with a value of under \$1,000 shall be at the discretion of the appropriate Group Manager or Director.

Council officers are to ensure that they determine the most appropriate method of disposing of these assets, considering the potential risks of corruption, and that the process is documented.

7. IMPLEMENTATION**7.1 Roles and Responsibilities**

The following Council officers are responsible for the implementation of and adherence to this Policy:

- Director Corporate & Business Services
- Group Manager Business Services

The following Council officers are responsible for the updating of Asset/Finance registers:

- Group Manager Financial Services
- Group Manager Assets & Systems

Asset owners responsible for the disposal of assets under this Policy are to provide the Asset Disposal Form to Finance as soon as practicable after the disposal date, so that Finance staff can record the disposal of the assets in Council's Asset Register. Finance are then to notify the Asset Management Team within the Infrastructure Division.

7.2 Support and Advice

The following Council officers can provide support and advice on this Policy:

General:

- Group Manager Business Services

In relation to the risk of potential corruption:

- Group Manager Governance and Executive Services

7.3 Communication

Subsequent reviews of this policy will be reported via an ordinary council meeting.

7.4 Procedures and Forms

The process for the disposal of goods via tendering, expression of interest or quotation should be conducted in accordance with the same principles as Council's tendering and purchasing policies. The Asset Disposal Form is to be completed each time an asset covered by this policy is to be disposed of. At the end of the disposal process, the Form needs to be provided to Finance.

7.5 Financial Management

Reporting and accounting for disposal of all assets will be done in accordance with Local Government Code of Accounting Practice and Financial Reporting. The Group Manager, Financial Services will ensure that appropriate financial management practices are followed and Council records are maintained, including the Council financial accounts and asset register.

7.6 Guidelines

Not applicable.

8. REVIEW

Review of this Policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The Director Corporate & Business Services is responsible for the review of this Policy.

This Policy will be reviewed biennially.



Asset Capitalisation Policy

Responsible Officer	Group Manager Assets & Systems
Contact Officer	Assets Manager
Authorisation	Executive Group Operational Out-of-Session 2015 12 07
Effective Date	07 December 2015
Modifications	Nil
Superseded Documents	Nil
Review	Group Manager Assets & Systems Three Years
File Number	D2015/117343
Associated Documents	<u>Accounting Standard AASB 116 - Property, Plant and Equipment</u> <u>NSW Treasury Guidelines for Capitalisation of Expenditure (TPP 06-6)</u> <u>Council's Asset Management Strategy</u> <u>Council's Asset Management Policy</u>

1. INTRODUCTION

The purpose of the Asset Capitalisation Policy is to ensure the appropriate recognition of physical infrastructure assets by Council, in accordance with Australian Accounting Standards and the *Local Government Act 1993*.

Council is responsible for the management of a broad portfolio of physical infrastructure assets, including but not limited to roads, bridges, footpaths, stormwater drains, water and sewerage assets, parks and buildings. Assets are regularly created, renewed, upgraded and disposed of through infrastructure capital works projects.

The Policy provides consistent guidelines regarding which assets are to be capitalised (as opposed to expensed) in Council's corporate finance system, and defines Council's reporting requirements for classifying and recording capital expenditure relating to the renewal or upgrade of an existing asset and to the creation of a new asset.

The Policy supports Council's commitment to sustainable financial planning by providing clear guidelines on the distinctions between maintenance, and renewal, upgrade and new capital expenditure for accounting purposes.

2. POLICY OBJECTIVE

The objectives of this policy are to:

1. Define Council's capital expenditure threshold for asset capitalisation purposes, including required treatment of Network Assets, Group Assets, and Minor Assets;
2. Define Council's accounting treatment of project expenditure within each stage of an infrastructure capital works project;
3. Define the project details required to be captured by Council at the commencement stage of an infrastructure capital works project, through a Work Order Request Form;

4. Define the asset and financial data required to be captured by Council once all works within an infrastructure capital works project are complete and commissioned, including details of assets created and disposed of, through a Project Completion Form;
5. Define Council's asset reporting requirements for full and partial asset disposals, and asset movements;
6. Provide clear definitions to enable accurate classification and reporting of maintenance, renewal, upgrade and new capital expenditure by Council.

3. POLICY SCOPE

This policy applies to physical infrastructure assets controlled or owned by Council, including roads; bridges; footpaths; stormwater drainage; water supply network; sewerage network; buildings; swimming pools; flood and foreshore; aerodrome; crematorium; waste services and open space/recreational assets.

This policy does not apply to cash, inventory, land, library books, office furniture and fittings, office equipment, mobile plant and equipment, or heritage collections.

4. DEFINITIONS

Assets	Resources controlled as a result of past events and from which future economic benefits are expected to flow.
Current Assets	Refers to items that provide economic benefits for less than 12 months. Expenditure relating to Current Assets is expensed as either Maintenance Expenditure or Operating Expenditure, with the exception of group/network assets.
Non-Current Assets	Include physical assets which provide future economic benefits for more than 12 months, Expenditure relating to Non-Current Assets is classed as Capital Expenditure.
Capital Expenditure	Material expenditure which has benefits expected to last for more than 12 months. Capital expenditure includes renewal/replacement, upgrade/expansion and new works.
Renewal Capital Expenditure	Expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability. Examples include resurfacing or resheeting part of a road network, replacing a section of a drainage network with pipes of the same capacity, and the resurfacing an oval.
Upgrade Capital Expenditure	Expenditure on an existing asset that: (a) enhances the asset to provide a higher level of service; or (b) increases the life of the asset beyond its original life. Examples include widening the sealed area of an existing road, replacing drainage pipes with pipes of a greater capacity, and enlarging a grandstand at a sporting facility.
New Capital Expenditure	Expenditure that creates a new asset that provides a service that does not currently exist. Examples include extending a drainage or road network, and the provision of an oval or park in a new suburb for new residents.

Maintenance Expenditure	Recurrent expenditure on an asset, periodically or regularly required, undertaken to ensure the asset achieves its useful life. Includes reactive maintenance and repairs (pothole patching, painting etc), planned maintenance (repairs based on predetermined schedules), and replacement of parts and assets.
Operating Expenditure	Recurrent expenditure, which is continuously required to provide a service, excluding maintenance and depreciation. Examples include power, fuel, staff, materials, cleaning, minor equipment, on-costs and overheads,
Recognition	Occurs when it is probable that the future economic benefits will flow to the organisation and the asset has a cost or value that can be measured reliably.

5. LEGAL & POLICY FRAMEWORK

Local Government Act 1993

6. POLICY STATEMENT

Council is committed to ensuring that the values of its physical infrastructure assets are reported in a true and proper manner. This policy aims to ensure that assets acquired or created are capitalised to reflect the value that they have in providing future economic benefits to the community.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

The following Council officers are responsible for the implementation of this Policy:

- Group Manager Assets & Systems
- Group Manager Financial Services

The following Council officers are responsible for the adherence to this Policy:

- Group Manager Assets & Systems
- Group Manager Financial Services
- Council officers undertaking expenditure on infrastructure capital works projects

7.2 Support and Advice

The following Council officers may provide support and advice on this Policy:

- Group Manager Assets & Systems
- Assets Manager

7.3 Procedures and Forms

Work Order Creation Form - D2015/134576

Also available through

MS Word → PMHC Templates → Work Order Creation Form

Project Completion Form - D2015/134658

Also available through

MS Word → PMHC Templates → Project Completion Form

7.4 Guidelines

Nil

8. REVIEW

Review of this Policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The Group Manager Assets & Systems is responsible for the review of this Policy.

This Policy will be reviewed every three years, from the previous review date.

A review of this Policy can be initiated at the discretion of the General Manager.

POLICY**1. Capital Expenditure Threshold**

An asset shall be capitalised if it is probable that the future economic benefits embodied in the asset will flow to Council and the asset possesses a cost or other value that can be measured reliably.

A capital expenditure threshold of **\$5,000** applies to all classes of assets and is applied on a per asset basis for stand-alone assets, and in total for Network Assets and Group Assets.

Network Assets are assets that are either not separately identifiable or are networked for operational purposes. A single asset is captured to represent the entire network cost and the asset acquisition threshold applies to the consolidated network asset in total. Council's asset register records Network Assets as a single asset linked to a single financial record. Assets that make up a network asset are generally based in the same location (e.g. bollards in a park) or were acquired in the same year (e.g. telemetry). Network Asset examples include: telemetry, water meters, instrumentation and bollards.

Group Assets are like assets that are grouped for operational reasons based on the year of acquisition or location. This classification captures like assets that individually fall below the asset acquisition threshold, but are collectively of a material value. Council's asset register records Group Assets as separate individual assets, however as the asset acquisition threshold applies collectively to the group, a single financial record accounts for the group. Group Asset examples include street signs, outdoor furniture and fire plugs (hydrants).

Minor Assets are those items acquired for a cost of less than \$5,000. The acquisition of minor assets is treated as an expense and funded from maintenance and operational budgets. The exception to this is assets that are classified as either Network Assets or Group Assets.

2. Project Lifecycle Accounting Treatment

Council's accounting treatment of project expenditure within each stage of an infrastructure capital works project is detailed below.

Project Stage	Activity	Accounting Treatment
Planning and Feasibility Studies	Strategic Planning Master Plans Feasibility Studies	Expensed
Site Preparation and Approvals	Survey Design Professional Fees	Capitalised
Construction	Contract Fees Professional Fees Council Direct Costs Overheads Supervision Transport Installation Assembly Testing Project Management	Capitalised
Costs in Defects Period	Repairs Reconstruction	Capitalised
Repairs and Maintenance	Repairs	Expensed (Different ledger)

	Painting	
	Maintenance	
	Minor part replacement	
Major Replacements	Major part replacement	Capitalised
Refurbishments	Renewal	Capitalised
	Demolition	Expensed (if no intention to rebuild)
Demolition	Site Rehabilitation	Capitalised (when reconstructed)

3. Infrastructure Capital Works - Work Order Creation

All works relating to an infrastructure capital works project are required to be raised through a work order. Alternatively, all of the data detailed in the 'Work Order Request Form' can be provided as part of an excel spreadsheet or email message. Work orders are co-ordinated by the Assets team and created by the Finance team upon receipt of the relevant information as detailed in the Work Order Request Form.

The Work Order Request Form captures key project details required by Council at the commencement stage of an infrastructure capital works project. This information includes:

- Project Description
- Type of Works - New/Renewal/Upgrade
- General Ledger Number
- Estimated Project Completion Date
- Estimated Project Budget

4. Infrastructure Capital Works - Project Completion

On completion of an infrastructure capital works project, a 'Project Completion Form' must be completed by the project manager and returned to the Assets team. Alternatively, a Project Completion Report containing all of the information detailed in the Project Completion Form can be prepared. This information is required by Council to appropriately create and dispose of assets within the asset register, to close out relevant work orders within the finance system, to update appropriate layers in Council's geographical information system, and to ensure that the asset values reported within Council's annual financial statements are correct.

The Project Completion Form captures key project details required by Council upon completion and commissioning of an infrastructure capital works project. This information includes:

- Actual Project Completion Date
- Final Project Cost - All Work Orders associated with the project, including survey and design
- Itemised Listing of Assets Created including Key Attributes
- Itemised Listing of Assets Disposed including Key Attributes
- Itemised Listing of Existing Assets Moved
- Works as Executed (WAX) Plans
- Project Photos

Project Completion Forms are to be submitted to the Assets team within a month following the commissioning of a project or within a month of receiving final invoices.

5. Asset Reporting Requirements - Disposals & Movements

The Assets team must be notified of the disposal, decommissioning or movement of physical infrastructure assets controlled or owned by Council. All assets disposed of or moved as part of a capital works infrastructure project must be reported to the Assets team by the project manager as part of the Project Completion Form.

Asset disposals can include the full disposal of an asset or the partial disposal, which, for example would occur if only part of a road segment was renewed. Decommissioned assets are assets that have been taken out of service but retained for future use. Asset movements relate to the movement of assets to alternate Council sites. This information is required by Council to enable the asset register and geographical information system layers to be updated, and to ensure that all Council staff are able to locate Council infrastructure assets.

6. Definitions

Refer to Section 4 for definitions to enable accurate classification and reporting of maintenance, renewal, upgrade and new capital expenditure by Council.



Asset Capitalisation & Disposal (excluding land) Policy

Responsible Officer	TBC – Asset Management Steering Committee Chair
Contact Officer	TBC
Authorisation	Executive Group
Effective Date	
Modifications	Nil
Superseded Documents	D2015/117343 – Asset Capitalisation Policy D2012/295577 – Asset Disposal Policy
Review	Group Manager Infrastructure Planning Three Years
File Number	
Associated Documents	D2022/nnnnn Capitalisation and Disposal Procedure D2017/053235 Project Management Framework Policy D2018/008608 Project Management Framework Procedure D2019/418341 Procurement Policy Accounting Standard AASB 116 - Property, Plant and Equipment Accounting Standard AASB 138 - Intangible Assets NSW Treasury Guidelines for Capitalisation of Expenditure (TPP 06-6) Australian Infrastructure Financial Management Guidelines

1. INTRODUCTION

The purpose of the Asset Capitalisation and Disposal Policy ('The Policy') is to ensure that Council's assets are managed appropriately over the asset's service life and beyond. The policy meets the standards set out in the *Local Government Act 1993* and the *Australian Accounting Standards Board (AASB) standard for property, plant and equipment - AASB116*.

AASB116 is clarified and supported by the *NSW Treasury guidelines for capitalisation of expenditure paper - TPP06-6*, and the *Institute of Public Works Engineering Australasia (IPWEA) publication - Australian Infrastructure Financial Management Guidelines*.

The Policy and the supporting Procedure provide consistent guidelines regarding which asset expenditure is to be capitalised (as opposed to expensed) in Council's corporate finance system, and defines Council's reporting requirements for classifying and recording capital expenditure relating to the renewal or upgrade of an existing asset and to the creation of a new asset.

Additionally, The Policy provides guidance on the treatment of assets at the end of their service life.

The Policy supports Council's commitment to sustainable financial planning by providing clear guidelines on the distinctions between Operating, Maintenance and Capital Expenditure for accounting purposes.

A note on AASB116: Accounting standard AASB116 includes references to numerous related accounting standards. When AASB116 is cited in this policy, it is understood that the citation is referring to AASB116 and all associated accounting standards referenced in AASB116.

2. POLICY OBJECTIVE

The objectives of The Policy are to:

1. Establish recognition rules that define what constitutes an asset, and how assets are recognised for accounting and asset management purposes.
2. Define Council's capital expenditure threshold for asset capitalisation purposes, including required treatments of Complex, Minor, and Grouped Assets.
3. Define Council's accounting treatment of capital expenditure over the useful lives of its assets.
4. Provide clear definitions to enable accurate classification and reporting of maintenance, renewal, upgrade and new capital expenditure by Council.
5. Provide clear guidelines on the treatment of assets at the end of their life and the factors influencing the decommissioning and disposal of assets.

3. POLICY SCOPE

The policy applies to physical and intangible assets controlled or owned by Council, and provides guidance on what expenditure should be costed to the capital works program.

The policy does not apply to cash, land, or heritage collections.

4. DEFINITIONS

Asset Accounting	Resources controlled as a result of past events and from which future economic benefits are expected to flow.
Asset	A resource or amenity that provides a service to Council and/or the community, which can be valued, and will be in commission for greater than one year.
Current Assets	Refers to items that provide economic benefits for less than 12 months. Expenditure relating to Current Assets is expensed as either Maintenance Expenditure or Operating Expenditure, with the exception of group/network assets.
Non-Current Assets	Include physical assets which provide future economic benefits for more than 12 months, and that meet the recognition criteria in this policy.
Capital Expenditure	Material expenditure which has benefits expected to last for more than 12 months. Capital expenditure includes renewal/replacement, upgrade/expansion and new works.

Renewal Capital Expenditure	Expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability. Examples include resurfacing or re-sheeting part of a road network, replacing a section of a drainage network with pipes of the same capacity, and resurfacing an oval.
Upgrade Capital Expenditure	Expenditure on an existing asset that: (a) enhances the asset to provide a higher level of service; or (b) increases the life of the asset beyond its original life. Examples include widening the sealed area of an existing road, replacing drainage pipes with pipes of a greater capacity, and enlarging a grandstand at a sporting facility.
New Capital Expenditure	Expenditure that creates a new asset that provides a service that does not currently exist. Examples include extending a drainage or road network, and the provision of an oval or park in a new suburb for new residents.
Maintenance Expenditure	Recurrent expenditure on an asset, periodically or regularly required, undertaken to ensure the asset achieves its useful life. Includes reactive maintenance and repairs (pothole patching, painting etc.), planned maintenance (repairs based on predetermined schedules, such as grading), and replacement of parts and/or asset sub-components, such as electrical switching.
Operating Expenditure	Recurrent expenditure, which is continuously required to provide a service, excluding maintenance and depreciation. Examples include power, fuel, staff, materials, cleaning, minor equipment, on-costs and overheads.
Recognition	Occurs when it is probable that the future economic benefits will flow to the organisation and the asset has a cost or value that can be measured reliably.
Fair Value	The cost to replace the asset.
Carrying Amount	The depreciated value of an asset at a given point in time.
Residual Value	The value that could be recovered from an asset at the end of its life, less costs to decommission and remove.
Depreciable Amount	The current cost less the residual value.
Useful Life	The projected service life of the asset.
Impairment	The premature reduction in the service life of the asset. In accounting terms, this results in the accelerated depreciation of the asset, with the difference between the current cost and the residual value (at that point in time) being written down.

5. LEGAL & POLICY FRAMEWORK

- *Local Government Act 1993*
- NSW Treasury Guidelines for Capitalisation of Expenditure - (TPP 06-6)
- Australian Accounting Standards Board - AASB 116 Property, Plant and Equipment

- Australian Accounting Standards Board - AASB 138 - Intangible Assets

6. POLICY STATEMENT

Council is committed to best practice management of the community's finances. The Policy aims to define activities undertaken by Council that are capital in nature. Where the capital expenditure relates to tangible assets, the Policy seeks to clarify how the capital expenditure shall be captured over the life of the asset, and how the asset will be treated at the end of its service life.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

The following Council officers will be responsible for the oversight of, and adherence to and implementation of The Policy:

- Chief Executive Officer
- Director Business & Performance
- Director Community Infrastructure
- Director Community Utilities
- Director Community, Planning and Environment

The following Council officers are responsible for the implementation of The Policy:

- Group Manager Community Infrastructure Planning and Design
- Group Manager Community Infrastructure Operations
- Group Manager Community Utilities Planning and Design
- Group Manager Community Utilities Operations
- Group Manager Organisational Project Delivery
- Group Manager Financial Services
- Group Manager Community
- Group Manager Environmental and Regulatory Services
- Chief Information Officer
- Group Manager Strategy
- Group Manager Commercial Business Units
- Any other Council officer undertaking procurement activity or project work that may be subject to the conditions of The Policy.

7.2 Support and Advice

The following Council officers may provide support and advice on The Policy:

- Financial Accounting Manager
- Asset and Systems Accountant

7.3 Procedures and Forms

- The Asset Capitalisation and Disposal Procedure (D2022/nnnnnn) is intended to provide better clarity around the processes Council requires for the successful implementation of The Policy. The Procedure is consistent with the requirements set out in the Council's Project Management Framework (PMF).

8. REVIEW

Review of The Policy will incorporate relevant legislation, documentation released from relevant State agencies and best practice guidelines, whilst taking steps to progress from the current core policy to a more sophisticated version. The *Australian Infrastructure Financial Management Guidelines 2015* and future revisions of that publication will provide guidance on policy best practice.

- The Chair of the Asset Management Steering Committee is responsible for the review of The Policy.
- The Policy will be reviewed every two years, from the previous review date.
- A review of The Policy can be initiated anytime, at the discretion of the Chief Executive Officer.

THE POLICY

1. Asset Recognition Rules

1.1 Asset Recognition

Section 1.1 Overview: *Property, Plant and Equipment that meets the asset definition criteria in parts A and B will be considered an asset and so will be funded under the Capital Works Program. Future renewal, upgrade and expansion expenditure will be costed to the appropriate Capital Works budget if it meets the capitalisation criteria in the policy. Procurements that do not meet the recognition criteria in the policy are deemed Current Assets, if they are not procured as part of a greater project. Current Assets are expensed from the relevant Operations and Maintenance budget.*

Council is required to evaluate all property, plant and equipment to be acquired or constructed, prior to the commencement of the procurement and/or project management process. At that juncture, Council will determine whether the proposed acquisition(s) or project(s) will meet the AASB116 definition of an asset, using criteria set out in Parts A&B of this section.

Asset Definition - Part A: The Australian Accounting Standard AASB116 states that *property plant and equipment will be recognised as an asset if it confers future economic benefits to the organisation and if the cost of the item can be measured reliably*. Council's asset portfolio can be said to meet this criteria because Council's assets deliver a service to the community into the future, and there are valuation methodologies in place.

Asset Definition - Part B: Apart from the asset purpose (service potential), there are two other factors that dictate what constitutes an asset. *Materiality* is the second measure applied in AASB116, with the criteria used to determine materiality being *acquisition cost* and *asset useful life*.

- Acquisition Cost: If the cost to purchase or construct the asset falls below the capitalisation thresholds set out in Section 3 of The Policy, then the acquisition is not an asset (With some exceptions, as set out in Section 2 of The Policy).
- Useful Life: If the benefit (the provision of services), conferred by the acquisition to the community will be less than one year, the acquisition is not an asset.

Therefore, any acquisitions that do confer future economic benefits (i.e. provide a service to the community), need to have the second test of materiality applied to them.

Any acquisition that meets *Part A* of the recognition criteria, but does not pass the materiality tests set out in *Part B* will be considered a *Current Asset*. Current assets are not capitalised (except for the exceptions set out in Section 2 of The Policy), and are therefore expensed from the Operations and Maintenance Budget.

Any acquisitions that do meet the purpose and materiality criteria set out here must be treated as an asset and recognised as such in Council's asset registers and financial records. Assets so identified shall be funded from Council's Capital Works program. Similarly, renewals, upgrades, or expansion works undertaken on identified assets will be capitalised if the cost of the renewal, upgrade or expansion meets or exceeds the capitalisation criteria defined in Section 2 of The Policy.

Distinction will be made in Council's financial systems that permits Council to report on the life cycle expenditure of the asset. Lifecycle expenditure includes the capital expenditure required to acquire and

periodically renew the asset, as well as the maintenance expenditure necessary to maintain and operate the asset at the adopted level of service.

1.2 Assets on Land that Council Manages

Sections 1.2 - 1.5 Overview: *Identifies assets that do not necessarily meet AASB116 asset recognition criteria, but are nonetheless treated the same as assets procured or constructed under the Capital Works program.*

Council also funds and manages buildings and lesser structures that exist to service other community service-based entities. These entities include Surf Lifesaving NSW (SLSNSW), the NSW Rural Fire Service (RFS) and the NSW State Emergency Service (SES). Other less prominent, but equally important community organisations also utilise Council-funded building assets.

Although these assets do not meet the AASB 116 criteria of providing economic benefit to Council, they do provide a service to the community-based organisations that benefit from provision of these assets. Such assets are required to be tested for control if:

- Council can deny or regulate access to the asset;
- The asset is held to meet council objectives; and
- Council enjoys the majority of the risks & benefits.

See D2021/035946 (Determination of Control) for more information. Where these assets satisfy the criteria, they are recognised and managed in the same manner as Council's asset portfolio that does meet the AASB116 recognition criteria.

NSW Rural Fire Service assets – s.119 of the RFS (NSW) 1997 Act requires purchased or constructed assets to be held by the Council of the area, subject to the Control Tests above.

1.3 Assets acquired at no cost to Council

Council takes ownership of assets not funded by Council for a number of reasons. These assets are mainly donated by the development industry, but can also come from other parties such as community-based groups or altruistic benefactors. Assets contributed to Council shall be recognised and subsequently managed in the same way as those funded by Council's capital works budgets.

1.4 Assets renewed at no cost to Council

Existing assets are from time to time renewed at no cost to Council. In most cases, this is as a result of assets that have been replaced under an insurance claim. Any such assets should be recognised and subsequently managed in the same way as those funded by Council's capital works budget, even if these assets fall outside of the recognition criteria in Section 1 of the policy. This is because the value of the work can be attributed to an existing asset, or the changes to those existing assets should be captured in Council's asset register.

1.5 Assets constructed by Council under Private Works

Council frequently modifies or renews existing assets, and constructs or installs new assets, with these assets being charged to a paying customer (Private Works). Any assets funded by private works shall be recognised, even if these assets fall outside of the recognition criteria in Section 1 of The Policy. This is because the value

of the work can be attributed to an existing asset, or the changes to those existing assets should be captured in Council's asset register.

2. Asset and Asset Component Types

2.1 Complex Assets

Section 2.1 - 2.4 Overview: *These sections define the ways that an asset or assets can be recognised.*

- *Complex assets are those that have a number of components or sub-components (known as a unit of account in AASB116) that collectively constitute an operational asset.*
- *Simple assets are those that do not have separable components, and are generally of lesser value.*
- *Grouped assets are numerous alike? assets that are recognised as a single asset, and are capitalised despite falling under the capitalisation threshold, e.g. water meters.*
- *A second category of grouped assets accounts for cases where many alike assets are aggregated against a single financial record (CVR), where these assets need to be located in Council's GIS databases.*
- *See [Appendix A: Asset Recognition Types](#) ; a summary of the recognition methods for*

Complex assets are those that consist of a number of related parts or elements that collectively provide a service, or part of a service. AASB116 requires complex assets to be componentised in a way that recognises the diverse functions of each component. Therefore, it can be said that the level of asset componentisation is determined by the functional purpose, materiality, dimensions, and/or the useful life of the asset.

Such componentisation is defined as a *unit of account* in AASB116. Units of account permit more accurate asset renewal planning, reporting, valuation and depreciation activities.

2.2 Simple Assets

Simple assets are those that have no components that can be identified by purpose, material, valuation unit rate, or useful life. Simple assets may be subject to a lesser capitalisation threshold, with judgement being required by a suitably qualified person.

2.3 Grouped Assets

Grouped assets are a number of assets that are recognised as a single asset in Council's asset register. The term 'Grouped' has been used to avoid confusion around the term 'Network' which is sometimes used to describe a group of assets that deliver a specific service (e.g. Road Network, Water Supply Network). Aggregated assets is another often-used term used that means the same thing.

For the purposes of The Policy, any of these terms will be understood to mean a grouping of assets that individually fail to meet the capitalisation threshold, but are integral to a service delivered by another asset or assets.

Grouped assets are capitalised as a single asset for a given financial year, but in some cases there may be a number of assets created in a given financial year for network assets of the same type.

Water meters are such an example, where meters are aggregated by size (and therefore unit rate value) - 25mm, 32mm, 50mm and so on.

2.4 Grouped Assets with a Single Financial Record

Some low value assets need to be recognised individually so that a link between Council's GIS and Asset databases can be established. These assets will be recognised as a distinct asset in Council's financial register, with a many-to-one relationship between the asset records and Council's financial record (capital value record (CVR)). The many-to-one relationship will be based on the facility and/or location of the assets, with a separate CVR being created for assets procured for a given financial year.

3. Capitalisation Guidelines

Section 3.1 - 3.3 Overview: *Defines the threshold beyond which any procurement or project must be capitalised, and the exceptions to the threshold. Identifies intangible activities and assets that should be capitalised and the cost elements that should be expensed. Whether to capitalise intangible assets or activities will be determined by their relevance to the ongoing viability of a process, a service or an asset.*

3.1 Capitalisation Threshold

The capitalisation threshold shall apply to all procurement events or projects, whether they be for the acquisition of new assets, or the renewal and/or upgrade of existing assets.

A capitalisation threshold of \$10,000 is applicable to all complex assets, with a lesser threshold of \$5,000 applicable to simple assets.

Grouped assets are not subjected to the capitalisation threshold requirement. Grouped assets shall be procured under the capital works program regardless of the cost for a single unit. All grouped asset procurements for a given financial year shall be costed to the same work order number, except for those grouped asset procurements funded by private works.

Therefore, any property, plant and equipment to be acquired, constructed or renewed that meets the recognition criteria set out in sections 1 & 2 of The Policy must be recognised in Council's asset and financial registers. Council funded procurement events and projects must be costed to a work order linked to a capital works program ledger.

All elements of a capital works acquisition or project should be costed to the work order created for that acquisition or project. Appendix B: Project Capitalisation and Expensing Guidelines define project lifecycle costs and accounting treatments. Note that even though planning and feasibility studies of a project may be expensed, these costs should be captured for reporting purposes. This may be against the work order created for the construction phase of the project, or the project manager may choose to set up a separate work order.

Council provides guidance to project managers in a suite of policies and procedures that govern the procurement aspects of project management. Project managers must conduct their business activities ethically, ensuring that their projects comply fully with procurement policy and procedure.

Under no circumstance should costs be recorded against different work orders or general ledgers in a manner that would see the cost of a procurement event or project cost fall below the capitalisation threshold.

Apart from the exceptions detailed in sections 1.2 through 1.5, any procurement or works undertaken on an asset that falls below the capitalisation threshold shall be deemed an expense and will therefore be costed to the relevant maintenance work order for that asset.

3.2 Capital Works with Intangible Outcomes

- Council often undertakes projects that do not result in tangible outcomes, that is, expenditure that does not result in an asset that would meet the recognition criteria set out in sections 1 & 2 of The Policy. Such projects include (but are not restricted to) structural inspections, strategic planning, audit, business improvements, and valuation projects. If these activities meet or exceed the capitalisation threshold, they will be costed to capital works and managed under the guidelines set out in the Project Management Framework (PMF). At the completion of the project, analysis of expenditure should be undertaken to determine whether any aspects of the expenditure can be aligned to an asset. If not, the costs incurred shall be expensed.
- AASB116, paragraph 14 provides guidance by stating that major inspections of infrastructure should be capitalised if they meet or exceed capitalisation guidelines. In that case, the inspection cost will be reflected in the asset value by virtue of an adjustment in the carrying amount of the asset, with the carrying amount of the previous inspection being derecognised.

3.3 Recognition of Intangible Assets

- AASB138, paragraph 9 states that intangible resources may be broadly categorised as scientific or technical knowledge, design and implementation of new processes or systems, licences, intellectual property, market knowledge and trademarks. Examples of items covered in this definition include; computer software, patents or copyrights, customer lists, customer or supplier relationships amongst others.
- AASB138 goes on to state that the same recognition rules as those applied to physical assets are equally applicable to intangible assets. These rules are defined in section 1 of The Policy.
- In the context of Council's operations, the main intangible assets acquired by Council are software and licences.
- Judgement is required in determining whether to capitalise software. As a rule of thumb, software that is integral to a physical asset (such as a computer operating system) will be considered a part of the hardware. Therefore, the value of the software would be recognised in the valuation of the computer (as defined in AASB116). If the software is not integral to a physical asset, and provides economic benefit to the organisation for more than one year, it should be capitalised as an intangible asset, using the criteria established in AASB138. Appendix C: Software Capitalisation and Expensing Guidelines provides deeper detail.

3.3 Asset Capital Project Classifications

It is a reporting requirement for Council to identify the nature of the capital works being undertaken under any given procurement event or project. There are three classifications accountants report on:

- New - Newly constructed assets.
- Renewal - Projects replacing or refurbishing existing assets to the same standard.
- Upgrade - Projects that remove an existing asset and construct a new asset that performs at a greater capacity or standard than the redundant asset.

In some cases, a project may see costs divided across more than one of these classifications. In that case, an estimate is made of what proportion of the project cost should be aligned to each classification.

4 Operating and Maintenance Costs

Operating and maintenance costs can be defined as recurring costs for tasks and materials that ensure that an asset continues to operate at its defined level of service, without altering its condition or service life. Steps must be taken to identify operational and maintenance costs for the assets that Council manages.

- Operating Costs include business overheads (such as electricity supply, rates, licences and fees) and other costs such as the procurement of consumables that are used in the operation of the asset (such as chemicals and lubricants).
- Maintenance Costs are those that are aligned to asset maintenance activities. Maintenance costs should be distinguished by Planned and Reactive tasks. Care must be taken to distinguish between Planned and Reactive maintenance events.

Accurate Records must be maintained by Council's responsible officers, that will provide a detailed history of scheduled/planned and reactive maintenance, and the costs incurred to operate and maintain Council's assets. These records will be available to all Council staff and Council's auditors at any time.

5. Capital Project Initiation

Section 5.1 - 5.3 Overview: *Aligns the capitalisation and disposal policy to Council's PMF Framework and refers to the Capital and Disposal Procedure for detailed descriptions of the processes relating to project initiation.*

5.1 Project Management Framework

The operational procedures and processes that support the capital works program are detailed in Council's Project Management Framework (PMF) Policy - D2017/048379 and Procedure - D2018/008608.

The PMF is administered by Council's *Governance Group Manager*, and it is understood that the PMF will be regularly updated in consultation with stakeholders.

It is also assumed that ongoing training will be provided for Council's responsible officers, so that existing and new staff alike have a complete understanding of Council's capital works program procedures.

In part, the PMF states that responsibility for the delivery of any given capital works acquisition or project will be delegated to the most appropriate person (project manager) by a director or group manager. Further, that the project manager shall be responsible for the creation of the work order, and the subsequent management of the project, including the accurate capture of project costs against the project work order.

5.2 Project Management Record Keeping

All documentation relating to any given project shall be saved to the relevant PMF Content Manager folder for that project. For the purposes of this Policy, 'documentation' shall mean any correspondence, quotation, form, plan, photograph, or other associated information.

5.3 Capital Work Order Requests

All capital works must be costed to a work order aligned to the appropriate capital works general ledger. Any exceptions will be at the discretion of the Financial Services Group Manager. See the Asset Capitalisation and Disposal Procedure (D2022/nnnnnn) for procedural and supporting information.

6. Capital Works - Project Completion

On completion of a capital works project, a 'Project Completion Form' must be completed by the project manager and returned to the Assets team. Alternatively, a Project Completion Report containing all of the information detailed in the *Asset Capitalisation and Disposal Procedure* can be prepared.

This information is required by Council to appropriately create and dispose of assets within the asset register, to close out relevant work orders within the finance system, to update appropriate layers in Council's geographical information system, and to ensure that the asset values reported within Council's annual financial statements are correct.

Project Completion Forms are to be saved in Content Manager and submitted to the Assets team within one month of the commissioning of a project or within a month of receiving final invoices, whichever is the latter.

See the Asset Capitalisation and Disposal Procedure (D2022/nnnnnn) for procedural and supporting information.

7. Asset Decommissioning and Disposal

7.1 Asset Decommissioning and Disposal Policy Overview

The Independent Commission against Corruption (ICAC) advise that public sector agencies that regularly dispose of depreciated, redundant or excess stock need to ensure they have standardised methods to manage the disposal of unwanted resources in a transparent and accountable manner.

The Policy directs Council activities to openly and transparently dispose of assets that have reached the end of their useful life or are deemed to be surplus to Council's needs. In doing so, Council must aim to:

- Provide a systematic and transparent method for the timely disposal of assets.
- Ensure an appropriate level of discipline for asset disposal, and compliance with any legal or policy requirements, is applied across the organisation.
- Ensure that best value for money is achieved.
- Ensure that conflicts of interests are managed in accordance with Council's Code of Conduct.
- Promote fair and effective competition to the greatest extent.
- Comply with Council's position on sustainability and environmentally friendly practices.

The decision to dispose of an asset may be based on one or more of the following:

- Asset is at the end of its useful life.
- Asset is under-utilised.
- Asset is surplus to operational requirements.
- Asset is not fit for purpose.
- Asset is no longer serviceable.
- Asset no longer meets legislated requirements.

This policy does not cover the disposal of Council owned land, which is covered in a separate policy.

7.2 Asset Decommissioning and Disposal Elements

There are three elements to the decommissioning and disposal of an asset:

Element 1

- The permanent removal, decommissioning or abandonment of the whole asset.

Or;

- The temporary removal or decommissioning of the whole asset or part of an asset, with the possibility of re-commissioning at a later date.

The term adopted in The Policy for such events will be *Decommissioning*.

Element 2

- The recovery of the residual value of the whole asset by a sales process. The term adopted in the policy for such events will be *Disposal*.

Or;

- The physical disposal of the whole asset without the realisation of any cash value. This may be by moving salvageable asset components into a spares inventory, disposal to landfill, or by donation to a suitable entity. The term adopted in The Policy for such events will be *Disposal*.

Element 3

- The permanent removal or abandonment of part of an asset. The term adopted in The Policy for such events will be *Partial Disposal*.

7.3 Asset Decommissioning Rules

- For assets removed or decommissioned under a capital works project; decommissioned assets must be reported to Council's Assets team in the project completion report, within 28 days of the completion of the project.
- For assets removed or decommissioned outside of a capital project; such events shall be reported to Council's Asset team or Assets and Systems Accountant within 28 days of the asset's removal from service.

See the Asset Capitalisation and Disposal Procedure (D2022/nnnnn) for guidance on the above.

7.4 Asset Disposal Rules

- Partial disposal of an asset must be reported in the project completion report that covers the works undertaken.
- The disposal by sale of any asset(s) will be approved by the appropriate Manager in line with financial delegations as per Council's Delegation register.
- Decommissioned asset disposals will be undertaken in a timely manner, being finalised within twelve months of the asset decommissioning date.
- Where the disposal of assets (or parts thereof) realises a cash dividend, the sale must be undertaken in a way that will not conflict with Council's current Code of Conduct (D2022/032702), and any subsequent versions.
- Disposals will be undertaken and reported in accordance with the processes set out in the Asset Capitalisation and Disposal Procedure (D2022/nnnnnn).

APPENDICES

Appendix A: Asset Recognition Types

Service	Asset Type	Recognition Type
Water and Sewerage	Treatment Plant	Complex
	Pumping Station	Complex
	Dosing Plant	Complex
	Distribution Network	Complex
	Water Meter and Service	Grouped
Transport and Stormwater	Roads	Complex
	Kerb and Gutter	Simple
	Signage	Grouped
	Roadside Furniture	Simple
	Bridges	Complex
	Stormwater Network	Complex
Recreation and Buildings	Aquatic Facilities	Complex
	Parks and Reserves	Complex
	Sports Fields	Complex
	Community Buildings	Complex
	Signage	Grouped
	Waste Receptacles	Grouped
Environmental Services	Flood and Foreshore	Complex
	Waste Services	Complex
Community	Library Books	Grouped
	Public Art	Simple
	Cemeteries	Complex
Commercial Business Services	Aerodrome	Complex
Plant and Equipment	Fleet	Simple
	Heavy Plant	Simple
	Light Plant	Simple
ICT	Hardware	Simple
	Software	Simple

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All	Office Equipment	Simple
	Furniture and Fixtures	Simple or Grouped
All	Building or Shed	Complex
	Garden Shed	Simple
	Demountable Shed	Simple
	Other Structures	Simple
Note: Council's Asset Team can provide details of typical asset components for complex assets. This will assist in completion reporting planning.		

Typical PMHC Grouped Assets			
Asset Owner	Asset Grouping	Typical Component	Recognition Type
Recreation and Buildings	Drinking Fountains	Drinking Fountains by Locality	Many AIM Assets and Single CVR by Year
Recreation and Buildings	Outdoor Showers	Outdoor Showers by Locality	Many AIM Assets and Single CVR by Year
Transport/Recreation and Buildings	Signs	Signs by Locality	Many AIM Assets and Single CVR by Year
Transport/Recreation and Buildings	Waste Receptacles	Bin Support Structures by Locality	Many AIM Assets and Single CVR by Year
Water and Sewer	Potable Water Meters	Meters by Diameter	Single AIM Asset and CVR by Year
Water and Sewer	Potable Water Services	Water Services by Diameter and Material	Single AIM Asset and CVR by Year
Water and Sewer	Non-Potable Water Meters	Meters by Diameter	Single AIM Asset and CVR by Year
Water and Sewer	Non-Potable Water Services	Water Services by Diameter and Material	Single AIM Asset and CVR by Year
Water and Sewer	Wastewater Pumps	Wastewater Pumps by Size Grouping	Single AIM Asset and CVR by Year
Water and Sewer	Level Sensors	All Level Sensors	Single AIM Asset and CVR by Year

Appendix B: Project Capitalisation and Expensing Guidelines

AASB 116 - Accounting Treatment of Capital Works - Related Costs*	
Activities	Accounting treatment
• Planning and Feasibility Studies: - Strategic Planning - Master Plans - Feasibility Studies	• Expense
• Site Preparation and Approvals: - Survey - Design - Professional Fees	• Capitalise
• Construction - Contract Fees	• Capitalise

<ul style="list-style-type: none"> - Professional Fees - Council Direct Costs - Overheads - Supervision - Transport - Installation - Assembly - Testing - Project Management 	
<ul style="list-style-type: none"> • Costs in Defects Period - Repairs - Reconstruction 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Major Replacements - Major part replacement 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Refurbishments - Renewal 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Demolition - Demolition - Site Rehabilitation 	<ul style="list-style-type: none"> • Expense (if no intention to rebuild) • Capitalise (when reconstructed)
<ul style="list-style-type: none"> • Project Borrowings - Interest payable on loans for a qualifying asset. 	<ul style="list-style-type: none"> • Capitalise whilst under construction Expensed after asset commissioning
<ul style="list-style-type: none"> • Operations and Maintenance - Repairs - Painting - Maintenance - Minor part replacement 	<ul style="list-style-type: none"> • Expense
*This table has been copied from the Australian Infrastructure Financial Management Guidelines	

Appendix C: Software Capitalisation and Expensing Guidelines

AASB 138 - Accounting Treatment of Software - Related Costs*	
Activities	Accounting treatment
<ul style="list-style-type: none"> • Pre-implementation research activities: Preparation of proof of concept, evaluation and selection of a provider. 	<ul style="list-style-type: none"> • Expense, as there is no specific future benefit at this stage.
<ul style="list-style-type: none"> • Modifications to current systems: Internal and external costs incurred, to modify provider offerings or develop bridging modules to existing systems or bespoke additional capability. 	<ul style="list-style-type: none"> • Capitalise, where code or additional capability is developed internally for which the provider does not obtain IP rights, and there are future economic benefits.
<ul style="list-style-type: none"> • Configuration: set-up current IT environment, e.g. systems or network, for specific needs or new capability to enable the use of Software as a Service (SaaS). 	<ul style="list-style-type: none"> • Capitalise, where material modifications and incremental capability is being added, and there are future economic benefits.

<ul style="list-style-type: none"> • Staff costs: Payroll and other employee related costs for staff who spend time on and are directly associated with the project. This may include testing during implementation phase, user-acceptance testing, and recruitment costs for staff recruited specifically to develop or test the software, travel costs where these are directly attributable to developing or testing the software. 	<ul style="list-style-type: none"> • Capitalise, as these are directly attributable costs of preparing the asset for its intended use and there are future economic benefits. • Expense, where costs incurred relate to staff training during implementation phase.
<ul style="list-style-type: none"> • Data conversion activities: Purging or cleansing of existing data, reconciliation or balancing of the old data and the data in the new system, creation of new or additional data, and conversion of old data to the new system. 	<ul style="list-style-type: none"> • Expense, as there is no future benefit obtained in migration to a system that is not owned by the agency.
<ul style="list-style-type: none"> • Data conversion software: Purchase or development of data conversion software to perform any of the above tasks identified above. 	<ul style="list-style-type: none"> • Capitalise, where there is contractual right to take possession of software and software can be run on entity's own hardware or contract with another party unrelated to cloud provider, and there are future economic benefits (e.g. the software will be used again).
<ul style="list-style-type: none"> • General: Administration and other general overhead costs. 	<ul style="list-style-type: none"> • Expense, as there is no future benefit obtained.
<ul style="list-style-type: none"> • Post-implementation activities: costs may include: <ul style="list-style-type: none"> - Staff training on new software; - Development of user manuals; - Post-implementation review; and - Advertising and promotional activities. 	<ul style="list-style-type: none"> • Expense, as there is no future benefit obtained.
<p>* This table has been copied from the NSW Government Treasury paper 'Accounting Guidance for Capitalisation of Costs Relating to Cloud-based Software'.</p>	



Asset Capitalisation & Disposal (Excluding Land) Procedure

Responsible Officer	TBC – Asset Management Steering Committee Chair
Contact Officer	TBC
Authorisation	Executive Group
Effective Date	DD/MM/YYYY
Modifications	Nil
Review	Three Years
File Number	
Associated Documents	D2022/nnnnn Asset Capitalisation and Disposal Policy D2017/053235 Project Management Framework Policy D2018/008608 Project Management Framework Procedure

1. INTRODUCTION

The purpose of the Asset Capitalisation and Disposal Procedure ('The Procedure') is to ensure that staff responsible for the delivery of Council's Operational Plan have access to clear guidelines that enable the successful administration of capital works procurement and projects, as defined in the Capitalisation and Disposal Policy.

2. PROCEDURE OBJECTIVE

The objectives of this Procedure are to:

1. Provide a clear understanding of what information Council requires from staff to implement and report on capital works procurement events and projects.
2. Provide guidance on actions to be taken at the commencement and conclusion of a capital works procurement or project related activity.
3. Define information and information standards required by Council at the conclusion of a capital works procurement or project related activity.
4. Provide clear guidelines on the treatment of assets at the end of their life and the factors influencing the decommissioning and disposal of assets.

3. PROCEDURE SCOPE

The procedure provides guidance on the following capital works-related activities:

- Overview of the Project Management Framework (PMF).
- Capital Works work order request procedure.
- Controlling project.
- Capital Works project completion reporting procedure.
- Asset attribute types to include in completion reporting.
- Asset disposal types for completion reporting.

4. DEFINITIONS

- For the purposes of this procedure, the term 'Project' shall mean any procurement or project event that meets the capitalisation criteria set out in the Asset Capitalisation and Disposal Policy that is aligned to this Procedure.

5. POLICY AND LEGAL FRAMEWORK

The procedure is to be read in conjunction with the Capitalisation and Disposal Policy - D2022/nnnnn

6. PROCEDURE STATEMENT

Council's staff engaged in the administration of capital works procurement and/or projects shall be responsible and accountable for the management of their capital works procurement event or project to the standards defined in this procedure and the associated policy.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

The following Council officers will be responsible for the oversight of, and adherence to this Policy:

- Chief Executive Officer
- Director Business & Performance
- Director Community Infrastructure
- Director Community Utilities
- Director Community, Planning and Environment

The following Council officers are responsible for the implementation of this Policy:

- Group Manager Community Infrastructure Planning and Design
- Group Manager Community Infrastructure Operations
- Group Manager Community Utilities Planning and Design
- Group Manager Community Utilities Operations
- Group Manager Organisational Project Delivery
- Group Manager Financial Services
- Group Manager Community
- Group Manager Environmental and Regulatory Services
- Chief Information Officer
- Group Manager Strategy
- Group Manager Commercial Business Units
- Any other Council officer undertaking procurement activity or project work that may be subject to the conditions of this Policy.

7.2 Support and Advice

The following Council officers may provide support and advice on this Procedure:

- Financial Accounting Manager
- Asset and Systems Accountant
- Asset Management Officers

7.3 Communication

The procedure will be communicated utilising the PMHC Intranet.

7.4 Procedures and Forms

Work Order Request Form
Work Order Capitalisation Report
Asset Disposal Form

8. REVIEW

Review of this Procedure will be undertaken at the same time as Council's Asset Capitalisation and Disposal Policy, and shall incorporate any changes needed to remain consistent with the policy.

PROCEDURE

The procedures set out here are aligned to Council's Capitalisation and Disposal Policy, and the Project Management Framework. It is assumed that staff undertaking capital works have received the appropriate training for the Project Management Framework. The definitions relating to what constitutes capital works can be found in the Capitalisation and Disposal Policy, and it is essential that this policy is understood before referring to the following procedure.

1. Project Initiation

All capital works projects must be costed to a work order that is linked to a general ledger that is in turn aligned to a current PMF project plan. All project related documentation should be saved in the relevant Content Manager PMF folders.

The PMF folders are created when the project charter bid is made, and can be found by drilling down through the 'PROJECT MANAGEMENT' folder. The next level folders are the *Project Folders* and are named by the year of the project initiation, then a sub number, and the project name. The subsequent folders are aligned to project phases, as set out in the PMF.



Content Manager Filepath**2. Capturing Capital Costs**

Capital works orders may be created for a one-off project, or may be a single work order for a recurring program of renewals and/or upgrades to like assets at diverse sites.

Effective financial management of Council's assets demands a consistent approach by all stakeholders over the life of the asset. Care must be taken to identify capital renewal, upgrade and expansion activities and to differentiate these costs from routine operational and maintenance activities. It is crucial to ensure costs are recorded against the correct ledger and work orders.

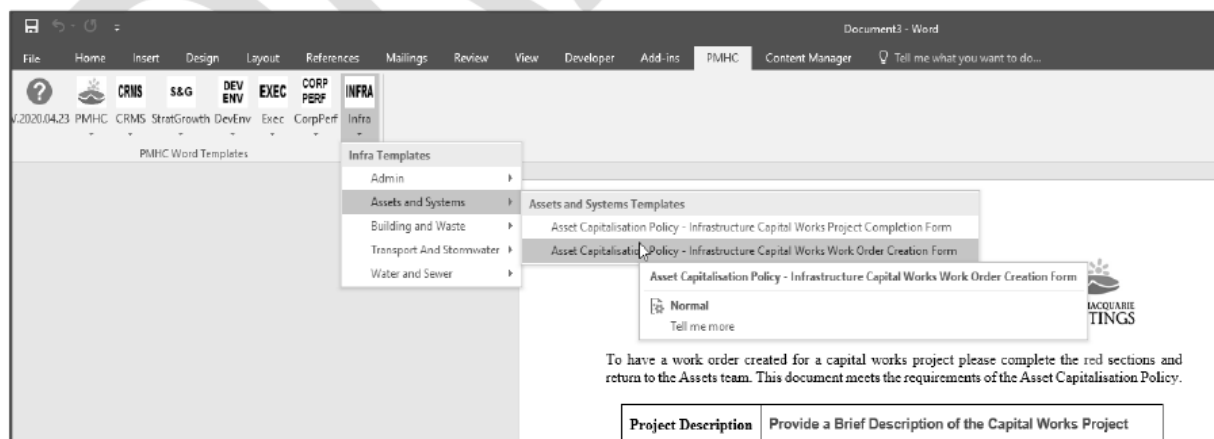
All elements of a capital works acquisition or project should be costed to the work order created for that acquisition or project. Appendix A - Project Cost Types shows costs that should be captured. Note that even though planning and feasibility studies of a project may be expensed, these costs should be captured for reporting purposes. This may be against the work order created for the construction phase of the project, or the project manager may choose to set up a separate work order.

See Appendix A - Project Cost Types for project lifecycle costs that should be captured.

3. Work Order Creation Procedure

Council has adopted a standard form which is to be utilised when submitting a work order request. The easiest way to access this form is by opening the form in Microsoft Word.

In the menu ribbon at the top of Word, select 'PMHC', then drill down to 'INFRA', 'Assets and Systems', then 'Assets and Systems Templates'. Select 'Asset Capitalisation Policy - Infrastructure Capital Works Order Creation Form'. Save your copy of the form to Content Manager, and complete the form, providing the information detailed in *Section 4: Work Order Request Information*.

**4. Work Order Request Information**

Work order requests are to provide enough information for all stakeholders to gain an understanding of the planned project outcomes and the reasons why the project is being implemented. See below for a summary of the required information.

- Project Description - A brief overview of the work being undertaken.
- Project Timeline - Planned commencement and completion dates for the project.
- Project Budget - Estimated project budget.
- General Ledger Number - The relevant ledger for the project. Usually aligned to the operational plan.
- Task Codes - Sufficient activity codes to capture costs, based on the scope of the project.
- Locality and Detailed Location - provide as much information about the location of the works as is possible. Include asset ID(s), street number(s) or from/to if possible.
- Project Manager - The person responsible for the delivery of the project, and all the related accountabilities set out in the PMF.
- Type of Works - Accounting reporting requirement. *New and/or Renewal and/or Upgrade*, with a breakdown by percentage if more than one of these reporting criteria.
- Project Plan - The Content Manager record number for the current project plan that supports the general ledger that the work order is being linked to.
- Stakeholders who should be informed of the work order when it is created.

Providing as much information as possible will help stakeholders to understand the scope of the project. Other documentation or links to documentation in Content Manager, MS Teams or MS SharePoint can be attached. Such documentation may include design drawings, quotes, emails, or photos that fully describe the scope of the project. The form limits how much information you can enter, so 'freehand' information may be added on the end of the form.

5. Submitting the Work Order Request

The completed work order request and supporting information is to be emailed to the Management Accountant in Financial Services. If the Management Accountant is unavailable, send the request to the Asset and Systems Accountant.

When the work order has been created, the person creating the work order will forward the new work order number to stakeholders identified in the request.

Note: If the work order is for emergency works, the project manager should submit their request, and follow up with a phone call to ensure a rapid response to the request. Finance can create a work order within two hours of the project manager calling the Management Accountant.

6. Completion Reporting Information.

The Project Completion Form provides a format for project managers to provide key project details required by Council upon completion and commissioning of a project. This information includes:

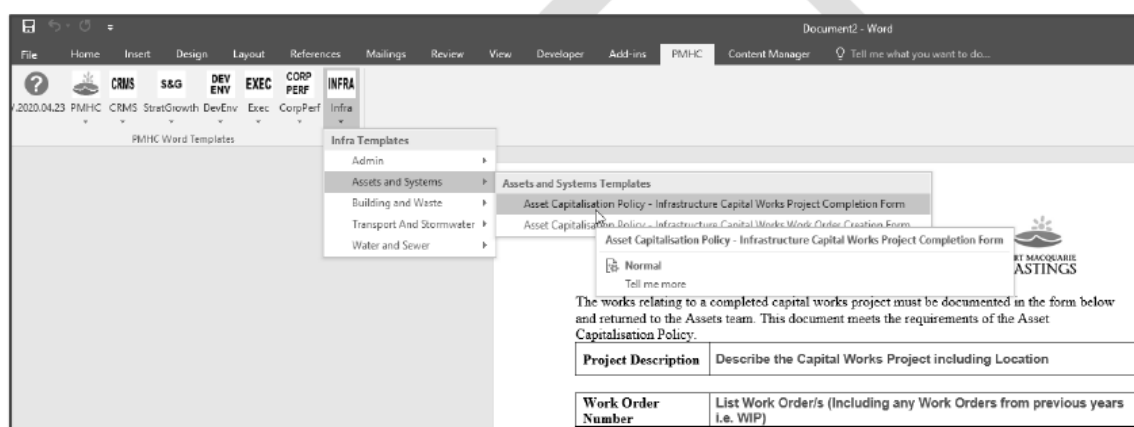
- Description of the project, detailing works undertaken.
- Actual project completion date.
- Final project cost - all work orders associated with the project, including survey and design.
- Itemised listing of assets created including key attributes.
- Itemised listing of decommissioned, as well as full or partially-disposed assets including key attributes and the disposal method.
- Works as executed (WAX) plans in CAD and PDF format, and/or sketches, depending on the scope of the project. Spatial data is mandatory for buried assets.
- Project photos.

A quality completion report will provide enough information for council's asset managers to identify and value any assets purchased or constructed over the life of the project. Similarly, assets that have been removed, demolished or relocated are to be reported. See Section 8: *Completion Report Information* for types of information required.

More complex projects will provide additional information relating to the conduct of the project, such as Project rationale & scope, issues experienced over the course of the project, aspects of project control such as time and cost, as well as any lessons learnt.

Council has adopted a standard form which can be used as a basis for completion reporting. The easiest way to access this form is by opening the form in Microsoft Word.

In the menu ribbon at the top of Word, select 'PMHC', then select 'INFRA', 'Assets and Systems', then 'Assets and Systems Templates'. Select 'Asset Capitalisation Policy - Infrastructure Capital Works Project Completion Form'. Save your copy of the form to Content Manager, and complete the form, providing the information detailed in Section 8: *Completion Report Information*.



Provide as much information as possible. Attach other documentation or links to documentation in Content Manager, MS Teams or MS SharePoint. Such documentation may include design drawings, quotes, emails, or photos that fully describe the scope of the project. The form limits how much information you can enter, so further 'freehand' information may be added on the end of the form.

Each completion report will differ, depending on the nature and scope of the project. Project Managers should discuss their project with Asset Officers at the outset, so that they can clarify what information their project will require.

Project Completion Forms are to be submitted to the Assets team within **one month** of the commissioning of a project, or within **one month** of receiving final invoices.

7. Asset Decommissioning, Disposal and Movements

7.1 Reporting Asset Decommissioning and Partial Disposal

Council's Asset Management team must be notified of the Decommissioning and subsequent Disposal (full or partial) of assets controlled or owned by Council. Decommissioning or Partial Disposal reporting may be

included in a project completion report for assets renewed under a project. All other disposals can be reported by completing Council's disposal form.

This information is required by Council to enable the asset register and geographical information system layers to be updated, and ensure that all Council staff are able to locate Council infrastructure assets.

7.2 Reporting Asset Movements

Assets that are decommissioned and placed into storage or re-commissioned at alternate sites must be reported to the Council's Asset Management Officers. This is necessary so that the asset register remains current and ensures staff are able to easily locate assets. See below for guidance on the information required:

- Asset ID.
- Asset location prior to relocation.
- Asset location after relocation.
- Photo of asset. This permits an assessment of asset condition at the time of removal.

7.3 Factors to Consider Prior to Disposal

- Other uses (a reasonable effort should be made to ensure no other Council department has a need for the asset)
- Hazardous Materials (that any dangerous goods are disposed of in an authorised manner)
- Conflict of Interest (that the officers involved in the disposal process has no conflicting interest, all perceived or actual conflicts of interest are to be reported in accordance with Council's Code of Conduct)
- Identifying marks (that any Council identifying mark or insignia is removed)
- Associated material (ensure that assets to be disposed do not contain confidential documents; software which may have licensing implications or additional items which are not intended for disposal).
- The method most likely to provide the highest revenue to Council

7.4 Asset Disposal Methods

Assets with a recoverable value (estimated sales value) of \$1000 or greater shall be disposed of by one of the following methods:

- Public Tender (conducted in accordance with the same principles as Council's tendering Policy).
- Public Auction (maximises opportunity for public participation).
- Expressions of Interest/Quotations (conducted in accordance with the same principles as Council's Purchasing Policy).
- Trade In (must be based on a clear analysis of the benefits of the trade in as opposed to separate sale of surplus goods).

Assets with a recoverable value (estimated sales value) less than \$1000 will be disposed at the discretion of the appropriate Group Manager or Director. Methods may include:

- Public Auction (maximises opportunity for public participation).
- Expressions of Interest/Quotations (conducted in accordance with the same principles as Council's Purchasing Policy).
- Trade In (must be based on a clear analysis of the benefits of the trade in as opposed to separate sale of surplus goods).
- Sold for Scrap.

- Donation to a qualifying organisation.

Subject to a Council resolution, Council may dispose of an asset by way of direct negotiation under the following circumstances:

- Where the total cost of the public sale process will exceed the expected community benefit. For example, where the asset is worth \$1,000 and the cost to publicly market the asset is \$5,000.
- Where there is only one identifiable purchaser. For example, where an asset is located on land to be sold or already private property.
- Where Council is bound by a contractual obligation. For example, a tenant with a first right of refusal, where that tenancy has been entered into as a result of public competition.
- Disposal of an asset to a government or utility authority for the purpose of infrastructure provision.
- Where a public marketing process which has been undertaken within the last 12 months in accordance with this policy has failed to achieve the desired outcome.
- In response to a proposal which achieves specific policy goals of Council.

The report to Council covering these sales will identify the reasons why this sale process was chosen.

Where an asset is being sold by direct negotiation, a probity plan will be developed to cover the following matters:

- obtaining best value for money;
- demonstrating accountability and transparency;
- dealing with conflict of interest.

Assets deemed not viable where the goods are deemed to have little or no value (say, < \$500); are beyond economical repair or that the disposal cost is higher than the likely return may be disposed by:

- Writing off the value of the asset(s) and disposing through a waste facility.
- Writing off the value of the asset(s) and retaining all or part of the asset(s) in spares inventory.
- Sold for scrap.
- Donation to a qualifying organisation.

For an organisation to qualify for the donation of disposed assets it must be a community based, not for profit entity. Any donations must be approved in writing by a member of Council's Executive.

7.5 Reporting Asset Disposal

The financial disposal of the asset/s is to be reported to the Assets and Systems Accountant, in writing, with the following information to be provided.

- Assets disposed.
- Related project, general ledger or work order.
- Disposal method used.
- Value recovered in the sale.

8. Recognition and Disposal Definitions

Asset Recognition and De-Recognition can include the full or partial recognition or disposal of an asset. A partial recognition and disposal example is the partial renewal of a road segment. In this case, the portion of road renewed would be recognised, and the portion replaced would be de-recognised. Decommissioned

assets are assets that have been taken out of service. These may be stored for future recommissioning, or may be disposed if they are no longer serviceable.
Asset movements relate to the movement of assets to alternate Council sites. This information is required by Council to enable the asset register and geographical information system layers to be updated, and to ensure that Council staff are able to locate infrastructure assets.

8.1 Corporate Asset Register Rules for Full Renewals

The renewed/replaced Asset Component will be disposed, and remaining value will be written off. A new Asset Component will be created at cost. A new assessment of Condition and Useful Life is required.

8.2 Corporate Asset Register Rules for Partial Renewals

Rule 1: Segmentation (typically for linear assets i.e. Roads, pipes, kerb, etc.)

Where partial renewal is considered capital renewal, as per asset capitalisation rules, the following applies:

- The existing asset is re-segmented.
- For the renewed portion of the old asset, the relevant portion/segment of the old asset is removed from the corporate asset register and the renewal capital expenditure is settled to a new asset.
- For the remaining portion of the old asset, the written down value will reflect the remaining value recorded in the corporate asset register. A new assessment of Condition and Useful Life is required.

Rule 2: Reapportionment (typically for non-linear assets i.e. part of a building component)

Where partial renewal is considered capital renewal, as per asset capitalisation rules, the following applies:

- For the renewed portion of the asset, the written down value of the relevant renewed portion of the old asset is retired from the corporate asset register.
- The renewal capital expenditure is added to the written down value of the current asset.
- A new assessment of Condition and Useful Life is required.

Rule 3: Grouped Assets

- Where individual items of an asset group are renewed and/or replaced, the average written down value of these items is subtracted from the written down value of the asset network and the cost of the renewal and or replacement is added.

8.3 Capital Projects with Multiple Asset Categories

For capital projects which include multiple asset Categories or Components, the capital expense for each Asset Category or Asset Component needs to be separated out in order to apply the asset recognition rules within the Asset Capitalisation Policy. This process will be assisted via:

- The adoption of a robust Project Handover procedure, which details the minimum data required for entry into the corporate Asset Register for each asset type.
- The analysis of post-construction contract schedules detailing actual values of assets, and components, and an appropriate allocation of costs.

Appendices

Appendix A - Project Cost Types

AASB 116 - Accounting Treatment of Capital Works - Related Costs*	
Activities	Accounting treatment
<ul style="list-style-type: none"> • Planning and Feasibility Studies: <ul style="list-style-type: none"> - Strategic Planning - Master Plans - Feasibility Studies 	<ul style="list-style-type: none"> • Expense
<ul style="list-style-type: none"> • Site Preparation and Approvals: <ul style="list-style-type: none"> - Survey - Design - Professional Fees 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Construction <ul style="list-style-type: none"> - Contract Fees - Professional Fees - Council Direct Costs - Overheads - Supervision - Transport - Installation - Assembly - Testing - Project Management 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Costs in Defects Period <ul style="list-style-type: none"> - Repairs - Reconstruction 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Major Replacements <ul style="list-style-type: none"> - Major part replacement 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Refurbishments <ul style="list-style-type: none"> - Renewal - Rehabilitation 	<ul style="list-style-type: none"> • Capitalise
<ul style="list-style-type: none"> • Demolition <ul style="list-style-type: none"> - Demolition - Site Rehabilitation 	<ul style="list-style-type: none"> • Expense (if no intention to rebuild) • Capitalise (when reconstructed)
<ul style="list-style-type: none"> • Project Borrowings <ul style="list-style-type: none"> - Interest payable on loans for a qualifying asset. 	<ul style="list-style-type: none"> • Expense
<ul style="list-style-type: none"> • Operations and Maintenance (below capitalisation threshold) <ul style="list-style-type: none"> - Repairs - Painting - Maintenance - Minor part replacement 	<ul style="list-style-type: none"> • Expense

Community Inclusion Plan

2022 - 2025



PORT MACQUARIE
HASTINGS COUNCIL



Acknowledgement of Country

Yii Birrbay Barray

This is Birpai Country

Nyura yii-gu mara-la barray-gu, nyaa-gi, ngarra-gi

You have come here, to the country to see, listen and remember

Gathay Nyiirun Wakulda

Let's all go together as one

We acknowledge that we are on Birpai country and pay respects to all elders past, present and emerging.

We acknowledge the ongoing connection to the Traditional Owners and Custodians of the lands and waters of the Port Macquarie Hastings Region.

Our vision

Imagine2050 Community Strategic Plan

The most liveable, sustainable
and innovative place in Australia

Mission statement

Community Inclusion Plan

To provide holistic support to create a liveable
community that is inclusive, diverse, connected and thriving.



What is Community Inclusion?

Community inclusion is the opportunity for everyone (irrespective of age, disability, gender, religion, sexual preference or nationality) to live and exist as a contributing member of the community.

We value and respect 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.

Our community snapshot



Creation of the Community Inclusion Plan

We value and respect our diverse community and recognise 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 help do this, we have created this Community Inclusion Plan (CIP), which sets out our objectives, and proposed plan of action to help develop a socially just, resilient, connected, inclusive, liveable and engaged community - a community that respects the rights of all people and encourages self-determination and equity.

In the past, we have developed a Community Inclusion Plan in addition to a Disability Inclusion Action Plan (DIAP) which informs our actions and goals to achieving greater inclusion within our community. This year we have made the decision to combine these documents to streamline the process of implementing the actions outlined within this plan. This Disability Inclusion Action Plan will now come under the title of Community Inclusion Plan, and will run on a concurrent timeline of 2022-2025.



Creation of the Community Inclusion Plan

The new Community Inclusion Plan takes an holistic approach to making the Port Macquarie-Hastings region more welcoming, accessible and inclusive. To assist in defining this approach, the plan was guided by our *Image2050 Community Strategic Plan* which was prepared using Social Justice Principles as outlined below:



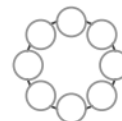
Equity

There should be fairness in decision making, prioritising and allocation of resources, particularly for those in need



Access

All people should have fair access to services, resources and opportunities to improve their quality of life



Participation

Everyone should be given genuine opportunities to participate in decisions which affect their lives



Rights

Equal rights should be established and promoted, with opportunities provided for all people from all backgrounds

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

Consultation

We regularly engage 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 easy or difficult for people with disability in our community.

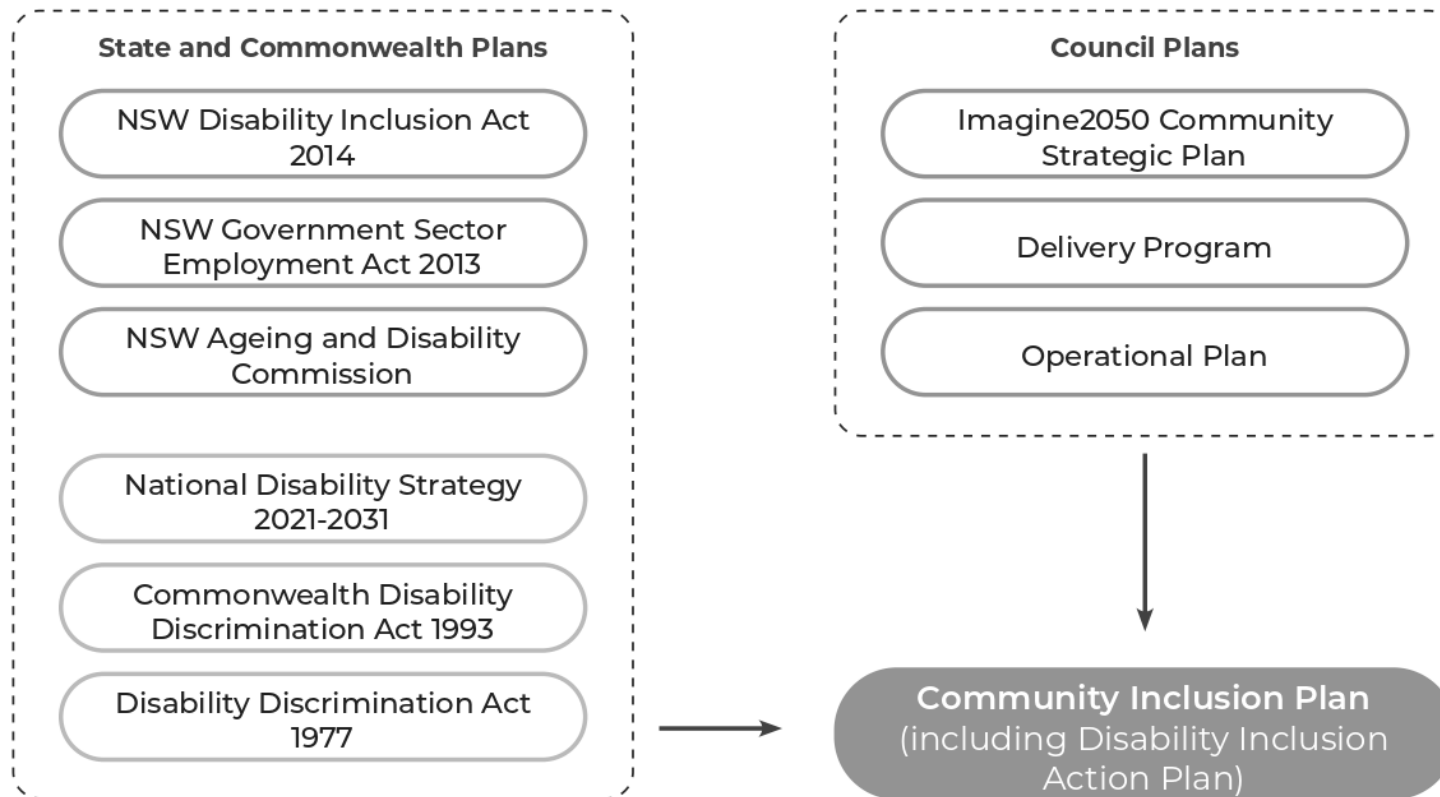
The survey ran from December 3rd 2021 to February 13th 2022, and had five sections; About You, Attitudes and behaviours, Accessibility, Employment and Opportunities and Systems and processes and a total of 65 participants responded to the survey.

We recognise the importance of ongoing partnerships, collaborative co-created projects, sustainable programs that will further enhance, empower and strengthen the inclusiveness of our community. We are therefore committed to ongoing community consultation to ensure our focus and vision for the future continues to meet the needs and interests of the local community as they change over time.

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

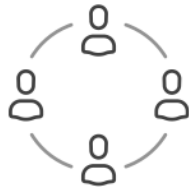
Legislative and policy context



Strategic outcomes

The Community Inclusion Plan includes actions that we 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

DIAP Guideline Focus Area: Liveable Communities



An accepting Community

DIAP Guideline Focus Area: Attitudes and Behaviours



A liveable community

DIAP Guideline Focus Area: Liveable Communities



A resilient community

DIAP Guideline Focus Area: Systems and Processes



A community leader

DIAP Guideline Focus Area: Employment

A connected community

DIAP Guideline Focus Area: Liveable Communities

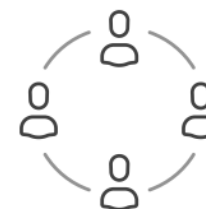
Create a sense of belonging

1. Deliver 2 community events per year which celebrate culture & diversity, are intergenerational and accessible for all.
2. Actively promote and encourage accessible community volunteering opportunities available within Council through recruitment drives and community education.
3. Develop and implement a recognition program for our volunteers to acknowledge their contribution in enhancing our community.
4. Create a program of 5 community activities each year which address and advocate for, key Social Issues relating to Youth, Seniors, Aboriginal & Torres Strait Islander, Disability and Homelessness, and are delivered in partnership with relevant Community organisations or groups.

Encourage and provide opportunities for members of the community to participate in activities to improve their quality of life.

Promote & support community-led initiatives

1. Promote and support accessible and inclusive community events and programs which enable the whole community to be well connected and lead a full valued life through our Community Grants Program.
2. Review, maintain and promote the Community Directory to ensure residents have access to information and support they need.



An accepting community

DIAP Guideline Focus Area: Attitudes and Behaviours

Support & celebrate our diverse community

1. Promote positive attitudes and behaviours through promotion and education of key significant dates that recognise and celebrate our communities diversity.
2. Develop, implement and deliver our Reconciliation Action Plan.
3. Assist with encouraging an increased youth voice across all diversity groups in the community.

Create a connection between Council and community through partnerships

1. Establish an Inclusion Stakeholder Network with local service providers to provide information to and gain feedback from, on key community issues which will help with identifying the gaps in our community to assist in future planning.
2. Develop meaningful and genuine working relationships with the Marrungbalbu Group and Local Aboriginal Land Councils to ensure we have a good understanding of Country and Culture in our Community.
3. Establish strong relationships with key stakeholders such as schools, Police and relevant organisations to address key social issues.

Support opportunities which enhance social cohesion through connecting people from diverse backgrounds, building unity and reducing inequity.



A liveable community

DIAP Guideline Focus Area: Liveable Communities

Create a community where residents feel safe and welcome

1. Review and implement our Social Impact Assessment Policy to use when assessing licensing, development and project applications to ensure and potential negative social issues are identified.
2. Develop, Implement and maintain the Graffiti Management Plan and Graffiti Vandalism Reward Scheme to help reduce and discourage graffiti vandalism.
3. Ensure people living with disability are given the opportunity to connect with people and participate within the community through activities, programs & events.

Ensure continual improvement in access to public spaces, buildings and infrastructure for all

1. Conduct 4 accessibility audits on Council-owned property per year, including building, facilities and outdoor spaces to ensure people with disability have access to community facilities and spaces.
2. When upgrading, maintaining or renewing Council-owned assets, ensure any accessibility issues are identified, investigated and considered in the planning stage.
3. Encourage an holistic approach to community, where projects, programs and activities are developed to ensure they are accessible and inclusive and will benefit the wellbeing of the wider community.

Create a community that has accessible facilities, and offers opportunities for everyone to participate in activities.



A resilient community

DIAP Guideline Focus Area: Systems and Processes

Support our community during emergencies

1. Develop, implement and review Community Emergency Response Plans annually for our communities and ensure that the information is accessible for all residents.
2. Keep emergency information up to date and continue to educate the community to enable them to be prepared for and respond in times of emergency.

Empower our community through skills development

1. Ensure our Community Grants Program is accessible for all and encourage not-for-profit community groups to apply for funding to support projects that enhance community, people, places and spaces.
2. Build the capacity of community groups by facilitating workshop opportunities each year to help develop their skills.

Ensure accessible ways for community to interact with Council are available

1. Identify ways to engage people with disability to facilitate community involvement in and understanding of our decision making.
2. Review and update accessibility resources, brochures and maps annually where appropriate and ensure they are available in accessible formats.

Create a resilient community by enabling them to respond to, withstand, and recover from adverse situations.



A community leader

DIAP Guideline Focus Area: Employment

Actively promote respectful, safe and responsive work cultures

1. Investigate the opportunity for us to provide Council employee working arrangements which facilitate volunteering in the community.
2. Promote positive attitudinal and behavioural change amongst Council staff by creating opportunities for greater awareness of inclusion and accessibility practices.
3. Develop and implement a plan to deliver Cultural Awareness training to all Council staff to enhance staff understanding of different cultures.

Create an accessible, inclusive and diverse workforce

1. Promote and encourage a diverse workforce by exploring the current gaps within Council and investigate the ability of having targeted positions.
2. Investigate ways to make diversity, accessibility and inclusion a key consideration for strategic workforce planning.
3. Ensure education around Council being an inclusive workforce is integrated into all staff inductions.

Lead the way in fostering a better awareness of the lived experiences of people from various cultures, backgrounds and abilities.



Next steps

Monitoring, review and reporting

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.

Funding the plan

Many of the actions within this new plan are a continuation or improvement of our business as usual, and therefore will be in the budget allocation. Where actions do require additional funds, we will consider all priorities and may apply for funding from external bodies to help achieve the actions in the plan.



Contact us

We welcome the opportunity to hear if you have any questions, feedback or if you require a copy of the plan.

You can contact Council regarding this plan:

Phone us:

(02) 6581 8111 (Monday-Friday 8am to 5pm)

Email us:

community.inclusion@pmhc.nsw.gov.au

Visit us online:

pmhc.nsw.gov.au

Visit us in person:

17 Burrawan Street, Port Macquarie, NSW, 2444

49 High Street, Wauchope, NSW 2446

9 Laurie Street Laurieton, NSW, 2443

Monday- Friday 8:30am to 4:30

Mail us:

PO Box 84, Port Macquarie, NSW Australia 2444

National Relay Service:

Number: 1300 555 727

TTY number: 133 677

SMS relay number: 0423 677 767

ENGAGEMENT SUMMARY

Draft Community Inclusion Plan

Background

The draft Community Inclusion Plan sets out Council's objectives, and proposed plan of action in developing a socially just, resilient, connected, inclusive, liveable and engaged community. At the 21 April Ordinary Council Meeting, Council resolved to place the draft Community Inclusion Plan on Public Exhibition for 28 days to provide the community an opportunity to share their thoughts and provide feedback.

Engagement approach

The engagement approach was to *consult* with the community, with any submissions received to be considered.

Engagement activities



Have Your Say

The draft Community Inclusion Plan was placed on Have Your Say for public comment from Friday 29 April 2022 to Friday 27 May 2022.

The community was invited to share their thoughts via an online survey. Respondents could attach images or documents to support their views.



Have Your Say eNews

The draft Community Inclusion Plan was promoted in the Have Your Say e-newsletter on Tuesday 24 May 2022.

This newsletter is distributed to 4025 recipients and was opened by 1756 people (44%). 259 recipients clicked through to open the draft plan and 47 recipients clicked through to the Have Your Say webpage from the newsletter.

Draft Community Inclusion Plan



At Port Macquarie-Hastings Council's Ordinary Council Meeting held on 21 April 2022, Council resolved to place the Draft Community Inclusion Plan on exhibition for a period of 28 days.

Council values and respects our diverse community and recognise 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 help do this, we have created this **draft Community Inclusion Plan (CIP)**, which sets out Council's objectives, and proposed plan of action to help develop a socially just, resilient, connected, inclusive, liveable and engaged community - a community that respects the rights of all people and encourages self-determination and equity.

The CIP has 5 key strategic outcome areas:

- A **CONNECTED** Community: Encourage and provide opportunities for members of the community to participate in activities to improve their quality of life.
- An **ACCEPTING** community: Support opportunities which enhance social cohesion through connecting people from diverse backgrounds, building unity and reducing inequity.
- A **LIVEABLE** Community: Create a community that has accessible facilities, and offers opportunities for everyone to participate in activities.
- A **RESILIENT** Community: Create a resilient community by enabling them to respond to, withstand, and recover from adverse situations.
- A Community **LEADER**: Lead the way in fostering a better awareness of the lived experiences of people from various cultures, backgrounds and abilities.



Have Your Say

Submissions can be made by

- review the **Draft Community Inclusion Plan** and complete the **submission form** below;
- emailing to gaunc@pmhcs.nsw.gov.au; or
- posting to:



#EngagePMH
UPDATE

have your say

Dear

Draft Community Inclusion Plan Public Exhibition is Closing Soon!

Council is committed supporting our community by supporting participation and well-being, celebrating diversity and reducing disadvantage.

We have created a **draft Community Inclusion Plan (CIP)**, which sets out our objectives, and proposed plan of action and we want to hear from you.

The Plan will help develop a socially just, resilient, connected, inclusive, liveable and engaged community - a community that respects the rights of all people and encourages self-determination and equity.

ENGAGEMENT SUMMARY

Have Your Say

The following graph summarises user activity on the Have Your Say project page throughout the exhibition period. The draft community inclusion plan was downloaded 233 times and 12 submissions were made on the draft plan.

Visitors Summary



Results/Conclusion

The following points provide a summary of the responses received through Have Your Say.

- Resilience section should include the impacts of climate change and a commitment to mitigation and adaption measures required to address these impacts.
- Resilience needs to include a plan for assistance following disasters such as a 'Guide to helping after a flood' for immediate steps.
- Council should support the tidal pool as this will create employment opportunities for youth and will be a great resource for seniors.
- Draft plan needs to extend focus to all members of the community for all activities and initiatives.
- Intergenerational events should be considered.
- Many people with a disability, particularly psychosocial disabilities, are ideal volunteer candidates and should be utilised to their full potential.
- Extensive cultural education is needed for Council and the community
- Concern that some issues (e.g. homelessness) are being overlooked and other groups focused on too much.
- More community events should be included
- Definition of community inclusion is too restricted and limited - should apply to every person in the LGA and not 'topical elements of society'.

ENGAGEMENT SUMMARY

- Draft plan should include equal, equitable, consistent and transparent service levels for all areas of the LGA
- Inclusion of Community Plans in draft plan to 'support and encourage community led initiatives'.

Of the twelve responses, four were not in relation to this draft plan and detailed the need for improved roads, drainage, ferry services and environments.

Next Steps

A report detailing the submissions received will be provided to Council at the June 2022 Ordinary Council Meeting.

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Adjustments which impact Council's Budget Position											
Operational budget changes brought to account.											
Street Lighting	11221	Sundry Income - Street Lighting	Operating		0	-10,429	-27,656	-27,656	17,227	Revenue	17,227
Street Lighting	352	Street Lighting	Operating		1,168,044	1,168,044	913,368	1,128,044	40,000	Revenue	40,000
Development Contributions	177	Development Contributions Planning Consultants	Operating		75,225	75,225	21,457	27,688	47,537	Revenue	47,537
Development Contributions	10310	Overhead Income	Operating		-640,741	-640,741	-587,346	-619,349	-21,392	Revenue	-21,392
Landuse Planning	260	Strategic Landuse	Operating		722,203	722,203	340,037	639,703	82,500	Revenue	82,500
Building Certification	10730	Building Certification Revenue	Operating		-1,792,442	-1,792,442	-1,847,828	-1,987,442	195,000	Revenue	195,000
Development Engineering	11130	Development Engineering Income	Operating		-760,179	-760,179	-650,954	-710,179	-50,000	Revenue	-50,000
Development Assessment Planning	10790	Development Assessment Income	Operating		-1,308,653	-1,308,653	-1,527,276	-1,558,653	250,000	Revenue	250,000
Development Assessment Administration	10755	Development & Environment Management Income	Operating		-89,868	-89,868	-49,647	-121,868	32,000	Revenue	32,000
Procurement & Stores	10875	Procurement Income	Operating		-16,000	-16,000	-27,441	-27,441	11,441	Revenue	11,441
Procurement & Stores	10930	Overhead Income	Operating		-977,351	-977,351	-835,381	-974,260	-3,091	Revenue	-3,091
Cemeteries	10150	Cemeteries Income	Operating		-223,481	-223,481	-276,095	-287,481	64,000	Revenue	64,000
Cemeteries	126	Cemeteries Expenditure	Operating		222,419	222,419	283,224	286,419	-64,000	Revenue	-64,000
Parks & Recreation	486	Area A Parks & Gardens	Operating		2,141,997	2,141,997	1,788,814	2,051,997	90,000	Revenue	90,000
Parks & Recreation	487	Area B Parks & Gardens	Operating		1,652,501	1,652,501	1,435,684	1,609,501	43,000	Revenue	43,000
Lifeguard & Beach Services	457	Beach Maintenance	Operating		68,300	68,300	137,195	142,300	-74,000	Revenue	-74,000
Community Inclusion	407	Place Facilitators	Operating		53,350	53,350	20,100	21,350	32,000	Revenue	32,000
Community Inclusion	401	Community Plan Development	Operating		25,000	25,000	0	2,000	23,000	Revenue	23,000

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Insurance & Risk	10885	Insurance Income	Operating		-30,000	-30,000	0	0	-30,000	Revenue	-30,000
Insurance & Risk	10886	Overhead Income	Operating		-556,967	-572,713	-510,553	-590,209	17,496	Revenue	17,496
Governance	320	Council Election	Operating		650,000	650,000	578,267	632,000	18,000	Revenue	18,000
Governance	284	Governance	Operating		364,013	311,988	262,778	291,988	20,000	Revenue	20,000
Governance	11225	Overhead Income	Operating		-5,609,082	-5,609,082	-5,141,658	-5,586,920	-22,162	Revenue	-22,162
Governance & Executive	321	Legal Fees	Operating		291,626	291,626	161,861	241,626	50,000	Revenue	50,000
Governance & Executive	10990	Overhead Income	Operating		-864,099	-864,099	-792,091	-834,939	-29,160	Revenue	-29,160
Community Planning & Environment	10785	Apprentices Rebate Income	Operating		0	-12,916	-19,790	-19,790	6,874	Revenue	6,874
Business & Performance Management	323	Consultancies	Operating		0	0	240,934	210,000	-210,000	Revenue	-210,000
Business & Performance Management	10430	Overhead Income	Operating		-960,830	-960,830	-880,761	-986,133	25,303	Revenue	25,303
Human Resources	296	General Human Resource Management	Operating		1,066,381	1,066,381	976,361	1,186,381	-120,000	Revenue	-120,000
Learning & Development	331	Learning & Development	Operating		863,512	863,512	333,130	563,512	300,000	Revenue	300,000
To bring to account budget adjustments for salaries.											
Corporate Reporting & IP&R	247	Intergrated Planning Reporting	Operating		343,686	318,686	249,188	296,686	22,000	Revenue	22,000
Corporate Reporting & IP&R	10555	Overhead Income	Operating		-752,894	-738,314	-690,153	-725,484	-12,830	Revenue	-12,830
Office of the CEO	398	Allowance for Vacancies	Operating		-300,000	-185,000	-185,000	0	-185,000	Revenue	-185,000
Office of the CEO	280	Office of the CEO	Operating		766,559	866,634	826,709	836,634	30,000	Revenue	30,000
Office of the CEO	10950	Overhead Income	Operating		-309,877	-324,457	-284,054	-414,853	90,396	Revenue	90,396
Community Infrastructure Management	443	Community Infrastructure Management	Operating		410,218	410,218	588,458	630,218	-220,000	Revenue	-220,000
Community Infrastructure Management	11530	Overhead Income	Operating		-458,818	-458,818	-420,583	-496,283	37,465	Revenue	37,465

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Drainage	569	Stormwater Management	Operating		657,530	657,530	486,982	595,530	62,000	Revenue	62,000
Infrastructure Planning	346	Infrastructure Planning Management	Operating		1,154,193	1,154,193	854,471	1,012,193	142,000	Revenue	142,000
Infrastructure Planning	355	Traffic Engineering	Operating		385,072	385,075	60,174	113,075	272,000	Revenue	272,000
Infrastructure Planning	10541	Overhead Income	Operating		-2,125,130	-2,125,130	-1,948,036	-2,088,913	-36,217	Revenue	-36,217
Community Utilities Management	231	Community Utilities Management	Operating		482,407	400,533	369,604	375,533	25,000	Revenue	25,000
Community Utilities Management	10515	Overhead Income	Operating		-550,075	-550,075	-504,235	-528,825	-21,250	Revenue	-21,250
Utilities Operations Management	544	Utilities Operations Management	Operating		0	134,944	79,950	100,944	34,000	Revenue	34,000
Utilities Operations Management	10540	Overhead Income	Operating		0	-134,944	0	-104,344	-30,600	Revenue	-30,600
Development Contributions	178	Development Contributions Team	Operating		450,124	450,124	280,272	329,124	121,000	Revenue	121,000
Development Contributions	10310	Overhead Income	Operating		-640,741	-640,741	-587,346	-586,291	-54,450	Revenue	-54,450
Landuse Planning	260	Strategic Landuse	Operating		722,203	639,703	340,037	409,703	230,000	Revenue	230,000
Strategic Planning	154	Strategic Planning	Operating		639,271	639,271	372,305	535,271	104,000	Revenue	104,000
Strategic Planning	10490	Overhead Income	Operating		-712,703	-712,703	-653,311	-652,050	-60,653	Revenue	-60,653
Building Certification	236	Building Certification Expenses	Operating		1,435,389	1,435,389	1,086,292	1,290,389	145,000	Revenue	145,000
Development Engineering	336	Engineering Development	Operating		850,019	850,019	910,555	988,019	-138,000	Revenue	-138,000
Development Assessment Planning	255	Development Assessment Planning	Operating		1,077,330	1,077,330	1,309,646	1,308,330	-231,000	Revenue	-231,000
Development Assessment Administration	402	Development Assessment Administration	Operating		435,106	359,320	419,448	456,320	-97,000	Revenue	-97,000
Infrastructure & Recreation Operations	344	Infrastructure Operations Management	Operating		289,924	289,924	215,223	249,924	40,000	Revenue	40,000
Infrastructure & Recreation Operations	10560	Overhead Income	Operating		-1,411,840	-1,411,840	-1,294,183	-1,410,674	-1,166	Revenue	-1,166
Procurement & Stores	274	Store Clerical Function	Operating		77,815	77,815	0	0	77,815	Revenue	77,815

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Procurement & Stores	328	Procurement	Operating		493,395	493,395	461,517	443,395	50,000	Revenue	50,000
Procurement & Stores	10930	Overhead Income	Operating		-977,351	-977,351	-835,381	-942,815	-34,536	Revenue	-34,536
Library	218	Library	Operating		1,802,605	1,814,839	1,461,773	1,694,839	120,000	Revenue	120,000
Community Inclusion	406	Community Place	Operating		436,085	426,085	307,597	396,085	30,000	Revenue	30,000
Education	403	Community Education	Operating		331,073	291,073	137,309	191,073	100,000	Revenue	100,000
Education	10996	Overhead Income	Operating		-401,329	-401,329	-367,885	-364,570	-36,759	Revenue	-36,759
Business & Performance Management	181	Business & Performance Management	Operating		892,704	657,824	786,388	887,824	-230,000	Revenue	-230,000
Business & Performance Management	10430	Overhead Income	Operating		-960,830	-960,830	-880,761	-988,542	27,712	Revenue	27,712
Budget adjustment required for emergency structural repair works at Rawdon Island Bridge. (Water & Sewer dividend as reported to Council at Ordinary Council Meeting on 19 May 2022).											
Transport & Traffic	42226	Rawdon Island Bridge Structural Repairs	Capital	Community Utilities	0	1,200,000	7,297,967	7,500,000	-6,300,000	Revenue/ Reserve	-1,112,500
Transport & Traffic	19349	Transfer From Reserve	Capital		-3,408,283	-1,317,468	0	-4,464,128	3,146,660	Reserve	0
Water & Sewer	19300	Dividend from Water & Sewer Funds	Capital		0	0	0	-2,040,840	2,040,840	Reserve	0
Total Adjustments which impact Council's Budget Position									0		0
Grants & Other Funding											
Council has received a grant from NSW Office for Regional Youth.											
Community Inclusion	42306	2022 Winter Holiday Break Youth Program	Operating	Community Planning & Environment	0	0	0	7,000	-7,000	Grant	0
Community Inclusion	19151	Operating Grants	Operating		0	-44,786	-29,786	-51,786	7,000	Grant	0

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Additional grant funding received from Transport for NSW for Caravan Safety, a Road Safety project.											
Infrastructure Planning	42246	Caravan Safety	Operating	Community Infrastructure	0	2,000	2,937	8,516	-6,516	Grant/Revenue	-1,600
Infrastructure Planning	19331	Operating Grants	Operating		0	-10,000	-12,692	-14,916	4,916	Grant	0
Infrastructure Planning	354	Road Safety Officer	Operating		113,728	112,728	93,613	111,128	1,600	Revenue	1,600
To recognise grant funding received for the Port Macquarie Airport under the Regional Airport Screening Infrastructure program.											
Airport	42173	Airport Enhanced Security Screening	Capital	Business & Performance	0	0	175,087	175,087	-175,087	Grant	0
Airport	19012	Capital Grants	Capital		0	-387,126	-383,725	-562,213	175,087	Grant	0
To recognise additional grant funding received for Artwalk 2022.											
Destination & Cultural Development	42111	Artwalk	Operating	Community Planning & Environment	111,763	149,374	123,876	222,008	-72,634	Grant	0
Destination & Cultural Development	19051	Operating Grants	Operating		-20,000	-20,000	-87,634	-92,634	72,634	Grant	0
Total Grants & Other Funding									259,637		0
Reserve Movements											
Transfer of Reserve funds required for Kew/Kendall Sewerage Pump Station #1 upgrade and works.											
Sewerage Services	30188	Kew/Kendall SPS #1 Upgrade & Associated Works	Capital	Community Utilities	0	0	0	400,000	-400,000	Reserve	0
Sewerage Services	19219	Transfer From Reserve	Capital		-4,666,154	-8,241,096	0	-8,641,096	400,000	Reserve	0
Transfer of Reserve funds required for Central Road and Barton Crescent works.											
Transport & Traffic	42302	Central Rd & Barton Cres - Road Rehabilitation	Capital	Community Infrastructure	0	0	0	1,150,000	-1,150,000	Reserve/ Revenue	-881,280
Transport & Traffic	41259	High Traffic Road Resurfacing	Capital		994,245	994,245	0	112,965	881,280	Revenue	881,280
Transport & Traffic	19346	S.711 Funding	Capital		0	-105,000	0	-373,720	268,720	Reserve	0

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Transfer of Reserve funds required for the Koala Road Strike Project.											
Natural Resources	41735	Koala Road Strike Project	Operating	Community Planning & Environment	150,000	105,497	105,653	146,648	-41,151	Reserve	0
Natural Resources	19239	Transfer From Reserve	Operating		-888,662	-600,753	0	-641,904	41,151	Reserve	0
Income from Beach Permits above budget. Transfer additional funds to Reserve.											
Lifeguard & Beach Services	11550	Beaches Income	Operating	Community Planning & Environment	-90,000	-120,000	-158,203	-158,203	38,203	Reserve	0
Lifeguard & Beach Services	9019	Transfer to Reserve	Operating		-120,000	150,000	0	188,203	-38,203	Reserve	0
Transfer of Reserve funds required for Markbuk Motorised Value Relocation works.											
Water Supply	29545	Marbuk Motorised Valve Relocation	Capital	Community Utilities	600,000	76,877	181,448	450,000	-373,123	Reserve	0
Water Supply	19229	Transfer From Reserve	Capital		-6,874,297	-7,521,204	0	-7,894,327	373,123	Reserve	0
Transfer of Reserve funds required for Transformation projects.											
Transformation	551	Transformation Projects	Operating	Office of the CEO	0	136,525	129,592	396,525	-260,000	Reserve	0
Transformation	10455	Transfer From Reserve	Operating		0	-136,525	0	-396,525	260,000	Reserve	0
Total Reserve Movements									1,381,197		0
Budget Variation Requests - Approved by Executive											
Budget Variation Request approved by Executive for Kennedy Drive Rehabilitation works.											
Transport & Traffic	42307	Kennedy Drive Road Rehabilitation	Capital	Community Infrastructure	0	0	0	1,625,375	-1,625,375	Revenue	-1,625,375
Transport & Traffic	662	Sealed Road Repairs	Operating		2,991,426	2,991,426	1,639,994	2,307,269	684,157	Revenue	684,157
Transport & Traffic	669	Capitalised Works - Maintenance	Operating		433,161	433,161	0	1,003	432,158	Revenue	432,158
Transport & Traffic	41465	Road Reseals - Capital	Capital		2,099,395	1,823,395	1,602,461	1,674,015	149,380	Revenue	149,380
Transport & Traffic	41494	Local Roads Proactive Transport Programme	Capital		365,000	365,000	0	5,320	359,680	Revenue	359,680

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Budget Variation Request approved by Executive for Airport Entrance road works.											
Airport	42310	Airport Entrance Road Resurfacing and Repairs	Capital	Business & Performance	0	0	0	44,856	-44,856	Reserve	
Airport	19019	Transfer From Reserve	Capital		-90,000	-90,000	0	-134,856	44,856	Reserve	
Budget Variation Request approved by Executive for Cairncross Waste Management Facility operations.											
Waste Disposal	745	Cairncross Waste Depot	Operating	Community Utilities	2,458,020	2,458,020	2,241,995	2,634,020	-176,000	Reserve	
Waste Disposal	19309	Transfer From Reserve	Operating		-4,460,000	-6,044,218	0	-6,220,218	176,000	Reserve	
Budget Variation Request approved by Executive for Bicentennial Walkway Stage 1 Project.											
PM Town Centre Masterplan	41471	Bicentennial Walkway	Capital	Community Planning & Environment	0	56,879	113,542	120,000	-63,121	Reserve	
PM Town Centre Masterplan	19359	Transfer From Reserve	Capital		0	-56,879	0	-120,000	63,121	Reserve	
Total Budget Variations Approved by Executive									1,909,352		
ORGANISATIONAL TOTAL - THIS REVIEW									3,550,186		
FORECAST FOR FINANCIAL YEAR ENDED 30 JUNE 2022											
Original Budget as at 1 July 2021				Balanced	0						
Plus: Adjustments											
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						
April Review				Surplus	368,428						
May Review				Balanced	0						
FORECAST FOR 30 JUNE 2022				Surplus	19,808						

BUDGET VARIATIONS - May 2022											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to May 2022	New Yearly Proposed Budget - May 2022	Movement	Funding Source	EFFECT ON FUNDING POSITION
Notes:	1	The result shown above is the general fund result. All surpluses/deficits in the water, sewerage and waste funds are transferred to/from reserves.									
	2	Reserve are internal restrictions that hold funds for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.									
	3	Council projects are funded from a variety of funding sources. Below is a definition of the various types of funding that are used to fund projects.									
		<i>Revenue - All funds that are generated through rates, annual charges, fees and charges, interest etc. These funds are untied and can be expended on any project that Council considers appropriate.</i>									
		<i>Grants - Government grants can either be monetary or otherwise and may be tied or untied. Tied grants are required to be used for a specific purpose such as the construction of a road. Untied grants may be applied for any purpose council considers appropriate.</i>									
		<i>Contributions - Contributions are non-reciprocal transfers to Council in the sense that Council is not required to give value in exchange for the contributions directly to the contributor. Examples are contributions given by ratepayers towards capital works in their vicinity.</i>									
		<i>Reserves - Reserves are internal restrictions held for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.</i>									
		<i>S7.11 and S64 Contributions - Section 7.11 of the NSW Environmental and Planning Act (1979) and section 64 of the Local Government Act (1993) provides NSW local government with a formal legal framework for levying developers for the provision of infrastructure, services and amenities - known as developer contributions.</i>									
	4	Some projects are funded by multiple funding sources, e.g. a capital project may be funded by s7.11 funds, grants and revenue. The effect on capital column will only show the revenue funding adjustment as the other types of funding will have an income line budget adjustment shown in the report.									



Monthly Investment Report

31 May 2022

 IMPERIUM MARKETS	<p>Imperium Markets Pty Ltd ABN: 87 616 579 527 Authorised Representative of Libertas Financial Planning Pty Ltd AFSL 429 718 Phone: +61 2 9053 2987 Email: michael.chandra@imperium.markets Level 9 Suite 06, 70 Phillip Street, Sydney NSW 2000</p>
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Executive Summary

Compliance

Compliance Measure	Within Policy Limits (Y/N)	Reason if Not Compliant
Term to Maturity	Yes – Compliant	n/a
Counterparty	Yes – Compliant	n/a
Credit Quality	Yes – Compliant	n/a

Performance

As at 31/05/2022	1m (actual)	1m (% p.a.)	FYTD (actual)	FYTD (% p.a.)
AusBond Bank Bill Index	0.03%	0.41%	0.05%	0.05%
Council's Portfolio[^]	0.13%	1.50%	1.42%	1.55%
Outperformance	0.10%	1.11%	1.37%	1.50%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Impact of COVID-19 to Council's Portfolio

COVID-19 has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. We provide a quick summary in this section.

The RBA cut rates to record lows on 3rd November 2020 to 0.10%, consistent with most global central banks resetting their official rates to emergency levels. As global markets transitioned to the recovery phase, supply chain issues has resulted in surging inflationary pressures. Longer-term bond yields have risen significantly in recent months as central banks reverse their easing policy measures (i.e. quantitative easing), whilst also flagging the potential to aggressive hike official interest rates to combat surging inflation. Importantly though when interpreting the stance of monetary policy, it is not just about the cash rate, but how broader financial conditions are influencing the economic outlook, **with markets now factoring the possibility of a recession as official rates move higher. The RBA lifted the official cash rate by 25bp to 0.35% on 4th May 2022 – the first time it has increased rates in over a decade.**

The biggest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits, which accounts for around ~89% of Council's total investment, and cash (~5% of the total investment portfolio). The biggest risk that PMHC has faced over the medium-longer term has not been the potential loss of capital (given all the banks are well capitalised and regulated by APRA), but the rapid loss of interest income as interest rates have plummeted.

Council's term deposit portfolio was yielding 1.53% p.a. as at 31/05/2022, with a weighted average duration of around 7123 days or ~1.95 years. **This average duration will provide some income protection against the low interest rate environment over the next 18 months.**

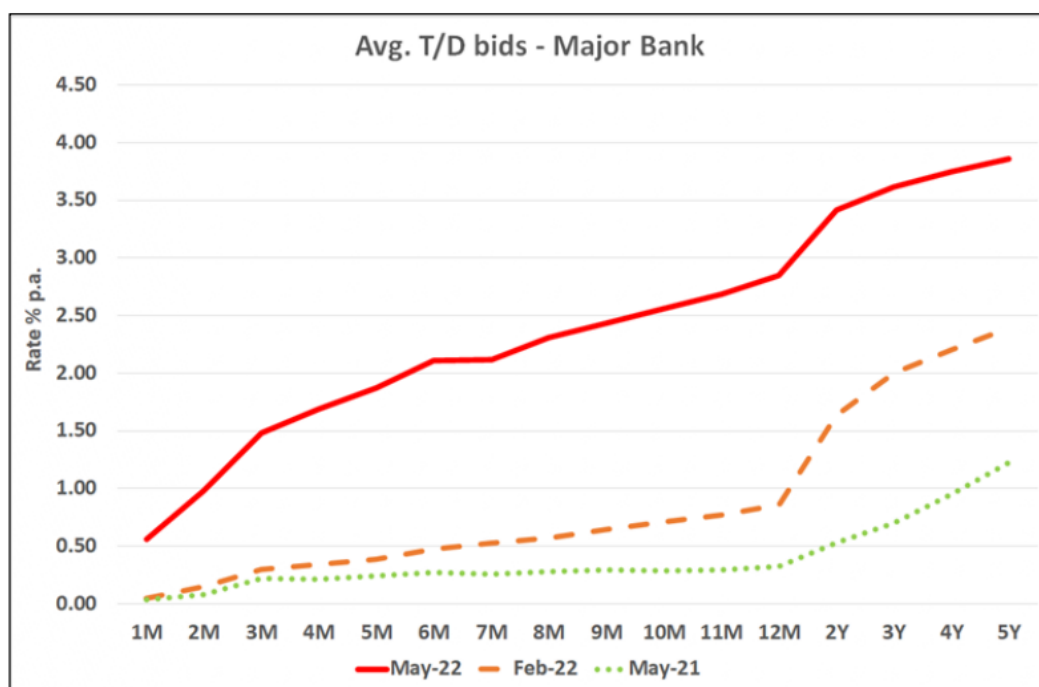
We note the current interest rates in the term deposit market:

- The highest deposit rate from any rated ADI in the market is now ~4.25% p.a. for 5 years;



- The highest deposit rates amongst the “AA-” rated ADIs (major banks) is now yielding between 2.85%-3.90% p.a. (depending on terms between 12m – 5 years);
- The highest deposit rates amongst the “A” rated ADIs was yielding between 3.15%-4.25% p.a. (depending on terms between 12m – 5 years);
- The highest deposit rates amongst the “BBB” rated ADIs was yielding between 3.15%-4.20% p.a. (depending on terms between 12m – 5 years).

With markets factoring in additional rate hikes over coming months, this has seen a significant shift in longer-term deposit rates:



Source: Imperium Markets

‘New’ investments above 2½% p.a. now appears likely if Council can continue to place the majority of its surplus funds for terms of 12 months to 2 years.



Council's Portfolio

Asset Allocation

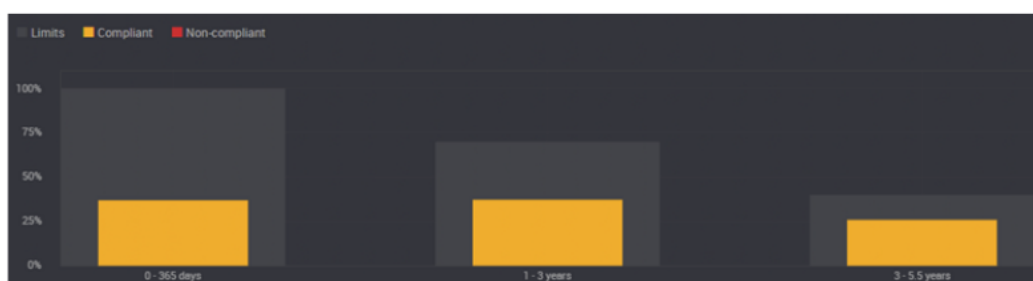
The portfolio is predominately directed to fixed term deposits (89.57%). The remainder of the portfolio is directed to fixed bonds with the Northern Territory Treasury Corporation (4.83%), the overnight cash account with Westpac (4.87%) and the single FRN with Bendigo-Adelaide (0.73%).

Senior FRNs are now becoming more attractive as spreads have widened in recent months – new issuances should now be considered again on a case by case scenario. In the interim, fixed deposits for 12 months to 2 years appear quite appealing following the spike in longer-term rates in recent months.



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-3 years) assets account for around 37% of the total investment portfolio, with capacity of around \$136m remaining. Future investments should be directed to the 1-3 year horizon as this is where we currently see the best value.



Where there is (counterparty) capacity to invest in attractive 1-3 year investments, we recommend this be allocated to new any remaining attractive fixed term deposits (refer to respective sections below).



Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$152,683,848	36.91	0	100	\$261,005,418
✓	1 - 3 years	\$154,005,418	37.23	0	70	\$135,577,068
✓	3 - 5.5 years	\$107,000,000	25.87	0	40	\$58,475,706
✓	5.5 - 10 years	\$0	0	0	10	\$41,368,927
		\$413,689,266	100.00%			

Counterparty

As at 30 May 2022, Council did not have an overweight position to any single ADI. Overall, the portfolio is diversified across the investment grade credit spectrum (rated BBB- or higher), with no exposure to unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	NAB	AA-	\$74,000,000	17.89%	30.00%	\$50,106,780
✓	Northern Territory	AA-	\$20,000,000	4.83%	30.00%	\$104,106,780
✓	Westpac	AA-	\$85,683,848	20.71%	30.00%	\$38,422,932
✓	Rabobank Australia	A+	\$8,000,000	1.93%	20.00%	\$74,737,853
✓	ICBC Sydney	A	\$68,000,000	16.44%	20.00%	\$14,737,853
✓	ING Bank	A	\$42,500,000	10.27%	20.00%	\$40,237,853
✓	Australian Military	BBB+	\$10,500,000	2.54%	10.00%	\$30,868,927
✓	Australian Unity	BBB+	\$6,000,000	1.45%	10.00%	\$35,368,927
✓	BOQ	BBB+	\$33,000,000	7.98%	10.00%	\$8,368,927
✓	Bendigo and Adelaide	BBB+	\$3,005,418	0.73%	10.00%	\$38,363,509
✓	AMP Bank	BBB	\$10,000,000	2.42%	10.00%	\$31,368,927
✓	Auswide Bank	BBB	\$10,000,000	2.42%	10.00%	\$31,368,927
✓	MyState Bank	BBB	\$23,000,000	5.56%	10.00%	\$18,368,927
✓	P&N Bank	BBB	\$19,000,000	4.59%	10.00%	\$22,368,927
✓	Coastline CU	Unrated	\$1,000,000	0.24%	5.00%	\$19,684,463
			\$413,689,266	100.00%		

Effective March 2022, ME Bank formally relinquished its banking (ADI) licence with APRA, following its acquisition by BoQ in mid-2021. All ME Bank assets are now part of its parent company, BoQ.

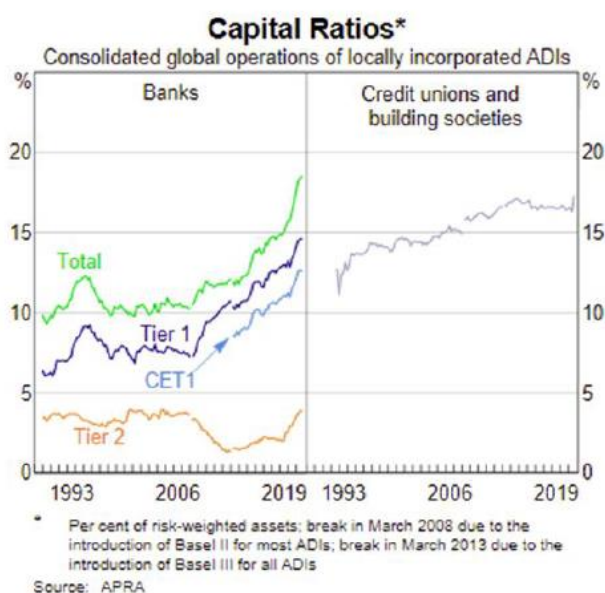
We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

RBA Governor Lowe has commented that they have not seen any signs of stress in the financial system and that unlike during the GFC, the banks (all ADIs) now have cash, are well capitalised and have acted as “shock absorbers” during the pandemic.



Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be continued going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to "protect depositors" and provide "financial stability".**





Fossil Fuel Investments

What is Council's current exposure to institutions that fund fossil fuels?

Using the following link <http://www.marketforces.org.au/banks/compare>, based on the Council's investment portfolio balance as at 31/05/2022 (\$413.69m), we can roughly estimate that ~64% of the investments have some form of exposure.

How would Council modify its Investment Policy to cater for divestment of fossil fuels?

If the major banks were withdrawn from investments, some members of the community may look at that remaining list of ADIs (banks) and say *"Why the do we have all our money with those no-name institutions? I've never even heard of them. We don't want to take risks with our money after councils lost \$100's of millions speculating in the GFC"*. It will be difficult to please everyone. We suggest starting the discussion with all Councillors asking *"are you comfortable investing all the money with the lower rated regionals and credit unions?"* If not, then a full divestment campaign will be complicated.

Some ways to potentially 'make changes' to the policy, or at least have a discussion, includes:

- *"Where possible within policy and without compromising the risk and return profile, we favour..."*
- *"We have not yet made a decision to divest because it will have implications on credit quality, ratings and income, but we are actively discussing..."*

What would be implications on our portfolio credit rating?

By adopting a free fossil fuel policy or an active divestment strategy, this would eliminate the major banks rated "AA-" as well as some other "A" rated banks (AMP, BoQ and ING). Council would be left with a smaller sub-sector of banks to choose to invest with.

What would be risks and implications on Council's portfolio performance?

Some implications include:

- High concentration risk – limiting Council to a selected number of banks;
- Increased credit/counterparty risk;
- May lead to a reduction in performance (most of the senior FRN issues are with the higher rated ADIs) which could result in a significant loss of income generated – could be in excess of hundreds of thousands of dollars per annum;
- Underperformance compared to other Councils.

It may be contrary to Council's primary objective to preserve capital as the investment portfolio's risk would increase (all things being equal). Council may not be maximising its returns – this is one of the primary objectives written in the Investment Policy.



Council's exposure is summarised as follows:

Counterparty	Credit Rating	Funding Fossil Fuel
NAB	AA-	Yes
NTTC	AA-	Yes
WBC (St George)	AA-	Yes
Rabobank	A+	No
ICBC, Sydney	A	No
ING Bank Australia	A	Yes
Australian Military	BBB+	No
Australian Unity	BBB+	No
BoQ	BBB+	Yes
Bendigo-Adelaide	BBB+	No
AMP	BBB	Yes
Auswide	BBB	No
MyState Bank	BBB	No
P&N Bank	BBB	No
Coastline CU	Unrated	No

Source: <https://www.marketforces.org.au/info/compare-bank-table/>

Funding Fossil Fuel	Amount	Invested %	Wgt. Avg. Yield % p.a.
Yes	\$265,183,848	64%	1.32%
No	\$148,505,418	36%	1.70%
Total / Wgt. Avg.	\$413,689,266	100%	1.45%



T/D Rates Before & After COVID

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA since mid-2020¹, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of PMHC. Given the higher rated banks had more capacity to lend (as they have a greater pool of borrowers), they subsequently were offering relatively attractive deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. This is why PMHC has invested a higher proportion of deposit investments with the higher rated (A or AA) banks over the past two years.

Pre-pandemic, PMHC locked in higher yields with the BBB rated banks given they were generally offering higher rates than the higher rated banks (a 'normal' market). Currently, the 2019 investments placed with the BBB category is still averaging close to 2% p.a. This is the reason why the BBB category's current yield is still higher than the higher rated banks - it is largely driven by the investments placed prior to the pandemic.

Going forward however, with the RBA now removing these cheap borrowing facilities, this has meant the lower rated banks (BBB rated) have started to become more competitive as the market starts to 'normalise'. PMHC will have a larger opportunity to start investing a higher proportion of its surplus funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry.

¹ The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



Credit Quality

The portfolio remains diversified from a credit ratings perspective. The portfolio is mainly directed to the investment grade ADIs (BBB- or higher), with a minimal investment placed with the local credit union (unrated ADI). There is high capacity to invest in the higher rated ADIs (A or higher), particularly after the downgrades of BoQ and Bendigo-Adelaide Bank in May 2017.

There is currently sufficient capacity to invest with the “BBB” rated ADIs (~\$30.2m remaining as at the reporting date). From a ratings perspective, the “BBB” rated banks now generally dominate the number of ADIs issuing deposits within the investment grade space. There has been further signs of appetite developing in the wholesale deposit market as additional lower rated (“BBB” and unrated) ADIs have come to market to raise ‘new’ money. Over the coming year, we may start to see a more ‘normalised’ environment where the lower rated banks start to offer higher rates compared to the higher rated banks as the competition for deposits grow. As more of these banks become more competitive for funds, Council may look to allocate additional funds amongst this sector, particularly with those ADIs that are not lending to the Fossil Fuel industry.

If there are any attractive deposits being offered in the “BBB” rated sector (outside of BoQ, which Council is close to maximum limits), we will inform Council to take advantage and invest accordingly.

All ratings categories are within the current Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$179,683,848	43.43%	100%	\$234,005,418
✓	A Category	\$118,500,000	28.64%	60%	\$129,713,560
✓	BBB Category	\$114,505,418	27.68%	35%	\$30,285,825
✓	Unrated ADIs	\$1,000,000	0.24%	5%	\$19,684,463
		\$413,689,266	100.00%		



Performance

Council's performance for the period ending 31 May 2022 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year	2 years	3 years
Official Cash Rate	0.03%	0.05%	0.07%	0.11%	0.12%	0.14%	0.34%
AusBond Bank Bill Index	0.03%	0.02%	0.04%	0.05%	0.05%	0.06%	0.36%
Council's T/D Portfolio	0.13%	0.38%	0.75%	1.44%	1.59%	1.85%	2.15%
Council's FRN Portfolio	0.09%	0.28%	0.55%	1.01%	1.11%	1.07%	-
Council's Bond Portfolio	0.10%	0.30%	0.60%	-	-	-	-
Council's Portfolio[^]	0.13%	0.37%	0.74%	1.42%	1.57%	1.84%	2.14%
Outperformance	0.10%	0.35%	0.70%	1.37%	1.52%	1.79%	1.78%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Performance (% p.a.)	1 month	3 months	6 months	FYTD	1 year	2 years	3 years
Official Cash Rate	0.35%	0.18%	0.14%	0.12%	0.12%	0.14%	0.34%
AusBond Bank Bill Index	0.41%	0.09%	0.07%	0.05%	0.05%	0.06%	0.36%
Council's T/D Portfolio	1.52%	1.50%	1.52%	1.57%	1.59%	1.85%	2.15%
Council's FRN Portfolio	1.11%	1.11%	1.11%	1.10%	1.11%	1.07%	-
Council's Bond Portfolio	1.20%	1.20%	1.20%	-	-	-	-
Council's Portfolio[^]	1.50%	1.48%	1.50%	1.55%	1.57%	1.84%	2.14%
Outperformance	1.09%	1.39%	1.43%	1.50%	1.52%	1.78%	1.78%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

For the month-to-date period ending 31 May 2022, the total portfolio (excluding cash) provided a solid return of +0.13% (actual) or +1.50% p.a. (annualised), easily outperforming the benchmark AusBond Bank Bill Index return of +0.03% (actual) or +0.41% p.a. (annualised). Over the past year, the portfolio returned a very strong +1.57% p.a., outperforming bank bills by 1.52% p.a.

The strong performance continues to be driven by the handful of deposits still yielding above 3% p.a. However, some of these individual deposits are approaching maturity and will be reinvested at much lower prevailing rates.

We are pleased that PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, more than \$3,000,000 in additional interest income compared to its peers (refer to our March 2022 rankings). We have been pro-active in our advice about protecting interest income and addressing reinvestment risk for many years and encouraged to maintain a long duration position. This is now reflected by the high performance of the investment portfolio. Of the 98 individual deposits PMHC held, 20 are still yielding higher than 2% p.a. That is, around 20% of outstanding deposits held is earning an interest rate that is around 6 times the prevailing cash rate of 0.35%.



Council's Term Deposit Portfolio & Recommendation

As at 31 May 2022, Council's deposit portfolio was yielding 1.53% p.a. (up 1bp from the end of the previous month), with an average duration of ~1.95 years. Where possible, we recommend Council maintains this weighted average duration. With an upward sloping deposit curve, investors are rewarded if they can continue to maintain a longer average duration.

As the past decade or so has highlighted (post-GFC era), we have seen too many portfolios overpay for liquidity and generally not insured themselves by diversify their funding across various tenors. Those investors that can maintain a weighted average duration of +12-18 months are likely to yield, on average, up to ½-1% p.a. higher than those investors who maintain a weighted average duration of less than 6-9 months.

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
BoQ/ME Bank	BBB+	3 years	3.90% p.a.
Australian Unity	BBB+	3 years	3.90% p.a.
ICBC, Sydney	A	3 years	3.83% p.a.
MyState	BBB	3 years	3.80% p.a.
ING	A	2 years	3.76% p.a.
BoQ/ME Bank	BBB+	2 years	3.70% p.a.
Australian Unity	BBB+	2 years	3.65% p.a.
ICBC, Sydney	A	2 years	3.60% p.a.
MyState	BBB	2 years	3.60% p.a.
CBA	AA-	2 years	3.49% p.a.
Westpac	AA-	2 years	3.45% p.a.

The above deposits are suitable for investors looking to maintain diversification and likely to lock-in a premium compared to purely investing short-term.



For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):

ADI	LT Credit Rating	Term	T/D Rate
ING	A	12 months	3.15% p.a.
BoQ/ME Bank	BBB+	12 months	3.15% p.a.
MyState	BBB	12 months	3.10% p.a.
CBA	AA-	12 months	2.95% p.a.
Suncorp	AA-	12 months	2.95% p.a.
AMP	BBB	12 months	2.90% p.a.^
Westpac	AA-	12 months	2.86% p.a.
ICBC	A	12 months	2.80% p.a.
Bendigo	BBB+	12 months	2.80% p.a.
NAB	AA-	12 months	2.75% p.a.

[^] AMP T/Ds – contact us to receive an additional 0.20% p.a. rebated commission on top of the rate shown above

Despite the expectations of further rate rises, we still believe there is better value in slightly longer dated terms of 18 months - 2 years. For those investors that do not require high levels of liquidity and can stagger their investments longer-term, they will be rewarded over coming years if they roll for an average min. term of 18 months - 2 years (this is where we current value), yielding, on average, up to ½%-1% p.a. higher compared to those investors that entirely invest in short-dated deposits.

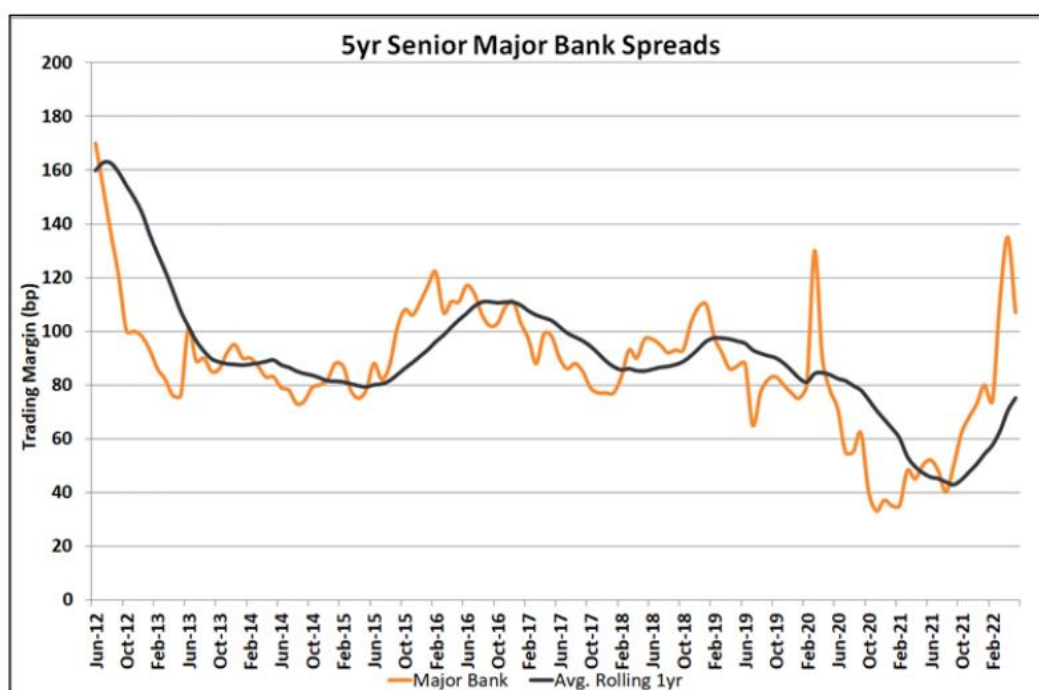


Senior FRNs & Recommendations

Over the period to 31 May 2022, amongst the senior major bank FRNs, physical credit securities tightened by up to 25-30bp at the long-end of the curve. During the month of May, there was a significant pick-up in primary issuances from the major banks, issuing senior securities as follows:

- ANZ (AA-) 3 year fixed and FRN at +77bp
- ANZ (AA-) 5 year FRN at +97bp
- WBC (AAA) 3 year fixed and floating covered security at +73bp
- WBC (AA-) 5 year FRN at +105bp
- NAB (AA-) 3 year fixed and FRN at +90bp

Major bank senior securities are now looking fairly attractive again in a rising rate environment:



Source: IBS Capital

Outside of the major banks, there were also noticeable senior issuances from:

- RACQ Bank (BBB+) 3 year senior FRN at +125bp
- ING (AAA) 3 year fixed and floating covered security at +78bp
- ING (AAA) 5 year fixed covered bond at 4.50% s.a.

Amongst the "A" and "BBB" rated sector, the securities tightened by around 25bp at the long-end of the curve over May.



Credit securities are looking much more attractive given the widening of spreads in recent months. FRNs will continue to play a role in investor's portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/05/2022	30/04/2022
"AA" rated – 5yrs	+107bp	+135bp
"AA" rated – 3yrs	+90bp	+115bp
"A" rated – 5yrs	+125bp	+150bp
"A" rated – 3yrs	+100bp	+125bp
"BBB" rated – 3yrs	+115bp	+140bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- On or before mid-2024 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2023 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

In late August 2019, Council placed a bid of \$3m into the new Bendigo (BBB+) 5 year FRN at +97bp maturing 06/09/2024 (ISIN: AU3FN0050019). This FRN should be viewed as a 3½-4 year holding period, with the ability to 'roll down the curve', realise capital gains which would boost the overall return of the investment portfolio. As at 31/05/2022, the security was marked around +88.4bp (from +87.0bp at the end of the previous month) or a capital price ~\$100.18 or unrealised capital gain of ~\$5k. We recommend Council holds this FRN at this stage.



Council's Senior Fixed Bond

During September 2021, Council placed parcels in NTTC (AA-) fixed bonds as follows:

Investment Date	Maturity Date	Principal	Rate % p.a. [^]	Remaining Term (Yrs)	Interest Paid
7/09/2021	15/12/2024	\$5,000,000	0.90%	2.55 yrs	Annually
14/09/2021	15/12/2025	\$5,000,000	1.10%	3.55 yrs	Annually
2/09/2021	15/12/2026	\$5,000,000	1.40%	4.55 yrs	Annually
7/09/2021	15/12/2026	\$5,000,000	1.40%	4.55 yrs	Annually
Totals / Wgt. Avg.		\$20,000,000	1.20%	3.80 yrs	

[^]Council will receive the full rebated commission of 0.25% (plus GST) on the face value of investment on all these parcels (currently totalling \$55,000).

We believe these investments were prudent at the time of investment given the low rate environment and especially after the rate cut delivered in early November 2020 and the RBA's forward guidance on official interest rates (no foreseeable rate rise during the middle of the pandemic).

The NTTC bonds are a 'retail' offering and not 'wholesale' issuances. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, they are considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures have emerged, this has seen a significant lift in longer-term bond yields (valuations fell) as markets have strongly factored in a tightening of global central bank policy measures (i.e. withdrawal of Quantitative Easing and lifting official interest rates).

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	1.28	3.00%	3.07%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	1.48	3.25%	3.12%
AU3CB0265403	Suncorp	AA-	Senior	30/07/2024	2.18	1.85%	3.69%
AU3CB0265593	Macquarie	A+	Senior	07/08/2024	2.20	1.75%	3.64%
AU3CB0265718	ING	AAA	Covered	20/08/2024	2.24	1.45%	3.66%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	2.26	1.55%	3.51%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	2.28	1.70%	3.74%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	2.43	2.00%	3.84%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	2.65	1.65%	3.65%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	2.66	1.65%	3.70%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	2.72	1.70%	3.84%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	2.81	2.70%	3.73%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	3.95	1.40%	4.38%
AU3CB0282358	ING	AAA	Covered	19/08/2026	4.24	1.10%	4.17%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	4.42	2.10%	4.37%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	4.67	2.40%	4.01%



Economic Commentary

International Market

Market focus continues to be on central banks and the extent of their rate hikes this cycle. Importantly though when talking about the stance of monetary policy, it is not just about the cash rate, but how broader financial conditions are influencing the economic outlook.

The US Federal Reserve delivered their expected 50bp rate rise during May, taking the target range to 0.75%- 1.00%. It was the first 50bp hike since 2000 and the first back-to-back rise since 2006. Fed Chair Powell acknowledged that 50bp hikes, *"are on the table for the next couple of meetings"*.

The US Fed FOMC Minutes revealed a broad consensus for 50bp hikes in June and July and the possibility for a pause later in the year.

The US the core PCE inflation dipped to +5.2% from +5.3%, marking the first decline since October 2020.

Europe inflation rose +7.5%y/y in April, in line with expectations, but the big surprise came from the core reading, jumping from +2.9%y/y in March to +3.5%y/y in April. The Eurozone unemployment rate declined to 6.8% in March from an upwardly revised 6.9%

The ECB is now aligned to start a rate hike process in July, with the market pricing in 3 x 25bp rises to +0.25% by December, but no 50bp moves.

The Bank of England raised its cash rate by 0.25% to 1.00%. Markets had priced some risk of a larger 50bp move, as 3 of 9 members voted in favour of 50bp.

The UK's unemployment rate fell to 3.7 % in Q1, the lowest level since 1974. Meanwhile, UK's headline CPI hit +9.0% y/y, 0.1% less than expected and up from +7.0% y/y in March. Core CPI rose to +6.2% from +5.7%, in line with expectations.

The RBNZ raised interest rates by 50bp to 2.00% as it tries to get a handle on inflation, while signalling the benchmark rate would peak at nearly 4% in the second half of next year and remain there into 2024.

There was ongoing concerns about COVID spreading and the risk of tighter containment measures being stoked by an increase in recorded cases in Beijing, which would exacerbate existing inflationary pressures.



Domestic Market

The RBA somewhat surprised markets by raising the official cash rate by 25bp to 0.35% (consensus 15bp to 0.25%). The Board commented it was, *"committed to doing what is necessary to ensure that inflation in Australia returns to target over time. This will require a further lift in interest rates over the period ahead"*. The RBA's forecast for underlying inflation is to have slowed only to 3% by mid-2024 even with an assumption of further increases in interest rates.

The wage price index (WPI) showed wages rose +0.7% q/q and +2.4% y/y in Q1, below consensus of +0.8% q/q.

The unemployment rate printed in line with expectations at 3.9%. That was a decline of 0.1% to 3.85% from a downwardly revised 3.93% in unrounded terms and is the lowest unemployment rate since 1974. The participation rate unexpectedly declined to 66.3% from 66.4% but remains near its record highs.

Retail sales rose +0.9% m/m in April (consensus +1.0%). Retail sales are now +22% above pre-pandemic levels and at their highest level ever.

Construction Work Done fell -0.9% q/q in Q1, below the +1.0% q/q rise expected.

Residential rents are rising with nationwide rents up +1.4% m/m after having increased by +2.4% in the previous month. Relative to a year ago, asking rents for Sydney houses are up +19.4% y/y and for Melbourne up +9.4% y/y.

Anthony Albanese was sworn as Australia's 31st prime minister. Federal Labor is reportedly confident of securing enough seats to govern in its own right even though the election delivered an historically large crossbench.

S&P noted the change of government itself had no effect on Australia's AAA rating, as long as the *"fundamentals, such as our projected fiscal recovery, that support the rating remain sound"*.

Credit Market

The global credit indices remained flat over the month, although widened significantly in Australia as the market prepares itself for a series of aggressive rate hikes. The indices are back to their levels experienced in mid-2020:

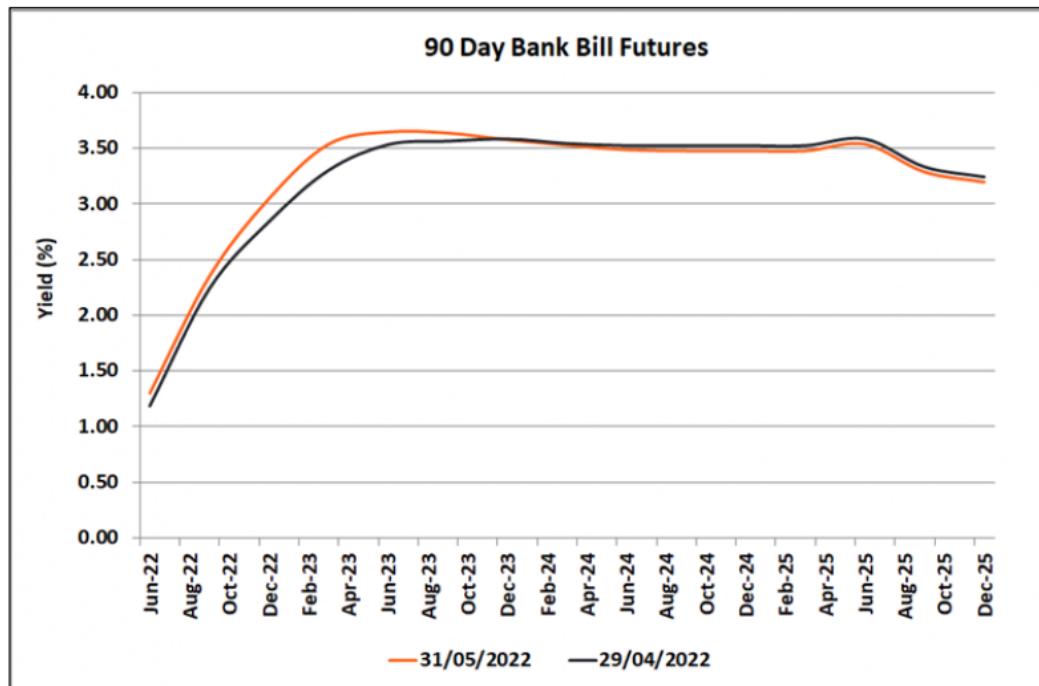
Index	May 2022	April 2022
CDX North American 5yr CDS	81bp	81bp
iTraxx Europe 5yr CDS	89bp	89bp
iTraxx Australia 5yr CDS	108bp	97bp

Source: Markit



90 Day Bill Futures

Over May, bill futures rose sharply at the short-end of the curve as the market prepares itself for the RBA to hike rates aggressively after increasing rates for the first time in over a decade. At the longer-end of the curve, bill futures fell as the markets remain nervous about the pace of the rate hikes, factoring in the possibility of a recession:



Source: ASX



Fixed Interest Outlook

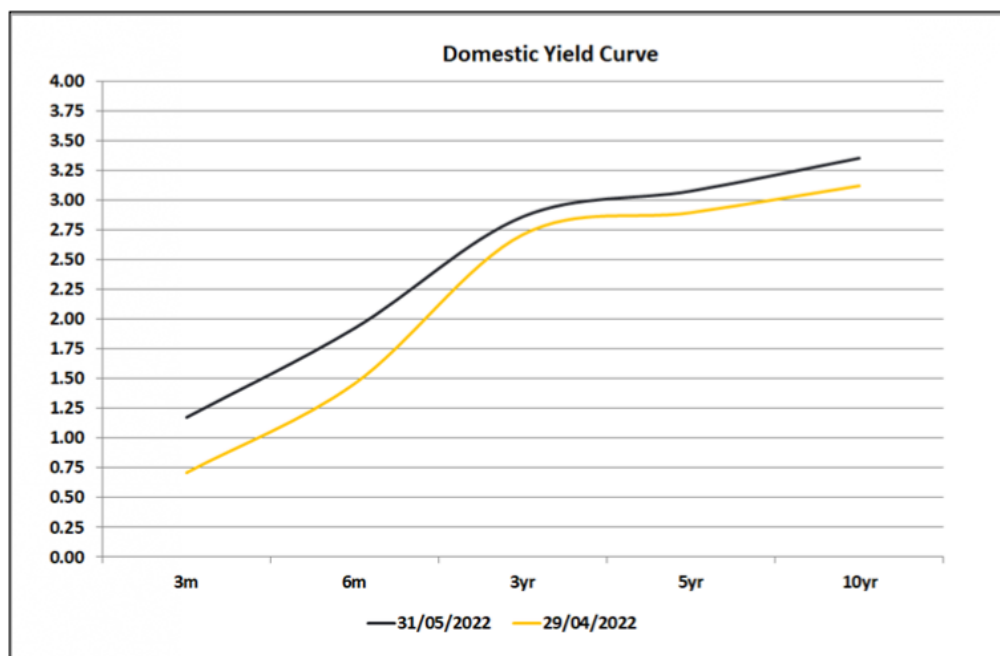
The US Fed meets again on June 15 and a 50bp Fed funds rate hike is all priced in, followed by another 50bp in the July meeting.

Domestically, the RBA's accompanying May Statement of Monetary Policy (SoMP) was broadly in line with the messaging from Governor Lowe previously suggesting *"further increases in interest rates will be necessary over the months ahead"* and of the cash rate lifting to around 2.50% over the next few years. The forecasts in the SoMP though highlights the risk that the RBA front loads its hiking cycle given core inflation is only forecast to get to within the 2-3% band by mid-2024 at +2.9% y/y, at which point wages growth is forecast to be running at +3.7% y/y.

The RBA Minutes from the May meeting contained two key insights:

1. The RBA will most likely increase interest rates in June no matter what the WPI prints given *"...the recent evidence on wages growth from the Bank's liaison and business surveys was clear"*; and
2. The RBA is prepared to move in greater than 25bp increments if necessary, noting that May's decision to lift interest rates by 25bp reflected *"the historical practice of changing the cash rate in increments of at least 2bp"* and that *"an argument for an increase of 40bp could be made given the upside risks to inflation and the current very low level of interest rates"*.

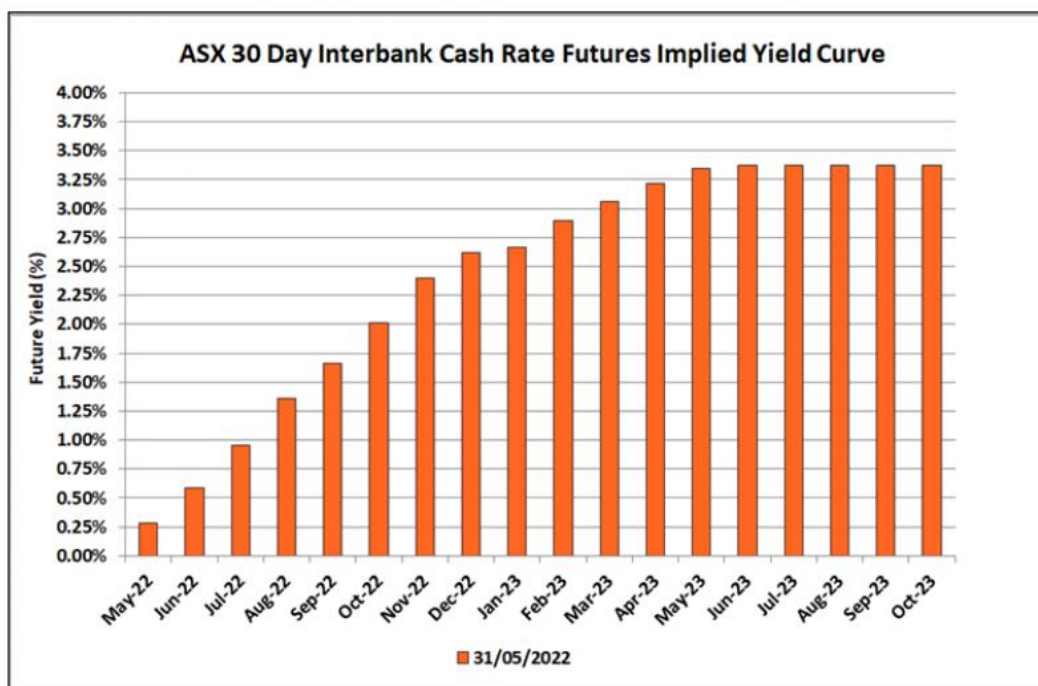
The domestic bond market continues to suggest a prolonged low period of interest rates on a historical basis (10-year government bond yields still under 3½%). Over the month, yields rose around 23bp at the long-end of the curve:



Source: AFMA, ASX, RBA



Following the RBA's rate rise in May, markets are currently pricing in around twelve additional rate rises over the next two years (up to 3.25%), against the RBA's 'neutral' target of 2½%:



Source: ASX

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Investment Report

01/05/2022 to 31/05/2022



Portfolio Valuation as at 31/05/2022

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
BOQ	BBB+	TD	GENERAL	Annual	02/06/2021	02/06/2022	0.4000	5,000,000.00	19,945.21	1,698.63
Rabobank Australia Branch	A+	TD	GENERAL	Annual	08/06/2017	07/06/2022	3.2200	5,000,000.00	157,912.33	13,673.97
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	21,739.73	1,953.42
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	21,739.73	1,953.42
Westpac	AA-	TD	LOCAL BRANCH	At Maturity	23/05/2022	21/06/2022	0.0500	10,000.00	0.12	0.12
Australian Military Bank	BBB+	TD	GENERAL	Annual	23/06/2020	23/06/2022	1.0500	3,500,000.00	34,534.93	3,121.23
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2020	23/06/2022	1.0100	3,500,000.00	6,779.45	3,002.33
Westpac	AA-	TD	GENERAL	Quarterly	24/06/2020	24/06/2022	1.0200	5,000,000.00	9,641.10	4,331.51
NAB	AA-	TD	GENERAL	Annual	02/08/2018	02/08/2022	3.2200	4,000,000.00	106,568.77	10,939.18
NAB	AA-	TD	GENERAL	Annual	16/08/2018	16/08/2022	3.0500	4,000,000.00	96,597.26	10,361.64
Westpac	AA-	TD	LOCAL BRANCH	Annual	23/08/2021	23/08/2022	0.2500	20,000.00	38.63	4.25
ICBC Sydney Branch	A	TD	GENERAL	Annual	28/08/2019	29/08/2022	1.6400	5,000,000.00	61,780.82	6,964.38
Auswide Bank	BBB	TD	GENERAL	At Maturity	06/09/2019	06/09/2022	1.8000	3,000,000.00	147,797.26	4,586.30
Westpac	AA-	TD	LOCAL BRANCH	Annual	13/09/2017	13/09/2022	3.4100	3,000,000.00	73,151.51	8,688.49
Rabobank Australia Branch	A+	TD	GENERAL	Annual	13/09/2017	13/09/2022	3.3800	3,000,000.00	72,507.95	8,612.05
MyState Bank	BBB	TD	GENERAL	Annual	29/09/2020	29/09/2022	0.8500	5,000,000.00	28,527.40	3,609.59
Westpac	AA-	TD	GENERAL	Quarterly	29/09/2020	29/09/2022	0.7200	5,000,000.00	6,312.33	3,057.53
Auswide Bank	BBB	TD	GENERAL	Annual	30/09/2019	30/09/2022	1.7500	4,000,000.00	46,794.52	5,945.21



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ICBC Sydney Branch	A	TD	GENERAL	Annual	23/10/2019	24/10/2022	1.7000	3,000,000.00	30,600.00	4,331.51
ICBC Sydney Branch	A	TD	GENERAL	Annual	31/10/2019	31/10/2022	1.7300	5,000,000.00	50,952.05	7,346.58
AMP Bank	BBB	TD	GENERAL	At Maturity	09/11/2021	09/11/2022	1.0000	2,000,000.00	11,178.08	1,698.63
Coastline Credit Union	Unrated	TD	GENERAL	At Maturity	03/03/2022	05/12/2022	0.8500	1,000,000.00	2,095.89	721.92
Australian Unity Bank	BBB+	TD	GENERAL	At Maturity	27/04/2022	27/01/2023	2.0000	6,000,000.00	11,506.85	10,191.78
Members Equity Bank	BBB+	TD	GENERAL	Annual	22/02/2022	22/02/2023	0.9000	5,000,000.00	12,205.48	3,821.92
ING Direct	A	TD	GENERAL	Annual	27/02/2020	27/02/2023	1.6000	2,500,000.00	10,191.78	3,397.26
Members Equity Bank	BBB+	TD	GENERAL	Annual	28/02/2022	28/02/2023	0.9000	5,000,000.00	11,465.75	3,821.92
ING Direct	A	TD	GENERAL	At Maturity	17/03/2022	17/03/2023	1.2500	4,000,000.00	10,410.96	4,246.58
ING Direct	A	TD	GENERAL	At Maturity	17/03/2022	17/03/2023	1.2500	3,000,000.00	7,808.22	3,184.93
ING Direct	A	TD	GENERAL	At Maturity	17/03/2022	17/03/2023	1.2500	5,000,000.00	13,013.70	5,308.22
ING Direct	A	TD	GENERAL	At Maturity	29/03/2022	29/03/2023	1.6000	4,000,000.00	11,221.92	5,435.62
ING Direct	A	TD	GENERAL	At Maturity	29/03/2022	29/03/2023	1.6000	4,000,000.00	11,221.92	5,435.62
ING Direct	A	TD	GENERAL	At Maturity	27/04/2022	20/04/2023	2.4500	6,000,000.00	14,095.89	12,484.93
ING Direct	A	TD	GENERAL	At Maturity	27/04/2022	27/04/2023	2.4500	6,000,000.00	14,095.89	12,484.93
ING Direct	A	TD	GENERAL	At Maturity	24/05/2022	24/05/2023	3.1500	5,000,000.00	3,452.05	3,452.05
BOQ	BBB+	TD	GENERAL	Annual	28/05/2019	29/05/2023	2.5500	4,000,000.00	558.90	558.90
BOQ	BBB+	TD	GENERAL	Annual	19/06/2020	19/06/2023	1.3500	2,000,000.00	25,520.55	2,293.15
BOQ	BBB+	TD	GENERAL	Annual	27/06/2019	27/06/2023	2.2000	5,000,000.00	101,863.01	9,342.47
AMP Bank	BBB	TD	GENERAL	Annual	28/07/2021	28/07/2023	0.7500	2,000,000.00	12,657.53	1,273.97



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Westpac	AA-	TD	GENERAL	Quarterly	11/08/2021	11/08/2023	0.5600	5,000,000.00	1,610.96	1,610.96
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	25,643.84	3,057.53
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	25,643.84	3,057.53
AMP Bank	BBB	TD	GENERAL	Annual	12/10/2021	12/10/2023	0.8000	3,000,000.00	15,254.79	2,038.36
ICBC Sydney Branch	A	TD	GENERAL	Annual	27/11/2019	27/11/2023	1.7600	6,000,000.00	53,233.97	8,968.77
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	04/12/2023	1.1900	3,000,000.00	8,900.55	3,032.05
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/12/2019	18/12/2023	1.8100	4,000,000.00	33,125.48	6,149.04
Westpac	AA-	TD	GENERAL	Quarterly	02/02/2022	02/02/2024	1.4500	2,500,000.00	2,979.45	2,979.45
Westpac	AA-	TD	GENERAL	Annual	08/02/2022	08/02/2024	1.5500	4,000,000.00	19,194.52	5,265.75
MyState Bank	BBB	TD	GENERAL	Annual	28/02/2022	28/02/2024	1.8000	5,000,000.00	22,931.51	7,643.84
P&N Bank	BBB	TD	GENERAL	Annual	02/03/2022	04/03/2024	1.7000	4,000,000.00	16,953.42	5,775.34
Auswide Bank	BBB	TD	GENERAL	At Maturity	02/03/2020	04/03/2024	1.7500	3,000,000.00	118,089.04	4,458.90
NAB	AA-	TD	GENERAL	Annual	04/04/2022	04/04/2024	2.6000	4,000,000.00	16,526.03	8,832.88
BOQ	BBB+	TD	GENERAL	Annual	18/06/2020	18/06/2024	1.4500	3,000,000.00	41,473.97	3,694.52
ING Direct	A	TD	GENERAL	Annual	23/06/2020	24/06/2024	1.2500	3,000,000.00	35,239.73	3,184.93
BOQ	BBB+	TD	GENERAL	Annual	11/08/2021	12/08/2024	0.7900	2,000,000.00	12,726.58	1,341.92
Westpac	AA-	TD	GENERAL	Quarterly	11/08/2021	12/08/2024	0.7700	3,000,000.00	1,329.04	1,329.04
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/08/2021	19/08/2024	0.7200	3,000,000.00	16,924.93	1,834.52
Westpac	AA-	TD	GENERAL	Quarterly	17/08/2021	19/08/2024	0.7200	2,000,000.00	591.78	591.78
Bendigo and Adelaide	BBB+	FRN	GENERAL	Quarterly	06/09/2019	06/09/2024	1.1050	3,005,418.00	7,810.68	2,815.48



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
BOQ	BBB+	TD	GENERAL	Annual	27/09/2019	27/09/2024	2.0000	2,000,000.00	27,068.49	3,397.26
AMP Bank	BBB	TD	GENERAL	Annual	12/10/2021	11/10/2024	1.0000	3,000,000.00	19,068.49	2,547.95
NAB	AA-	TD	GENERAL	Annual	16/10/2020	16/10/2024	0.8000	5,000,000.00	24,767.12	3,397.26
ICBC Sydney Branch	A	TD	GENERAL	Annual	03/11/2021	04/11/2024	1.6500	3,000,000.00	28,479.45	4,204.11
Westpac	AA-	TD	GENERAL	Quarterly	09/11/2021	11/11/2024	1.4500	1,000,000.00	913.70	913.70
Westpac	AA-	TD	GENERAL	Quarterly	16/11/2021	18/11/2024	1.6000	4,000,000.00	2,805.48	2,805.48
NAB	AA-	TD	GENERAL	Annual	18/11/2020	18/11/2024	0.7000	5,000,000.00	18,698.63	2,972.60
Westpac	AA-	TD	GENERAL	Quarterly	29/11/2021	29/11/2024	1.6000	5,000,000.00	438.36	438.36
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	02/12/2024	1.6200	2,000,000.00	8,077.81	2,751.78
ICBC Sydney Branch	A	TD	GENERAL	Annual	09/12/2021	09/12/2024	1.9200	5,000,000.00	45,764.38	8,153.42
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	07/09/2021	16/12/2024	0.9000	5,000,000.00	20,712.33	3,821.92
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2025	0.7200	4,000,000.00	9,547.40	2,446.03
Westpac	AA-	TD	GENERAL	Quarterly	02/02/2022	03/02/2025	1.8200	2,500,000.00	3,739.73	3,739.73
P&N Bank	BBB	TD	GENERAL	Annual	15/02/2022	17/02/2025	2.3700	5,000,000.00	34,413.70	10,064.38
P&N Bank	BBB	TD	GENERAL	Annual	22/02/2022	24/02/2025	2.0500	2,000,000.00	11,120.55	3,482.19
MyState Bank	BBB	TD	GENERAL	Annual	28/02/2022	28/02/2025	2.2500	5,000,000.00	28,664.38	9,554.79
ICBC Sydney Branch	A	TD	GENERAL	Annual	02/03/2022	03/03/2025	2.3000	4,000,000.00	22,936.99	7,813.70
NAB	AA-	TD	GENERAL	Annual	02/03/2021	03/03/2025	0.9500	4,000,000.00	9,473.97	3,227.40
P&N Bank	BBB	TD	GENERAL	Annual	15/03/2022	17/03/2025	2.4600	3,000,000.00	15,770.96	6,267.95
P&N Bank	BBB	TD	GENERAL	Annual	28/03/2022	28/03/2025	2.9000	5,000,000.00	25,821.92	12,315.07



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ICBC Sydney Branch	A	TD	GENERAL	Annual	18/06/2020	18/06/2025	1.7500	2,000,000.00	33,369.86	2,972.60
NAB	AA-	TD	GENERAL	Annual	26/07/2021	28/07/2025	1.0000	5,000,000.00	42,465.75	4,246.58
ICBC Sydney Branch	A	TD	GENERAL	Annual	02/09/2021	02/09/2025	1.2000	5,000,000.00	44,712.33	5,095.89
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/10/2020	16/10/2025	1.2000	5,000,000.00	37,150.68	5,095.89
ICBC Sydney Branch	A	TD	GENERAL	Annual	17/11/2020	17/11/2025	1.3000	6,500,000.00	45,375.34	7,176.71
NAB	AA-	TD	GENERAL	Annual	17/11/2020	17/11/2025	0.8500	3,500,000.00	15,975.34	2,526.71
ICBC Sydney Branch	A	TD	GENERAL	Annual	03/12/2020	03/12/2025	1.2000	5,000,000.00	29,589.04	5,095.89
ICBC Sydney Branch	A	TD	GENERAL	Annual	07/12/2020	08/12/2025	1.2000	5,000,000.00	28,931.51	5,095.89
NAB	AA-	TD	GENERAL	Annual	07/12/2020	08/12/2025	0.9000	5,000,000.00	21,698.63	3,821.92
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	14/09/2021	15/12/2025	1.1000	5,000,000.00	25,315.07	4,671.23
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2026	0.9100	4,000,000.00	12,066.85	3,091.51
NAB	AA-	TD	GENERAL	Annual	02/03/2021	02/03/2026	1.2100	4,000,000.00	12,066.85	4,110.68
Westpac	AA-	TD	GENERAL	Quarterly	09/03/2021	09/03/2026	1.2500	5,000,000.00	14,383.56	5,308.22
NAB	AA-	TD	GENERAL	Annual	16/03/2021	16/03/2026	1.2500	5,000,000.00	13,184.93	5,308.22
NAB	AA-	TD	GENERAL	Annual	26/05/2021	26/05/2026	1.2500	5,000,000.00	1,027.40	1,027.40
ICBC Sydney Branch	A	TD	GENERAL	Annual	02/06/2021	02/06/2026	1.4000	2,500,000.00	34,904.11	2,972.60
NAB	AA-	TD	GENERAL	Annual	02/06/2021	02/06/2026	1.3000	2,500,000.00	32,410.96	2,760.27
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2021	23/06/2026	1.3200	5,000,000.00	12,657.53	5,605.48
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2021	23/06/2026	1.3200	5,000,000.00	12,657.53	5,605.48
NAB	AA-	TD	GENERAL	Annual	26/07/2021	27/07/2026	1.2000	5,000,000.00	50,958.90	5,095.89



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
ICBC Sydney Branch	A	TD	GENERAL	Annual	28/07/2021	28/07/2026	1.3200	2,000,000.00	22,277.26	2,242.19
NAB	AA-	TD	GENERAL	Annual	23/09/2021	23/09/2026	1.2000	5,000,000.00	41,260.27	5,095.89
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	07/09/2021	15/12/2026	1.4000	5,000,000.00	32,219.18	5,945.21
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	02/09/2021	15/12/2026	1.4000	5,000,000.00	32,219.18	5,945.21
Westpac	AA-	CASH	GENERAL	Monthly	31/05/2022	31/05/2022	0.3500	20,153,847.89	5,988.09	5,988.09
TOTALS								413,689,265.89	2,767,819.58	477,215.47

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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



Authorised by: Council
Authorised date: 21/04/2022
Effective date: 21/04/2022
Next review date: 21/04/2024
File Number: D2022/095585

Council MANAGEMENT OF PUBLIC SPACES POLICY

1. INTRODUCTION

This Policy and associated procedures or guidelines provide the framework for making fair and equitable decisions regarding public space usage, approvals and management requirements. This Policy provides direction about the activities and events permissible within public space and the terms under which they are managed.

2. POLICY STATEMENT AND SCOPE

Public space provides our community with numerous opportunities to fulfil individual, social, cultural, environmental and economic benefits. Council is committed to providing and maintaining quality public space areas for family, social and community activities and events.

This Policy applies to all beaches, parks, reserves, sports fields, roads and footpaths owned by and under the care, control and management of Port Macquarie-Hastings Council.

Activities may include (but not limited to);

- Outdoor dining and trading
- Display of an A-Frame sign
- Beach or water operators including surf schools, stand up paddle board hire, kayak or canoe hire
- Personal / group fitness trainers or boot camps
- Adventure tour operators or visitor attractions
- Semi-permanent food or mobile food vendors
- Location filming
- Special and major events
- Weddings, private functions or ceremonies
- Engage in trade or business
- Direct or procure theatrical, musical or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment
- For fee or reward, play a musical instrument or sing
- Set up or operate loud speaker or sound amplifying device
- Set up, operate or use a loudspeaker for the purpose of entertainment
- Deliver a public address or hold a religious service or public meeting
- Mooring of specific vessels at Lady Nelson Wharf
- Alcohol use on Public Reserves and Beaches

Council approval may be required for the use of these spaces for activities by businesses, individuals, groups or community organisations and schools.

Activities which involve a temporary or permanent structure may require Development Approval.

3. OBJECTIVES

The objectives of this Policy are:

- Provide the framework for sustainable public use and management of Council's public spaces
- Provide for appropriate and equitable access to public space for business activities and active and passive recreation
- To support local economic development and commercial vitality
- Protect the safety of persons using these areas
- Protect and preserve the flora, fauna and the visual amenity of the area
- Outline the application and approval process associated with use of public spaces
- Define activities which are permissible or not appropriate for the area
- Prevent unauthorised encroachments and illegal activities
- Provide appropriate enforcement action for policy non-compliance

4. RESPONSIBILITIES AND AUTHORITIES

The Group Manager Community is responsible and accountable for the implementation of this policy.

The Group Manager Environmental and Regulatory Services is responsible for ensuring compliance with this Policy.

This policy applies to Council staff involved in the operation and management of public space.

5. PROCEDURES AND GUIDELINES

A-Frame Sign Procedure

Activities in Public Places Procedure

Alcohol Use on Public Reserves and Beaches Procedure

Commercial Activities on Council-managed Land Procedure

Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Procedure

Lady Nelson Wharf Mooring Guidelines

Outdoor Dining and Trading Procedure

Parks, Reserves and Sports Field Guidelines

Use of Council Sports facilities - Information Sheet

Port Macquarie Entertainment Precinct Event Use Procedure

6. REFERENCES

Beach Driving Policy

Bushfire Risk Mitigation on Public Land Policy

Council Adopted Fees & Charges Schedule

Dogs in Public Open Spaces Policy

Enforcement Policy

Port Macquarie Hastings Council Filming Protocol

Procurement Policy

Smoke Free Outdoor Areas Policy

Volunteer Policy

7. DEFINITIONS

Term	Definition
Chief Executive Officer	1st tier management position and titled as such
Director	2nd tier management position and titled as such
Group Manager	3rd tier management position and titled as such
Council Officer	Member of Council staff

Council	Port Macquarie-Hastings Council
Public Space	All beaches, headlands, parks, reserves, sports fields and gardens under the care, control and management of Port Macquarie-Hastings Council

8. LEGAL & POLICY FRAMEWORK

Local Government Act 1993
 Crown Lands Management Act 2016
 Work, Health and Safety Act 2011
 Electricity Supply Act 1995
 Environment Protection and Biodiversity Conservation Act 1999
 Biodiversity Conservation Act 2016
 Charitable Fundraising Act 1991
 Roads Act 1993
 Impounding Act 1993
 NSW Food Act 2003
 Port Macquarie-Hastings Local Environmental Plan 2011
 Protection of the Environment Operations Act 1997
 Road Transport Act 2013 No 18

9. PROCESS OWNER

Group Manager Community
 Group Manager Economic & Cultural Development
 Group Manager Environmental and Regulatory Services

10. AMENDMENTS

This policy replaces the following:

- 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 2017
- 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

ENGAGEMENT SUMMARY

Draft Management of Public Spaces

Public Exhibition

Background

Our community open spaces in the Port Macquarie-Hastings region have been managed under multiple policies, adopted from 2013 through to 2019. These nine policies are:

- 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

We are endeavouring to simplify the process for the community by implementing a single, overarching policy, the draft Management of Public Spaces Policy.

The development of this policy demonstrates our commitment to ensuring these spaces can be used safely by all and adequately maintained, whilst ensuring the process is not overcomplicated for the customer. The implementation of the draft Management of Public Spaces Policy will ensure one consistent approach to managing our public spaces, and encouraging the sustainable use of Council owned and managed land.

Engagement approach

The engagement approach was *Involve*, with any submissions received to be considered.

Engagement activities



Have Your Say

The draft Management of Public Spaces Policy was placed on Have Your Say for public comment from Tuesday 3 May 2022 until Tuesday 31 May 2022.

The community was invited to have their say via an online survey, they were also provided the option to attach images and/or documents to support their views.



ENGAGEMENT SUMMARY

**Have Your Say enews**

The draft Management of Public Spaces Policy was listed in the May 2022 Have Your Say Newsletter.

This newsletter was sent to 4,026 subscribers and was opened by 1,677 recipients (41.84%). 82 people clicked through to the Have Your Say website from the Management of Open Spaces Policy specifically.

Have Your Say

The following graph summarises the user activity for the exhibition period.

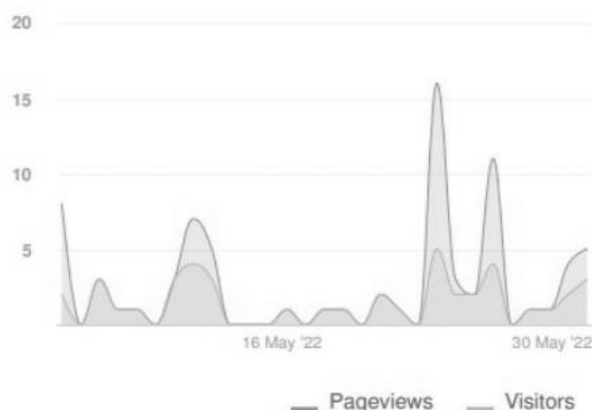
The draft Management of Open Spaces Policy 2022 was downloaded 12 times.

Policy Review - draft
Management of Open Spaces

Our public spaces are loved and well used by our community, the new draft Management of Open Spaces Policy outlines what activities and events are allowed in these spaces and how we will make fair and equitable decisions for their use.

Have Your Say by reviewing the draft policy and providing your feedback in the online submission form.

Submissions close 5pm, Tuesday 31 May 2022.

Visitors Summary**Highlights**

TOTAL VISITS	MAX VISITORS PER DAY	
44	5	
NEW REGISTRATIONS		
1		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
0	12	42

Results/Conclusion

No feedback was received from the community during this exhibition period.

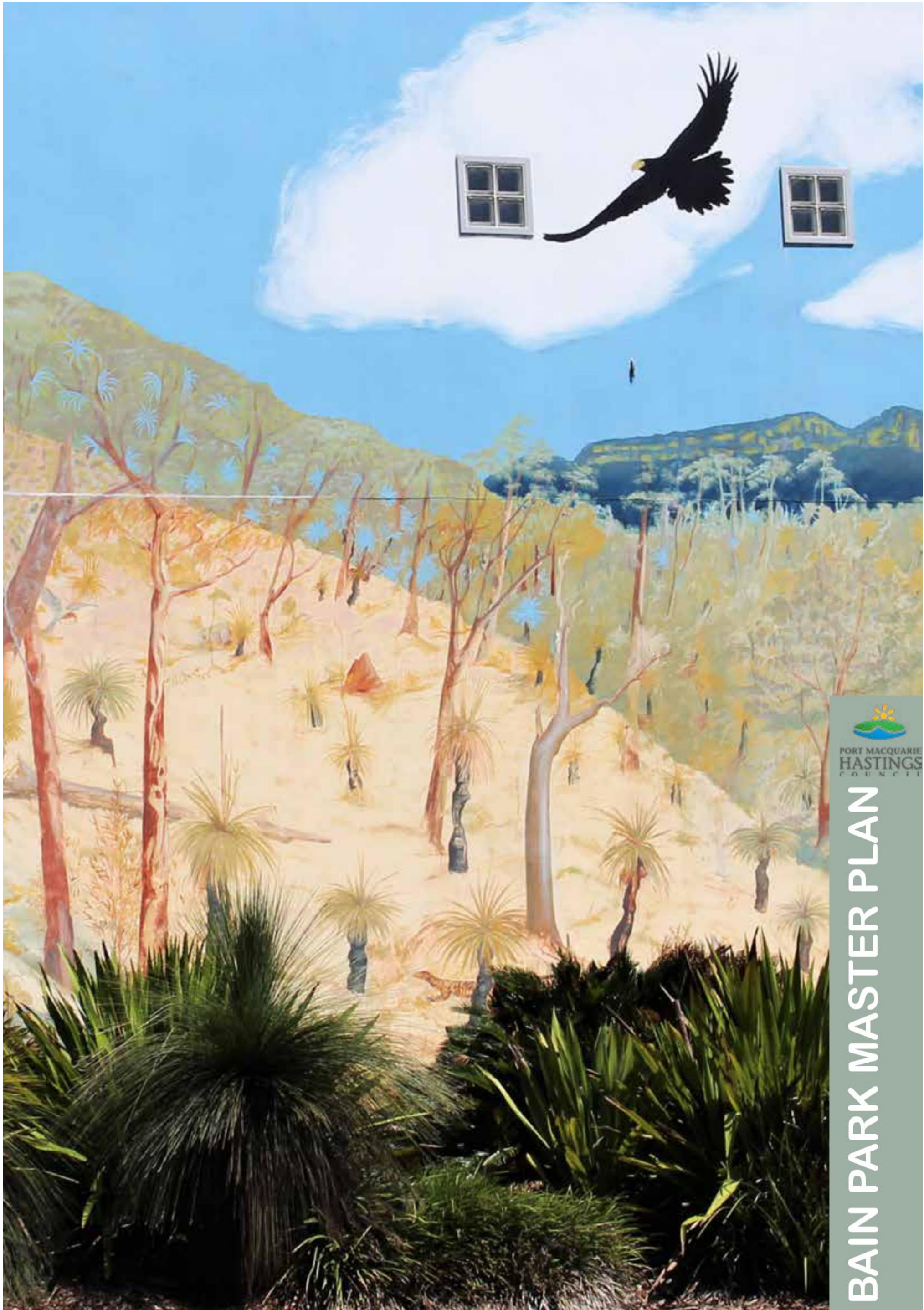
Next Steps

The draft Management of Open Spaces Policy will be presented to the June 2022 Council Meeting with a staff recommendation for adoption.

ENGAGEMENT SUMMARY

3 - ENGAGEMENT SUMMARY: <PROJECT NAME>





BAIN PARK MASTER PLAN

REVISION HISTORY				
ISSUE		DATE	AUTHOR	APPROVED
0	DRAFT MASTER PLAN	18 March 2020	Craig Luff	Liam Bulley
1	DRAFT MASTER PLAN	30 June 2020	Craig Luff	Liam Bulley
2	DRAFT MASTER PLAN	22 Sept 2020	Craig Luff	Liam Bulley
3	DRAFT MASTER PLAN	30 Sept 2020	Craig Luff	Liam Bulley
4	DRAFT MASTER PLAN	18 Feb 2021	Craig Luff	Liam Bulley
5	ADOPTED MASTER PLAN	17 Mar 2021	Craig Luff	Melissa Watkins
6	MASTER PLAN (PLAYGROUND RELOCATED)	24 Mar 2022	Craig Luff	Lucilla Marshall
7	MASTER PLAN (STAGING CHANGES)	10 May 2022	Kylie Johnson	Lucilla Marshall



Photo credit - Daniel Tran

<p>Acknowledgement of Country</p> <p>Port Macquarie-Hastings Council acknowledges the Birpai people as the traditional custodians of the land. We pay our respects to Elders both past and present and extend that respect to all other Aboriginal and Torres Strait Islander people.</p> <p><i>The Bunyah Local Aboriginal Land Council is the custodian of the land and waterways in the Wauchope area.</i></p> <p>"Wauchope is the heart of the Hastings with a proud local community who preserves and celebrates its long history while embracing sustainable tourism, events and initiatives that attract visitors and grow our inclusive, connected community"</p> <p>The Vision for Wauchope: Wauchope and Surrounds Community Plan (draft) September 2019</p> <p>About Bain Park</p> <p>Bain Park is an important cultural and recreational space for the community and a number of groups who both use and activate the space. The park has been an intrinsic part of the Wauchope community since it was proclaimed a recreational area in 1889.</p> <p>The park sits on Birpai land that, post settlement, was owned by the Bain Family, who hailed from Scotland and settled in the region. The Bain Family sold the parcel of land that makes up the park to the community at a greatly reduced price. In addition, the community raised funds and sought a government grant to clear the land and install a tennis court, cricket pitch and small pavilion. At that time, it was known as Wauchope Park.</p> <p>Located in the heart of the Wauchope CBD, Bain Park continues to attract locals and visitors alike; it is a key community meeting place, playing host to markets and events year round.</p>	<p>About the Master Plan</p> <p>The Bain Park Master Plan (the Master Plan) represents a long term vision for the park and provides an over-arching framework to guide future development. The Master Plan identifies opportunities and constraints of the site and incorporates the community's vision for the space, identified through community consultation. It also addresses the use of the space, connectivity and activation from adjacent facilities that support a range of cultural, community and commercial functions that enrich the park.</p> <p>Structures, buildings, artwork and other elements included in the Master Plan are indicative of this future development - detailed design of these elements will be undertaken in consultation with the community and specific user groups as the project progresses.</p> <p>In addition, the Master Plan provides a strategic direction for the allocation of Council funds into the future, as well as enabling increased opportunities to attract grant funding.</p> <p>Design Principles</p> <p>In addition to the community's vision for the space, design principles provide a reference point and a commitment to achieving a design that is socially, environmentally and economically responsible. The following principles underpin the design of parks in the Port Macquarie-Hastings region.</p> <ul style="list-style-type: none">• Safe spaces. Parks including their embellishments should be located and designed to provide a safe and user friendly environment.• Accessible and equitable. Port Macquarie-Hastings Council (Council) is committed to creating and maintaining equitable access for the community.• Cost effective. Maintenance costs and whole of life cycle asset costs for Parks represent a significant part of the Council's budget. These costs are ultimately passed onto the community through rates.• Relevant to community needs and expectations. Parks should reflect the natural environment and local community values and needs.	<ul style="list-style-type: none">• Socially and environmentally sustainable. Council is committed to progressing the concept of Ecologically Sustainable Development (ESD) to ensure enhanced individual and community wellbeing, welfare, equity within and between generations, to ensure the protection of biological diversity and maintain essential ecological processes.• Lifestyle flexibility. Parks and reserves must be designed to be flexible and adaptable to the changing demographics of the area.• Protect and enhance natural and heritage features and values. Ensure that communities can access and enjoy these features, and that they remain intact for future generations.• Innovative. It is important that the design is innovative in its regard to form and function and response to existing environment and surrounds.• Purpose built. An individual design response is required for each setting, site and community. <p>Community Engagement</p> <p>Following community requests and consultation, an all abilities playground was installed in the park in 2012. Since this time, Wauchope community groups have approached Council to consider the development of infrastructure to support an increase in activation of the space.</p> <p><i>Initial Engagement</i></p> <p>In September 2019, Council invited the community to participate in a series of activities (including surveys, pop-up stalls and a visioning workshop) to generated ideas and a vision for the park. These include:</p> <ul style="list-style-type: none">• Increased shaded seating including near scooter track• Install gas/electric bbq.• Centrally located water refill station.• Upgrade or new accessible toilets including adult change table.• Inclusion of sheltered picnic tables and seating in open spaces and inside playground.• Adventure playground including flying fox, more play areas for older children.• Play options for toddlers, 'regular' swing set.• Water play.
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P3/13

BAIN PARK MASTER PLAN
COMMUNITY ENGAGEMENT
& DESIGN PRINCIPLES





- Nature, imaginative play inclusions.
- Shade over play equipment.

The community identified the following issues:

- The playground was looking tired and the inclusions needed some maintenance/upgrading.
- The pebble create pathways were patchy due to age/wear and tea and needs resurfacing in sections.
- Pedestrian access (such as a wide set of stairs) is needed from the Community Arts Hall car park as people were currently jumping over the retaining wall and it was crumbling in sections.

Ongoing Consultation

Community engagement and key stakeholder consultation (including a formal public exhibition period) between September 2019 and February 2021 has informed four revisions of the Master Plan. This important process helps us to better understand the needs and preferences of the community. The following community groups and stakeholders have been involved in direct consultation including focus group meetings.

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

The outcome of this consultation is the inclusion in the Master Plan of a series of statements, to reassure the community that ongoing consultation will occur as the project progresses and, specifically, for the following factors.

- All stakeholders listed above will be included in the detailed design process for the park.
- Recognition that Wauchope Community Arts Council has a preference to retain, upgrade and potentially move the existing Arts Hall to the proposed site of the new building.
- The design of the proposed new Wauchope Community Arts Hall (Arts Hall) and Wauchope Rotary Youth Hall (Youth Hall) facilities will be fit for purpose.
- Wauchope Community Arts Council, Wauchope Rotary Club and other existing user groups will be a part of the design process for their respective facilities.

- No construction/demolition of the Arts Hall or Youth Hall will occur without prior consultation with both parties. This includes negotiating the design options and staging to ensure the current Arts Hall and Youth Hall can continue until the new buildings are completed. If that is not possible agreement on downtime and interim accommodation will be sought.
- Port Macquarie-Hastings Council will, during the building concept design stage, research and investigate options for keeping the Arts Hall so Wauchope and the Mid North Coast can have a facility that reflects the culture and atmosphere of the current hall with the benefits of a modernisation facelift.
- The current managers of the Arts Hall and the Youth Hall will be the future managers of either new or retained facilities.
- Any expansion of the footprint/inclusion of outdoor dining for the commercial premises in the park will be subject to community consultation both during the public exhibition stage and prior to the commencement of detailed design.
- The design of all public art introduced to the park will be subject to community consultation. Public art shall leverage opportunities for cultural and historical expression through working with public artists and in consultation with Bunyah Local Aboriginal Land Council and above mentioned community groups.
- Flexibility in the staging of works depending on funding, condition of existing assets, and priorities as identified by the community.
- Community consultation will be undertaken on any change to the historic entry gates during the public exhibition stage and prior to the commencement of detailed design.
- Community consultation will be undertaken on any changes/reinterpretation into the design for the centenarian trees and plaques, and the volunteer memorial (specific consultation with businesses and individuals listed on the sign).
- Council will seek opportunities to incorporate wayfinding signage to direct visitors to other heritage and cultural precincts in the area.
- Further inclusions incorporated into the site plan are:
 - Options to retain, move or upgrade the existing Wauchope Community Arts Hall and Wauchope Rotary Youth Hall, including improved connectivity from the buildings to the park (if existing structures retained in-situ and other possibilities for parking from Avondale Street with a driveway up beside Omnicare property

boundary).

- Options for relocation and upgrade of public toilets (including but not limited to the inclusion of adult change table) into the park if existing Wauchope Community Arts Hall and Wauchope Rotary Youth Hall buildings are retained.
- Clear demarcation of land titles and boundaries.
- Increased size of shelter located in north east of park.
- A note that weed trees will not be removed until new feature trees are planted and established on the promenade.
- Demarcation of accessible parking and 'parents with prams' spaces to be included in detailed design.
- Options for electric car charging and e-bikes to be included in detailed design.
- Incorporation of the Bain Park Gates at the High Street entry (replica gates and two remaining pillars to be installed at the Avondale Street entry).
- Inclusion of a war memorial in the west of the park.
- Inclusion of opportunities to reference Wauchope's history, culture and environment. This may be explored through a variety of mediums including use of locally sourced materials, interpretive signage / art / installations / detailing.
- Inclusion of a sundial (location to be based on solar study and compatibility with adjacent activities within the master plan).

The master plan was adopted at the March 2021 Council Meeting. At the March 2022 Extra Ordinary Council meeting Councillors directed Council to relocate the playground to its former position - this has been addressed in Revision 6.

Next Steps

Funding has been secured to develop stages 1 & 2 of the master plan. Council will continue to seek additional funding for further development of this master plan and will keep the community informed as this progresses.

Contact

For more information on the project please contact Council's Community Engagement team via email engagement@pmhc.nsw.gov.au or by calling (02) 6581 8111



P4/13

BAIN PARK MASTER PLAN
COMMUNITY ENGAGEMENT





- 1) Limited connectivity between Rotary Youth Hall / Wauchope Arts Hall and Bain Park.

2) Rotary Youth Hall and Wauchope Arts Hall have had multiple extensions and require further improvements to better support user needs.

3) Bain Park has low street presence / kerb appeal from High Street.

4) Views into Bain Park from High Street are interrupted by planting and gates at front of park limiting passive surveillance.

5) Narrow pavement at frontage of Cafe has limited opportunity for outdoor dining.

6) Toilet block subject to vandalism and does not have adult change table.

7) Existing tree and wall surround in poor condition
- 8) Lack of commercial / residential frontage to park on Oxley Lane results in limited passive surveillance.

9) 5no. Chinese Tallow trees (*Triadica sebifera*) are required to be eradicated under Biosecurity Act 2015 due to being a regional containment priority weed. These trees have Centenarian plaques.

10) Existing playground was installed in 2012 and will be scheduled for replacement in approximately 2022. Current position impacts passive surveillance into park and circulation.

11) Community plant beds underutilised & poor condition.

12) Tree's mature size will outgrow current location. Tree is utilised as Wauchope's Christmas Tree.

13) Large shelter not ideal for multiple smaller groups

14) Existing trees have good form and provide shade
- 15) Existing pavements in poor condition.

16) Southern half of Bain Park has no activities to draw users into park and is underutilised.

17) Informal parking to Avondale Street is inefficient.

18) Lighting throughout Bain Park is dated / in poor condition.

19) No irrigation results in die back during drought. Poor quality compacted soils results in limited growth of plants / proliferation of weeds.

20) Community memorial in poor condition

21) Lack of power provisions in park to support event such as market stalls.

22) Park furniture is dated and in average condition. Existing retaining wall in poor condition



PORT MACQUARIE
HASTINGS
COUNCIL

P5/13

**BAIN PARK MASTER PLAN
OPPORTUNITIES & CONSTRAINTS**





COMMUNITY ARTS HALL



NARROW PAVEMENT TO FRONT OF WATERMANS CAFE



CHINESE TALLOW TREES (WEED SPECIES)



CHILDREN'S PLAYGROUND



YOUTH HALL



PATH LIGHTING



SEATING



SHELTER



PORT MACQUARIE
HASTINGS
COUNCIL

P6/13

BAIN PARK MASTER PLAN
SITE PHOTOGRAPHS







PORT MACQUARIE
HASTINGS
COUNCIL

P7/13

BAIN PARK MASTER PLAN
SITE PHOTOGRAPHS





- 1) Upgraded street frontage and open up views into park.

2) Decomposed granite surface below trees with uplights and free-form "Gaudi" inspired seating.

3) Removable Christmas tree with provisions for power.

4) Interpretive sculpture with uplighting.

5) Entry wall with uplighting at main entrances to park (original Bain Park gates integrated to northern entry).

6) Car parking formalised with 6m solar pole lights.

7) Large trees, low understory planting and a wide paved entrance with 4m solar pole lights reinforce visual connectivity to High Street & open views into Bain Park.

8) Existing toilet block upgraded to include adult change table.
3.5m width promenade path with 4m solar pole lights
- 9) & wifi. Formal arrangement of large native trees to replace existing centenarian trees. Power provisions incorporated to western alignment of path for markets.

10) Multi-purpose lawn for informal use and events such as markets, outdoor movie nights, Christmas carols etc.

11) 5m x 5m & 10m x 5m shelters with accessible seating. Shelter to south to have four BBQ's.

12) Upgrades to community buildings (12a Youth Hall / 12b Community Arts Hall). Option C depicted - refer to P8 for further details & alternative arrangements.

13) Terraced sandstone block amphitheatre cut into bago mound with small covered stage area (13a).

14) Shaded playground / water play area.
- 15) Buffer planting to western edge of park to incorporate species suitable for use in residential gardens and will incorporate plant identification for education purposes.

16) Location for temporary stage. Power / water provisions incorporated into adjacent decomposed granite area.

17) Human sun dial (incorporates community memorial)

18) War memorial.

19) Bicycle / scooter pump track.

20) Existing pavement & access in front of existing cafe retained

Irrigation to all planting beds and lawn areas (recycled water ready).



P8/13

BAIN PARK MASTER PLAN
OVERALL PLAN





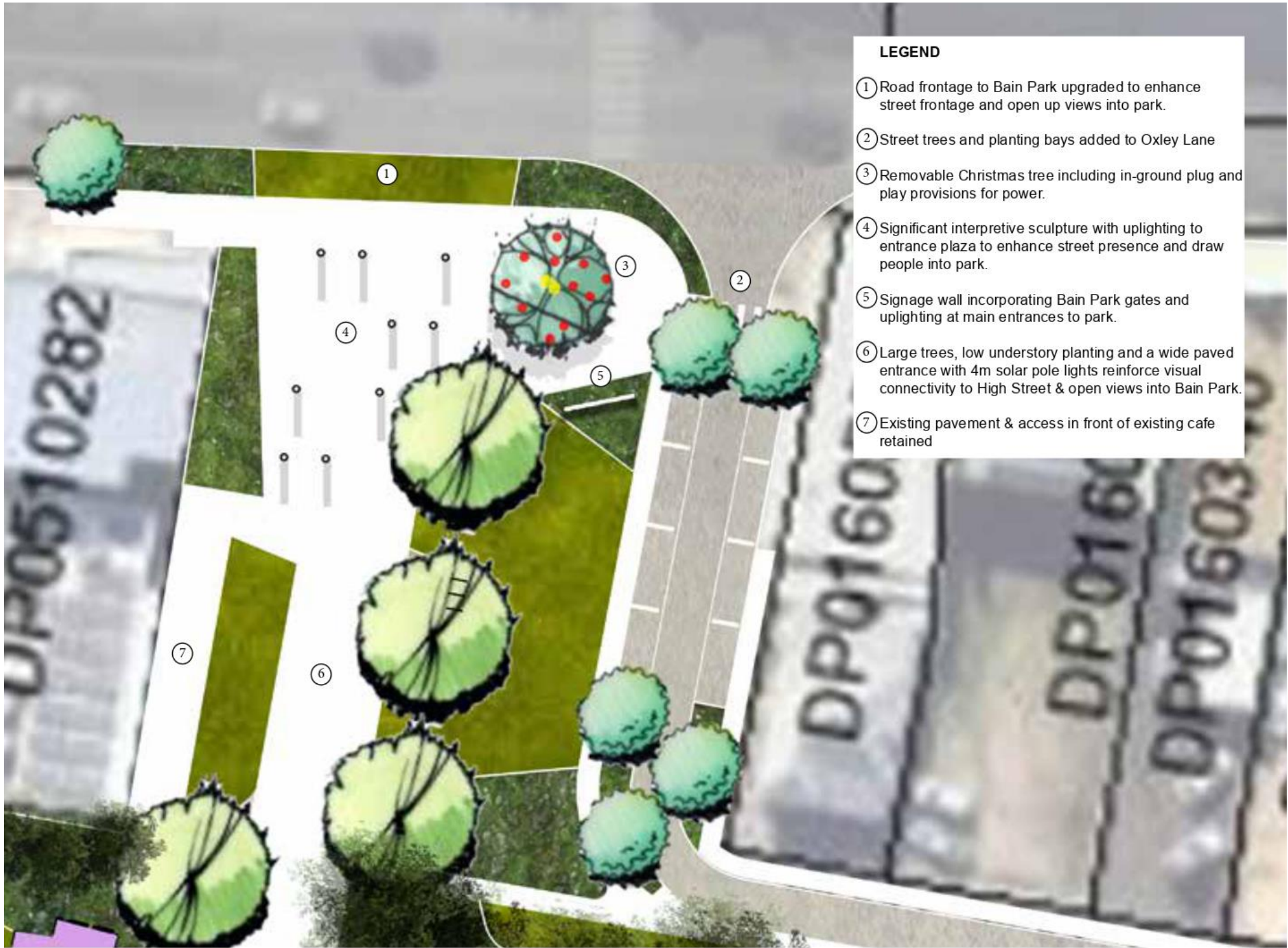
LEGEND

- ① New community buildings (Option A - highest cost).
 - Existing buildings demolished (however opportunity to salvage and reuse materials from the existing buildings to be considered).
 - New buildings constructed at grade with park to achieve high level of connectivity to park, with parking to rear.
 - Character shall be the Wauchope vernacular.
 - Shall maintain current functionality; target engagement to be carried out with existing users during subsequent design stages to ensure all user requirements achieved.
 - Management agreements with the existing users to be developed.
 - Construction to minimise disruption to existing users.
 - May be considered in conjunction with Option B (i.e. a New Youth Hall building however existing Community Arts Hall relocated - or vice versa).
- ② Existing community buildings relocated (Option B - medium cost).
 - Relocated to be at grade with park to with parking to rear to achieve high level of connectivity to park.
 - Subject to structural review of buildings / feasibility study.
 - Buildings will require modification to allow access from both sides and ensure compliance with current standards.
 - Shall maintain current functionality; target engagement to be carried out with existing users during subsequent design stages to ensure all user requirements achieved.
 - Management agreements with the existing users to be developed.
 - Construction to minimise disruption to existing users.
 - May be considered in conjunction with Option A (i.e. a New Youth Hall building however existing Community Arts Hall relocated - or vice versa).
- ③ Existing community buildings retained in current location (Option C - lowest cost).
 - Retained in current location with parking separating buildings from park.
 - Accessibility between park and buildings enhanced by addition of a defined pedestrian access through car park and by provision of new steps / ramps.
 - Existing retaining wall replaced with sandstone blocks.
 - Opportunity to extend WCAC building south to accommodate storage.
 - Management agreements with the existing users to be developed.



P9/13

BAIN PARK MASTER PLAN
DETAIL PLAN





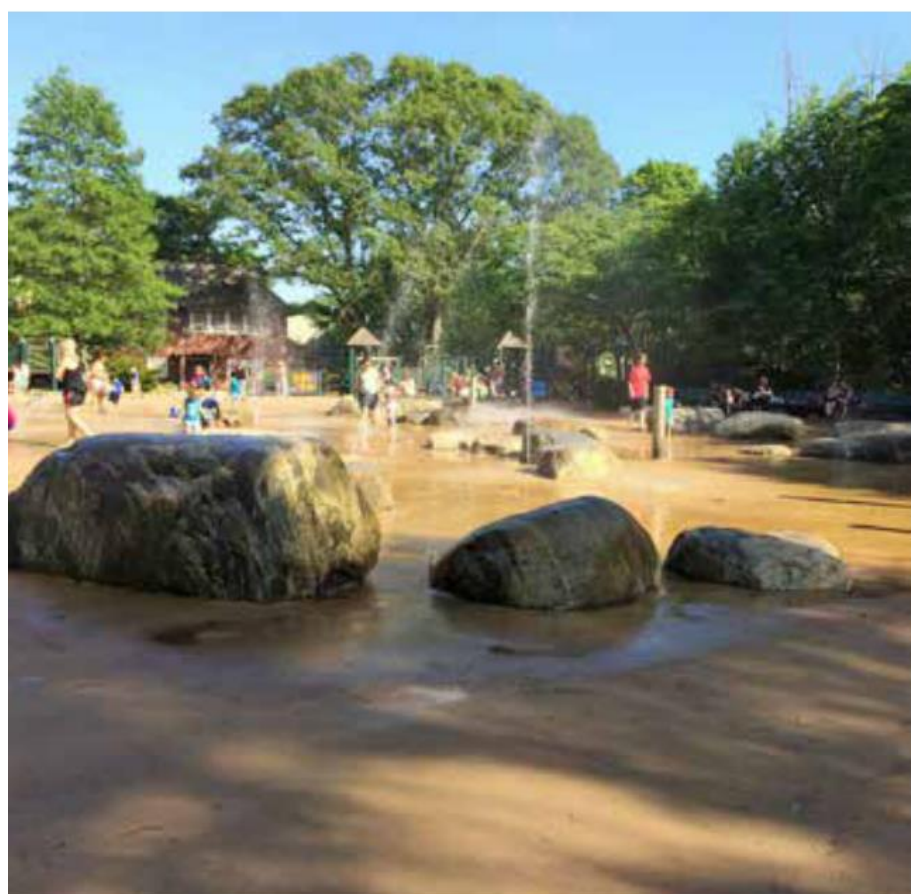

PORT MACQUARIE
HASTINGS
COUNCIL

P11/13

BAIN PARK MASTER PLAN
DETAIL PLAN







P12/13



BAIN PARK MASTER PLAN
VIEWS & MOOD IMAGES





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

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

OTHER STAGES

Stage 3 - \$2,950,000 for new buildings, upgrade of old toilets, and upgrade of car parks

Stage 4 - \$720,000 for amphitheatre, covered stage and multi-purpose lawn

Stage 5 - \$390,000 for shaded water play area

Stage 6 - \$500,000 for shelters and perimeter landscaping

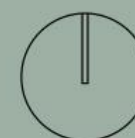
Stage 7 - \$530,000 for irrigation, lighting and wifi

Stages and inclusions listed are indicative and dependant on future funding and detailed design.



P13/13

BAIN PARK MASTER PLAN
STAGING PLAN (SUBJECT TO FUNDING)



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



39 Jindalee Road,
Port Macquarie NSW 2444
Ph: 02 6581 0939
ABN: 39 060 162 674

Dr Clare Allen
Chief Executive Officer
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Request for fee waiver: Quote No 35123

Dear Dr Allen,

Willing and Able Foundation are a long serving local community-based organisation offering meaningful employment to people living with an intellectual disability. As an approved NDIS provider, we also provide group activities and general supports and have a group home with two current residents.

Please find attached Quote no: 35123 being for application fees for a Driveway Crossover at the Willing and Able premises on Jindalee Road, Port Macquarie, for which we are requesting a fee reduction or waiver.

The purpose of the additional driveway at our premises is to improve safety for our staff, supported employees and the general public by providing a one-way entry and exit to and from our car park.

This will reduce risk in a busy and often congested space by allowing for more ordered and free flowing traffic as people visit our site to make donations, visit the Op Shop or pick up items from the Laundry or Woodworking departments.

Thank you for your favourable consideration of this matter. If you require any further information, please do not hesitate to let me know.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Penny Poulton'.

Penny Poulton
General Manager
Willing and Able Foundation

www.willingandable.org.au



PORT MACQUARIE
HASTINGS

Development & Environment - Engineering Development

PO Box 84
Cnr Lord & Burrawan Streets
PORT MACQUARIE NSW 2444
ABN 11 236 901 601
Phone +61 2 6581 8111
Fax +61 2 6581 8123
Email: dev.quotes@pmhc.nsw.gov.au

Quotation

Applicant: Willing & Able Foundation Limited

Email: gm@willingandable.org.au

Quote Type: Section 138

Quote Details: (No planning portal reference)
Second Driveway
S138 (Industrial) Driveway Crossover

39-41 Jindalee Road PORT MACQUARIE PIN 9095

Quote No.: 35177

Quote Date: 03 May 2022

Expiry Date: 30 June 2022

Officer: Carissa Hagenbach

Fee Description	GST	Total
s138 Driveway Industrial	\$0.00	\$309.00
Roads Act Engineering Rev. Indust	\$0.00	\$551.00
Roads Act Observ.Fee Indust	\$0.00	\$269.00
Bond Administration Fee	\$0.00	\$284.00
Bond Outstand.Wks-Industrial	\$0.00	\$8,000.00
Application Lodgement Fee	\$0.00	\$15.00

Total GST \$0.00

QUOTE TOTAL:

\$9,428.00

Notes: These fees are Infrastructure Engineering Development fees only. For other department fees, e.g. Section 68, water meter hire, etc, please contact the relevant sections.

This quotation is based on information provided by the customer. All applications will be assessed at time of submission and fees calculated using the current Port Macquarie-Hastings Council Management Plan. If inadequate or incomplete information has been supplied, Council reserves the right to alter fees accordingly.

Office Use Only: **Account Ref:**

Date Paid: _____ Amount Paid: \$ _____

Receipting Officer: _____ Receipt No. _____

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

Memorandum of Understanding

Public Drinking Water Supply

North Coast Public Health Unit
and
Port Macquarie-Hastings
Council

2022 - 2025



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Introduction

This Memorandum of Understanding (MOU) between North Coast Public Health Unit (NCPHU) and Port Macquarie-Hastings Council (PMHC) sets out the mutual commitment and support in achieving a cooperative approach to supplying water that is safe to drink and ensuring the protection of public health for the Port Macquarie Hastings community who have access to drinking water within the reticulation network.

This MOU formalises the existing working relationship in regard to public drinking water supply and encourages an effective link between the North Coast Public Health Unit (NCPHU) and PMHC.

This MOU replaces the Memorandum of Understanding Public Drinking Water Supply between Mid North Coast Local Health District and Port Macquarie-Hastings Council dated January 2019 December 2021.

Purpose

The purpose of the MOU between NCPHU and PMHC is to:

- Align long term strategic direction of both organisations
- Formally set out the terms of a cooperative relationship between both organisations
- Maintain open and effective communication
- Establish respective roles and responsibilities
- Facilitate fulfilment of each party's function in relation to the protection of public health; and
- Define the roles and responsibilities of the advisory committee

The parties to this MOU support the arrangements outlined to ensure that a cooperative approach occurs.

Background

PMHC is responsible for the collection, storage and treatment of water for a consumer population of >85,000. This population potentially increases to above 100,000 during the holiday seasons. PMHC is responsible for maintaining the quality of the public drinking water, as well as ensuring a sufficient quantity of drinking water is available for the consumers.

The NSW Minister of Health and the Secretary of Health have certain responsibilities in relation to the protection of public health under the *Public Health Act 2010* and the *Fluoridation of Public Water Supplies Act 1957*. The NSW Government has endorsed the NHMRC, NRMHC (2011) Australian Drinking Water Guidelines as a model for best practice. PMHC is to have regard for the Australian Drinking Water Guidelines (2011) and any subsequent updates when conducting its water supply activities.

NSW Health have recommended and allocated a minimum number of water samples as part of the Drinking Water Management program for PMHC to monitor drinking water quality. The number of water samples may change to reflect any change to the supply system, population change or desire to improve the understanding of risks to the drinking water supply.

Water samples, that are representative of the water supplied to the consumer are collected from the distribution system and analysed for microbiological presence by the Port Macquarie-Hastings Council Environmental Laboratory.

The Port Macquarie-Hastings Environmental Laboratory has the capacity to perform physical, chemical and microbiological analysis of drinking water. The Port Macquarie-Hastings Environmental Laboratory has current NATA accreditation and has agreed to meet the reporting role as detailed in this MOU.

The water samples allocated to PMHC as part of the NSW Health Drinking Water Monitoring program will continue to be sent to the Forensic and Analytic Science Service (FASS) for chemical analysis.

1. Agreement

To work cooperatively to:

- Consider the long-term strategic issues and emerging public health issues relating to the drinking water supply
- Maintain and enhance water quality data collection and data sharing programs
- Participate in programs of research and development, and sharing of program results as appropriate. eg: disinfection by products, pesticide sampling, total organic carbon testing, managing risks associated with chlorine resistant pathogens
- Define and implement effective processes for communication and reporting; and
- Annually review the implementation of this MOU

2. Objectives

- To ensure the provision of adequate, safe drinking water to the consumers of PMHC Local Government area
- To strengthen communication and reporting processes between PMHC and NCPHU
- To support and enhance data sharing arrangements
- To enhance drinking water quality through collaborating on Drinking Water Management Systems (DWMS) and other quality improvement programs

3. Roles and Responsibilities

North Coast Public Health Unit responsibilities:

- Monitor water quality results and fluoride levels via the NSW Health drinking water quality database
- Be available 24 hours a day to respond incident notifications by phone, email and SMS (See Section 8)
- Actively participate where requested in the planning and design of water quality improvement programs with PMHC
- Confirm the suitability of 3rd party users (Water Carters) to have access to the PMHC drinking water, where necessary
- Review the drinking water monitoring program and provide advice/support to PMHC
- Support PMHC in the fluoridation of drinking water supplies across the PMHC sites

Port Macquarie-Hastings Council responsibilities:

- Notify the Public Health Unit Environmental Health Officer via phone, email or SMS of any:
 - E.coli from the reticulated supply
 - Health related chemical failures or exceedances
 - Operational issues that may include:
 - Treatment breakdown/malfunction effecting water quality or raising potential public health concerns; or
 - Water main breakages effecting >20 houses or critical customers (i.e. home dialysis, patients, schools, hospitals and nursing homes)
 - Any CCP critical exceedances

- Notify the Public Health Unit Environmental Health Officer in a timely manner when:
 - Aesthetic issues arise related to algal presence
 - Potentially toxin-forming algal species are identified
 - Individual properties are disconnected or restricted from the supply
- Timely data entry - data collected as part of the NSW Health Drinking Water Monitoring program sample allocation is to be entered on NSW Health Drinking Water Quality Database within 15 working days (3 weeks)
- Complete an annual internal review of the DWMS
- Provide a brief report on the annual review of the DWMS to NCPHU prior to the annual review meeting
- Develop, maintain and review the incident response plan in consultation with NCPHU
- Discuss with NCPHU when considering or planning a boil water alert
- Advise the NCPHU of Port Macquarie-Hastings Council Laboratory NATA accreditation on an annual basis
- Chair and facilitate an annual review meeting with the Advisory Committee

4. The Advisory Committee

The Advisory committee shall comprise of:

- Environmental Health Officer of the North Coast Public Health Unit
- Community Utilities Operations Group Manager for Port Macquarie-Hastings Council
- Environmental Laboratory Manager for Port Macquarie-Hastings Council
- Other delegates as agreed

5. Advisory Committee Objectives

The Advisory committee will undertake to measure the ongoing performance of the MOU and evaluate the MOU and its implementation through the following processes:

- Opportunistically discuss water quality improvement programs and associated training/education seminars
- Review and discuss public health components of risk management plans for drinking water
- Observe that the PMHC drinking water operations reflect the 12 elements of the framework for the Management of Drinking Water quality; and
- Annually review
 - Drinking Water Management Systems
 - Critical control point results
 - Reservoir inspection program
 - Progression of any drinking water programs undertaken
 - Incidents/faults
 - NATA accreditation status and audits
 - Policy and procedures for water restrictors or disconnections
 - Samples sites and samples allocations; and
 - Other emerging issues

6. Terms of the Agreement

This MOU will be effective when it is signed and dated by both parties and shall remain in place for a three year period or until terminated by either party giving the other party three (3) months' notice in writing.

7. Attachments

- a) Flow Charts
 - 1. Process for contamination and/or treatment failure
 - 2. Physical or chemical characteristic(s) exceed a guideline value
 - 3. Boil water notification protocol
 - 4. Fluoridation Code of Practice Notification Protocol (form 6)
- b) Agenda for annual review meeting
- c) PMHC's Water Supply Policy extract - Water Supply Tariff and Billing Procedure 2021
- d) PMHC's investigations and actions taken when E.coli is detected in the reticulated water supply
- e) Example of boil water alerts

8. Contact Details

	North Coast Public Health	Port Macquarie-Hastings Council
Contact Name:	Greg McAvoy	Terry Randall
Phone Number:		
Email Address:		
Fax Number:		
Mobile Number:		
After Hours Phone Number:		

9. References

NSW Health Drinking Water Monitoring Program 2011
 NHMRC, NRMMC (2011) Australian Drinking Water Guidelines (last updated March 2021)
 Port Macquarie-Hastings Council Water Supply Policy 2021
 Public Health Act 2010
 NSW Fluoridation of Public Water Supplies Act 1957
 MOUT

SIGNED FOR AND ON BEHALF OF

North Coast Public Health Unit

Port Macquarie-Hastings Council

Public Health Director

Chief Executive Officer

Dr Paul Douglas_____

Name of Public Health Director

Date: _____

Dr Clare Allen_____

Name of Chief Executive Officer

Date: _____



Kooloonbung Creek Flying-fox Camp Management Plan Final

Adopted by Council June 2019

PORT MACQUARIE-HASTINGS COUNCIL



ecology / vegetation / wildlife / aquatic ecology / GIS



Acknowledgements

Port Macquarie-Hastings Council would like to thank everyone who participated in community consultation, with all comments considered in the development of this plan and incorporated where possible. Council acknowledges input by the New South Wales Office of Environment and Heritage to the Plan in developing the template upon which this Camp Management Plan is based, and Dr Peggy Eby who provided advice which was included in the template.



Acronyms and abbreviations

ABLV	Australian bat lyssavirus
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
BDAR	Biodiversity Development Assessment Report
BFF	Black flying-fox (<i>Pteropus alecto</i>)
the camp	Kooloonbung Creek flying-fox camp
CE	Critically endangered
Council	Port Macquarie-Hastings Council
DoEE	Department of the Environment and Energy (Commonwealth)
DPI	Department of Primary Industries (NSW)
E	Endangered
EEC	Endangered Ecological Communities
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
FKCNP	Friends of Kooloonbung Creek Nature Park
GHFF	Grey-headed flying-fox (<i>Pteropus poliocephalus</i>)
the Guideline	Referral guideline for management actions in grey-headed and spectacled flying-fox camps 2015 (Commonwealth)
HeV	Hendra virus
KCPoM	Kooloonbung Creek Plan of Management 2012
LEP	Local Environmental Plan
LGA	Local Government Area
LGNSW	Local Government of New South Wales
LRFF	Little red flying-fox (<i>Pteropus scapulatus</i>)
MNES	Matters of national environmental significance
NFFMP	National flying-fox monitoring program



NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i>
NPWS	National Parks and Wildlife Service (NSW)
OEH	Office of Environment and Heritage (NSW)
the Park	Kooloonbung Creek Nature Park
the Plan	this Camp Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997 (NSW)</i>
the Policy	Flying-fox Camp Management Policy 2015 (NSW)
SEPPs	State Environmental Planning Policies
SIS	Species impact statement
TEC	Threatened ecological community
V	Vulnerable



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1 Introduction

The Kooloonbung Creek Camp Management Plan (the Plan) provides Port Macquarie-Hastings Council (Council) with a framework for managing community impacts associated with flying-foxes roosting along Kooloonbung Creek, whilst ensuring flying-foxes and their ecological services are conserved.

Three species of flying-foxes occur in New South Wales (NSW):

- grey-headed flying-fox (*Pteropus poliocephalus*) (GHFF)
- black flying-fox (*P. alecto*) (BFF)
- little red flying-fox (*P. scapulatus*) (LRFF).

Kooloonbung Creek flying-fox camp (the camp) is mainly occupied by GHFF, and at times by BFF and the highly transient LRFF. All three species of flying-foxes, and their habitats, are protected under NSW legislation. The GHFF is also listed as Vulnerable under Commonwealth legislation, affording it additional protection.

Detail of relevant legislation and policy related to flying-foxes is provided in Appendix 1. Flying-fox ecology, species profiles and roost characteristics are provided in Appendix 2.

The Kooloonbung Creek camp is one of eight flying-fox camps in the Port Macquarie-Hastings local government area (LGA), monitored as part of the National Flying-fox Monitoring Program (NFFMP) (Figure 1).

1.1 Flying-foxes in urban areas

Flying-foxes are highly nomadic, moving across their range between a network of camps. Camps may be permanently occupied, seasonal, temporary or sporadic, and numbers can fluctuate significantly on a daily/seasonal basis. Flying-foxes may travel up to 100 km a night in search of food resources (nectar, pollen and fruit), and their occurrence within the region is tightly linked to flowering and fruiting of foraging trees. Typically, the abundance of resources within a 20–50 km radius of a camp site will be a key determinant of the size of a camp (SEQ Catchments 2012). However, understanding the availability of foraging resources is difficult because flowering and fruiting are not reliable every year and vary between locations (SEQ Catchments 2012). This highlights the need for a multi-faceted approach to management that is continually adapted as situations change or further research improves our understanding of flying-foxes and their management.

Living near a flying-fox camp can be challenging for communities, with impacts associated with noise, odour, faecal drop, damage to vegetation and concern about potential health risks. There are also challenges associated with management. State approval is required under legislation to manage a camp, and actions which may affect the GHFF must also adhere to federal policy. Attempts to relocate flying-foxes are extremely costly, and often splinter a camp to multiple undesirable locations that are difficult to predict. Flying-foxes will also regularly



attempt to recolonise their preferred camp site when resources are available, and it is not appropriate or possible to remove all of the flowering and fruiting trees that attract them to the region.

Flying-foxes appear to be roosting and foraging in urban areas more frequently. During a study of national flying-fox camp occupation, almost three quarters of the 310 active GHFF camps (72%) were located in urban areas, 22% on agricultural land and only 4% in protected areas (Timmiss 2017). Furthermore, the number of camps increased with increasing human population densities (up to ~4000 people per km²) (Timmiss 2017).

There are many possible drivers for this urbanising trend, as summarised by Tait et al. (2014):

- loss of native habitat and urban expansion
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban camps or orchards
- urban effects on local climate
- refuge from predation
- movement advantages, e.g. ease of manoeuvring in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

These drivers mean that flying-foxes are likely to continue occupying the camp into the future. Favourable habitat and food resources within the local government area (LGA) mean that camps may also establish in new locations.

Regular stakeholder engagement during the development of this plan aims to ensure the values of the Port Macquarie community are considered, and concerns of residents who have been directly impacted are addressed.

1.2 Plan objectives

The Plan has been prepared in accordance with the NSW Flying-fox Camp Management Policy (2015) framework, administered by the Office of Environment and Heritage (OEH).

The objectives of this Plan are to:

- manage community impacts and concerns associated with the camp, whilst conserving flying-foxes and their habitat
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes



- effectively communicate with stakeholders during planning and implementation of management activities
- clearly outline the camp management actions that have been approved and will be utilised at the camp
- ensure camp management does not contribute to loss of biodiversity or increase threats to threatened species/communities
- ensure management actions are consistent with legislative responsibilities
- ensure flying-fox welfare is a priority during works
- ensure long-term conservation of flying-foxes in appropriate locations.



2 Context

2.1 Camp description

The camp is located within Kooloonbung Creek Nature Park (the Park) in Port Macquarie, along an estuarine waterway that includes Wrights Creek. The camp is bordered by residential areas to the east, west and south, a historical cemetery and recreational area adjoin the Park in the north.

Kooloonbung Creek camp meets the criteria for a Nationally Important camp under the Referral Guidelines for Management Actions in GHFF and SFF camps (DoE 2015) as it has contained over 10,000 GHFF for two consecutive years and 2,500 permanently or seasonally every year for the last 10 years (OEH 2017).

Vegetation within the camp mainly consists of:

- Broad-leaved Paperbark Swamp Woodland/Forest
- Grey Mangrove Woodland/Forest.



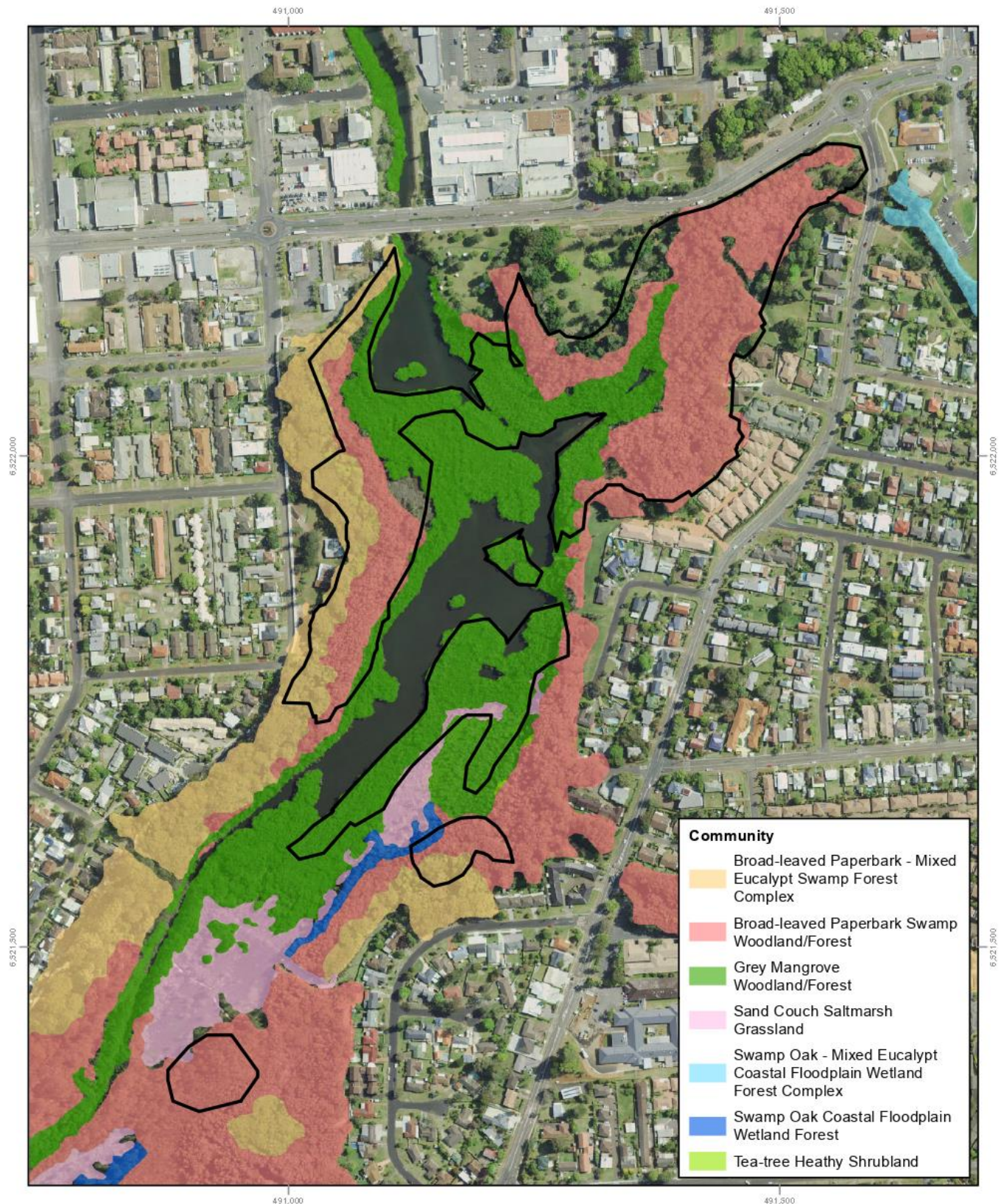
Figure 2 Kooloonbung Creek

Vegetation throughout the Park also consists of Broad-leaved Paperbark – Mixed Eucalypt Swamp Forest; Sand couch Saltmarsh Grassland and Swamp Oak Coastal Floodplain Wetland Forest (Figure 5). There are also a number of mown areas between residences and the Park (Figure 3).



Figure 3 Mown areas between the camp and residents

Figure 4 Boardwalk through mangroves

**Figure 5: Vegetation communities**

Maximum camp extent

Port Macquarie-Hastings Council

Kooloonbung Creek CMP



Job number: PR3995
Revision: 0
Author: KF
Date: 26/11/2018



0 25 50 100
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
Units: Meter

Data Sources: © Ecosure Pty Ltd 2018; Image Port Macquarie-Hastings Council, 2018.
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PR3995_MPX_Veg Map
A4

In 1985, volunteer group Friends of Kooloonbung Creek Nature Park (FKCNP) formed with a goal to regenerate the natural bushland and make the Park accessible to the public. FKCNP in conjunction with Council have continued with ongoing bush regeneration and park maintenance as well as establishing facilities such as seats and interpretive signage. A public footpath and extensive boardwalk network (Figure 4) extend throughout the Park offering educational and recreational opportunities for cycling, walking or bird watching. Various interpretive signage exists through the Park (Figure 6), however the only flying-fox related messaging is “Flying Foxes at rest – please do not disturb” (Figure 7).



Figure 6 Friends of Kooloonbung interpretive signage



Figure 7 Council sign

A large number of pups on mothers was observed during the November site assessment by



Figure 8 GHFF resting in camp

Ecosure (Figure 8). The area occupied by flying-foxes during the November site assessment was 2.9 ha. The maximum known camp extent is 77.01 ha (PMHC 2018). Both are shown in Figure 11.

Whilst Figure 11 illustrates the maximum camp extent, and Figure 12 shows the changes in the area occupied seasonally by flying-foxes between the years 2015 and 2018.

Some properties on Glebe Close side of the camp have 5m of cleared vegetation in the asset protection zone, although a few properties still have vegetation from the reserve close to or overhanging boundaries (Figure 9). Hollingworth road side of the camp (Figure 10) provides a 15m road buffer plus a 15m vegetative buffer between homes and the maximum known camp extent on the western side of the Park.



Figure 9 Vegetation overhanging property boundaries

Figure 10 Hollingworth street acts as a buffer from roosting flying-foxes in the Park.

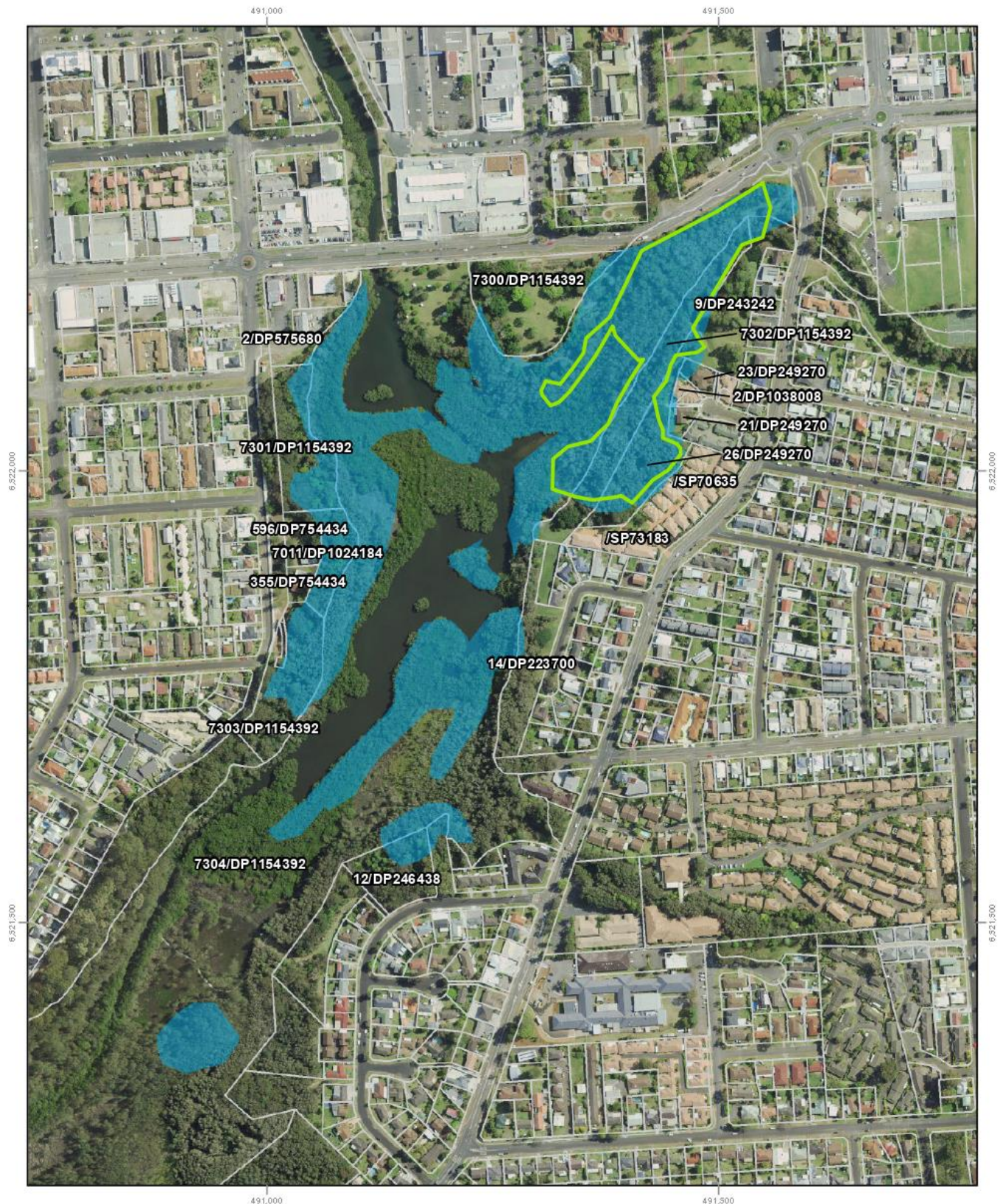





Figure 11: Kooloonbung maximum camp extent
2018)

Port Macquarie-Hastings Council

Kooloonbung Creek CMP
ecosure

 Camp extent (November
 Maximum camp extent
 Property boundary

Job number: PR3995
Revision: 0
Author: KF
Date: 26/11/2018



0 25 50 100
Metres

GCS GDA 1994
Datum: GDA 1994
Units: Degree

Data Sources: © Ecosure Pty Ltd 2018; Image Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community Port Macquarie-Hastings Council, 2018.
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PR3995_MPK_CampExtent
A4



Figure 12: Seasonal camp extents 2015-2018

Port Macquarie-Hastings Council

Kooloonbung Creek CMP



Job number: PR3995
Revision: 0
Author: K.F.
Date: 29/11/2018



0 125 250 500
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
Units: Meter

Data Source: Ecosure Pty Ltd, 2018; Image
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PR3995_MPA_Scenes
A4



2.2 Tenure

The camp is located on multiple land parcels including freehold, Council land and Crown land for which Council is appointed Trustee. Table 1 provides a list of properties that comprise the maximum camp extent. This will assist in identifying the location/s for potential management actions.

Table 1 Properties comprising the maximum camp extent. Lot and plans are mapped in Section 2.1.

Lot and DP	Tenure	Zoning
7300/DP1154392	Council	RE1 Public recreation (Historical cemetery)
7301/DP1154392	Council	E2 Environmental conservation
7302/DP1154392	Council	E2 Environmental conservation
7303/DP1154392	Council	E2 Environmental conservation
7304/DP1154392	Crown	E2 Environmental Conservation (Kooloonbung Creek Nature Park)
9/DP243243	Freehold	R2 Low Density Residential
21/DP249270	Freehold	R1 General residential
23/DP249270	Freehold	R1 General residential
26/DP249270	Council	RE1 Public recreation
7011/DP1024184	Council	E2 Environmental conservation (behind girl guides)
14/DP223700	Council	E2 Environmental conservation
12/DP246438	Freehold	E2 Environmental conservation
355/DP754434	Crown	E2 Environmental conservation
596/DP754434	Crown	E2 Environmental conservation
2/DP575680	Freehold	B2 Local centre
SP70635	Strata Freehold	R1 General residential
SP73183	Strata Freehold	R1 General residential
2/DP1038008	Freehold	R1 General residential

2.3 Other ecological values

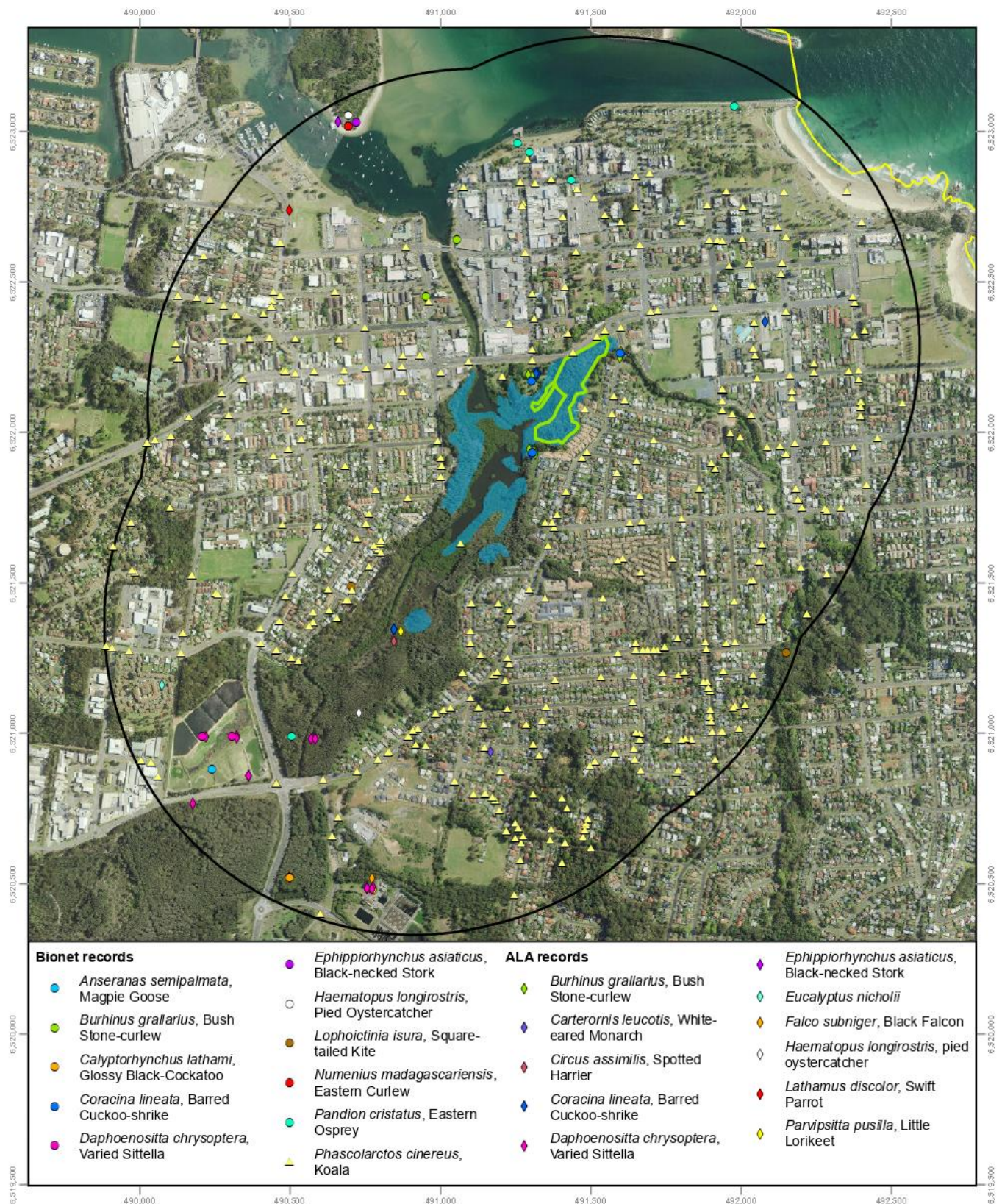
Thirty-three threatened species are known to occur or have been recorded within 1 km of Kooloonbung Creek camp (Table 2) (Figure 13). Migratory and marine species found within the area have been excluded from this list but are provided in Appendix 3. The Park also contains five threatened plant communities; subtropical coastal floodplain forest (Endangered Ecological Community {EEC}), freshwater wetlands on coastal floodplains (EEC), coastal saltmarsh (EEC), swamp oak floodplain forest (EEC) and coastal upland swamp (EEC) (PMHC 2012) (Figure 14).



Table 2 Other ecological values known to occur or recorded within 1km of the camp

Protection level	Source	Category	Values/significance	Details
Federal	NFFMP (DoEE 2018)	Nationally important camp	See definition Appendix 1.	Site meets criteria.
	Protected Matters Search Tool (DoEE 2018) Atlas of Living Australia 2019	Threatened species [^]	Regent Honeyeater (<i>Anthochaera phrygia</i>) (CE) Australasian Bittern (<i>Botaurus poiciloptilus</i>) (E) Red Knot (<i>Calidris canutus</i>) (E) Curlew Sandpiper (<i>Calidris ferruginea</i>) (CE) Lesser Sand Plover (<i>Charadrius mongolus</i>) (E) Eastern Curlew (<i>Numenius madagascariensis</i>) (CE) Fairy Prion (<i>Pachyptila turtur subantarctica</i>) (V) Spot-tailed Quoll (<i>Dasyurus maculatus maculatus</i>) (E) Koala (<i>Phascolarctos cinereus</i>) (V) <i>Allocasuarina thalassoscopia</i> (E)	10 species (2 mammals, 7 birds and 1 plant) known to occur within the area (SPRAT data not mapped)
State	Bionet (OEH 2018) Atlas of Living Australia 2019	Threatened species	Magpie Goose (<i>Anseranas semipalmata</i>) (V) Bush Stone-Curlew (<i>Burhinus grallarius</i>) (E) Glossy Black Cockatoo (<i>Calyptorhynchus lathamii</i>) (V) White-eared Monarch (<i>Carterornis leucotis</i>) (V) Spotted Harrier (<i>Circus assimilis</i>) (V) Barred Cuckoo-shrike (<i>Coracina lineata</i>) (V) Varied Sittella (<i>Daphoenositta chrysoptera</i>) (V) Black-necked Stork (<i>Ephippiorhynchus asiaticus</i>) (E) Black Falcon (<i>Falco subniger</i>) (V) Pied Oystercatcher (<i>Haemotopus longirostris</i>) (V) Swift Parrot (<i>Lathamus discolor</i>) (E) Square-tailed Kite (<i>Lophoictinia isura</i>) (V) Eastern Curlew (<i>Numenius madagascariensis</i>) (CE) Eastern Osprey (<i>Pandion cristatus</i>) (V) Little Lorikeet (<i>Parvipsitta pusilla</i>) (V) Koala (<i>Phascolarctos cinereus</i>) (V) <i>Eucalyptus nicholii</i> (V)	15 species (13 birds, 1 mammal and 1 plant) have been recorded within 1 km of camp
Local	KCPoM (2012)	Threatened species identified in the reserve	Black-necked Stork (<i>Ephippiorhynchus asiaticus</i>) (E) Black Bittern (<i>Ixobrychus flavicollis</i>) (V) Freckled Duck (<i>Stictonetta naevosa</i>) (V) Eastern Osprey (<i>Pandion cristatus</i>) (V) Little Bent-wing Bat (<i>Miniopterus australis</i>) (V) Eastern Bent-wing Bat (<i>Miniopterus schreibersii oceanensis</i>) (V) Eastern Freetail-bat (<i>Mormopterus norfolkensis</i>) (V) Southern Myotis (<i>Myotis macropus</i>) (V) Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>) (V) Biconvex paperbark (<i>Melaleuca biconvexa</i>) (V)	10 species identified in the park (not recorded in database searches)

[^] listing status: CE – Critically Endangered, EN – Endangered, VU – Vulnerable

**Figure 13: Bionet threatened species records**

Port Macquarie-Hastings Council

Kooloonbung Creek CMP

- 1 km buffer
- Camp extent (November 2018)
- Maximum camp extent



Job number: PR3995
Revision: 1
Author: KF
Date: 30/1/2019

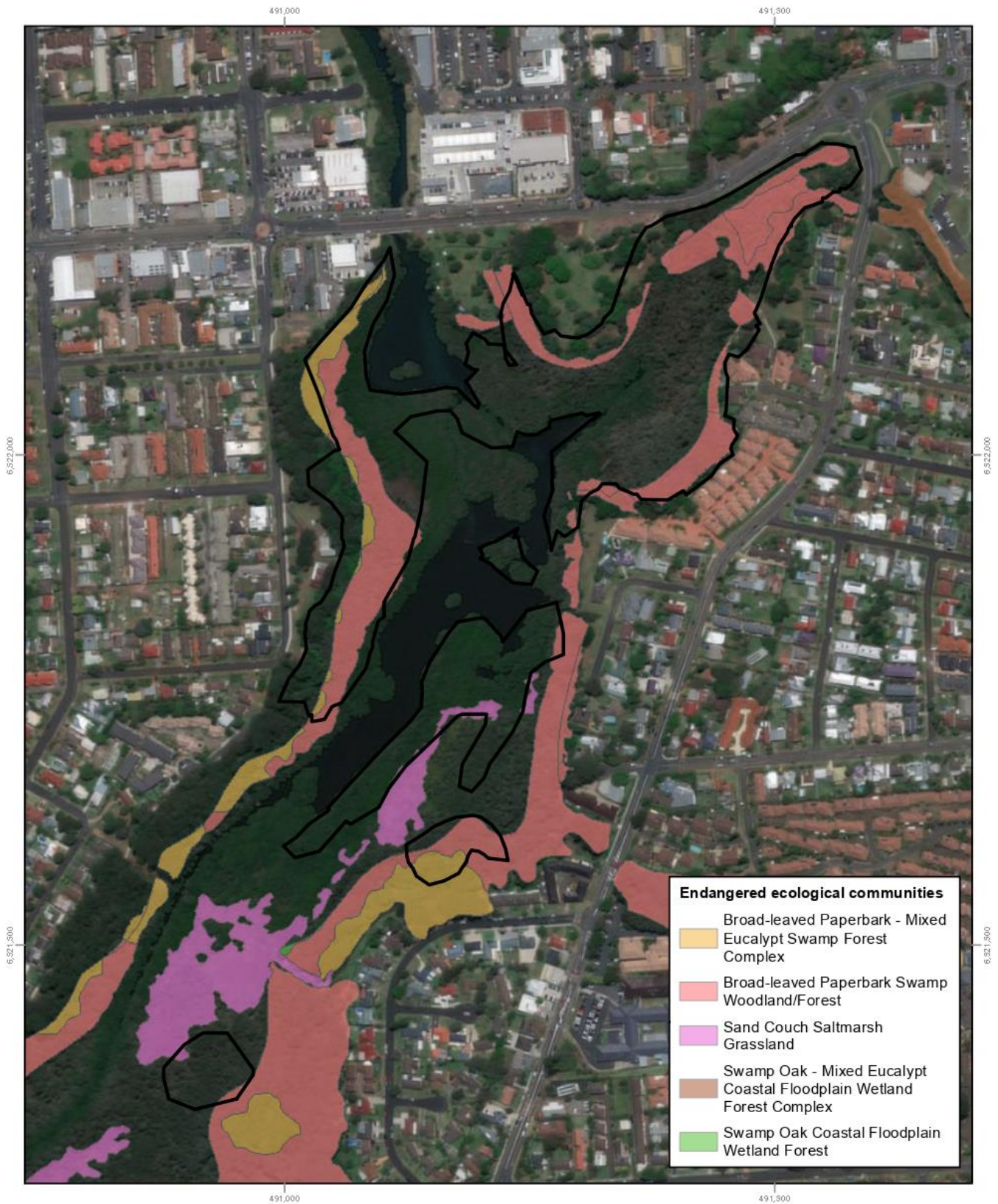


0 75 150 300
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
Units: Metre

Data Sources: © Ecosure Pty Ltd 2019; Image Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community Port Macquarie-Hastings Council, 2019.
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PR3995_MPG_ThreatenedSpecies
A4

**Figure 14: Endangered ecological communities**

Port Macquarie-Hastings Council

Kooloonbung Creek CMP



Job number: PR3995
Revision: 0
Author: SR
Date: 26/11/2018



0 25 50 100
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
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A6

2.4 History of the camp

Flying-foxes arrived at the Kooloonbung Creek camp in the 1990s (PMHC 2012). Prior to this, flying-foxes had occupied Sea Acres Nature Reserve, approximately 3.5 km to the south east (Figure 1). The camp has recorded a maximum of 173,000 flying-foxes in January 2014 since quarterly monitoring began in 2012 as part of the NFFMP (OEH 2017). This influx mainly comprised the highly nomadic LRFF. Camp numbers are usually below 20,000 with some influxes over 100,000 flying-foxes in 2014 and 2016. As this site is a maternity camp, it is likely that some individuals have a strong site fidelity, returning year after year as part of seasonal migrations.

The GHFF population will generally move south within their range (see Appendix 2) in spring and summer, then return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). In autumn they occupy primarily coastal lowland camps. LRFF travel south within their range (see Appendix 2) to visit the coastal areas of south-east Queensland and NSW during the summer months.

The LRFF has the most nomadic distribution, strongly influenced by availability of food resources (predominantly the flowering of eucalypt species) (Churchill 2008), which means the duration of their stay in any one place is generally very short. LRFF travel south to visit the coastal areas of south-east Queensland and NSW during the summer months. Flying-foxes also occupy Brombin camp and two camps in Kendall: Bakers Creek and Logans crossing.

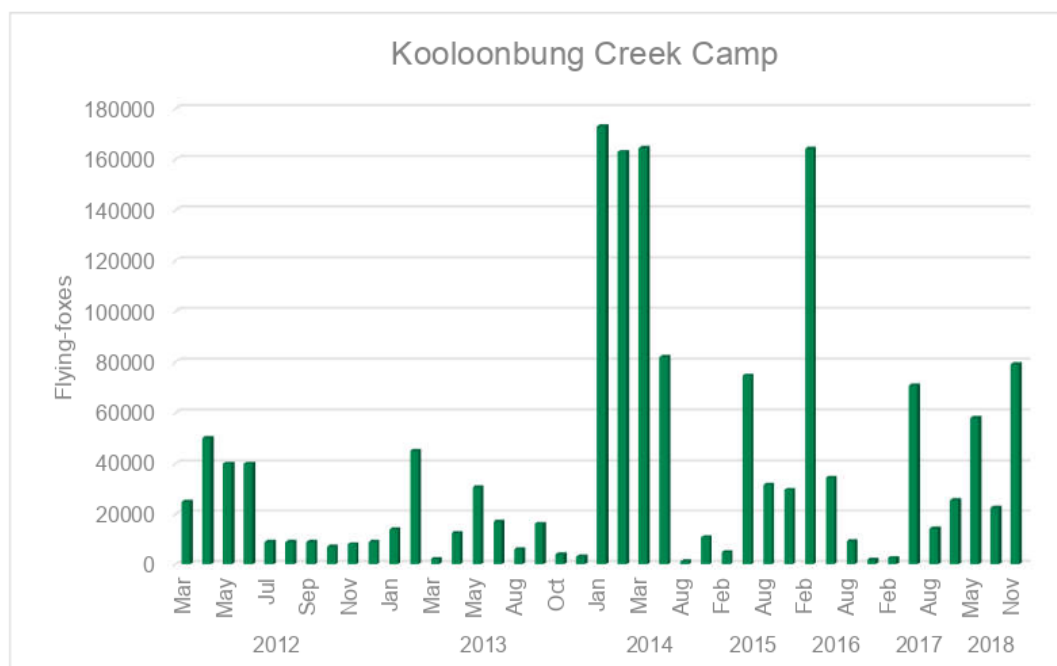


Figure 15 Numbers of flying-foxes at Kooloonbung Creek camp (Source: OEH 2017; PMHC 2018). Count methods are consistent with those described in Westcott et al. 2011.



2.5 Sensitive receptors

Sensitive receptors are those locations that host vulnerable people where risks need to be managed. Sensitive receptors (i.e. schools, hospitals with helipads, airports, equine facilities) within 2 km of the maximum camp extent and within 13 km for aerodromes are provided in Table 3 and Figure 16. Identifying sensitive receptors is necessary with regards to any management actions that could inadvertently cause the camp to splinter to undesirable or sensitive locations surrounding the camp.

Table 3 Sensitive receptors surrounding the camp

Sensitive receptor	Distance from maximum camp extent (m)
Port Macquarie community preschool	54
Hastings family day care	282
Port Macquarie public school	487
St Agnes primary school	660
Hastings Secondary College	869
Hastings preschool and long day care	1030
Hastings Secondary College Westport campus	1049
Portside preschool and long day care	1057
St Josephs primary school	1127
Westport public school	1342
MacKillop College	1420
St Peters primary school	1588
Hastings public school	1728
Port Macquarie race club	2332
Port Macquarie airport	3530

**Figure16: Sensitive receptors**

Port Macquarie-Hastings Council

Kooloonbung Creek CMP



Data Source: Ecosure Pty Ltd, 2018; Image
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Author: HF
Date: 26/11/2018



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GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
Units: Meter

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2.6 Management to date

A number of plans have been developed for the park:

- Catchment Management Plan 1992
- Reserve Management Plan 1996
- Kooloonbung Creek Nature Park Plan of Management (KCPoM) (Port-Macquarie-Hastings Council 2012).

During the development of the 2012 KCPoM, Dr Peggy Eby provided a presentation on bat ecology to residents at a community forum. Council also provided an on-line survey and subsequent issues paper (PVHC 2012). The KCPoM produced a number of management actions to address flying-fox issues. Table 4 provides a review on the progress of actions outlined in the KCPoM for consideration within this Plan.

Bush fire management and weed removal also have consequences for roost occupation patterns, and vegetation removal may exacerbate the effects of Heat Stress Events (HSE). Friends of Kooloonbung (FOK) have been undertaking bush regeneration (Figure 17) in the Park since 1985, improving public access, facilities and providing interpretational signage. Although FOK signage includes a flying-fox logo/illustration, no signs with flying-fox ecology information were observed in the Park.

The Inaugural Committee Meeting for the Flying-fox Camp Management Plan was held on Tuesday 4th September 2018 opened by Mayor Peta Pinson, with attendance by the Community Consultative Committee and Ecosure. Residents were provided legislative background on flying-fox management and information regarding the ecological importance and behaviour of flying-foxes.

When Council commissioned the development of this Plan, two further community consultative meetings were scheduled. Outcomes of these meetings held on Wednesday 14 November 2018 and 12 December 2018 are provided in Section 3 Community Engagement.



Table 4 Progress of 2012 actions for flying-fox issues. Adapted from Table 2 and Appendix A KCPoM (PMHC 2012)

Management action	Actions to be taken	Progress	Ecosure review
Undertake monthly flying-fox habitat mapping and broad population size estimations	Fluctuations in population and roosting area monitored; roost boundaries adjacent to residents identified. Mapping uploaded to Council Website for Community access	Commenced: Council undertakes quarterly monitoring of camp and produces. The public is able to access this information on the interactive flying fox mapping tool on the Department of Environment and Energy's website. http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf	<i>Highly informative and a beneficial action to continue. Enables temporal and spatial analysis for this Plan and future management.</i>
Community Health Risk	Annual inspection of advisory signage. Annual check on recorded Lyssavirus, Hendra Virus, Menangle Virus and Leptospirosis infections	These actions have not been initiated	<i>Educational messaging including prevention of risk is better than the collation of incident data alone. Residents should be informed that disease transmission is extremely low and vaccines are available for post exposure.</i>
Community and Council monitoring of the Flying-fox population	Develop a web based community monitoring system and movements of flying foxes in the Park and to record complaints.	Commenced: Council undertake the census which records movements of the camp. Council website has not been updated with this information.	<i>Update Council's webpage with quarterly monitoring of camp extent. Recording and promoting positive stories of rehabilitation, educational visits and tours or observations of fly outs (not just complaints).</i>
Community education	Install signage on bats to inform park users to avoid contact and to not disturb them. Provide NSW Dept. of Health fact sheets for all Flying Fox diseases to adjacent residents.	Commenced: Some basic warning signage installed Facts sheets produced in 2013	<i>Avoidance messaging on its own is inadequate and promotes negative attitudes and fear towards flying-foxes. Educational signage could be interwoven with indigenous values for flying-foxes. The bat logo/ illustration on Friends of Kooloonbung signage should be continued on future signage.</i>



Management action	Actions to be taken	Progress	Ecosure review
Vegetation removal	<p>Glebe Close (1st priority) Removal of vegetation within 10m of the Glebe Close properties.</p> <p>Hollingworth Street. (2nd Priority) Vegetation removal within the Hollingworth Street road reserve between Table Street and Koorong Avenue intersections (equates to a 25 - 30m buffer from residential properties). Vegetation removal within the Hollingworth Street Road Reserve between Ackroyd and Table Street intersections to the change of grade on roadside batter (equates to a 15m wide buffer from residential boundaries).</p> <p>Fischer Street (3rd Priority) Removal of overhanging branches back the trunk of trees that are within 10m of the Fischer Street property boundary.</p>	<p>Completed:</p> <p>1st Priority in Glebe Close (figure 18)</p> <p>2nd Priority Hollingworth Street</p>	<p><i>Trees overhanging properties in Glebe are mapped EECs (figure 17).</i></p> <p><i>The previously proposed buffer distances are considered adequate to provide relief from issues such as faecal drop to improve amenity. However, canopy area inside Kooloonbung Park must be considered with regards for the available roosting area for maximum number of bats.</i></p> <p><i>Noise and odour may need to be addressed using other management options such as improving building insulation and using air deodorisers.</i></p> <p><i>Important for residents to acknowledge the mobility of camp and the temporary nature of impacts in order to build resilience within community</i></p>
Desk top assessment	Additional roosting site for the flying foxes	Not yet initiated	<p><i>Whilst assessing suitable nearby vegetation may be beneficial for identifying potential habitat, it can not be guaranteed that flying-fox will take up alternative sites either temporarily or permanently.</i></p>
Bush regeneration/ weed control	Proposed bush regeneration works zones	Ongoing	<p><i>Any habitat improvement will benefit the flying-foxes however the timing of work zones ought to consider areas occupied by bats especially during breeding and summer months.</i></p> <p><i>Need to coordinate with Council mapping that shows seasonally occupied roost space.</i></p> <p><i>Do volunteers know what to do if they see a sick or injured bat?</i></p>



Figure 17 Bush restoration works in the understory of the Park



Figure 19 Asset protection zone behind properties in Glebe Close



Figure 18 Vegetation mapped as EEC overhanging behind Glebe Close properties

3 Community engagement

3.1 Stakeholders

There are a range of stakeholders directly or indirectly affected by flying-foxes, or who are interested in management of the camp. Stakeholders include those shown in Table 5.

Table 5 Stakeholders of Kooloonbung Creek camp

Stakeholder group	Stakeholder	Interest/reported impacts
Community	Residents and business owners	The location of the camp within a residential area means there are many residents affected by amenity issues (e.g. noise, smell, faecal drop), including residents of: <ul style="list-style-type: none"> - Glebe Close - Gordon Street - Hollingworth St - Lake Road - Anita Crescent - Lake Road
	Conservation groups	Friends of Kooloonbung have been undertaking bush regeneration in the Park since 1985
	Indigenous community	Traditional owners have a general interest in flying-foxes, including the ecological services they provide and the potential for sustainable harvesting for food or medicinal purposes.
Industry	Horse owners and managers	Horse owners, equine facility managers and local vets should be aware that Hendra virus risk is associated with foraging flying-foxes (e.g. risk is present across the entire flying-fox range), and appropriate mitigation measures.
	Orchardists and fruit growers	Fruit growers may be impacted by flying-foxes raiding orchards and should have access to wildlife friendly netting information.
	Port Macquarie Airport	Airport managers have a responsibility to reduce the risk of wildlife-aircraft strike. Port Macquarie Airport is located 3.5 km to the west of Kooloonbung camp and should be consulted regarding any management that may influence flying-fox movements or behaviour.
Government	Port Macquarie-Hastings Council	Council is responsible for administering local laws, plans and policies, and appropriately managing assets (including land) for which it is responsible.
	OEH	OEH is responsible for administering state legislation relating to (among other matters) the conservation and management of native plants and animals, including threatened species and ecological communities.
	Commonwealth Department of the Environment and Energy (DoEE)	DoEE is responsible for administering federal legislation relating to matters of national environmental significance, such as the grey-headed flying-fox which roosts at Kooloonbung Creek camp.
	Local Government NSW (LGNSW)	LGNSW is an industry association that represents the interests of councils in NSW. LGNSW also administered funds under the NSW Flying-fox Grants Program.
Non-government organisations	Wildlife carers and conservation organisations	Wildlife carers and conservation organisations have an interest in flying-fox welfare and conservation of flying-foxes and their habitat.
	Researchers/universities/CSIRO	Researchers have an interest in flying-fox behaviour, biology and conservation.



3.2 Engagement methods and results

Extensive effort has been made to engage with the community in the development of this plan. The aim of the engagement was to:

- seek feedback from the community concerning the impact of flying-foxes and advice on potential mitigation options
- understand the impacts, positive and negative, directly and indirectly affecting the community
- share information and seek ideas about possible future management options
- correct misinformation and alleviate fears regarding health risks to people and domestic animals (see Appendix 4 for information about human and animal health)
- raise awareness about the ecological importance of flying-foxes.

During development of the Plan, three methods will be used to engage with the Port Macquarie community; an online survey, community consultation meetings and public exhibition of the draft Plan (Table 6).

Table 6 Community engagement methods

Engagement method	Key dates	Outcomes
Inaugural Committee Meeting	4 September 2018	21 attendees. Minutes of Flying-fox Camp Management Plan 2018 Inaugural Committee Meeting available from Council.
Community consultation meeting #2	14 November 2018	23 attendees provided feedback to Ecosure on their preferred management options for inclusion in the Plan.
Online survey	20-30 November 2018	Online survey results will be included in section 3.2.2
Community consultation meeting #3	12 December 2018	Outcomes of meeting included in section 3.2.1
Public exhibition of draft Plan	5 December 2018 – 11 February	Submissions received by Council on the draft Plan incorporated into the final plan
Community consultation meeting #4	27 February 2018	TBA

3.2.1 Community consultation meeting

Concerns reported by the Port Macquarie-Hastings community include:

- fear of disease transfer to humans and domestic animals
- excessive noise, particularly depriving sleep and contributing to other health issues, and reduced amenity
- odour entering homes and reduced lifestyle amenity
- faecal drop on vehicles and outdoor areas
- damage to vegetation.



Impacts reported by residents are confined to the northern extent of Kooloonbung Creek Nature Park, particularly behind properties on Glebe Close, the Glebe Terraces Villas and Grove Terraces and the northern most end of Lake Road (Figure 20).

Attendees at the consultation meeting on November 14, 2018 provided feedback to Ecosure on which camp management actions (Section 4) to prioritise or disregard. Attendees were also invited to suggest how or where best to implement those actions. Comments in 'Actions to Prioritise', 'Actions to Disregard' and 'How and Where to Implement' have come directly from the consultation committee (Appendix 7). Actions were attributed to a corresponding level of management outlined in Section 4.

Meeting 2 revealed that the committee preferred, or were interested in learning more about, the following management actions:

- education and awareness programs specifically:
 - removal of non-natives
 - information on flying-fox diseases
 - advice on tree trimming
 - banning barbed wire in residential areas
 - promoting wildlife friendly netting.
- property acquisition
- creating alternative habitat or roost site
- subsidies for water and power use
- buffers through tree trimming or removal
- canopy-mounted sprinklers.

Concerns regarding flying-fox disease need to be addressed as part of an educational strategy. One resident at the meeting enquired about bat dander. Dander is an airborne allergen associated with the shedding of fur, hair or feathers (ALA 2017). The two flying-fox diseases; Australian Bat Lyssavirus and Hendra Virus (Appendix 4) cannot be transmitted through air-borne particles. Suspected allergies to flying-fox dander should be treated the same way as reactions to other general allergens such as dust and pollen. It is also possible that allergies perceived to be associated with flying-foxes may be due to coinciding increases in flowering (and pollen) that attracted an increased number of flying-foxes.

Although some committee members indicated that signage had already been installed and was an action that could be disregarded, the current signage only states, 'do not disturb' and does not improve knowledge or awareness of flying-fox ecology or conservation.

Some attendees had concern for removal of vegetation and making sure that the Park's other values such as koala movement was not impeded through actions such as noise attenuation fencing. Endangered ecological communities mapped to the border of some property boundaries exclude the option of tree removal within asset protection zones according to the



Council Development Control Plan (Appendix 1).

The committee is in favour of subsidies to assist with the costs associated with water for cleaning and high electricity use from air-conditioners due to not being able to open windows when the camp is emitting odour. A distance-based subsidy program could be created for residents to apply for financial assistance or professional advice regarding building insulation or double-glazed windows.

The third community consultative meeting discussed a dispersal scenario for the camp with reference to other Councils' dispersal results between 1990-2013 (Roberts and Eby 2013). Matters for consideration included financial cost, duration and resources required, likelihood of long-term success and, consequences of moving the camp to unknown or more problematic locations.

In 2013, Roberts and Eby summarised dispersals between 1990 and 2013:

- In all cases, dispersed animals did not abandon the local area.
- In 16 of the 17 cases, dispersals did not reduce the number of flying-foxes in the local area.
- Dispersed animals did not move far (63% of the time within 600m).
- In 85% of cases, new camps established nearby.
- In all cases it was not possible to predict where replacement camps would form.
- Conflict was often not resolved. In 71% of cases conflict still being reported either at the original site or within the local area years after the initial dispersal actions.
- Repeat dispersal was always required except where extensive vegetation removal occurred.

3.2.2 Survey responses

The community was invited to participate in an online survey linked to Council's website. The survey period was open for two weeks and contained 21 questions that comprised:

- flying-fox awareness (7 questions)
- flying-fox interaction (3 questions)
- flying-fox management (8 questions)
- respondent demographic (2 questions)
- open comment (1).

Results from the community survey are provided in Appendix 5.

A total of 43 survey respondents answered all or some of the questions. Some questions were optional while others requested more details depending upon the response, e.g. if a respondent answered 'no' to 'is the protection of flying-foxes important to you as a community member?' they were then prompted to respond to questions about why they had responded



in this way i.e. why they did not consider the protection of flying-foxes important. There were also opportunities for respondents to provide additional information if their points of view were not included in the available options.

3.2.3 Public submissions on draft Plan

The public submission period for the draft Plan is 5 December 2018 – 11 February 2019.

**Figure 20: Community impact area**

Port Macquarie-Hastings Council
Kooloonbung Creek CMP

Maximum camp
extent

Impacted resident 1
Impacted resident 2
Impacted resident 3
Impacted resident 4



Job number: PR3995
Revision: 0
Author: KF
Date: 27/11/2018



0 25 50 100
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
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PR3995_MPK_Community Feed Back
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4 Camp management options

Below is an overview of management options commonly used throughout NSW and Australia which were considered in the development of the Plan. These are categorised as Level 1, 2 or 3 in accordance with the Policy.

4.1 Level 1 actions: routine camp management

4.1.1 Education and awareness programs

This management option involves undertaking a comprehensive and targeted flying-fox education and awareness program to provide accurate information to the local community about flying-foxes.

Such a program would include information about managing risk and alleviating concern about health and safety issues associated with flying-foxes, options available to reduce impacts from roosting and foraging flying-foxes, an up-to-date program of works being undertaken at the camp, and information about flying-fox numbers and flying-fox behaviour at the camp.

Residents should also be made aware that faecal drop and noise at night is mainly associated with plants that provide food, independent of camp location. Staged removal of foraging species such as fruit trees and palms from residential yards, or management of fruit (e.g. bagging, pruning) will greatly assist in mitigating this issue.

Collecting and providing information should always be the first response to community concerns in an attempt to alleviate issues without the need to actively manage flying-foxes or their habitat. Where it is determined that management is required, education should similarly be a key component of any approach.

The likelihood of improving community understanding of flying-fox issues is high. However, the extent to which that understanding will help alleviate conflict issues is probably less so. Extensive education for decision-makers, the media and the broader community may be required to overcome negative attitudes towards flying-foxes.

It should be stressed that a long-term solution to the issue resides with better understanding flying-fox ecology and applying that understanding to careful urban planning and development.

An education program may include components shown in Figure 21.

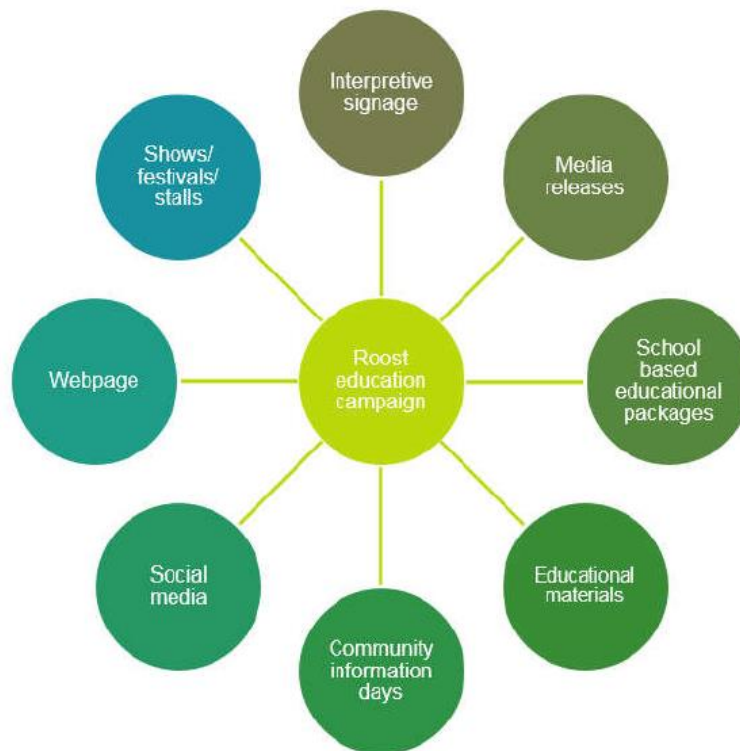


Figure 21 Possible components of an education program

4.1.2 Property modification without subsidies

The managers of land on which a flying-fox camp is located would promote or encourage the adoption of certain actions on properties adjacent to or near the camp to minimise impacts from roosting and foraging flying-foxes:

- Create visual/sound/smell barriers with fencing or hedges. To avoid attracting flying-foxes, species selected for hedging should not produce edible fruit or nectar-exuding flowers, should grow in dense formation between two and five metres (Roberts 2006) (or be maintained at less than 5 metres). Vegetation that produces fragrant flowers can assist in masking camp odour where this is of concern.
- Manage foraging trees (i.e. plants that produce fruit/nectar-exuding flowers) within properties through pruning/covering with bags or wildlife friendly netting, early removal of fruit, or tree replacement.
- Cover vehicles, structures and clothes lines where faecal contamination is an issue, or remove washing from the line before dawn/dusk.
- Move or cover eating areas (e.g. BBQs and tables) within close proximity to a camp or foraging tree to avoid contamination by flying-foxes.



- Install double-glazed windows, insulation and use air-conditioners when needed to reduce noise disturbance and smell associated with a nearby camp.
- Follow horse husbandry and property management guidelines provided at the NSW Department of Primary Industries Hendra virus web page (DPI 2015a).
- Include suitable buffers and other provisions (e.g. covered car parks) in planning of new developments.
- Turn off lighting at night which may assist flying-fox navigation and increase fly-over impacts.
- Consider removable covers for swimming pools and ensure working filter and regular chlorine treatment.
- Appropriately manage rainwater tanks, including installing first-flush systems.
- Avoid disturbing flying-foxes during the day as this will increase camp noise.

The cost would be borne by the person or organisation who modifies the property; however, opportunities for funding assistance (e.g. environment grants) may be available for management activities that reduce the need to actively manage a camp.

4.1.3 Property modification subsidies

Fully funding or providing subsidies to property owners for property modifications may be considered to manage the impacts of the flying-foxes. Providing subsidies to install infrastructure may improve the value of the property, which may also offset concerns regarding perceived or actual property value or rental return losses.

The level and type of subsidy would need to be agreed to by the entity responsible for managing the flying-fox camp.

4.1.4 Service subsidies

This management option involves providing property owners with a subsidy to help manage impacts on the property and lifestyle of residents. The types of services that could be subsidised include clothes washing, cleaning outside areas and property, car washing or power bills. Rate reductions could also be considered.

Critical thresholds of flying-fox numbers at a camp and distance to a camp may be used to determine when subsidies would apply.

4.1.5 Routine camp maintenance and operational activities

Examples of routine camp management actions (permissible subject to animal welfare measures listed in Appendix 6) are provided in the Policy. These include:

- removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist



- weed removal, including removal of noxious weeds under the *Noxious Weeds Act 1993*, or species listed as undesirable by a council
- trimming of understorey vegetation
- the planting of vegetation
- minor habitat augmentation for the benefit of the roosting animals
- mowing of grass and similar grounds-keeping actions that will not create a major disturbance to roosting flying-foxes
- application of mulch or
- removal of leaf litter or other material on the ground.

Protocols should be developed for carrying out operations that may disturb flying-foxes, which can result in excess camp noise. Such protocols could include limiting the use of disturbing activities to certain days or certain times of day in the areas adjacent to the camp and advising adjacent residents of activity days. Such activities could include lawn-mowing, using chainsaws, whipper-snippers, using generators and testing alarms or sirens.

4.1.6 Revegetation and land management to create alternative habitat

This management option involves revegetating and managing land to create alternative flying-fox roosting habitat through improving and extending existing low-conflict camps or developing new roosting habitat in areas away from human settlement.

Selecting new sites and attempting to attract flying-foxes to them has had limited success in the past, and ideally habitat at known camp sites would be dedicated as a flying-fox reserve. However, if a staged and long-term approach is used to make unsuitable current camps less attractive, whilst concurrently improving appropriate sites, it is a viable option (particularly for the transient and less selective LRFF). Supporting further research into flying-fox camp preferences may improve the potential to create new flying-fox habitat.

When improving a site for a designated flying-fox camp, preferred habitat characteristics detailed in Appendix 3 Alternative camp site investigation report Section 1.3 Roosting preferences should be considered.

Foraging trees planted amongst and surrounding roost trees (excluding in/near horse paddocks) may help to attract flying-foxes to a desired site. They will also assist with reducing foraging impacts in residential areas. Consideration should be given to tree species that will provide year-round food, increasing the attractiveness of the designated site. Depending on the site, the potential negative impacts to a natural area will need to be considered if introducing non-indigenous plant species.

The presence of a water source is likely to increase the attractiveness of an alternative camp location. Supply of an artificial water source should be considered if unavailable naturally, however this may be cost-prohibitive.

Potential habitat mapping using camp preferences and suitable land tenure can assist in initial



alternative site selection. A feasibility study would then be required prior to site designation to assess likelihood of success and determine the warranted level of resource allocated to habitat improvement.

4.1.7 Provision of artificial roosting habitat

This management option involves constructing artificial structures to augment roosting habitat in current camp sites or to provide new roosting habitat. Trials using suspended ropes have been of limited success as flying-foxes only used the structures that were very close to the available natural roosting habitat. It is thought that the structure of the vegetation below and around the ropes is important.

4.1.8 Protocols to manage incidents

This management option involves implementing protocols for managing incidents or situations specific to particular camps. Such protocols may include monitoring at sites within the vicinity of aged care or child care facilities, management of compatible uses such as dog walking or sites susceptible to heat stress incidents (when the camp is subjected to extremely high temperatures leading to flying-foxes changing their behaviour and/or dying).

4.1.9 Participation in research

This management option involves participating in research to improve knowledge of flying-fox ecology to address the large gaps in our knowledge about flying-fox habits and behaviours and why they choose certain sites for roosting. Further research and knowledge sharing at local, regional and national levels will enhance our understanding and management of flying-fox camps.

4.1.10 Appropriate land-use planning

Land-use planning instruments may be able to be used to ensure adequate distances are maintained between future residential developments and existing or historical flying-fox camps. While this management option will not assist in the resolution of existing land-use conflict, it may prevent issues for future residents.

4.1.11 Property acquisition

Property acquisition may be considered if negative impacts cannot be sufficiently mitigated using other measures. This option will clearly be extremely expensive, however is likely to be more effective than dispersal and in the long-term may be less costly.

4.1.12 Do nothing

The management option to 'do nothing' involves not undertaking any management actions in relation to the flying-fox camp and leaving the situation and site in its current state.



4.2 Level 2 actions: in-situ management

4.2.1 Buffers

Buffers can be created through vegetation removal and/or the installation of permanent/semi-permanent deterrents.

Creating buffers may involve planting low-growing or spiky plants between residents or other conflict areas and the flying-fox camp. Such plantings can create a visual buffer between the camp and residences or make areas of the camp inaccessible to humans.

The Kooloonbung Creek camp exists in relatively narrow strips of vegetation around a treeless wetland and therefore it is necessary to devise a suitable buffer distance that provides relief for residents and avoids forcing flying-foxes into backyards or splintering the camp to other problematic locations, and maintains the ecological and amenity values of the vegetation. This requires consideration of the approximate total area of the camp, the area that would need to be modified/removed to create a suitable buffer, and whether there is an equivalent replacement area available in an appropriate location for the displaced flying-foxes.

Previous studies have recommended that vegetation buffers consisting of habitat not used by flying-foxes, should be 300 m or as wide as the site allows to mitigate amenity impacts for a community (SEQ Catchments 2012). Buffers need to take into consideration the variability of use of a camp site by flying-foxes within and across years, including large, seasonal influxes of flying-foxes. The usefulness of a buffer declines if the flying-fox camp is within 50 m of human habitation (section 4.2.1).

Buffers through vegetation removal

Vegetation removal aims to alter the area of the buffer habitat sufficiently so that it is no longer suitable as a camp. The amount required to be removed varies between sites and camps, ranging from some weed removal to removal of most of the canopy vegetation.

Any vegetation removal should be done using a staged approach, with the aim of removing as little native vegetation as possible. This is of particular importance at sites with other values (e.g. ecological or amenity), and in some instances the removal of any native vegetation will not be appropriate. Thorough site assessment will inform whether vegetation management is suitable (e.g. can impacts to other wildlife and/or the community be avoided?).

Removing vegetation can also increase visibility into the camp and noise issues for neighbouring residents which may create further conflict.

Suitable experts should be consulted to assist selective vegetation trimming/removal to minimise vegetation loss and associated impacts.

The importance of under- and mid-storey vegetation in the buffer area for flying-foxes during heat stress events also requires consideration.



Buffers without vegetation removal

Permanent or semi-permanent deterrents can be used to make buffer areas unattractive to flying-foxes for roosting, without the need for vegetation removal. This is often an attractive option where vegetation has high ecological or amenity value.

While many deterrents have been trialled in the past with limited success, there are some options worthy of further investigation:

Visual deterrents – Visual deterrents such as plastic bags, fluoro vests (GeoLINK 2012) and balloons (Ecosure, pers. comm.) in roost trees have shown to have localised effects, with flying-foxes deterred from roosting within 1–10 metres of the deterrents. The type and placement of visual deterrents would need to be varied regularly to avoid habituation. Potential for litter pollution should be considered and managed when selecting the type and placement of visual deterrents. In the absence of effective maintenance, this option could potentially lead to an increase in rubbish in the natural environment.

- **Noise emitters on timers** – Noise needs to be random, varied and unexpected to avoid flying-foxes habituating. As such these emitters would need to be portable, on varying timers and a diverse array of noises would be required. It is likely to require some level of additional disturbance to maintain its effectiveness, and ways to avoid disturbing flying-foxes from desirable areas would need to be identified. This is also likely to be disruptive to nearby residents.
- **Smell deterrents** – For example, bagged python excrement hung in trees has previously had a localised effect (GeoLINK 2012). The smell of certain deterrents may also impact nearby residents, and there is potential for flying-foxes to habituate.
- **Canopy-mounted water sprinklers** – This method has been effective in deterring flying-foxes during dispersals (Ecosure personal experience), and current trials in Queensland are showing promise for keeping flying-foxes out of designated buffer zones. This option can be logistically difficult (installation and water sourcing) and may be cost-prohibitive. Design and use of sprinklers need to be considerate of animal welfare and features of the site. For example, misting may increase humidity and exacerbate heat stress events, and overuse may impact other environmental values of the site.

Note that any deterrent with a high risk of causing inadvertent dispersal may be considered a Level 3 action.

4.2.2 Noise attenuation fencing

Noise attenuation fencing could be installed in areas where the camp is particularly close to residents. This may also assist with odour reduction, and perspex fencing could be investigated to assist fence amenity. Although expensive to install, this option could negate the need for habitat modification, maintaining the ecological values of the site, and may be more cost-effective than ongoing management.



4.3 Level 3 actions: disturbance or dispersal

4.3.1 Nudging

Noise and other low intensity active disturbance restricted to certain areas of the camp can be used to encourage flying-foxes away from high conflict areas. This technique aims to actively 'nudge' flying-foxes from one area to another, while allowing them to remain at the camp site.

Unless the area of the camp is very large, nudging should not be done early in the morning as this may lead to inadvertent dispersal of flying-foxes from the entire camp site. Disturbance during the day should be limited in frequency and duration (e.g. up to four times per day for up to 10 minutes each) to avoid welfare impacts. As with dispersal, it is also critical to avoid periods when dependent young are present (as identified by a flying-fox expert).

4.3.2 Dispersal

Dispersal aims to encourage a camp to move to another location, through either disturbance or habitat modification.

There is a range of potential risks, costs and legal implications that are greatly increased with dispersal (compared with in-situ management as above). See Appendix 6 for more details. These include:

- impact on animal welfare and flying-fox conservation
- splintering the camp into other locations that are equally or more problematic
- shifting the issue to another area
- impact on habitat value
- effects on the flying-fox population, including disease status and associated public health risk
- impacts to nearby residents associated with ongoing dispersal attempts
- excessive initial and/or ongoing capacity and financial investment
- negative public perception and backlash
- increased aircraft strike risk associated with changed flying-fox movement patterns
- unsuccessful management requiring multiple attempts, which may exacerbate all of the above.

Despite these risks, there are some situations where camp dispersal may be considered. Dispersal can broadly be categorised as 'passive' or 'active' as detailed below.

Passive dispersal

Removing vegetation in a staged manner can be used to passively disperse a camp, by gradually making the habitat unattractive so that flying-foxes will disperse of their own accord over time with little stress (rather than being more forcefully moved with noise, smoke, etc.).



This is less stressful to flying-foxes, and greatly reduces the risk of splinter colonies forming in other locations (as flying-foxes are more likely to move to other known sites within their camp network when not being forced to move immediately, as in active dispersal).

Generally, a significant proportion of vegetation needs to be removed in order to achieve dispersal of flying-foxes from a camp or to prevent camp re-establishment. For example, flying-foxes abandoned a camp in Bundall, Queensland once 70% of the canopy/mid-storey and 90% of the understorey had been removed (Ecosure 2011). Ongoing maintenance of the site is required to prevent vegetation structure returning to levels favourable for colonisation by flying-foxes. Importantly, at nationally important camps (Appendix 1) sufficient vegetation must be retained to accommodate the maximum number of flying-foxes recorded at the site.

This option may be preferable in situations where the vegetation is of relatively low ecological and amenity value, and alternative known permanent camps are located nearby with capacity to absorb the additional flying-foxes. While the likelihood of splinter colonies forming is lower than with active dispersal, if they do form following vegetation modification there will no longer be an option to encourage flying-foxes back to the original site. This must be carefully considered before modifying habitat.

There is also potential to make a camp site unattractive by removing access to water sources. However, at the time of writing this method had not been trialled so the likelihood of this causing a camp to be abandoned is unknown. It would also likely only be effective where there are no alternative water sources in the vicinity of the camp.

Active dispersal through disturbance

Dispersal is more effective when a wide range of tools are used on a randomised schedule with animals less likely to habituate (Ecosure pers. obs. 1997–2015). Each dispersal team member should have at least one visual and one aural tool that can be used at different locations on different days (and preferably swapped regularly for alternate tools). Exact location of these and positioning of personnel will need to be determined on a daily basis in response to flying-fox movement and behaviour, as well as prevailing weather conditions (e.g. wind direction for smoke drums).

Active dispersal will be disruptive for nearby residents given the timing and nature of activities, and this needs to be considered during planning and community consultation.

This method does not explicitly use habitat modification as a means to disperse the camp, however if dispersal is successful, some level of habitat modification should be considered. This will reduce the likelihood of flying-foxes attempting to re-establish the camp and the need for follow-up dispersal as a result. Ecological and aesthetic values will need to be considered for the site, with options for modifying habitat the same as those detailed for buffers above.

Early dispersal before a camp is established at a new location

This management option involves monitoring local vegetation for signs of flying-foxes roosting in the daylight hours and then undertaking active or passive dispersal options to discourage the animals from establishing a new camp. Even though there may only be a few animals



initially using the site, this option is still treated as a dispersal activity, however it may be simpler to achieve dispersal at these new sites than it would in an established camp. It may also avoid considerable issues and management effort required should the camp be allowed to establish in an inappropriate location.

It is important that flying-foxes feeding overnight in vegetation are not mistaken for animals establishing a camp.

Maintenance dispersal

Maintenance dispersal refers to active disturbance following a successful dispersal to prevent the camp from re-establishing. It differs from initial dispersal by aiming to discourage occasional over-flying individuals from returning, rather than attempting to actively disperse animals that have been recently roosting at the site. As such, maintenance dispersal may have fewer timing restrictions than initial dispersal, provided that appropriate mitigation measures are in place.

4.4 Unlawful activities

4.4.1 Culling

Culling is addressed here as it is often raised by community members as a preferred management method; however, culling is contrary to the object of the *Biodiversity Conservation Act* and will not be permitted as a method to manage flying-fox camps.

Culling was used in the early 1800's and into the 1920s.



4.5 Camp management options analysis

Table 7 provides an analysis of the camp management options described in Section 4 and their suitability for implementation at Kooloonbung Creek Camp. An appraisal is provided for the options to be either adopted, investigated further or disregarded within this plan.

Table 7 Camp management options analysis

Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
Level 1 options					
Education and awareness programs	Fear of disease Noise Smell Faecal drop	\$	Low cost, increasing awareness will help the community coexist with flying-foxes, providing options for landholders to reduce impacts is an effective long-term solution and can be undertaken quickly.	Education and advice itself will not mitigate all issues, and on its own would not be acceptable to the community.	Early consultation indicates the community is in favour of a range of educational tools and methods. There appears to be some fears and concerns regarding disease risk that needs addressing. Ongoing education is a good way to manage expectations around achievable flying-fox management actions Appraisal: Adopt
Property modification / service subsidies	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$-\$\$	Property modification is one of the most effective ways to reduce amenity impacts of a camp without dispersal, relatively low cost, promotes conservation of FFs, can be undertaken quickly, will not impact on the site and may add value to the property. Property modification, such as glazing windows or installing insulation, will greatly assist with noise impacts inside residences and businesses. Installing shade sails, a car port or covering other affected areas will reduce the impacts of faecal drop.	May be cost-prohibitive for private landholders, however subsidies would assist.	Property modification can assist in reducing all amenity concerns, although may be cost prohibitive for residents – subsidies would assist. Appraisal: Adopt distance-based subsidies program.



Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
			Council could provide car covers, clothesline covers, free hire of pressure cleaners or consider rate reductions to assist with faecal drop impacts.		
Odour reducing / masking plants	Noise Smell Health/wellbeing Property devaluation	\$	Planting dense screens and fragrant plants to assist with odour and noise. Provide for the trimming of vegetation to maintain a low growing form. Tall trees to be assessed and modified only by a suitably qualified arborist.	May take time for plants to provide the desired effect. May not work effectively for residents located immediately next to the camp but would assist for residents living in the vicinity of the reserve	Residents could be encouraged to modify properties by planting dense screens and fragrant plants. If paired in conjunction with cleared buffers, could replace gaps with low shrubs to mitigate visual or odour impacts from camp. Appraisal: Adopt
Routine camp management	Health/well-being	\$	Weed removal has the potential to reduce roost availability and reduce numbers of roosting FFs.	Will not generally mitigate amenity impacts for nearby landholders.	Friends of Kooloonbung and Council regularly undertake bush regeneration and maintenance in the Park Appraisal: Adopt (ongoing)
Alternative habitat creation	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$\$-\$\$\$	If successful in attracting FFs away from high conflict areas, dedicated habitat in low conflict areas will mitigate all impacts and helps FF conservation. Rehabilitation of degraded habitat that is likely to be suitable for FF use could be a more practical and faster approach than habitat creation. Improving potential alternative camp habitat should be part of a medium-long term plan.	Generally costly, long-term approach so cannot be undertaken quickly, previous attempts to attract FFs to a new site have not been known to succeed.	Undertake a desktop investigation into nearby suitable flying-fox habitat and potential alternative camp sites. A risk assessment of the alternative sites against the current site would help in determining feasibility of moving the camp. Appraisal: Adopt



Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
Provision of artificial roosting habitat	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$-\$\$	Artificial roosting habitat could be considered to supplement the narrow available roosting space between the wetland and residential properties	No guarantee that flying-foxes would use artificial habitat, but collaborating with a researcher on varying design options would increase the likelihood of success.	Not enough evidence to explore this as a viable option to support habitat restoration. Appraisal: Disregard
Protocols to manage incidents	Health/wellbeing Fear of disease	\$	Low cost, will reduce actual risk of negative human/pet-FF interactions, promotes conservation of FFs, can be undertaken quickly.	Will not mitigate amenity impacts, but will reduce fear of disease.	Previous management actions (Table 4) recommended annual check on recorded Lyssavirus, Hendra Virus, Menangle Virus and Leptospirosis infections. Need to develop understanding of records or incidents and whether protocols are needed to reduce exposure to risk such as for staff, subcontractors or volunteers working in the Park. Appraisal: Investigate further
Research	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$	Support research that improve understanding and more effectively mitigates impacts. Develop understanding of native flowering event in area.	Generally cannot be undertaken quickly, management trials may require cost input.	Not considered an urgent action at this site. Council will endeavour to stay up to date with contemporary research as it arises. Appraisal: Investigate further



Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
Appropriate land-use planning	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$	Suitable planning for future development will reduce potential for future conflict. Identification of degraded sites that may be suitable for long-term rehabilitation for FFs could reduce impacts.	Will not generally mitigate current impacts.	Council may consider including additional management buffer zones within their codes in future planning scheme updates where properly documented and justified. Appraisal: Investigate further
Property acquisition	All for specific property owners Nil for broader community	\$\$\$	Option to lease properties back to community	Extremely expensive	Some consultation committee members wanted this option considered. Appraisal: Investigate further
Do nothing	Nil	Nil	No resource expenditure.	Will not mitigate impacts and would not be considered acceptable by impacted members of the community.	Not appropriate. Appraisal: Disregard

Level 2 options

Buffers through vegetation removal	Noise Smell Health/wellbeing	\$-\$\$	Any vegetation removal should be done using a staged approach, with the aim of removing as little native vegetation as possible and only in vegetation directly affecting residents subject to a Vegetation Management Plan. Asset protection zones provide a buffering function in other areas of the Kooloonbung Creek where residents have not indicated high levels of impact.	Removing vegetation can also increase visibility into the camp and noise issues for neighbouring residents which may create further conflict. No certainty that removal of vegetation will improve condition for impacted residents. Vegetation removed too quickly could cause inadvertent dispersal.	TEC vegetation in KCNP also is protected by coastal SEPP. Biodiversity Values mapped will require a Biodiversity Development Assessment Report in accordance with a Biodiversity Assessment Method. Further assessment and offsetting of this vegetation may not bring the intended mitigation and should be investigated further. Appraisal: Investigate further
Buffers without vegetation removal – canopy-mounted	Noise Smell Health/wellbeing	\$\$	Canopy-mounted water sprinklers – This method has been effective in deterring flying-foxes from designated buffer zones in Queensland (Ecosure pers. comm.).	This option can be logistically difficult regarding installation and water sourcing. Could alter design using flagpole structures. Would	Some residents were in favour of this technique. TS licence require on private property or assessed under Part 5 EP&A Act on public land



Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
sprinklers	Damage to vegetation or habitat			require guidelines regarding frequency and duration of use to mitigate exacerbating HSE effects.	Appraisal: Investigate further for boundary between Lot 26/DP249270 and 3/SP70635 and 3/SP73183
Noise attenuation fencing	Noise Smell Health/wellbeing Property devaluation Lost rental return/income	\$\$	Standard noise attenuation fencing is intended to alleviate amenity issues for residents. Advice from an acoustic consultant may provide site-specific alternatives (see Section 9).	Noise attenuation fencing is costly and can be considered unsightly for property fencing. Concerns regarding permeability of the landscape for animal movement particularly koalas. Area is also subject to some flooding	The committee did not show preference for this method. Appraisal: Disregard
Level 3 options					
Nudging	All	\$\$-\$\$\$	Can encourage flying-foxes to shift away from high conflict areas next to residential areas.	May lead to inadvertent dispersal if not done at the correct time, frequency or duration.	Level 2 management actions that have been proposed will serve to nudge flying-foxes away from high impact areas. Active nudging will only be considered if Level 2 actions are deemed to have been unsuccessful for the community. Appraisal: Investigate further
Active dispersal	All at that site but not generally appropriate for amenity impacts only	\$\$\$	If successful can mitigate all impacts at that site.	Dispersal is rarely successful without significant vegetation removal (not appropriate at this location) or ongoing effort and excessive expenditure (e.g. several years and \$1M for Sydney Botanic Gardens). Flying-foxes will almost always continue to roost in the area (generally within 600m), and often splinter into several locations nearby (including many remaining at the original site) (e.g. a single camp	This option is not considered appropriate at this site. Appraisal: Disregard



Management options	Relevant impacts	Cost \$-\$\$\$ Low-high	Advantages	Disadvantages	Suitability for site
				permanently splintered to numerous sites as a result of dispersal in Maclean, including remaining at the original site).	

If flying-foxes are being unlawfully and intentionally disturbed, this should be reported to NSW Office of Environment and Heritage's Environment Line by calling 131 555. Native animals are protected under the BC Act 2016 and EPBC Act and there are penalties for people found guilty of an offence. Offences are dealt with before the Local Court or before the Land and Environment Court. The RSPCA (NSW) is legally able to prosecute infringements that directly contradict the *Prevention to Cruelty Act 1979*.

5 Planned management approach

Council will take a risk-based approach to management based on:

- potential health, safety, wellbeing and economic implications for the community
- likelihood of management success
- potential flying-fox welfare and conservation impacts
- cost of management, and who would contribute to these costs
- risk of splintering the camp to other locations that are equally or more problematic.

Management options provided herein are intended primarily to provide relief for residents living in close proximity to the camp. Management options have been staged to prevent exacerbating issues associated with the camp whilst ensuring the welfare of flying-foxes.

Management options for adoption or further investigation are outlined in Actions in Table 8 contingent on securing funds and staff resourcing levels. Funds for actions will be sourced via grants and Council commitments.

Table 8 along with proposed timing: short-term (within 12 months), medium-term (within 2 years) or long-term (within 3-5 years). Note also that all management, and routine maintenance, must be done in accordance with mitigation measures detailed in Appendix 6.

The proposed management approach considers feedback received during community engagement, with the community indicating a preference for those below.

N.B. All management must be consistent with legislation detailed in Appendix 1, and any other applicable legislation.

5.1 Level 1 management

Level 1 management actions include:

- education and awareness programs specifically:
 - options for property modification such as removal of non-native foraging vegetation
 - information on flying-fox diseases
 - wearing a hat when walking through the park to reduce contact with faecal drop
 - advice on tree trimming or odour masking plants on private properties
 - banning barbed wire in residential areas
 - promoting wildlife friendly netting.
- property acquisition
- creating alternative habitat or camp site



- subsidies for water and power use.

Misconceptions that flying-foxes are not threatened, are pests and about health risks can be reduced by adopting an education and awareness program to reduce misconceptions and appease fears. Residents are in favour of upgrading of the boardwalk to improve their enjoyment of and ability to use the park safely. This work will be undertaken as a separate item to this Plan.

A distance based subsidy program will be investigated to assist with cost associated cleaning and using air-conditioning. For instance, power rebates for residents living within 50m (Figure 22) and then within 100m. The community survey indicated a preference for driveway and roof cleaning.

Finding an alternative camp site for the flying-foxes to inhabit could be beneficial to residents living around Kooloonbung Creek. A desktop investigation of alternative flying-fox camp sites will be undertaken by Council along with a comparable risk assessment of alternative sites against Kooloonbung camp.

5.2 Level 2 management

Level 2 management actions include:

- buffers through tree trimming or removal
- canopy-mounted sprinklers.

Level 2 buffers may consist of a combination of vegetation removal and sprinklers where tree removal is not preferred or constrained by the presence of EECs (Figure 22). **Level 2 actions require OEH authorisation prior to commencing (Appendix 1). Additional approvals may also be required under other legislation (Appendix 1).** An arborist should be engaged to investigate which trees are suitable for trimming or removal in line with the aforementioned provisions.

The Code of Practice Authorising Flying-fox Camp Management Actions 2018 under the Biodiversity Conservation Regulation does not exempt Council from meeting its responsibilities under the *Biodiversity Conservation Act 2016* and *Environmental Planning and Assessment Act 1979*.

Due to the presence of EECs behind the villas in Lake Road, the installation of canopy-mounted sprinklers in this area may trigger the need for a threatened species 'test of significance' under the *Biodiversity Conservation Act 2016*. Alternative or innovative designs for the sprinkler installation may include using poles instead of attaching to sprinklers to trees, and locating the poles on the border of Council and private property to avoid impacts to the EEC.

5.2.1 Canopy-mounted sprinklers

Canopy sprinklers have been used successfully elsewhere to deter flying-foxes from areas of



conflict. It is not the intention to disperse flying-foxes away from the camp, but maintain a buffer between residents and the flying-fox camp.

Canopy sprinklers have been effectively used at several camps in south-east Queensland, with adjacent residents given the option to activate sprinklers for short periods during the day if flying-foxes enter the buffer zone. By limiting flying-foxes in the buffer zones (the high conflict areas), there was also less disturbance of the camp, which provided the secondary benefit of reduced noise, smell, daytime fly-overs and faecal drop. Residents report a sense of regained control, which combined with the increased distance to roosting flying-foxes achieved with the sprinklers, has greatly assisted in reducing conflict with the camp. It is recommended residents near the Kooloonbung Creek camp should be able to activate sprinklers when necessary (with consideration to guidelines below).

Provided that adequate water pressure can be achieved (with a pump station), each sprinkler should have approximately a 13-15 m reach (radius). Figure 22 shows approximate locations where four sprinklers are planned for installation as soon as practicable to minimise current conflict.

Note that consultation is still required with irrigation/sprinkler specialists to confirm feasibility at this site, however based on previous Ecosure experience this option should be achievable.

Installation costs for similar programs elsewhere, including all infrastructure and eight sprinklers, were approximately \$30,000. The majority of this cost is in infrastructure (pump shed, control board, plumbing, etc.) with individual sprinklers costing less than \$1,000. As such the installation of four sprinklers, and associated infrastructure (pump, control board, etc.) will cost an estimated \$20,000 (plus maintenance and operation costs, including ~100 L water/week/sprinkler).

5.2.1.1 Installation and operational considerations

Placement - Exact placement will be dependent on finding suitable location to install poles. These will be designed to withstand high wind and vegetation debris fall, and will be highly visible to flying-foxes to avoid collisions.

Water pressure – Water pressure must be firm so it is sufficient to deter flying-foxes, however must not risk injuring flying-foxes (or other fauna) or knocking an animal from the tree. Water misting should be minimised as this is unlikely to deter flying-foxes.

Noise – Sprinklers should release a jet of air prior to water, as an additional deterrent and to cue animals to move prior to water being released. The intention of the sprinklers is to make the buffer unattractive, and effectively 'train' individuals to stay out of the buffer area.

Potential for additional sprinklers – Infrastructure should accommodate additional sprinklers if possible should they be required in the future.

Residents involved in a similar approved trial elsewhere also reported noise impacts associated with the water hammer.



Access for maintenance/adjustments – Sprinklers should be designed and attached in a way that allows the easiest possible access for future maintenance, replacement and sprinkler head adjustments.

Sprinkler control – The system control station should allow independent programming of each individual sprinkler. The number of times per day each sprinkler is activated, duration of each activation and sequence of sprinkler activation needs to be fully adjustable (minutes and seconds programming required). The operational time of day also needs to be adjustable. Ideally water pressure to individual sprinklers could also be adjusted.

Sprinklers will operate on a random schedule, and in a staggered manner (i.e. not all sprinklers operating at the same time, to avoid excessive disturbance). Each activation will be for approximately 20 seconds per sprinkler. It is anticipated each sprinkler will be activated up to four times per hour between 0600 and 1700, totalling approximately 15 minutes run time per sprinkler per day. Sprinklers will not operate during fly-in or fly-out periods to avoid inadvertent dispersal.

Sprinkler settings will need to be changed regularly to avoid flying-foxes habituating, and to account for seasonal changes (e.g. not in the heat of the day during summer when they may be an attractant). Individual sprinklers may also need to be temporarily turned off depending on location of creching young, or if it appears likely that animals will be displaced to undesirable locations.

Flying-fox heat stroke generally occurs when the temperature reaches 42°C, however can occur at lower temperatures in more humid conditions (Bishop 2015). Given that humidity is most likely to be increased with water mist, if sprinkler design cannot limit mist, sprinklers may need to be turned off in higher temperatures (e.g. >30°C) to avoid exacerbating heat stress.

5.3 Level 3 management

Some people have an expectation that flying-foxes can be moved or controlled. Level 3 dispersal actions are extremely expensive, resource intense and very rarely successful in the long term due to flying-foxes returning year after year. Dispersal should only be considered once Level 1 and Level 2 management methods have been implemented and impacts have not been mitigated. OEH approval would be required.



Actions in Table 8 contingent on securing funds and staff resourcing levels. Funds for actions will be sourced via grants and Council commitments.

Table 8 Staged approach to management at Kooloonbung Creek flying-fox camp. Note all actions must be done in accordance with measures in Appendix 6. **Authorisation for Level 2 and 3 actions is required**, and additional approvals may be required under other legislation (see Appendix 1).

Management option	Management level	Appraisal	Action(s)	Timing	Estimated cost
Education and awareness programs	Level 1	Adopt	Increase community understanding and improve perceptions of flying-foxes. <ul style="list-style-type: none"> mail out flyers; disease risk; removal of non-natives in gardens (i.e. Cocos palms), removal of barbed wire fencing, using wildlife friendly netting produce webpage on Council's website summarising Council's approach to flying-fox management (or refer to sites such as http://littleaussiebat.com.au/health/) design and install signage promoting flying-fox ecology and conservation train staff on positive flying-fox messaging Continue to consult with affected community members.	Short term (within 12 months)	\$4,000 \$2,000 \$10,000 \$2,000 \$18,000
Property modification / service subsidies	Level 1	Adopt	Investigate a subsidy program to assist with property modification for PMHC residents. The subsidy program will identify an eligibility matrix for subsidies based on the following parameters <ul style="list-style-type: none"> location of flying-fox camp proximity to residential areas level of likely impacts from noise, odour, visibility Rebates/subsidies will be offered for <ul style="list-style-type: none"> water or electricity bills double glazed windows cleaning services car covers 	Short term (within 12 months)	\$20,000 \$5,000 \$25,000
Routine camp management	Level 1	Adopt (ongoing)	Friends of Kooloonbung have been undertaking bush regeneration in the Park since 1985.	(ongoing)	Friends of Kooloonbung in kind
Alternative habitat creation	Level 1	Adopt	Stage 1 - Undertake an investigation of nearby alternative flying-fox camp sites to determine feasibility of identified sites. This will include a risk	Short term	\$10,000 (assumes up to three sites, additional



Management option	Management level	Appraisal	Action(s)	Timing	Estimated cost
			assessment to determine sensitive receptor areas, zoning conflicts and potential current and future use conflicts, assessment of current vegetation condition to determine what resource investment would be required to improve the sites suitability. Stage 2 – Select feasible sites for investment. Write plan of management / rehabilitation plans for selected sites. Stage 3 – Implementation of plans of management.	(within 12 months)	\$5,000 per additional site)
Canopy-mounted sprinklers	Level 2	Investigate further	Liaise with landholders and an irrigation specialist regarding feasibility and costs associated with installing canopy-mounted sprinklers in the buffer zone between Lot 26/DP249270 and 3/SP70635 and 3/SP73183 Design and frequency/ duration of use must also be considerate of animal welfare and other ecological values of the site. Level 2 action and so licence from OEH required prior to installing. Action may trigger a test of significance.	Medium term (within 2-3 years)	~ \$10,000 for each sprinkler including installation.
Buffers through vegetation trimming and removal	Level 2	Investigate further	Improve buffers for residents in high impact areas in Lots 3/SP70635 and 3/SP73183. An arborist should be engaged to investigate which trees are suitable for trimming or removal in line with Council's Planning Provisions. Level 2 action and authorisation from OEH required prior to commencing.	Long term (4-5 years after sprinklers deemed ineffective)	\$50,000 Estimate based on previous vegetation works
Protocols to manage incidents	Level 1	Investigate further	Previous management actions (Table 4) recommended annual check on recorded Lyssavirus, Hendra Virus, Menangle Virus and Leptospirosis infections. Develop understanding of records or incidents and whether protocols are needed to reduce exposure to risk such as for staff, subcontractors or volunteers working in the Park. Gather data during heat stress events and provide to researchers via https://www.animalecologylab.org/heat-stress-data-form.html	Short term (1-2 years)	Council in kind
Research	Level 1	Investigate further	Support research through continued flying-fox census data collection. Develop understanding of native flowering events in area.	Long term (ongoing)	Council in kind
Appropriate land-use planning	Level 1	Investigate further	Identification of zoning for FFs to mitigate impacts to residents.	Long term (within 3 years)	Council in kind



Management option	Management level	Appraisal	Action(s)	Timing	Estimated cost
			Measures to avoid future impacts will be considered when assessing development applications.		



Figure 22: Community impact area and proposed management options

Port Macquarie-Hastings Council

Kooloonbung Creek CMP

- Sprinkler
- Maximum camp extent

- Impact area 1
- Impact area 2
- Impact area 3
- Impact area 4
- Optional tree thinning/removal - 10 m
- Subsidy area



Job number: PR3995
Revision: 1
Author: KF
Date: 4/01/2019



0 25 50 100
Metres

GDA 1994 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA 1994
Units: Metre

Data Sources: © Ecosure Pty Ltd 2018; Image: Port Macquarie-Hastings Council, 2018.
ECOSURE does not warrant the accuracy or completeness of information displayed in this map and any person using it does so at their own risk. ECOSURE shall bear no responsibility or liability for any errors, faults, defects, or omissions in the information.

PR3995_MPK_Community Feed Back
A4

6 Evaluation and review

This Plan will be in operation for five years (2019-2023) with annual review of management actions set out in Section 5.

The following will trigger a reactive internal review of the Plan:

- completion of a management activity
- progression to a higher level of management
- changes to relevant policy/legislation
- new management techniques becoming available
- outcomes of research that may influence the Plan
- incidents associated with the camp.

Monitoring and reporting requirements are detailed in Section 7.

If the Plan is to remain current, a full review including stakeholder consultation and expert input will be undertaken in the final year of the Plan prior to being re-submitted to OEH.

7 Plan administration

7.1 Monitoring of the camp

Reports for Level 1 actions that comply with this Plan are not required to be submitted to OEH. It is recommended that Council keep internal records to allow the effectiveness of each management action to be evaluated.

Reports for Level 2 actions will be submitted to OEH one month after commencement of works and then quarterly in periods where works have occurred. Each report is to include:

- results of pre- and post-work population monitoring
- any information on new camps that have formed in the area
- further management actions planned to include a schedule of works
- an assessment of how the community responded to the works, including details on the number and nature of complaints before and after the works
- detail on any compensatory planting
- expenditure and contributors
- outcomes from evaluation and review (Section 6).

7.2 Responsibilities

Council is responsible for implementation of the Plan once it has been endorsed by OEH, licences have been obtained for Level 2 actions and resources have been allocated for implementation. Council will seek advice from OEH and other flying-fox experts as required during implementation.

Administration may also include determining residents' eligibility for subsidies for services such as arborist advice, vegetation trimming/removal and green waste removal or providing details of suppliers for canopy-mounted sprinklers.

All Council personnel, contractors and volunteers working in Kooloonbung Creek are responsible for complying with mitigation measures detailed in Appendix 6. Council will ensure non-Council staff and volunteers are aware of this responsibility and will provide assistance if required. All on-ground works towards implementation of this Plan, will be performed in accordance with a Safe Work Method Statement that includes risks and mitigation measures for working in a flying-fox camp.

7.3 Funding commitment

Council will commit available funds on an annual basis over the life of the five year Plan to implement actions in Table 8. Allocation of Council funding will be dependent on resources available and annual priorities. Council will also seek opportunities for funding through relevant grant programs, such as the NSW Flying-fox Grants Program.

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Appendix 1 Legislation

Local

Port Macquarie-Hastings Council Local Environmental Plan 2011

The Park is zoned E2 (Environmental Conservation). The objectives of this zone are to:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect coastal wetlands and littoral rainforests.*
- *To protect land affected by coastal processes and environmentally sensitive land.*
- *To prevent development that adversely affects, or would be adversely affected by, coastal processes.*
- *To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.*

Port Macquarie-Hastings Development Control Plan 2013

For actions relating to trees and vegetations, the Tree Management Provisions in Port Macquarie-Hastings Council Development Control Plan 2013 apply to the reserve and any development in the Park by regulating the removal of trees requiring consent where exemptions do not apply.

Environmental Management Areas and Buffers must be considered in relation to potential vegetation works around the camp.

Development Provisions

- a) For coastal floodplain endangered ecological communities a minimum, fully vegetated buffer of 35m must be provided.*
- b) For Freshwater Wetland on Coastal Floodplain endangered ecological community a fully vegetated buffer of 100m is to be provided.*
- c) For all other endangered ecological communities, a fully vegetated buffer of 50m must be provided.*
- e) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.*



State

Flying-fox Camp Management Policy 2015

The Flying-fox Camp Management Policy 2015 (the Policy) has been developed to empower land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which OEH will make regulatory decisions. In particular, the Policy strongly encourages local councils and other land managers to prepare Camp Management Plans for sites where the local community is affected.

Flying-fox Camp Management 2018

OEH has prepared a Code of Practice under the *Biodiversity Conservation Regulation 2017* authorising camp management actions on public land. The code defines standards for effective and humane management of flying-fox camps.

Camp management actions can only be implemented under the Code in accordance with a camp management plan endorsed by the Environment Agency Head (i.e. OEH).

The objective of the code is to enable camp managers to act quickly if flying-fox camps are causing a concern on public land. If camp management actions are consistent with the code, a Biodiversity Conservation licence will not be required.

Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development including conserving biodiversity, maintaining the diversity and quality of ecosystems, regulating human interactions with wildlife, and supporting conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature.

The Grey-headed Flying-fox is listed as a threatened species under the BC Act.

Part 2 Division 3 of the BC Act provides for the issuing of Biodiversity Conservation Licences to authorise the doing of an act likely to result in one or more of the following:

- a. harm or attempted harm to any animal that is of a threatened species or is part of threatened ecological community
- b. harm or attempted harm, dealing in, or liberating a protected animal
- c. the picking of any plant that is of a threatened species or is part of threatened ecological community
- d. picking or dealing in protected plants
- e. damage to declared areas of outstanding biodiversity value
- f. damage to any habitat of a threatened species or threatened ecological community.

Part 7 of the BC Act provides for the biodiversity assessment and approvals required under the *Environmental Planning and Assessment Act 1979* for development other than complying



development, activities and state significant development and infrastructure.

An assessment of impacts is required for any threatened species or threatened ecological community, or their habitats, that are likely to be harmed by the doing of an act proposed in the Plan.

Note: that the definition of 'harm' includes kill, injure or capture the animal, but does not include harm by changing the habitat of the animal, and attempt to harm an animal includes hunting or pursuing, or using anything, for the purpose of harming the animal. The definition of 'pick' includes to gather, take, cut, remove from the ground, destroy, poison, crush or injure the plant or any part of the plant. The definition of habitat includes an area periodically or occasionally occupied by a species or ecological community and the biotic and abiotic components of an area.

Local Government Act 1993

The primary purpose of this Act is to provide the legal framework for an effective, efficient and environmentally responsible, open system of local government. Most relevant to flying-fox management is that it also provides encouragement for the effective participation of local communities in the affairs of local government and sets out guidance on the use and management of community land which may be applicable to land which requires management of flying-foxes.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides for the conservation of nature, objects, places or features of cultural value and the management of land reserved under this Act. The Act protects Aboriginal objects and declared Aboriginal Places. An Aboriginal Heritage Impact Permit may be required under this Act to authorise camp management actions that may harm Aboriginal objects a declared Aboriginal Places.

Prevention of Cruelty to Animals Act 1979

It may be an offence under this Act if there is evidence of unreasonable/unnecessary torment associated with management activities. Adhering to welfare and conservation measures provided in Section 10.3 will ensure compliance with this Act.

Environmental Planning and Assessment Act 1979

The objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) are to encourage proper management, development and conservation of resources, for the purposes of the social and economic welfare of the community and a better environment. It also aims to share responsibility for environmental planning between different levels of government and promote public participation in environmental planning and assessment.

The EP&A Act is administered by the NSW Department of Planning and Environment.

Development control plans under the EP&A Act should consider flying-fox camps so that planning, design and construction of future developments is appropriate to avoid future conflict.



Development given consent under Part 4 or activities assessed under Part 5 of the EP&A Act do not require licensing under the BC Act. Consent and determining authorities are required to consider the impacts of such proposals on threatened species, threatened ecological communities, and their habitats in accordance with Part 7 of the BC Act.

Where development consent under Part 4 or assessment under Part 5 of the EP&A Act is not required, a licence under the BC Act may be required to authorise the doing of an act that harms protected animals, threatened species, or threatened ecological community, or which damages the habitat of a threatened species or ecological community. This includes the doing of an act likely to harm any flying-fox or damaging the habitat of grey-headed flying-foxes.

Where a proposal to manage a flying-fox camp involves the cutting down, destruction, lopping or removal of a substantial part of a tree or other vegetation that is not covered by a development consent or assessment under Part 5 it may still require authorisation. Depending on the land on which the vegetation occurs and the character of the vegetation, it may require an approval or a permit under the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (SEPP) or an approval under the *Local Land Services Act 2013*.

Where flying-fox camps occur or impact on private land, private land owners are advised to contact their local council to explore management options and the appropriate approval processes for addressing arising issues.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy aims to protect the biodiversity, and amenity values of trees, and other vegetation in non-rural areas of the State. A person must not cut down, fell, up root, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation to which this Policy applies without a permit granted by council, or in the case of vegetation clearing exceeding the biodiversity offset thresholds (as stated in Part 7 of the *Biodiversity Conservation Regulation 2017*), approval by the Native Vegetation Panel.

Proponents will need to consider whether the SEPP (Vegetation in Non-Rural Areas) applies to their proposal, and if any approvals under the BC Act.

Commonwealth

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth's EPBC Act provides protection for the environment, specifically matters of national environmental significance (MNES). A referral to the Commonwealth DoE is required under the EPBC Act for any action that is likely to significantly impact on an MNES.

MNES under the EPBC Act that relate to flying-foxes include:

- world heritage sites (where those sites contain flying-fox camps or foraging habitat)
- wetlands of international importance (where those wetlands contain flying-fox camps or foraging habitat)
- nationally threatened species and ecological communities.



The GHFF is listed as a vulnerable species under the EPBC Act, meaning it is an MNES. It is also considered to have a single national population. DoE has developed the Referral guideline for management actions in GHFF and SFF camps (DoE 2015) (the Guideline) to guide whether referral is required for actions pertaining to the GHFF.

The Guideline defines a nationally important GHFF camp as one that has either:

- contained $\geq 10,000$ GHFF in more than one year in the last 10 years, or
- been occupied by more than 2500 GHFF permanently or seasonally every year for the last 10 years.

Provided that management at nationally important camps follows the mitigation standards below, DoE has determined that a significant impact to the population is unlikely, and referral is not likely to be required.

Referral will be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in the Plan. Self-assessable criteria are available in the Significant Impact Guidelines 1.1 (DoE 2013) to assist in determining whether a significant impact is likely; otherwise consultation with DoEE will be required.

Mitigation standards

The action must not occur if the camp contains females that are in the late stages of pregnancy or have dependent young that cannot fly on their own.

The action must not occur during or immediately after climatic extremes (heat stress event, cyclone event), or during a period of significant food stress.

Disturbance must be carried out using non-lethal means, such as acoustic, visual and/or physical disturbance or use of smoke.

Disturbance activities must be limited to a maximum of 2.5 hours in any 12-hour period, preferably at or before sunrise or at sunset.

Trees are not felled, lopped or have large branches removed when flying-foxes are in or near to a tree and likely to be harmed.

The action must be supervised by a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of climatic extremes and food stress events. This person must make an assessment of the relevant conditions and advise the proponent whether the activity can go ahead consistent with these standards.

The action must not involve the clearing of all vegetation supporting a nationally-important flying-fox camp. Sufficient vegetation must be retained to support the maximum number of flying-foxes ever recorded in the camp of interest.

These standards have been incorporated into mitigation measures detailed in Section 10.3. If actions cannot comply with these mitigation measures, referral for activities at nationally important camps is likely to be required.

Appendix 2 Flying-fox ecology & behaviour

Ecological role

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton et al. 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016a). It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton et al. 2004).

GHFF may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey et al. 2012) and have been recorded travelling over 500 km in two days between camps (Roberts et al. 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than one kilometre (Zurbuchen et al. 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott et al. 2008; McConkey et al. 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts et al. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augée 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

Black flying-fox (*Pteropus alecto*)

Figure 23 Black flying-fox indicative species distribution, adapted from OEH 2015a

The black flying-fox (BFF) (Figure 23) has traditionally occurred throughout coastal areas from Shark Bay in Western Australia, across Northern Australia, down through Queensland and into NSW (Churchill 2008; OEH 2015a). Since it was first described there has been a substantial southerly shift by the BFF (Webb & Tidemann 1995). This shift has consequently led to an increase in indirect competition with the threatened GHFF, which appears to be favouring the BFF (DoE 2016a).

They forage on the fruit and blossoms of native and introduced plants (Churchill 2008; OEH 2015a), including orchard species at times.

BFFs are largely nomadic animals with movement and local distribution influenced by climatic variability and the flowering and fruiting patterns of their preferred food plants. Feeding commonly occurs within 20 km of the camp site (Markus & Hall 2004).

BFFs usually roost beside a creek or river in a wide range of warm and moist habitats, including lowland rainforest gullies, coastal stringybark forests and mangroves. During the breeding season camp sizes can change significantly in response to the availability of food and the arrival of animals from other areas.

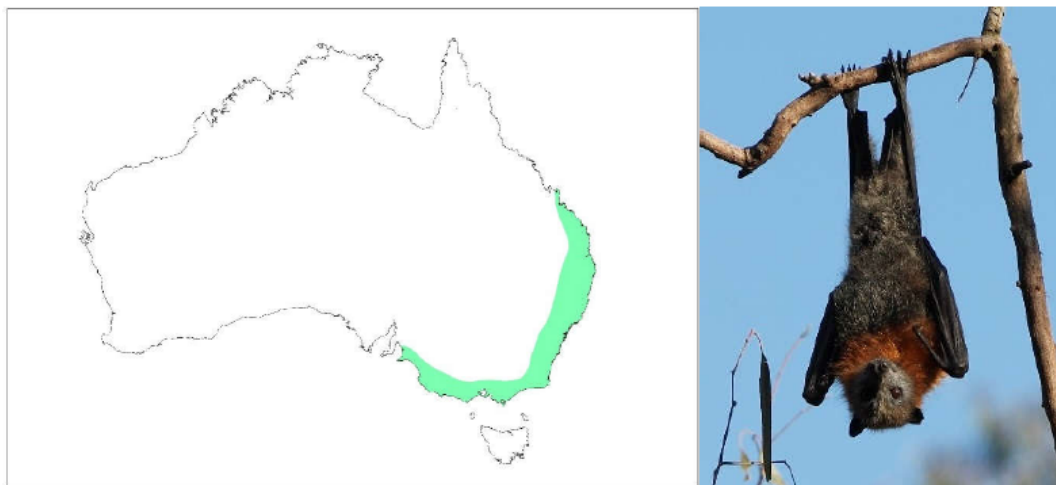
Grey-headed flying-fox (*Pteropus poliocephalus*)

Figure 24 Grey-headed flying-fox indicative species distribution, adapted from OEH 2015a

The GHFF (Figure 24) is found throughout eastern Australia, generally within 200 kilometres of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016a). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the GHFF in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). GHFF may travel up to 100 kilometres in a single night with a foraging radius of up to 50 kilometres from their camp (McConkey et al. 2012). They have been recorded travelling over 500 kilometres over 48 hours when moving from one camp to another (Roberts et al. 2012). GHFF generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

The GHFF population has a generally annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). This results in large fluctuations in the number of GHFF in NSW, ranging from as few as 20% of the total population in winter up to around 75% of the total population in summer (Eby 2000). They are widespread throughout their range during summer, but in spring and winter are uncommon in the south. In autumn they occupy primarily coastal lowland camps and are uncommon inland and on the south coast of NSW (DECCW 2009).

There is evidence the GHFF population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011a). There is a wide range of ongoing threats to the survival of the GHFF, including habitat loss and degradation, deliberate destruction associated

with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.) and competition and hybridisation with the BFF (DECCW 2009). For these reasons it is listed as vulnerable to extinction under NSW and federal legislation (see Section 3).

Little red flying-fox (*Pteropus scapulatus*)



Figure 25 Little red flying-fox indicative species distribution, adapted from OEH 2015a

The little red flying-fox (LRFF) (Figure 25) is widely distributed throughout northern and eastern Australia, with populations occurring across northern Australia and down the east coast into Victoria.

The LRFF forages almost exclusively on nectar and pollen, although will eat fruit at times and occasionally raids orchards (Australian Museum 2010). LRFF often move sub-continental distances in search of sporadic food supplies. The LRFF has the most nomadic distribution, strongly influenced by availability of food resources (predominantly the flowering of eucalypt species) (Churchill 2008), which means the duration of their stay in any one place is generally very short.

Habitat preferences of this species are quite diverse and range from semi-arid areas to tropical and temperate areas, and can include sclerophyll woodland, melaleuca swamplands, bamboo, mangroves and occasionally orchards (IUCN 2015). LRFF are frequently associated with other *Pteropus* species. In some colonies, LRFF individuals can number many hundreds of thousands and they are unique among *Pteropus* species in their habit of clustering in dense bunches on a single branch. As a result, the weight of roosting individuals can break large branches and cause significant structural damage to roost trees, in addition to elevating soil nutrient levels through faecal material (SEQ Catchments 2012).

Throughout its range, populations within an area or occupying a camp can fluctuate widely. There is a general migration pattern in LRFF, whereby large congregations of over one million individuals can be found in northern camp sites (e.g. Northern Territory, North Queensland) during key breeding periods (Vardon & Tidemann 1999). LRFF travel south to visit the coastal areas of south-east Queensland and NSW during the summer months. Outside these periods



LRFF undertake regular movements from north to south during winter–spring (July–October) (Milne & Pavey 2011).

Reproduction

Black and grey-headed flying-foxes

Males initiate contact with females in January with peak conception occurring around March to April/May; this mating season represents the period of peak camp occupancy (Markus 2002). Young (usually a single pup) are born six months later from September to November (Churchill 2008). The birth season becomes progressively earlier, albeit by a few weeks, in more northerly populations (McGuckin & Blackshaw 1991), however out of season breeding is common with births occurring later in the year.

Young are highly dependent on their mother for food and thermoregulation. Young are suckled and carried by the mother until approximately four weeks of age (Markus & Blackshaw 2002). At this time, they are left at the camp during the night in a crèche until they begin foraging with their mother in January and February (Churchill 2008) and are usually weaned by six months of age around March. Sexual maturity is reached at two years of age with a life expectancy up to 20 years in the wild (Pierson & Rainey 1992).

As such, the critical reproductive period for GHFF is generally from August (when females are in final trimester) to the end of peak conception around April. Dependent pups are usually present from September to March (Figure 26).

Little red flying-fox

The LRFF breeds approximately six months out of phase with the other flying-foxes. Peak conception occurs around October to November, with young born between March and June (McGuckin & Blackshaw 1991; Churchill 2008) (Figure 26). Young are carried by their mother for approximately one month then left at the camp while she forages (Churchill 2008). Suckling occurs for several months while young are learning how to forage. LRFF generally birth and rear young in temperate areas (rarely in NSW).

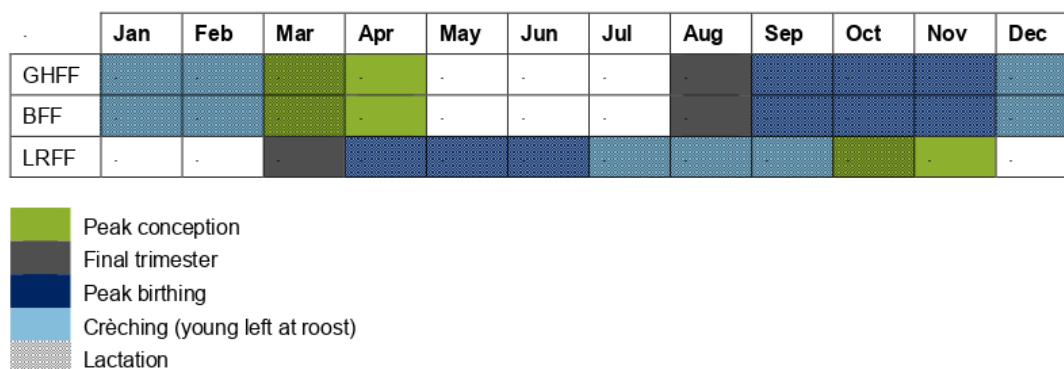


Figure 26 Indicative flying-fox reproductive cycle.

Note that LRFF rarely birth and rear young in NSW. The breeding season of all species is variable between years and location, and expert assessment is required to accurately determine phases in the breeding cycle and inform appropriate management timing.



Heat stress events

Flying-foxes suffer from heat stress when the ambient temperature exceeds the physiological limits flying-foxes can endure for maintaining a comfortable body temperature (Bishop 2014). Flying-foxes are susceptible to heat stress due to their inability to sweat (Snoyman et al 2012), therefore they need to expend energy on cooling mechanisms such as fanning. BFF are considered to be more susceptible to HSE than GHFF due to the southern expansion of their range with temperature extremes increasing in severity with latitude in eastern Australia (Welbergen et al 2008).

Appendix 3 Protected Matters



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

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[Summary](#)

[Details](#)

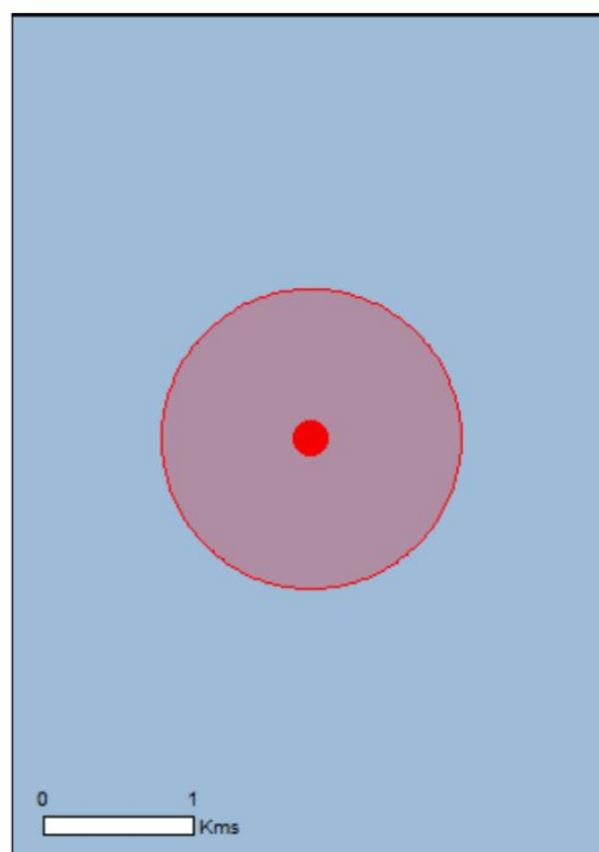
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

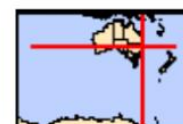
[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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[Coordinates](#)
Buffer: 1.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	2
Listed Threatened Species:	52
Listed Migratory Species:	57

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	2
Commonwealth Heritage Places:	None
Listed Marine Species:	61
Whales and Other Cetaceans:	1
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	1
Invasive Species:	35
Nationally Important Wetlands:	None
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	Endangered	Community likely to occur within area
Lowland Rainforest of Subtropical Australia	Critically Endangered	Community may occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
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Birds

Anthochaera phrygia		
Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area
Botaurus poiciloptilus		
Australasian Bittern [1001]	Endangered	Species or species habitat known to occur within area
Calidris canutus		
Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea		
Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area
Charadrius mongolus		
Lesser Sand Plover, Mongolian Plover [879]	Endangered	Foraging, feeding or related behaviour known to occur within area
Dasyornis brachypterus		
Eastern Bristlebird [533]	Endangered	Species or species habitat likely to occur within area
Diomedea antipodensis		
Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea antipodensis gibsoni		
Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea epomophora		
Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea exulans		
Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area

Name	Status	Type of Presence
<u>Diomedea sanfordi</u> Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area
<u>Erythrotriorchis radiatus</u> Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
<u>Grantiella picta</u> Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
<u>Limosa lapponica baueri</u> Bar-tailed Godwit (baueri), Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat likely to occur within area
<u>Limosa lapponica menzbieri</u> Northern Siberian Bar-tailed Godwit, Bar-tailed Godwit (menzbieri) [86432]	Critically Endangered	Species or species habitat may occur within area
<u>Macronectes giganteus</u> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area
<u>Macronectes halli</u> Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
<u>Pachyptila turtur subantarctica</u> Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area
<u>Rostratula australis</u> Australian Painted-snipe, Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
<u>Thalassarche bulleri</u> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche bulleri platei</u> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche cauta cauta</u> Shy Albatross, Tasmanian Shy Albatross [82345]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche cauta steadi</u> White-capped Albatross [82344]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
<u>Thalassarche eremita</u> Chatham Albatross [64457]	Endangered	Species or species habitat may occur within area
<u>Thalassarche impavida</u> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche melanophris</u> Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche salvini</u> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Fish		

Name	Status	Type of Presence
Epinephelus daemeli Black Rockcod, Black Cod, Saddled Rockcod [68449]	Vulnerable	Species or species habitat likely to occur within area
Frogs		
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat likely to occur within area
Insects		
Argynnis hyperbius inconstans Australian Fritillary [88056]	Critically Endangered	Species or species habitat likely to occur within area
Mammals		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area
Petauroides volans Greater Glider [254]	Vulnerable	Species or species habitat likely to occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
Potorous tridactylus tridactylus Long-nosed Potoroo (SE mainland) [66645]	Vulnerable	Species or species habitat likely to occur within area
Pseudomys novaehollandiae New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat likely to occur within area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Roosting known to occur within area
Plants		
Acronychia littoralis Scented Acronychia [8582]	Endangered	Species or species habitat likely to occur within area
Allocasuarina thalassoscopia [21927]	Endangered	Species or species habitat known to occur within area
Cryptostylis hunteriana Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat likely to occur within area
Euphrasia arguta [4325]	Critically Endangered	Species or species habitat may occur within area
Macadamia integrifolia Macadamia Nut, Queensland Nut Tree, Smooth-shelled Macadamia, Bush Nut, Nut Oak [7326]	Vulnerable	Species or species habitat may occur within area
Melaleuca biconvexa Biconvex Paperbark [5583]	Vulnerable	Species or species habitat may occur within area
Phaius australis Lesser Swamp-orchid [5872]	Endangered	Species or species habitat may occur within area

Name	Status	Type of Presence
Syzygium paniculatum Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat may occur within area
Thesium australe Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area
Reptiles		
Caretta caretta Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area
Chelonia mydas Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Breeding likely to occur within area
Listed Migratory Species	[Resource Information]	
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Anous stolidus Common Noddy [825]		Species or species habitat likely to occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Calonectris leucomelas Streaked Shearwater [1077]		Species or species habitat may occur within area
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea epomophora Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat known to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat likely to occur within area
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area

Name	Threatened	Type of Presence
<u>Macronectes halli</u> Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
<u>Sternula albifrons</u> Little Tern [82849]		Species or species habitat may occur within area
<u>Thalassarche bulleri</u> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche cauta</u> Tasmanian Shy Albatross [89224]	Vulnerable*	Species or species habitat may occur within area
<u>Thalassarche eremita</u> Chatham Albatross [64457]	Endangered	Species or species habitat may occur within area
<u>Thalassarche impavida</u> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche melanophris</u> Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche salvini</u> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
<u>Thalassarche steadi</u> White-capped Albatross [64462]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Migratory Marine Species		
<u>Caretta caretta</u> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area
<u>Chelonia mydas</u> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area
<u>Dermochelys coriacea</u> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area
<u>Dugong dugon</u> Dugong [28]		Species or species habitat may occur within area
<u>Eretmochelys imbricata</u> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
<u>Lamna nasus</u> Porbeagle, Mackerel Shark [83288]		Species or species habitat may occur within area
<u>Manta alfredi</u> Reef Manta Ray, Coastal Manta Ray, Inshore Manta Ray, Prince Alfred's Ray, Resident Manta Ray [84994]		Species or species habitat may occur within area
<u>Manta birostris</u> Giant Manta Ray, Chevron Manta Ray, Pacific Manta Ray, Pelagic Manta Ray, Oceanic Manta Ray [84995]		Species or species habitat may occur within area
<u>Natator depressus</u> Flatback Turtle [59257]	Vulnerable	Breeding likely to occur within area

Name	Threatened	Type of Presence
Sousa chinensis Indo-Pacific Humpback Dolphin [50]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Monarcha trivirgatus Spectacled Monarch [610]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area
Arenaria interpres Ruddy Turnstone [872]		Foraging, feeding or related behaviour known to occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Calidris ruficollis Red-necked Stint [860]		Foraging, feeding or related behaviour known to occur within area
Charadrius bicinctus Double-banded Plover [895]		Foraging, feeding or related behaviour known to occur within area
Charadrius mongolus Lesser Sand Plover, Mongolian Plover [879]	Endangered	Foraging, feeding or related behaviour known to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Foraging, feeding or related behaviour may occur within area
Gallinago megala Swinhoe's Snipe [864]		Foraging, feeding or related behaviour likely

Name	Threatened	Type of Presence
Gallinago stenura Pin-tailed Snipe [841]		to occur within area
Limosa lapponica Bar-tailed Godwit [844]		Foraging, feeding or related behaviour likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
Numenius minutus Little Curlew, Little Whimbrel [848]		Foraging, feeding or related behaviour likely to occur within area
Numenius phaeopus Whimbrel [849]		Foraging, feeding or related behaviour known to occur within area
Pandion haliaetus Osprey [952]		Breeding known to occur within area
Pluvialis fulva Pacific Golden Plover [25545]		Foraging, feeding or related behaviour known to occur within area
Pluvialis squatarola Grey Plover [865]		Foraging, feeding or related behaviour known to occur within area
Tringa brevipes Grey-tailed Tattler [851]		Foraging, feeding or related behaviour known to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat known to occur within area
Xenus cinereus Terek Sandpiper [59300]		Foraging, feeding or related behaviour known to occur within area

Other Matters Protected by the EPBC Act

Commonwealth Land [[Resource Information](#)]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name
Commonwealth Land - Australian Postal Commission
Commonwealth Land - Australian Telecommunications Commission

Listed Marine Species [[Resource Information](#)]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area
Anous stolidus Common Noddy [825]		Species or species habitat likely to occur within area

Name	Threatened	Type of Presence
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat known to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Arenaria interpres Ruddy Turnstone [872]		Foraging, feeding or related behaviour known to occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Calidris ruficollis Red-necked Stint [860]		Foraging, feeding or related behaviour known to occur within area
Calonectris leucomelas Streaked Shearwater [1077]		Species or species habitat may occur within area
Charadrius bicinctus Double-banded Plover [895]		Foraging, feeding or related behaviour known to occur within area
Charadrius mongolus Lesser Sand Plover, Mongolian Plover [879]	Endangered	Foraging, feeding or related behaviour known to occur within area
Charadrius ruficapillus Red-capped Plover [881]		Foraging, feeding or related behaviour known to occur within area
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea epomophora Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea gibsoni Gibson's Albatross [64466]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area

Name	Threatened	Type of Presence
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat known to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Foraging, feeding or related behaviour may occur within area
Gallinago megala Swinhoe's Snipe [864]		Foraging, feeding or related behaviour likely to occur within area
Gallinago stenura Pin-tailed Snipe [841]		Foraging, feeding or related behaviour likely to occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Heteroscelus brevipes Grey-tailed Tattler [59311]		Foraging, feeding or related behaviour known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat known to occur within area
Macronektes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area
Macronektes halli Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Monarcha trivirgatus Spectacled Monarch [610]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
Numenius minutus Little Curlew, Little Whimbrel [848]		Foraging, feeding or related behaviour likely to occur within area
Numenius phaeopus Whimbrel [849]		Foraging, feeding or related behaviour known to occur within area

Name	Threatened	Type of Presence
Pachyptila turtur Fairy Prion [1066]		Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Breeding known to occur within area
Pluvialis fulva Pacific Golden Plover [25545]		Foraging, feeding or related behaviour known to occur within area
Pluvialis squatarola Grey Plover [865]		Foraging, feeding or related behaviour known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat may occur within area
Sterna albifrons Little Tern [813]		Species or species habitat may occur within area
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
Thalassarche cauta Tasmanian Shy Albatross [89224]	Vulnerable*	Species or species habitat may occur within area
Thalassarche eremita Chatham Albatross [64457]	Endangered	Species or species habitat may occur within area
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Thalassarche sp. nov. Pacific Albatross [66511]	Vulnerable*	Species or species habitat may occur within area
Thalassarche steadi White-capped Albatross [64462]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat known to occur within area
Xenus cinereus Terek Sandpiper [59300]		Foraging, feeding or related behaviour known to occur within area
Mammals		
Dugong dugon Dugong [28]		Species or species habitat may occur within area
Reptiles		

Name	Threatened	Type of Presence
Caretta caretta Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area
Chelonia mydas Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Breeding likely to occur within area
Whales and other Cetaceans		[Resource Information]
Name	Status	Type of Presence
Mammals		
Sousa chinensis Indo-Pacific Humpback Dolphin [50]		Species or species habitat likely to occur within area

Extra Information

Regional Forest Agreements	[Resource Information]
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Note that all areas with completed RFAs have been included.

Name	State
North East NSW RFA	New South Wales

Invasive Species	[Resource Information]
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Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Lonchura punctulata Nutmeg Mannikin [399]		Species or species habitat likely to occur

Name	Status	Type of Presence
		within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Pycnonotus jocosus Red-whiskered Bulbul [631]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Frogs		
Rhinella marina Cane Toad [83218]		Species or species habitat known to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area
Plants		
Alternanthera philoxeroides Alligator Weed [11620]		Species or species habitat likely to occur within area
Anredera cordifolia Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
Asparagus aethiopicus Asparagus Fern, Ground Asparagus, Basket Fern, Sprengi's Fern, Bushy Asparagus, Emerald Asparagus [62425] Asparagus plumosus Climbing Asparagus-fern [48993]		Species or species habitat likely to occur within area
Cabomba caroliniana Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171] Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. rotundata Bitou Bush [16332]		Species or species habitat likely to occur within area
Eichhornia crassipes Water Hyacinth, Water Orchid, Nile Lily [13466]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat may occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana, Large- leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892] Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat likely to occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Sagittaria platyphylla Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]		Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-31.436161 152.908569

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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Department of the Environment
GPO Box 787
Canberra ACT 2601 Australia
+61 2 6274 1111

Appendix 4 Human and animal health

Human and animal health

Flying-foxes, like many animals, carry pathogens that may pose human health risks. Many of these are viruses which cause only asymptomatic infections in flying-foxes themselves but may cause significant disease in humans or other animals that are exposed. In Australia, the most well-defined of these include Australian bat lyssavirus (ABLV), Hendra virus (HeV) and Menangle virus. Specific information on these viruses is provided below.

Excluding those people whose occupations require contact with bats, such as wildlife carers and vets, human exposure to ABLV, HeV and Menangle virus, their transmission and frequency of infection is extremely rare. HeV infection in humans requires transfer from an infected intermediate equine host (i.e. close contact with an infected horse) and spread of the virus directly from bats to humans has not been reported.

These diseases are also easily prevented through vaccination, personal protective equipment, safe flying-fox handling (by trained and vaccinated personnel only) and appropriate horse husbandry. Therefore, despite the fact that human infection with these agents can be fatal, the probability of infection is extremely low, and the overall public health risk is also judged to be low (Qld Health 2016).

Disease and flying-fox management

A recent study at several camps before, during and after disturbance (Edson et al. 2015) showed no statistical association between HeV prevalence and flying-fox disturbance. However, the consequences of chronic or ongoing disturbance and harassment and its effect on HeV infection were not within the scope of the study and are therefore unknown.

The effects of stress are linked to increased susceptibility and expression of disease in both humans (AIHW 2012) and animals (Henry & Stephens-Larson 1985; Aich et. al. 2009), including reduced immunity to disease.

Therefore, it can be assumed that management actions which may cause stress (e.g. dispersal), particularly over a prolonged period or at times where other stressors are increased (e.g. food shortages, habitat fragmentation, etc.), are likely to increase the susceptibility and prevalence of disease within the flying-fox population, and consequently the risk of transfer to humans.

Furthermore, management actions or natural environmental changes may increase disease risk by:

- forcing flying-foxes into closer proximity to one another, increasing the probability of disease transfer between individuals and within the population.
- resulting in abortions and/or dropped young if inappropriate management methods are used during critical periods of the breeding cycle. This will increase the



likelihood of direct interaction between flying-foxes and the public, and potential for disease exposure.

- adoption of inhumane methods with potential to cause injury which would increase the likelihood of the community coming into contact with injured/dying or deceased flying-foxes.

The potential to increase disease risk should be carefully considered as part of a full risk assessment when determining the appropriate level of management and the associated mitigation measures required.

Australian bat lyssavirus

ABLV is a rabies-like virus that may be found in all flying-fox species on mainland Australia. It has also been found in an insectivorous microbat and it is assumed it may be carried by any bat species. The probability of human infection with ABLV is very low with less than 1% of the flying-fox population being affected (DPI 2013) and transmission requiring direct contact with an infected animal that is secreting the virus. In Australia three people have died from ABLV infection since the virus was identified in 1996 (NSW Health 2013).

Domestic animals are also at risk if exposed to ABLV. In 2013, ABLV infections were identified in two horses (Shinwari et al. 2014). There have been no confirmed cases of ABLV in dogs in Australia; however, transmission is possible (McCall et al. 2005) and consultation with a veterinarian should be sought if exposure is suspected.

Transmission of the virus from bats to humans is through a bite or scratch but may have potential to be transferred if bat saliva directly contacts the eyes, nose, mouth or broken skin. ABLV is unlikely to survive in the environment for more than a few hours, especially in dry environments that are exposed to sunlight (NSW Health 2013).

Transmission of closely related viruses suggests that contact or exposure to bat faeces, urine or blood does not pose a risk of exposure to ABLV, nor does living, playing or walking near bat roosting areas (NSW Health 2013).

The incubation period in humans is assumed similar to rabies and variable between two weeks and several years. Similarly, the disease in humans presents essentially the same clinical picture as classical rabies. Once clinical signs have developed the infection is invariably fatal. However, infection can easily be prevented by avoiding direct contact with bats (i.e. handling). Pre-exposure vaccination provides reliable protection from the disease for people who are likely to have direct contact with bats, and it is generally a mandatory workplace health and safety requirement that all persons working with bats receive pre-vaccination and have their level of protection regularly assessed. Like classical rabies, ABLV infection in humans also appears to be effectively treated using post-exposure vaccination and so any person who suspects they have been exposed should seek immediate medical treatment. Post-exposure vaccination is usually ineffective once clinical manifestations of the disease have commenced.

If a person is bitten or scratched by a bat they should:

- wash the wound with soap and water for at least five minutes (**do not scrub**)



- contact their doctor immediately to arrange for post-exposure vaccinations.

If bat saliva contacts the eyes, nose, mouth or an open wound, flush thoroughly with water and seek immediate medical advice.

Hendra virus

Flying-foxes are the natural host for Hendra virus (HeV), which can be transmitted from flying-foxes to horses. Infected horses sometimes amplify the virus and can then transmit it to other horses, humans and on two occasions, dogs (DPI 2014). There is no evidence that the virus can be passed directly from flying-foxes to humans or to dogs (AVA 2015). Clinical studies have shown cats, pigs, ferrets and guinea pigs can carry the infection (DPI 2015a).

Although the virus is periodically present in flying-fox populations across Australia, the likelihood of horses becoming infected is low and consequently human infection is extremely rare. Horses are thought to contract the disease after ingesting forage or water contaminated primarily with flying-fox urine (CDC 2014).

Humans may contract the disease after close contact with an infected horse. HeV infection in humans presents as a serious and often fatal respiratory and/or neurological disease and there is currently no effective post-exposure treatment or vaccine available for people. The mortality rate in horses is greater than 70% (DPI 2014). Since 1994, 81 horses have died, and four of the seven people infected with HeV have lost their lives (DPI 2014).

Previous studies have shown that HeV spillover events have been associated with foraging flying-foxes rather than camp locations. Therefore, risk is considered similar at any location within the range of flying-fox species and all horse owners should be vigilant. Vaccination of horses can protect horses and subsequently humans from infection (DPI 2014), as can appropriate horse husbandry (e.g. covering food and water troughs, fencing flying-fox foraging trees in paddocks, etc.).

Although all human cases of HeV to date have been contracted from infected horses and direct transmission from bats to humans has not yet been reported, particular care should be taken by select occupational groups that could be uniquely exposed. For example, persons who may be exposed to high levels of HeV via aerosol of heavily contaminated substrate should consider additional PPE (e.g. respiratory filters), and potentially dampening down dry dusty substrate.

Appendix 5 Survey results

The highest proportion of respondents were not aware of the community engagement for the development of the 'Kooloonbung Creek Nature Park Plan of Management' in 2012 (17) while the remaining had participated (11) or did know about it but had not participated (15) (Figure 1).

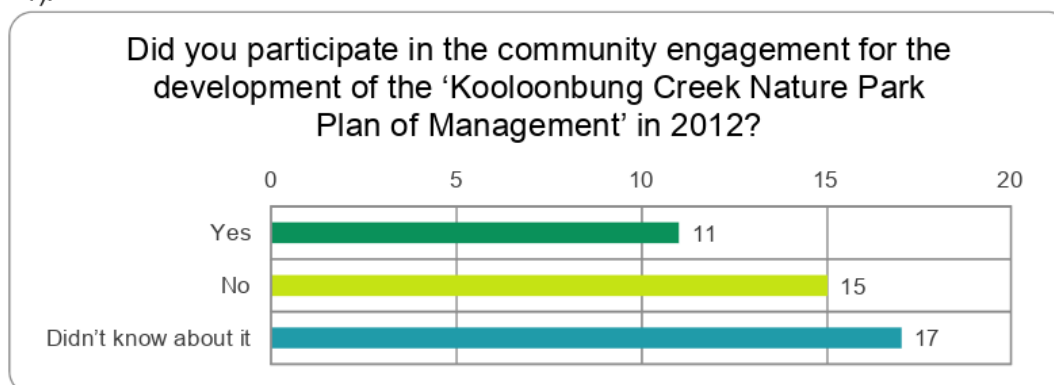


Figure 27 Responses regarding participation in the development of 'Kooloonbung Creek Nature Park Plan of Management' in 2012

Survey responses indicated that the majority were aware that the camp constitutes a Nationally Important Camp providing critical habitat (69.7% answered yes, 11.6% responded no and 18.6% did not care) (Figure 2).

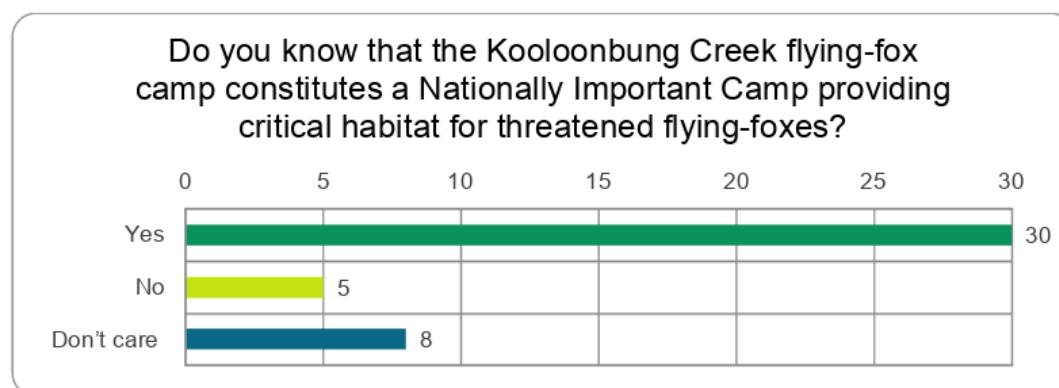


Figure 28 Knowledge of the classification of the camp as a Nationally Important Camp

The majority of respondents were aware that flying-foxes are a protected native species (39, 92.8%) while the remaining didn't care (Figure 3).

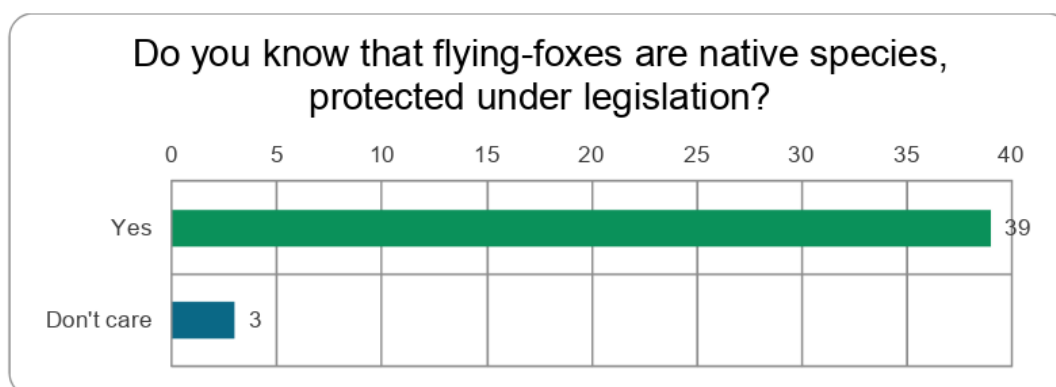


Figure 29 Knowledge of the status of flying-foxes

Similar results were provided regarding the species' role in long distance seed dispersal and pollination (86% answered yes, 6.9% responded no, 6.9% didn't care or understand the question). The majority of respondents are aware that disease can be prevented by not handling flying-foxes and through appropriate horse husbandry (83.3%), with the remaining answering no (Figure 4). When asked if the respondents knew that the GHFF is the main species of flying-fox that uses the Koolonbung creek camp site, 60.9% responded positively, while 21.9% did not know, and 17.1% didn't care.

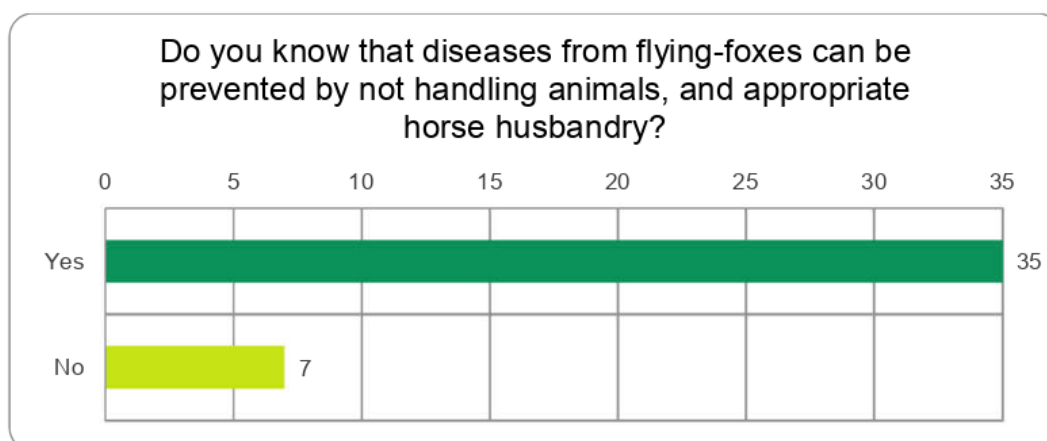


Figure 30 Disease from flying-foxes

Survey results indicated a majority of respondents held positive feelings towards the protection of flying-foxes (62.8%), with 37.2% indicating that it is not important to them (Figure 5).

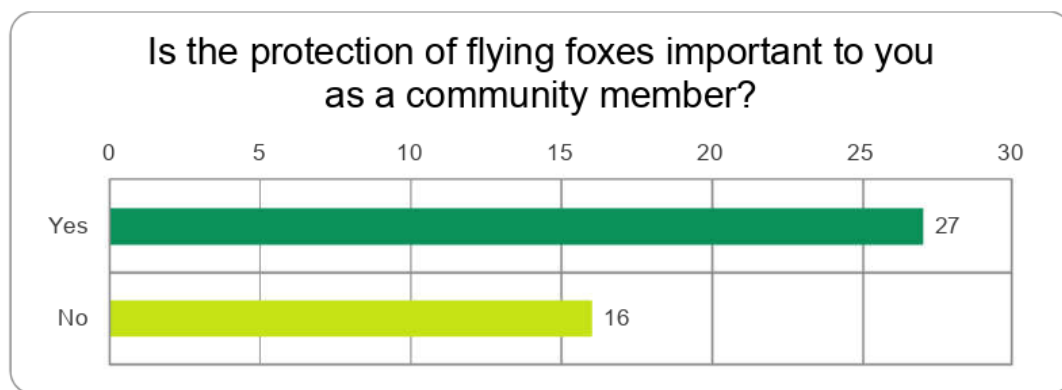


Figure 31 Protection of flying-foxes

54.7% of respondents indicated that their experience or interaction with flying-foxes in the Port Macquarie area has been negative, 35.7% responded positively and 1% were neither positive nor negative (Figure 6).

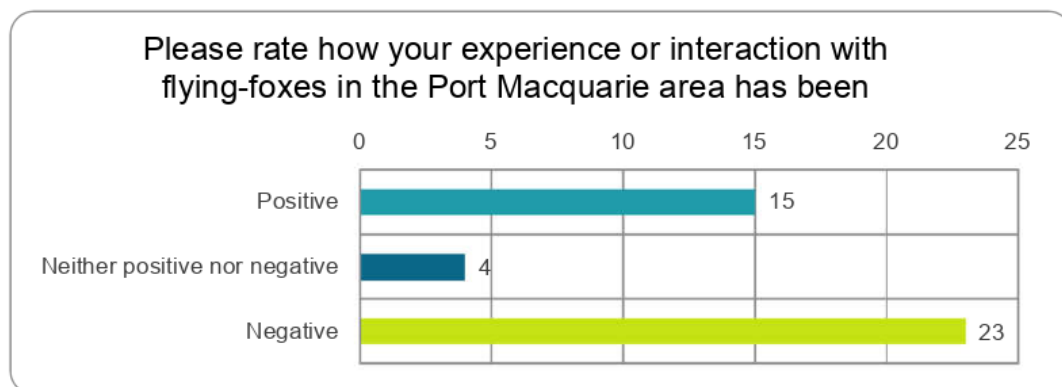


Figure 32 Experience with flying-foxes

Respondents who indicated that they are negatively impacted (23), were being most impacted around the home. These respondents identified the majority of impacts related to smell, excrement and noise (Figure 7). Twelve respondents (who selected 'other' in the survey) added 'quality of life', 'constant health issues', 'isolation due to family and friends not wanting to visit' and 'destruction of habitat for other species i.e. small birds' being of concern.

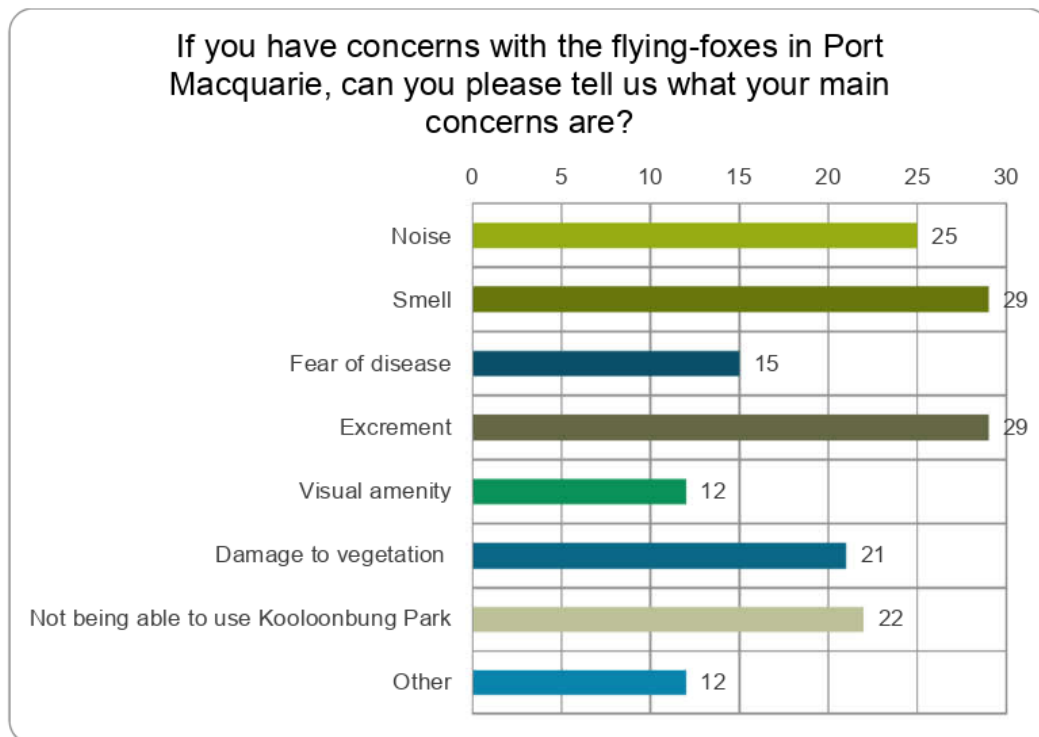


Figure 33 Main concerns about flying-foxes

In relation to costs associated with any management actions, the majority of respondents answered that it was moderately important that it was of low cost to ratepayers (48%), while 33% considered this not at all important, and 19% responded as very important (Figure 8).

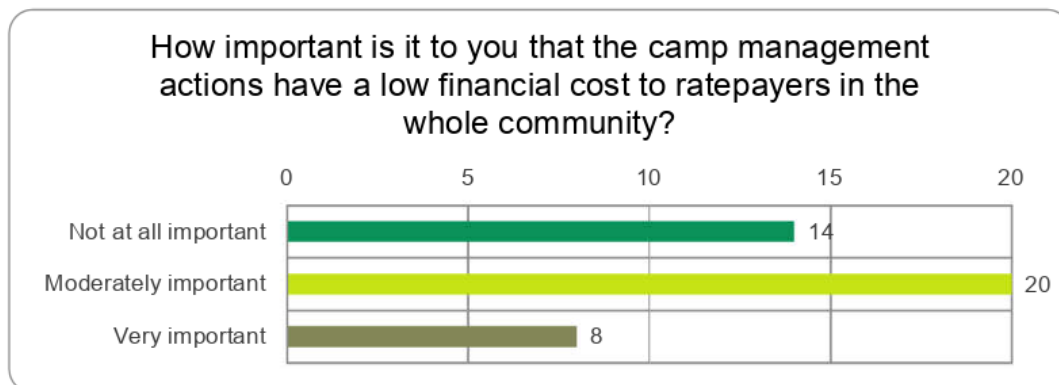


Figure 34 Financial impacts to ratepayers

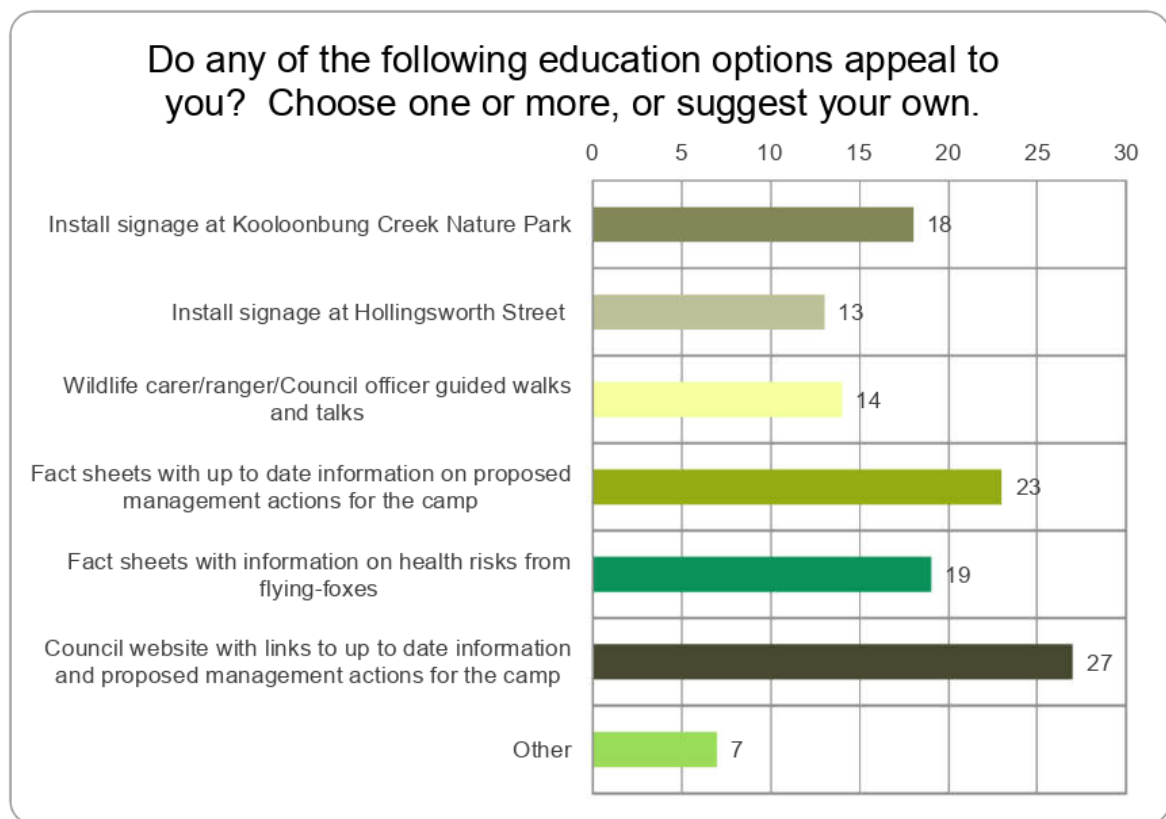


Figure 35 Educational options

Respondents were asked to choose one or more education options, or suggest their own. 'Council websites with links to up to date information and proposed management actions for the camp' received the highest number of votes (64%). The second-most highly rated option was 'fact sheets with up to date information on proposed management actions for the camp' (54%). All other options received similar ranking priority (Figure 9). Other suggested options were, 'action to reduce noise/removing the bats', 'cull a proportion of the flying-fox population' and for 'Friends of Kooloonbung Creek Nature Park' (FKCNP) to take guided walks through the park.

The majority of the respondents identified as 'not living within 100 metres of the camp' (67.4%). All (14) respondents answered 'no' when asked if more information was required concerning plants that may be attracting flying-foxes to their backyard. Of those 14 respondents, when asked 'Would receiving service subsidies help in reducing flying-fox impacts on your property if funding assistance was provided in some way?'; 9 answered 'yes' and 5 responded 'no'.

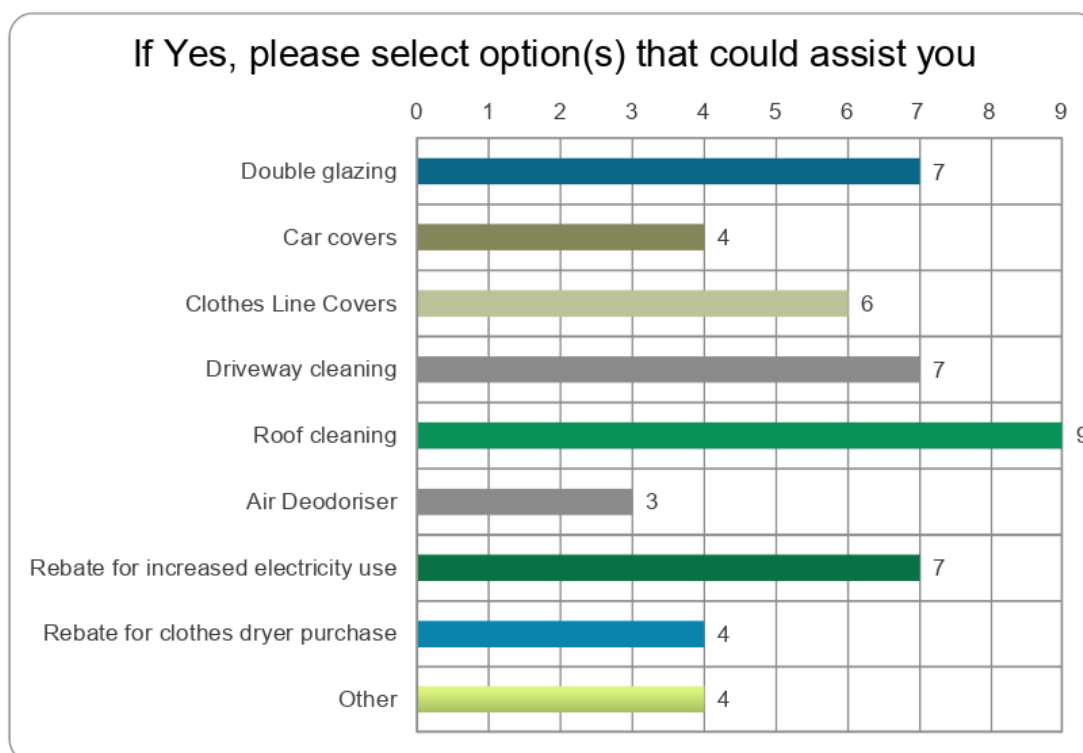


Figure 36 Management options to assist

In regards to which options could assist residents if funding assistance was provided in some way; roof cleaning had the most selections (9 selections from each of the 9 respondents) (Figure 10). The next rated options after roof cleaning were 'double glazing', 'driveway cleaning' and 'rebate for increased electricity use' with 7 votes each. Four respondents (who selected 'other' in the survey) added water rebate for hosing off outdoor areas, rebate for air-conditioner installation or solar panels to reduce electricity costs when residences must be closed due to odour/noise and rebate for regular cleaning of solar panels.

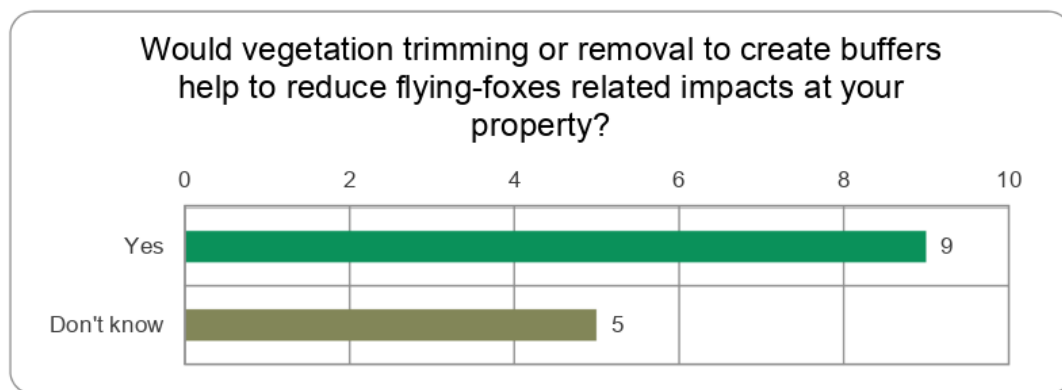


Figure 37 Buffer creation to reduce flying-fox related impacts

The majority of respondents (64.3%) answered 'yes' to would vegetation trimming or removal to create buffers would help to reduce flying-fox related impacts at their property (Figure 11). Nine respondents (who selected 'yes') added what street they live on to the survey. Addresses included; Lake Road, Glebe Close, Fischer Street and Anita Crescent.

Respondents who indicated that they are interested in learning more about management options (39), were most interested in managing impacts to amenities. Respondents selected 'improving the boardwalk to prevent slipping' as the most preferred management option (Figure 12). Nineteen respondents were interested to learn about canopy-mounted sprinklers.

Fourteen respondents (who selected 'other' in the survey) added "relocate the colony", "change conditions to move flying-fox elsewhere", "clear roosting trees along the cutting path through Kooloonbung so that the walkway and bridge can be used without the fear of slipping in excrement", "replant flying-fox roosts trees to replace those lost during the nudging process", "cull numbers of flying-fox", "minimise the camp size", "relocate the camp to state forests and national parks", "clear the area of trees due to bushfire concerns", "smoke bombs, low humming motors" and "develop an eradication program".

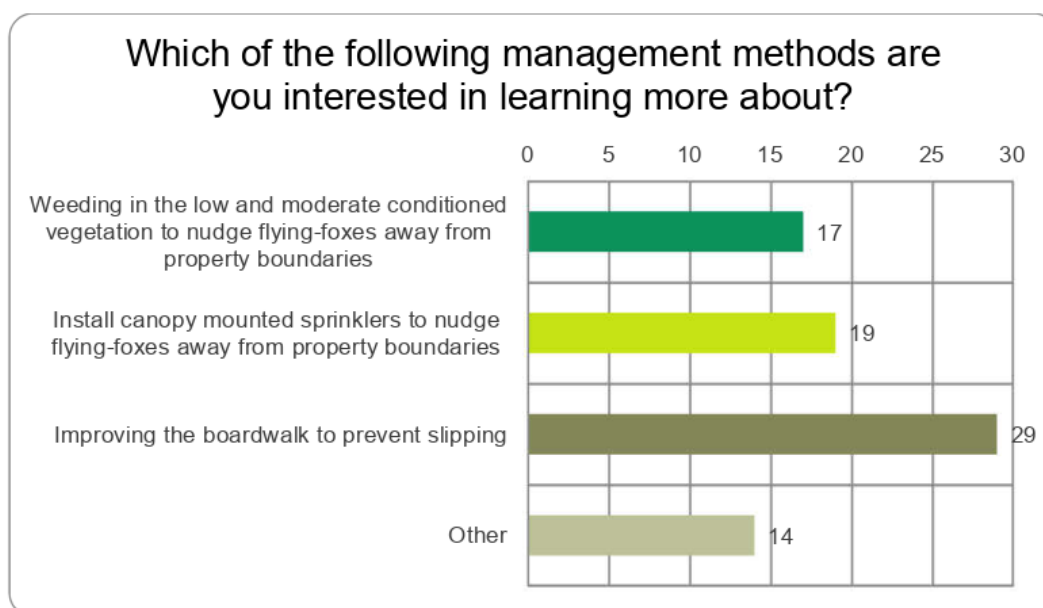


Figure 39 Management options that participants are interested in learning

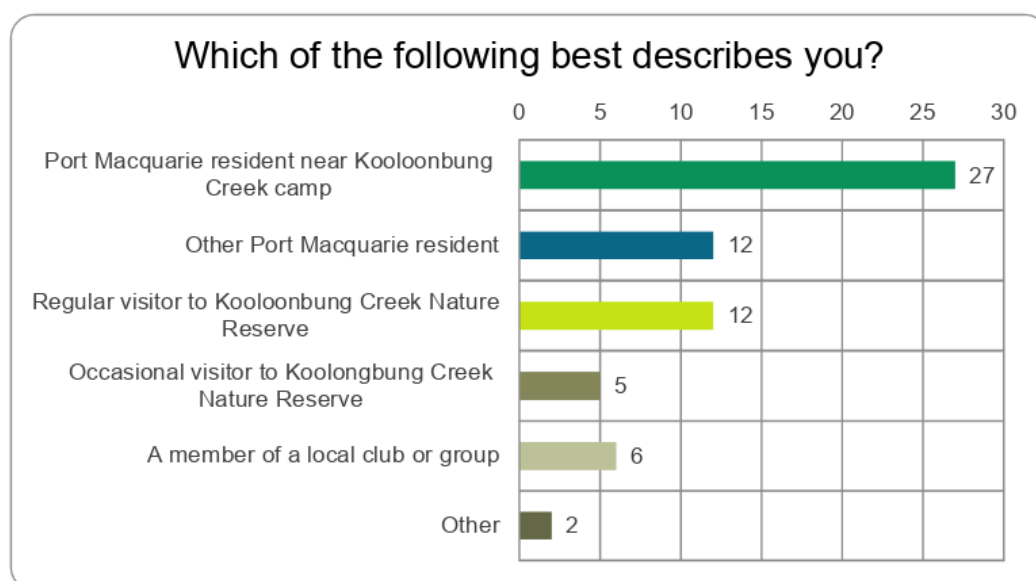


Figure 38 Survey distribution.

'Port Macquarie resident near Kooloonbung Creek camp' was the highest response group in the survey (62.8%) (Figure 13). 62.8% of participants were aged 50-75, 18.6% were 36-50, 13.9% were 76+ and 18-35 and >18 were both 2.3% of the participants.



Table 9 Responses to question; Do any of the proposed management options not appeal to you? And if so which ones and for what reason?

Response type	Respondents comments
Remove flying-fox	<i>"Just get rid of the problem".</i>
Remove flying-fox	<i>"NONE - get rid of them. All of these management options cost money and don't solve the problem".</i>
Remove flying-fox	<i>"Rebates for water, double glazing, etc. I want population reduced and none of the options listed will achieve that".</i>
Remove flying-fox	<i>"Weeding - can't see how this helps unless it involves removal of future roosting & paper bark tree seedlings".</i>
Remove flying-fox	<i>"I would to have them removed as the smell is repulsive".</i>
Remove flying-fox	<i>"In Kooloonbung there are 2 endangered things. The bat camp & the rainforest, & only one of those species can be moved & or minimised. One of your options mystifies me, what do you mean by weeding ?? To my mind bats are not what you would classify as ground foragers".</i>
Remove flying-fox	<i>"None of the service subsidies required if bat colony persuaded to live elsewhere. Financial grants, if I understand correctly, were made to combat the problems we have. Why was no action taken? Personally, I think incompetency at a higher level should not be left unuttered. Trimming, pruning to create a buffer would only hasten the demise of our beautiful arboreal world...We don't need to axe the rain forest the bats execute the demise effortlessly".</i>
Remove flying-fox	<i>"I lived in Albury before moving to Port Macquarie. We had a colony of bats move into the Botanic Gardens. The council was given permission to move the bats to another location. This was done by making a lot of noise each morning with power tools, banging tin lids etc. The bats moved to another location that was not near any homes. I feel that the people who live near the bats must find the smell unbearable".</i>
Remove flying-fox	<i>"Sydney moved their population along, we can do the same, within the guidelines set out by N.S.W Gov. We do not propose to killing the bats, just moving them on to a less populated area".</i>
Remove flying-fox / cull	<i>"as above remove them completely or cull them. The national parks condone culling of brumbies and we are allowed to cull Kangaroos why is the fox different? they have a far worse impact".</i>
Remove flying-fox / cull	<i>"Don't see how it will work as the smell and flying foxes will still be there with the above options".</i>
Remove flying-fox / cull	<i>"Remove them completely. Thats it - get them out of there".</i>
Remove flying-fox / cull	<i>"No.... none of these address the real issue. Management is not on my agenda! Eradication is.... is is feasible and achievable!".</i>
Management method	<i>"This community problem has been well known for many years and the time has come for proactive responses. Council already has the views of 10,000 residents who have Petitioned for action. This survey must recognise those voices. Options limited to information about PROPOSED management actions are insufficient. Citizens now also need to know what has actually been done and how effective (or not) that has been". "Education alone does not solve the issue"</i>
Management method	<i>"Sprinklers - water costs money".</i>
Management method	<i>"Canopy-mounted sprinklers sounds like it would require a lot of infrastructure to be</i>



Response type	Respondents comments
	<i>installed, this may be expensive and require vegetation to be removed or disturbed".</i>
Management method	<i>"Sprinklers or any other method that negatively impacts the bats' bodies, habitat or flight paths should not be used as this is a threatened species that needs as much protection as we can give it. While the bats like to roost above water, being wet could reduce their ability to keep warm and perhaps to fly and to forage. Peggy Eby told us that they are extremely loyal to their roost and are unlikely to desert it in spite of interference by humans. They occupy only a tiny part of the town and they "pay rent" in the form of the ecosystem services they deliver"</i>
Management method	<i>"FKCNP are already involved with the other management methods listed above".</i>

Table 10 Further comments to survey from participants

Theme	Respondents comment
Relocate flying-fox	<i>"Relocate them to a nonresidential or recreational area if possible".</i>
Relocate flying-fox	<i>"It is my understanding that the colony was moved from the Sea Acres NP in the eighties, because the NPWS did not like having them around. Back then, Kooloonbung Creek Nature Reserve was beautiful, with no fruit bat colony established until the Sea Acres 'eviction'. Additionally, back in those days, the water in Kooloonbung Creek was more brackish than it is now. The ever-increasing discharge of treated effluent into Kooloonbung Creek has diluted the naturally-occurring brackish water in the inter-tidal zone. This has provided the colony with a ready supply of drinking water that has provided the foundation for the fruit bat colony to grow more than it otherwise might have been. The fruit bat colony has ruined the amenity of a beautiful area, and it is my opinion that they should be moved from that location. Council should at least salinate the water they discharge into the creek so that it does not alter the natural state of the inter-tidal zone".</i>
Relocate flying-fox	<i>"I want Council \$ spent on reducing population of FFs in KCR, not on education or writing management reports with no tangible outcomes".</i>
Relocate flying-fox	<i>"Don't hold much hope of a council solution to relocating bats, there are avenues for this, but think the problem has become too complicated for this council. Another tourist venue destroyed in PM, only ones these days are the khaki hat brigade. No longer a tranquil spot for wedding photos etc. used to be a wonderful walk through boardwalk with visitors, no longer!"</i>
Relocate flying-fox	<i>"I am sure the bats will move on to another site when it suits them, when is another question".</i>
Relocate flying-fox	<i>"Please do something urgently, they have moved and settled into our area in the last 12 months"!!</i>
Relocate flying-fox	<i>"GET RID OF THEM!!!!!! WE WANT OUR ENVIRONMENT BACK SO WE CAN USE IT AND BE SAFE".</i>
Relocate flying-fox	<i>"I have excrement drop on my house and driveway. There are palm trees, next door, which attract the bats. The removal of these non-native plants would help, in my case. The decline of smaller native birds is very noticeable, since the bats took over the reserve. I will not use the boardwalk, since the bats took over. It used to be a special place for me. My visitors cannot enjoy the renovated picnic area, because of the noise, smell and the excrement. There have been cases where other N.S.W Councils have moved the bats on, we should be able to do the same".</i>
Engagement process	<i>"How is the community to comment if they do not happen to log into the website. I have not seen any notification in the local paper.</i>



Theme	Respondents comment
	<i>As a resident who has already expressed concern on these issues it is important to know that community engagement has been openly sought before the deadline closes".</i>
Engagement process	<i>"Proof read your surveys before sending them out! Too repetitive".</i>
Engagement process / relocate flying-fox	<i>"Your survey is false and deliberately based on lies at worst, misinformation at best. There are plenty of colonies that can be studied in this area, Wingham to Kempsey, and NSW Govt will assist with funding to relocate inappropriately located colonies. The time frame for this survey seems very short, deliberately structured to sabotage the effectiveness of this exercise. You should be ashamed. Don't you understand your responsibility as a council servant".</i>
Park closure	<i>"e.g Singleton area - They had to close their Park & some Businesses due to flying foxes? is this going to happen in Port Macquarie and who pays for this? Our main street and area will be abandon".</i>
Health problems	<i>"This year has caused health problems which I have discussed with my G.P. I am a non-smoker. I have a permanent cough and have been under great stress through lack of/disturbed sleep, sore ears from the use of ear plugs and general depression at not being able to enjoy the lifestyle in our own backyard. Our interstate visitors are not keen to return to Port because of the strong bat smell in this area; commenting on why a beautiful holiday destination is so spoilt by the stench of the flying foxes..... Word gets around".</i>
Flying-fox advocate	<i>"I would like to see the retention of this naturally occurring FF population within KCNP. As a rate-payer with a 17 year affiliation with the Park, I know that the FF population numbers and species are variable, and truly hope that no drastic action is taken to remove the colony to appease relatively short-term residents who chose to live next to a bushland area and wildlife corridor".</i>
Flying-fox advocate	<i>"if people had the opportunity to interact like the koala hospital they would realise there is more to them than the smell".</i>
Flying-fox advocate	<i>"To have a colony of wild animals within the township is an asset and already a tourist attraction which could be better managed and promoted. How about a Flying Fox Cafe nearby with fruit specialties on the menu, souvenirs and photos? Let's promote these gentle, intelligent and intriguing animals the way we promote our koalas. We need more signage to educate people about the bats' role in making our forests. Encourage people to wash their hands and clean their shoes after walking through, while explaining the facts about possible disease risks to address fear and disinformation. Replacing the timber boardwalk with the same black fibreglass mesh used at Sea Acres and parts of Kooloonbung would greatly improve safety and allow droppings to wash off because they can make the boardwalk slippery. If walkers are still concerned about droppings, suggest they use an umbrella or choose an alternative walking route, e.g. beside Lake Road. The proximity of homes to the bat roost is due to development being permitted too close to the creek: this is the fault of humans, not the bats, which are suffering from habitat loss throughout their range, exacerbated by climate change".</i>
Flying-fox advocate	<i>"FKCNP strongly support the protection of the Flying Fox camp in Kooloonbung Creek NP. Although some trees may be adversely affected by the FF's, there is also much evidence of regenerating native plants in the Reserve as a result of the FF foraging through and beyond the Reserve. FKCNP recognises the critical role that FF's play in maintaining healthy ecological processes in native forests. Having said this our group acknowledges the significant issues affecting immediate neighbours to the Reserve and is keen to work with Council and these residents to develop management actions which may alleviate some of the problems faced by the residents while at the same time minimising major disturbance to the FF camp".</i>
Flying-fox advocate	<i>"I think the Bats are wonderful creatures who have a vital role to play in the Eco System & I hope we have a win win situation for both bats & man in this survey".</i>
Support for reserve	<i>"Please save the Reserve....it is unique to Port Macquarie and should be available for all to enjoy".</i>



Theme	Respondents comment
Support for education	<i>"I applaud the educational approach adopted by the council, education is the best option to work with people who live in the area".</i>
Support for education	<i>"We have neighbors that purposely disturbed the bats regularly making banging sounds with pots and pans and whistles they wake the bats in the day it's really annoying as the bats are usually fine sleeping in the day, when they are right at our back fence I have to use the dryer or hang clothes inside but I'm happy having the bats there in fact I believe we are lucky to be able to live near them and have a duty to protect them as we are the ones who have destroyed a lot of their natural habitat anyway. Just wish there was more education for those who live on the creek and penalties for those who disturb the bats".</i>
Support for education	<i>"I understand the difficult nature of flying fox camps in close proximity to houses but very strongly support community education regarding the importance of these species on long term forest health as well as the least invasive methods to gently nudge them away from roosting close to homes".</i>
Council responsiveness	<p><i>"1 - This community problem has been well known for many years and the time has come for proactive responses. Spending more years on education without action to control the adverse impacts is not sufficient.</i></p> <p><i>Council already has the views of 10,000 residents who have Petitioned for action. This survey/report to Council must also recognise those very patient voices.</i></p> <p><i>2 - The cost of attending to the problem has to be considered in the same way that all worthwhile Council initiatives are considered in the Budget - cost effective activity that addresses a recognised need. Looking for a 'low financial cost' as this survey suggests should not be the approach for any project - identifying best value outcomes is important.</i></p> <p><i>3 - Intending to seek funding from the State Government, without mentioning in this survey, the relevance of the State Government's Code seems odd.</i></p> <p><i>4 - To engage, in the future, only with the community 'around a camp' is limiting. Flying-foxes have impacted the broader community including tourism operators, community groups and walkers. Broader engagement is required.</i></p> <p><i>5 - Engaging and educating community members is inadequate where it relates only to some input and little after that.</i></p> <p><i>Council should commit to:</i></p> <p><i>informing the community of decisions taken;</i></p> <p><i>planned actions and timeframes;</i></p> <p><i>performance measures</i></p> <p><i>and the results of the actions. A considered management plan could do this.</i></p> <p><i>6 - All the options identified in the NSW Government's Draft Code of Practice Authorising Flying-Fox Camp Management Actions 2018 including the many practical options not identified in this survey, must be considered".</i></p>
Council responsiveness	<i>"I encourage Council to effectively deal with this problem in the near future as residents, particularly those close to Kooloonbung Creek, have suffered the effects for far too long".</i>
Council responsiveness	<i>"We hold council totally responsible for the terrible situation we are now in. If council had acted many years ago we would not be in this position. council now needs to act with URGENCY".</i>
Council responsiveness	<p><i>"Yes, please get on with it, please don't just have this survey for some people in Council to justify their job or position, & seem to say, look what we are doing to help. You can if you wish, contact me if you need any clarification on my thoughts.</i></p> <p><i>Thank you for the opportunity</i></p>

Appendix 6 Standard measures to avoid impacts to flying-foxes

The following mitigation measures will be complied with at all times during implementation of any activities within or immediately adjacent the camp.

- All personnel will be appropriately experienced, trained and inducted. Induction will include each person's responsibilities under this Plan.
- All personnel will be briefed prior to the action commencing each day and debriefed at the end of the day.
- Works will cease and OEH consulted in accordance with the 'stop work triggers' section of the Plan.
- Large crews will be avoided where possible.
- The use of loud machinery and equipment that produces sudden impacts/noise will be limited. Where loud equipment (e.g. chainsaws) is required they will be started away from the camp and allowed to run for a short time to allow flying-foxes to adjust.
- Activities that may disturb flying-foxes at any time during the year will begin as far from the camp as possible, working towards the camp gradually to allow flying-foxes to habituate.
- Any activity likely to disturb flying-foxes so that they take flight will be avoided during the day during the sensitive GHFF/BFF birthing period (i.e. when females are in final trimester or the majority are carrying pups, generally August – December) and avoided altogether during crèching (generally November/December to February). Where works cannot be done at night after fly-out during these periods, it is preferable they are undertaken in the late afternoon close to or at fly-out. If this is also not possible, a person experienced in flying-fox behaviour will monitor the camp for at least the first two scheduled actions (or as otherwise deemed to be required by that person) to ensure impacts are not excessive and advise on the most appropriate methods (e.g. required buffer distances, approach, etc.).
- OEH will be immediately contacted if LRFF are present between March and October or are identified as being in final trimester / with dependent young.
- Non-critical maintenance activities will ideally be scheduled when the camp is naturally empty. Where this is not possible (e.g. at permanently occupied camps) they will be scheduled for the best period for that camp (e.g. when the camp is seasonally lower in numbers and breeding will not be interrupted, or during the non-breeding season, generally May to July).
- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress (e.g. food bottlenecks). Wildlife carers will be consulted to determine whether the population appears to be under stress.



- Works will be postponed on days predicted to exceed 35°C (or ideally 30°C), and for one day following a day that reached $\geq 35^{\circ}\text{C}$. If an actual heat stress event has been recorded at the camp or at nearby camps, a rest period of several weeks will be scheduled to allow affected flying-foxes to fully recover. See the OEH fact sheet on [Responding to heat stress in flying-fox camps](#).
- Any proposed variations to works detailed in the Plan will be approved, in writing, by OEH before any new works occur.
- OEH may require changes to methods or cessation of management activities at any time.
- Ensure Level 2 management actions and results are recorded to inform future planning. See the OEH fact sheet on [Monitoring, evaluating and reporting](#).

Vegetation trimming/removal (if required)

- Dead wood and hollows will be retained on site where possible as habitat.
- Vegetation chipping/mulching is to be undertaken as far away from roosting flying-foxes as possible (at least 100 m).

Canopy vegetation trimming/removal (if required)

Prior to works

- Trees to be removed or lopped will be clearly marked (e.g. with flagging tape) prior to works commencing, to avoid unintentionally impacting trees to be retained.

During works

- Any tree lopping, trimming or removal is undertaken under the supervision of a suitably qualified arborist (minimum qualification of Certificate III in Horticulture (Arboriculture) who is a member of an appropriate professional body such as the National Arborists Association) (e.g. Highland Arbor; Chris Watchirs).
- Trimming will be in accordance with relevant Australian Standards (e.g. AS4373 Pruning of Amenity Trees), and best practice techniques used to remove vegetation in a way that avoids impacting other fauna and remaining habitat.
- No tree in which a flying-fox is roosting will be trimmed or removed. Works may continue in trees adjacent to roost trees only where a person experienced in flying-fox behaviour assesses that no flying-foxes are at risk of being harmed. A person experienced in flying-fox behaviour is to remain on site to monitor, when canopy trimming/removal is required within 50 metres of roosting flying-foxes.
- While most females are likely to be carrying young (generally September – January) vegetation removal within 50 metres of the camp will only be done in the evening after fly-out, unless otherwise advised by a flying-fox expert.
- Tree removal as part of management will be offset at a ratio of at least 2:1. Where threatened vegetation removal is required, the land manager will prepare an Offset



Strategy to outline a program of restoration works in other locations (in addition to existing programs). The strategy will be submitted to OEH for approval at least two months prior to commencing works.

Bush regeneration

- All works will be carried out by suitably qualified and experienced bush regenerators (i.e. Landcare groups), with at least one supervisor knowledgeable about flying-fox habitat requirements (and how to retain them for Level 1 and 2 actions) with knowledge regarding working under a camp.
- Vegetation modification, including weed removal, will not alter the conditions of the site such that it becomes unsuitable flying-fox habitat for Level 1 and 2 actions.
- Weed removal should follow a mosaic pattern, maintaining refuges in the mid- and lower storeys at all times.
- Weed control in the core habitat area will be undertaken using hand tools only (or in the evening after fly-out while crèching young are not present).
- Species selected for revegetation will be consistent with the habitat on site, and in buffer areas or conflict areas should be restricted to small shrubs/understorey species to reduce the need for further roost tree management in the future.

Stop work triggers

Management activities in or near Kooloonbung Creek camp will cease and will not recommence without consulting OEH if:

- any of the animal welfare triggers occur on more than two days during the program, such as unacceptable levels of stress (Table 10)
- there is a flying-fox injury or death
- a new camp/camps appear to be establishing
- impacts are created or exacerbated at other locations
- there appears to be potential for conservation impacts (e.g. reduction in breeding success identified through independent monitoring)
- standard measures to avoid impacts cannot be met.
- Management may also be terminated at any time if:
 - unintended impacts are created for the community around the camp
 - allocated resources are exhausted.



Table 11 Planned action for potential impacts during any works under or near the camp. A person with experience in flying-fox behaviour (as per Appendix 6) will monitor for welfare triggers and direct works in accordance with the criteria below.

Welfare trigger	Signs	Action
Unacceptable levels of stress	If any individual is observed: <ul style="list-style-type: none"> - panting - saliva spreading - located on or within 2 m of the ground 	Works to cease for the day.
Fatigue	In-situ management <ul style="list-style-type: none"> - more than 30% of the camp takes flight - individuals are in flight for more than 5 minutes - flying-foxes appear to be leaving the camp 	In-situ management Works to cease and recommence only when flying-foxes have settled* / move to alternative locations at least 50 m from roosting animals.
Injury/death	<ul style="list-style-type: none"> - A flying-fox appears to have been injured/killed on site (including aborted fetuses) - dependent/crèching young present and adults likely to take flight or abandoned camp 	Works to cease immediately and OEH notified AND rescheduled OR adapted sufficiently so that significant impacts (e.g. death/injury) are highly unlikely to occur, as confirmed by an independent expert OR stopped indefinitely and alternative management options investigated.

Appendix 7 Community feedback

Table 12 Community feedback from consultative meeting 2

Level	Theme	Actions to prioritise	Actions to disregard	How or where to implement
1	Education and awareness	Information on removal of non-natives		Friends of Kooloonbung do this in Park however, need to educate residents of home removal of weeds including tobacco and Cocos palm
		<i>Kooloonbung Friends educate at schools</i>		
		Update information sheets on flying-fox disease		
		Tourism		
		Information on removal of non-native		Particularly those that are sources of bat food
		Signage at Kooloonbung Park		
		Ban barbed wire in residential areas and black monofilament netting		Promote wildlife friendly netting
		Priority – facts sheets on flying-fox disease risk <ul style="list-style-type: none"> - Information on council website - Advice on tree trimming Medium – signage at Kooloonbung Creek <ul style="list-style-type: none"> - Wildlife educator - Information on removal of non-natives 		
		Information on removal of non-native Advice on tree trimming or removal		Removal of blossoming trees close to housing Removal of roosting trees close to housing
		Information on removal of non-native Advice on tree trimming or removal	Signage in Kooloonbung Fact sheets on flying-fox disease risk information on council website wildlife educator at schools or clubs	
			Signage already there	



Level	Theme	Actions to prioritise	Actions to disregard	How or where to implement
			Signage not required	
			Wildlife educator	
	Property acquisition	priority		
		✓✓		Must be at top of market value so as not disadvantage residents
	Level 1		Level 1 management actions mostly completed refer 2012 KCPoM	
	Create alternative habitat	✓		Alternative camp corner of Lake Road and Ocean Drive – mostly paperbark vegetations
	Create alternative roost sites	Priority		Look at expanding planting at the Hatch as Alternative Roost Site
	Subsidies	Air-conditioning – who pays power bill?		
		High pressure hosing		but more to do with sound and important to have shock value
		Car / clothes line / pool covers priority		
		Air deodorisers, high pressure hosing, air -conditioning, double glazed windows all priorities		rate and electricity subsidies
		Car / clothes line / pool covers, Air deodorisers, high pressure hosing, air -conditioning, double glazed windows		
		High pressure hosing – consider for cleaning back patio		
		Subsidies for all air-conditioning		
		Water subsidy for daily washdown		
		Water subsidy should be in place		
		High pressure hosing, air-conditioning, double-glazed windows		Would consider this a good option to try. Would allow us to breath at



Level	Theme	Actions to prioritise	Actions to disregard	How or where to implement
				night. Think this would assist with noise control to help us get some sleep and could actually have visitors at our home
		Double-glazed windows would help with noise		
			Air deodorisers – impossible as the smell covers a huge area outside making living on back areas impossible	
			Car / clothes line / pool covers	
2	Buffers	Canopy-mounted sprinklers useful to shift bats near around homes		Near affected homes
		Canopy-mounted sprinkler; idle diesel generator motor; air compressor noise		
		Canopy-mounted sprinkler high priority seems to have worked in other areas		
		Canopy-mounted sprinkler		
		Canopy-mounted sprinkler, vegetation trimming and removal		Need to address tree choice. Less roosting trees and food sources in the park. There are huge areas of blossom down the road in the industrial area.
		Will consider canopy-mounted sprinkler, vegetation trimming, vegetation removal and acoustic barrier		
		Canopy-mounted sprinkler and vegetation removal		Bats within 5 metres of back fence in tall paperbark trees
		Vegetation trimming - maybe		
			Vegetation removal not feasible otherwise compromise reserve values	
			Removal of a narrow band of trees would affect other wildlife	



Level	Theme	Actions to prioritise	Actions to disregard	How or where to implement
			Barriers could affect movement of koalas	
		Acoustic barrier but shock value as with Royal Melbourne Botanical Gardens		
				Concerned that shadiest roost area left is along the rear of houses – other areas have lost canopy cover and therefore heat stress concern



Revision History

Revision No.	Revision date	Details	Prepared by	Reviewed by	Approved by
00	4/12/2018	PR3995 Kooloonbung Creek Camp Management Plan	Emily Hatfield, Senior Wildlife Biologist	Jess Bracks, Principal Wildlife Biologist	
01	04/01/2018	PR3995 Kooloonbung Creek Camp Management Plan.DR2	Emily Hatfield, Senior Wildlife Biologist	Julie Whelan, Senior Environmental Scientist	
02	06/03/2019	PR3995 Kooloonbung Creek Camp Management Plan.DR3	Emily Hatfield, Senior Wildlife Biologist	Jess Bracks, Principal Wildlife Biologist	
03	22/03/2019	PR3995 Kooloonbung Creek Camp Management Plan.DR4	Emily Hatfield, Senior Wildlife Biologist	Jess Bracks, Principal Wildlife Biologist	

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Report compiled by Ecosure Pty Ltd

ABN: 63 106 067 976

admin@ecosure.com.au www.ecosure.com.au

PR3995-DE.Kooloonbung Creek CMP.DR4

Adelaide

PO Box 145
Pooraka SA 5095
P 1300 112 021
M 0407 295 766

Brisbane

PO Box 675
Fortitude Valley QLD 4006
P 07 3606 1030

Coffs Harbour

PO Box 4370
Coffs Harbour Jetty NSW 2450
P 02 5621 8103

Gladstone

PO Box 5420
Gladstone QLD 4720
P 07 4994 1000

Gold Coast

PO Box 404
West Burleigh QLD 4219
P 07 5508 2046
F 07 5508 2544

Rockhampton

PO Box 235
Rockhampton QLD 4700
P 07 4994 1000

Sunshine Coast

PO Box 1457
Noosaville QLD 4566
P 07 5357 6019

Sydney

PO Box 880
Surry Hills NSW 2010
P 1300 112 021

Townsville

PO Box 2335
Townsville QLD 4810
P 1300 112 021



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Kooloonbung Creek Flying Fox Camp Noise Assessment

Information Brochure 2021

Background

The Kooloonbung flying-fox camp was established in the 1990s and is occupied by three different species: the Grey-headed Flying-fox (*Pteropus poliocephalus*), the Black Flying-fox (*P. alecto*) and the Little Red Flying-fox (*P. scapulatus*). The Grey-headed Flying-fox is a threatened species listed as Vulnerable to extinction under both the NSW *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. This legal status provides protection to this species and their habitat.

The behaviour of flying-foxes means that the number of individuals present in a camp at any given time can change significantly. Camps often occur in favourable habitat and near food resources. Changes in availability and seasonality of these food resources can lead to changes in the number of individual flying-foxes present in a camp. Flying-fox camps may be permanently occupied by some individuals, but only seasonally or temporarily visited by others. For these reasons, the number of individual flying-foxes present in a camp can change quite significantly depending on the time of year. Counts of flying-foxes in the Kooloonbung Creek camp carried out over several years show that the number of individuals in the camp can range from around 1,000 flying-foxes over a relatively small area to around 170,000 flying-foxes spread over 77 hectares.

Flying-foxes can make a lot of screeching noises during the day and throughout the night. They are typically most noisy when they leave at dusk to feed and when they return at dawn to find a roost. The greatest noise impacts to residents tend to occur at dawn roosting times. During the day-time flying-foxes continue to make some noise, and are noisiest when stressed or scared, such as when they are disturbed by people (e.g. people mowing the lawn). At night-time they can also be noisy if there is a small group of flying-foxes feeding on fruiting or flowering trees, including palm trees.

What was the Purpose of the Noise Assessment?

The Kooloonbung Creek Flying-fox Camp Management Plan prepared in 2019 provides a number of management actions that aim to manage community concerns in relation to the camp whilst at the same time conserving flying-foxes and their habitat. Amongst other things, the Plan recommends a combination of property modifications and land use planning to manage noise impacts to residents of existing and proposed development near the camp.

The purpose of the noise assessment project was to quantify and map the noise impacts of the flying-fox camp and to develop recommendations for potential property modifications to manage noise impacts based on the extent to which individual properties are impacted. It is intended that the noise assessment provide a scientific foundation for decision making by Council and residents.

Noise Assessment Methodology

The noise assessment was carried out by a team of specialist acoustic engineers and involved the following steps:

- Monitoring of the actual noise levels around the camp over a period of seven days in February 2021, which is the time of year the camp is usually at its largest;
- Counts of the number of flying-foxes in the camp were also undertaken at the start and end of this period to verify the noise model. There were around 26,500 individuals on the 9 February and 57,000 on 18 February 2021;
- 3D computer-based noise modelling based on the measured noise levels, number of flying-foxes present, site topography and taking into account the location of buildings in the study area. Two scenarios were considered – a typical camp represented by the average camp size for February 2021 and a 'worst case scenario' adopting a camp size of 170,000 individuals;
- Identification of a suitable internal noise objective, being the noise level beyond which noise mitigation would be recommended;
- Generation of noise contour maps for each scenario showing the level of noise impact in different locations; and
- Identification of property modifications that would potentially be effective in reducing the flying-fox noise levels inside residential dwellings (in particular bedrooms) to meet the internal noise objective.

Noise Assessment Methodology (cont.)

Noise is the sound pressure level measured in decibels (dB), and overall noise includes sounds with frequencies in the audible hearing range. For humans, assessments normally consider the overall noise level for sounds between the 63 Hz and 8,000 Hz single octave bands. Humans are generally more sensitive to higher frequencies of noise, such as those made by flying-foxes (at 2,000-4,000 Hz).

There are no guidelines specific to assessing impacts of animal noise on humans, and therefore the noise assessment considered the NSW Department of Planning's Development Near Rail Corridors and Busy Roads - Interim Guidelines (2008). Residents have advised that the flying-foxes are noisiest at dawn and this was supported by the noise measurements, which found they were noisiest between 5:45AM and 6AM. For this reason, the criteria from the Guidelines relating to sleep areas was adopted as the internal noise objective for this assessment. The Guideline recommends that noise levels in sleeping areas be limited to 35 dBA where feasible so as to minimize the risk of occupants being woken from sleep.

Painful	120	Jet take off at runway edge
	110	Rock concert
	100	225mm angle grinder at 1 metre
	90	Heavy industrial factory interior
Noisy	80	Shouting at 1 metre
	70	Freeway at 20 metres
	60	Normal conversation at 1 metre
	50	A running refrigerator
Quiet	40	Office air-conditioning, background noise level in a standard place of worship
Very Quiet	20	Whisper, broadcast studio
	10	Human breathing at 3 metres
	0	Threshold of typical hearing

Table 1. Range of typical Noise Levels, dBA relative to 20 microPascals

Noise assessment results

Figures 1 and 2 show the results of the noise modelling. Figure 1 shows the results for Scenario 1, which corresponds to the average camp size during the noise monitoring period. Figure 2 (see overpage) shows the results for Scenario 2, which is the 'worst case scenario' of a maximum camp size.

The extent of the camp adopted in the noise model is shown in blue hatching on the figures. The colour-coded contours show the noise levels.

The results show that dwellings close to the parts of the camp with larger numbers of flying-foxes are being impacted by noise levels between 55-75 dBA.

It is noted that, based on a typical residential dwelling construction, noise levels as measured at the façade of a building may be up to around 20 dBA lower inside the building with the windows and doors closed. That is, if the noise levels at the façade of the building are 55dBA, the internal noise levels would likely achieve the internal noise objective of 35 dBA.

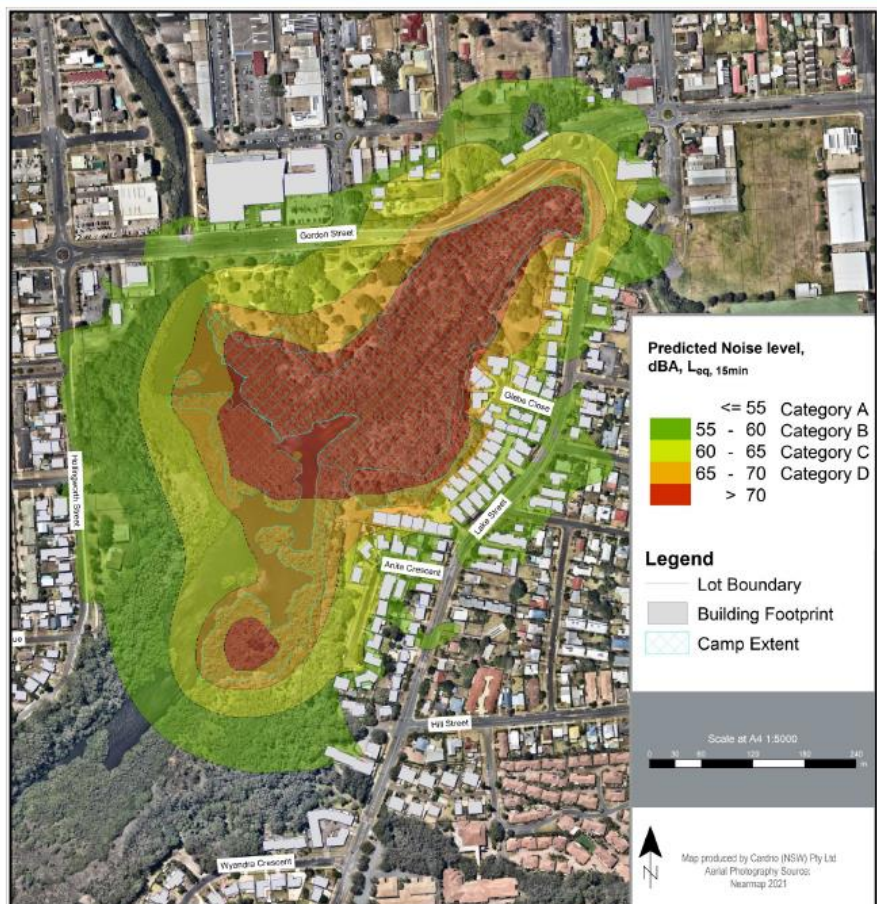


Figure 1. Predicted noise level from Scenario 1 which represents the average camp extent

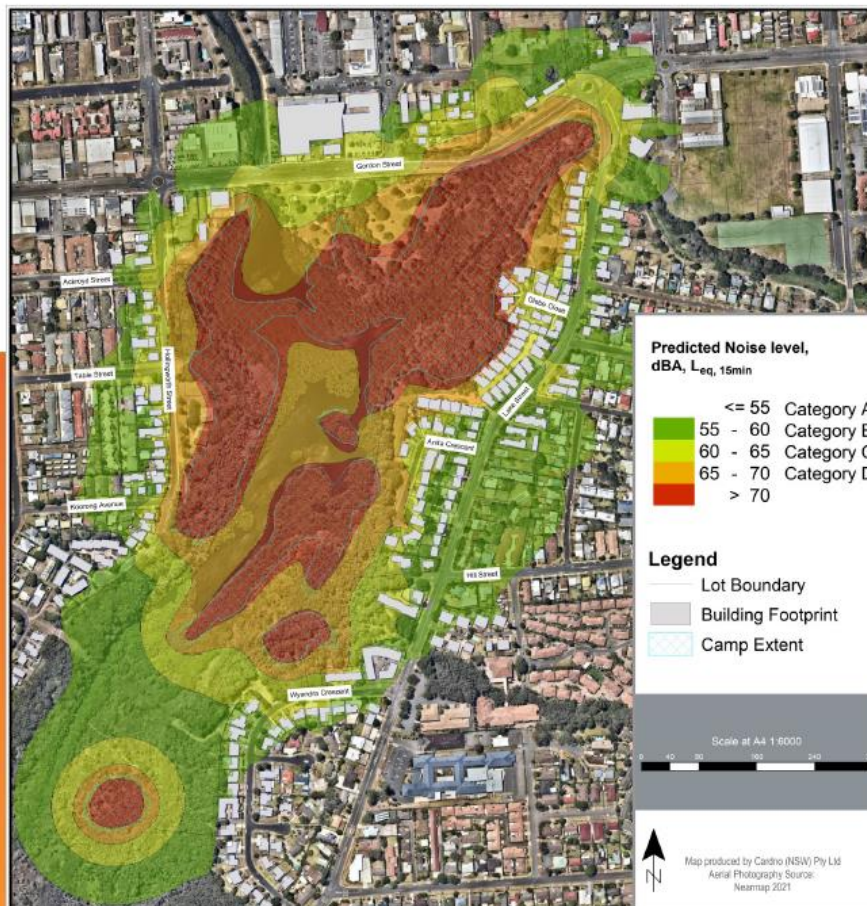


Figure 2. Predicted noise levels from Scenario 2 which represents the maximum camp extent

What can be done to reduce the impacts of noise on residents?

Property modifications can be undertaken to reduce the impact of noise inside a building. Due to the time of day the flying-foxes disturb residents, it was considered appropriate to target sleeping areas, as this is where the greatest benefit to residents can be achieved. These include:

- Window glazing, with thicker glazing achieving greater noise reductions;
- Using acoustic seals where noise could get in, such as around windows and doors; and
- Installation of insulation in the ceiling void.

To ensure the property modifications are effective, windows and doors should be closed, which may result in the need for mechanical ventilation (e.g. air conditioning) to provide fresh air. Dwellings with mechanical ventilation may have increased energy consumption and potentially higher electricity bills. There is also potential for any air conditioning units (or similar devices) to create additional noise nuisance to nearby residences. It may be necessary to shield any new air conditioners or locate them so that they cannot be heard inside neighbouring residences.

Based on the noise modelling results, the required property modifications to achieve the internal noise objective for different levels of external noise impact are provided in Table 2. The building treatment categories in Table 2 align with the noise mapping in Figures 1 and 2:

- Residences located within the orange or red contours are Category D;
- Residences located within the yellow zone are Category C;
- Residences within the green zone are Category B; and
- Residences in all other areas are Category A.

It is recommended that typical glazing in the range of 4-6 mm be avoided for buildings that are most affected by noise from flying-foxes. This is because it does not perform as well for noise frequencies similar to that made by flying-foxes. For buildings that are more impacted by noise, glazing of 10-10.38 mm thickness may provide better outcomes while avoiding more expensive options such as double glazing or upgrading of the external walls and ceilings.

What can be done to reduce the impacts of noise on residents? *cont.*

Table 2. Recommended property modifications to reduce noise impact. The weighted sound reduction index (Rw), is the single number acoustic rating for sound transmission loss, determined by laboratory testing in accordance with ISO 717-1. It is used to compare the acoustic performance for different partitions. A higher Rw rating indicates better acoustic performance (that is, more noise reduction) than a lower Rw rating.

Category	External noise level	Glazing treatment	Building Façade Treatment
Existing residential development – Sleeping areas			
A	<55 dBA	No treatment needed	No treatment needed
B	55-60 dBA	Rw 29 – 6mm float glass with acoustic seals	Seal gaps and holes
C	60-65 dBA	Rw 31 – 6.38mm laminate glass with acoustic seal	Seal gaps and holes Insulation to ceiling void
D	>65-70 dBA	Rw 35 – 10.38mm laminate glass with acoustic seals	Seal gaps and holes Insulation to ceiling void
Future residential development – Sleeping areas			
A	<55 dBA	No treatment needed	No treatment needed
B	55-60 dBA	Rw 29 – 6mm float glass with acoustic seals	External wall system to achieve Rw 35 External roof/ceiling system to achieve Rw 35
C	60-65 dBA	Rw 31 – 6.38mm laminate glass with acoustic seal	External wall system to achieve Rw 38 External roof/ceiling system to achieve Rw 38
D	>65 dBA	Rw 35 – 10.38mm laminate glass with acoustic seals	External wall system to achieve Rw 40 External roof/ceiling system to achieve Rw 38

How do I find out more information?

For more information about the Kooloonbung Creek flying fox camp noise assessment please contact Port Macquarie Hastings Council.

**Contact information**

Phone: 02 6581 8111

Email: council@pmhc.nsw.gov.au

Website: www.pmhc.nsw.gov.au