



PORT MACQUARIE-HASTINGS
COUNCIL



Extraordinary Council

Business Paper

date of meeting: Thursday 23 June 2022

location: Council Chambers, 17 Burrawan Street, Port Macquarie

time: 10:00am

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Extraordinary Council Meeting

Thursday, 23 June 2022

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

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

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

RECOMMENDATION

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 06.01**Subject: PUBLIC FORUM - MATTERS ON THE AGENDA**

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

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

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

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

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

Information for Speakers

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

- e) a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The meeting is recorded and will be made available to the public on Council's website.
- Member of the public may quietly enter and leave the meeting at any time.

Item: 06.02

Subject: INTEGRATED PLANNING AND REPORTING (IP&R)

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council:

1. Thank community members who provided feedback on the draft Integrated Planning and Reporting (IP&R) suite of documents during the public exhibition period.
2. Note the IP&R Community Engagement Report.
3. Note that feedback received from the community during the public exhibition period showed strong support for the adoption of the 1.7% rate peg increase and reinstatement of the TCMP component of the Port Macquarie CBD business rate to support the long term financial sustainability of Council.
4. Note the amendments to the exhibited Integrated Planning and Reporting (IP&R) suite of documents as a result of community feedback during the public exhibition period.
5. Adopt the following Integrated Planning and Reporting (IP&R) suite of documents:
 - a. Delivery Program 2022 - 2026
 - b. Resourcing Strategy 2022 - 2026, with the following components:
 - i) Long Term Financial Plan (Scenario 3 - incl. 1.7% rate peg increase and TCMP component of the Port Macquarie CBD business rate)
 - ii) Workforce Management Strategy
 - iii) Asset Management Strategy
 - c. Operational Plan 2022 - 2023 (Scenario 3 - incl. 1.7% rate peg increase and TCMP component of the Port Macquarie CBD business rate)
6. Note the 2022-2023 budget position of a balanced budget and that update reports will be reported to Council monthly during the financial year.
7. Transfer the following reserve balances to fund priority infrastructure works:
 - a. \$2.149m from the Property Reserve;
 - b. \$468,000 from the 4WD Access Reserve;
 - c. \$360,000 from the Town Beach Sand Nourishment Reserve; and
 - d. \$1.0m from the Plant and Vehicle Reserve.
8. Enter into total borrowings of \$4.3 million for the Port Macquarie Airport Parallel Taxiway.

9. In accordance with the NSW Office of Local Government Integrated Planning and Reporting Guidelines for Local Government in NSW September 2021, publish a copy of the adopted Integrated Planning and Reporting (IPR) suite of documents referred to in 4 above and the adopted Community Strategic Plan *Imagine 2050* on Council's website within 28 days of adoption.

Executive Summary

Council resolved at the 28 April 2022 meeting Item 6.01 to adopt the Community Strategic Plan (CSP) *Imagine 2050* and further resolved under Item 6.02 to place the draft Integrated Planning and Reporting (IP&R) suite of documents on public exhibition.

In response to the community's vision, the Delivery Program (2022-2026), Operational Plan (2022-2023) and Resourcing Strategies were developed in line with the community's six (6) strategic priority areas:

1. Environmentally Sustainable
2. Resilient
3. Connected
4. Thriving
5. Liveable
6. Authentic and High Performing.

Draft plans and financials were prepared in accordance with the NSW Local Government IP&R framework and in line with the 16 February 2022 Notice of Motion Item 9.09 to freeze rates at the 2021-2022 level until 30 June 2025 and Item 12.03 proposing a discontinuation of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD business rate.

The draft plans were exhibited in accordance with the Engagement Strategy (Attachment 1) for the required 28-day period and this report now seeks Council's consideration of the community's feedback in the Community Engagement Report (Attachment 2) and endorsement of the plans and preferred funding scenario.

Three (3) funding scenarios are presented for Council's consideration. This report recommends Scenario 3 which is to adopt the 1.7% rate peg increase and retain the TCMP component of the Port Macquarie CBD business rate until further review. The Capital Works program for Scenario 3 is provided as Attachment 3. A comparison of each scenario is provided in the **Options** section of this report. The estimated budget position of a balanced budget has not changed.

Documents to be endorsed are the Delivery Program 2022-2026 (Attachment 4), Operational Plan 2022-2023 (Attachment 5) and the Resourcing Strategy 2022-2026 (Attachment 6). Supplementary documents included in a separate report tabled to this same Council meeting are as follows:

- Fees and Charges 2022-2023
- Revenue Policy 2022-2023
- Rating Maps 2022-2023.

Discussion

Background

The Community Strategic Plan (CSP) *Imagine 2050* adopted by Council in April 2022 is the result of an extensive community engagement program spanning from December 2019 until March 2021. Over 1,800 community members participated to explore, confirm and validate the community's priorities and actions for the future. The CSP identifies ten (10) priority areas (*Figure 1*) to guide Council strategies and plans for the future.



Figure 1 - Community's strategic priorities - CSP Towards 2050

With the CSP adopted, Council applied the community's priorities to develop the draft Delivery Program (2022-2026), Operational Plan (2022-2023) and Resourcing Strategy, to deliver on the community's vision for the future. The planning hierarchy (*Figure 2*) illustrates the approach Council followed in accordance with the NSW Government IPR framework.

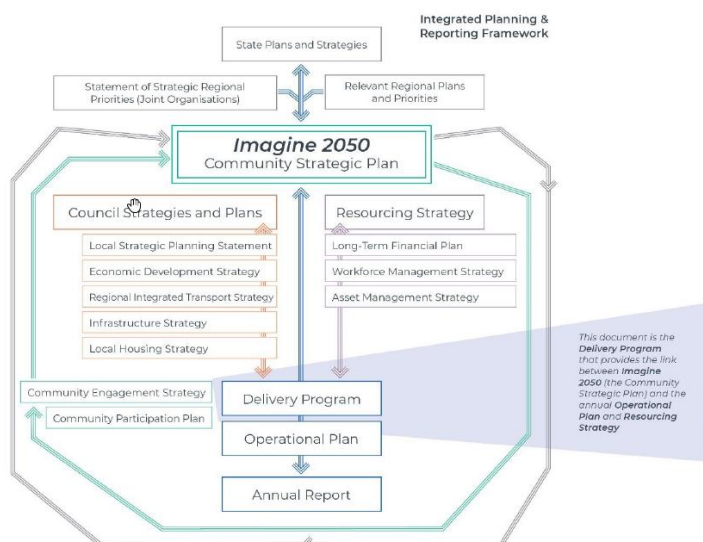


Figure 2 - IPR Framework

The draft IP&R documents were presented to Council on 28 April 2022 and at that meeting Council resolved to place them on exhibition for public comment. The draft documents exhibited for comment were:

- Delivery Program (2022-2026)
- Operational Plan (2022-2023)
 - Fees and Charges (2022-2023)
 - Revenue Policy (2022-2023)
 - Rating Maps (2022-2023)
- Resourcing Strategy (2022-2032) containing:
 - Long Term Financial Plan
 - Workforce Management Strategy
 - Asset Management Strategy.

In accordance with the IP&R Engagement Strategy (Attachment 1) and supporting communication plan, Council invited community feedback on our draft plans for the future. The community's feedback is detailed in the Community Engagement Report (Attachment 2).

Community Engagement

The IP&R suite of documents were exhibited from 4 May to 3 June 2022. The engagement on our draft plans focussed on informing and consulting with the community to assess if the detailed planning undertaken met the community's expectations, vision and priorities as outlined in the adopted CSP. Council also sought to understand the community's view on the 16 February 2022 Notice of Motion for a rate freeze and the possible discontinuation of the TCMP component of the Port Macquarie CBD business rate.

Communication Campaign

The objective of our communication campaign 'What Matters to You?' was to drive traffic to Council's Have Your Say website, trigger conversation in the community and promote the draft plans and rate considerations across a wide range of channels

including print, radio, TV, subscriber forums (Campaign Monitor) and social media. A communications report is provided in the Community Engagement Report (Attachment 2 - Appendix 2).

Facebook:

Our reach and engagement via organic posts, advertisements and stories on Facebook was above industry standard. Over 31,000 people saw a Facebook post with 0.88% of those viewers commenting, reacting or sharing the post compared with the industry benchmark of 0.13%. A total of 6.4% of viewers clicked on a link for more information on the plans compared with the industry benchmark of 1%.

In addition to Facebook, Council's plans were promoted through press advertisements, media releases, posters, on bus shelters, local radio and TV and direct mail to e-newsletter (Campaign Monitor) subscribers.

Website insights:

- Facebook was a key source representing 35.61% of the traffic.
- Display advertisements in the Port News were successful in driving traffic to the website with a click through rate of 1.11%. Noting the benchmark for internet display advertisements is 0.1%.
- A snapshot by source resulting in a unique hit on our website (*Figure 3*) is shown below.

| TRAFFIC SOURCE | UNIQUE VIEWS |
|---|--------------|
| Short link referrals; Facebook, QR Codes | 35.61% |
| Organic search | 25.1% |
| Campaign Monitor | 24.01% |
| Facebook comments | 9.65% |

Figure 3 - Website traffic sources

Digital - Have your Say:

We had over 1,200 visits to our engagement webpage *Have your Say* and we received 112 submissions from the community commenting on the draft plans. A total of 63 users contributed to a survey question, 776 people visited at least one page and 433 visitors downloaded a document, visited multiple pages or contributed to a feedback tool.

The tables and graphs below show the downloads on our Have your Say site by document type (*Figure 4*) and visits by channel (*Figure 5*).

| Documents downloaded | Visitors | Downloads /Views |
|--|----------|------------------|
| DRAFT Delivery Program 2022-2026 | 179 | 252 |
| DRAFT Operational Plan 2022-2023 | 176 | 266 |
| Community Strategic Plan - Imagine 2050 (Adopted April 2022) | 93 | 132 |
| DRAFT Resourcing Strategy 2022-2026 | 50 | 64 |
| DRAFT Fees and Charges 2022-2023 | 33 | 39 |
| DRAFT Rating Maps 2022-2023 | 15 | 19 |
| Engagement and Communications Plan | 8 | 8 |
| DRAFT Revenue Policy 2022-2023 | 7 | 7 |
| Extraordinary Council Meeting Report: Item 06.02 (April 2022) | 7 | 10 |
| Integrated Planning and Reporting - Frequently Asked Questions | 5 | 5 |
| | | 802 |

Figure 4 - Downloads by document type

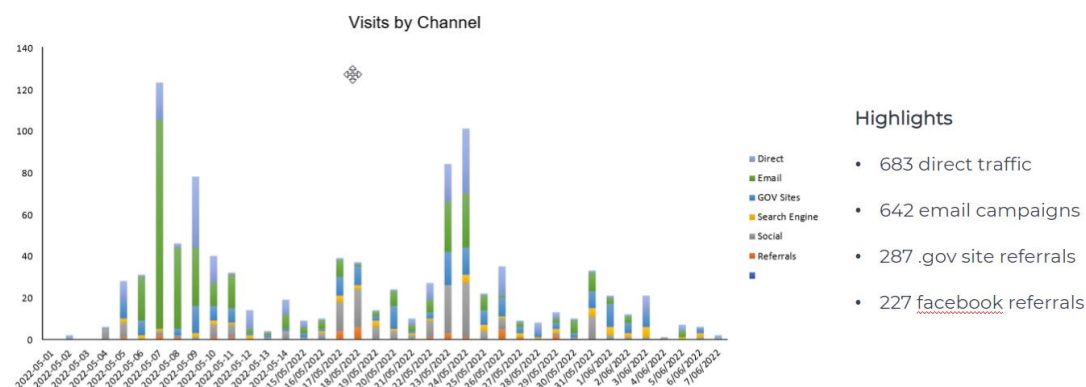


Figure 5 - Visits by date and channel

Survey:

We asked eight open ended questions. No questions were compulsory. Some respondents answered all questions, while others were selective, providing comment on particular issues. The community feedback is detailed in the Community Engagement Report and Appendices (Attachment 2).

Activities:

A summary of the activities undertaken during the exhibition period:

- Direct email to Council-Community Action Teams (CCATs)
- Have Your Say e-newsletter issued to over 4000 subscribers
- CCAT Zoom Meeting - 19 participants
- Chamber of Commerce Zoom meeting - 3 participants
- Town Centre Master Plan - dedicated web page and survey - 158 visitors and 31 survey plus 2 additional written submissions.
- Councillor briefing on engagement feedback - 8 June 2022.

What we heard

Survey responses and submissions were analysed against the 10 community priorities identified in the CSP (Figure 1). Below is a summary by theme with full

details, survey responses and submission commentary provided in the Community Engagement Report (Attachment 2).

The graph below (Figure 6) shows the feedback from the community, grouped in their top priority areas.

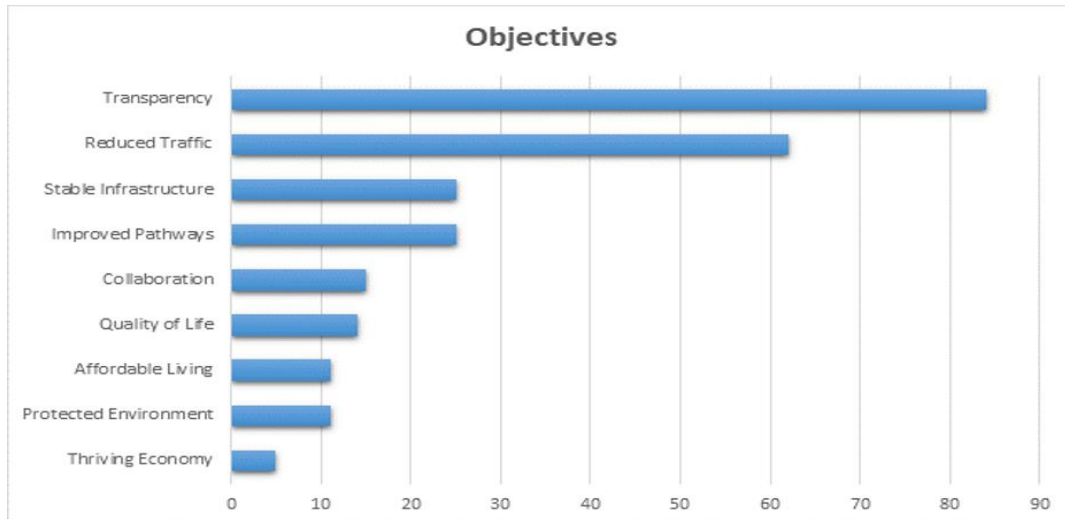


Figure 6 - Submissions by community priority area

1. Reduced Traffic

Less congestion with a clear transport network approach to address present and future needs.

A total of 24.60% of submissions could be attributed to this theme. Concerns were focussed on congestion and the condition of roads. Comments in submissions were particularly Port Macquarie-centric with the most referenced roads being Lake Road, Ocean Drive, Oxley Highway (Wrights Road and Lake Road roundabouts). Requests included sealing for the Tip Road Dunbogan and roads in preference to footpaths for the North Shore.

2. Stable Infrastructure

A solid infrastructure approach that ensures sewer, water, stormwater capability now and into the future.

Of the 112 submissions received, 9.92% of comments could be attributed to this theme. Submissions were received in support of three specific projects: Kew Gravity Sewer Trunk Main, Thrumster Water Treatment Plant and the dredging and beach replenishment in Settlement Shore Canal Estate. Stormwater and drainage issues related predominantly to flooding and damage to the road network. A number of submissions requested Council to consider the impacts of climate change in relation to planning, design and construction of infrastructure.

3. Improved Pathways

Footpaths, shared paths, cycleways and access to public transport across our region.

A total of 24.60% of submissions mentioned the need for better pathways, ranging from recreational footpaths, cycle ways, shared (transport) pathways and the need to provide safe pedestrian/cycle access within and between our communities.

4 & 5. Collaboration and Transparency

A greater level of trust between the community and decision-makers.

Of the 112 submissions received, 5.95% of submissions related to collaboration. Submissions expressed disappointment that community planning was not better resourced or acknowledged in the corporate planning process. There were specific references to the IP&R exhibition, a desire for the community to be involved earlier in the process, and for documentation to be more clearly presented and requests through submissions to be acknowledged and acted upon.

6. Quality of Life

Quality amenities and effective management of assets to ensure good quality of life outcomes.

A total of 5.65% of submissions related to the theme Quality of Life.

7. Affordable Living

Current and future generations have access to affordable lifestyles.

A total of 4.37% of comments received could be attributed to the Affordable housing focus area. Several comments indicated Council could address some affordability issues through the use of planning controls to encourage the development of smaller, more diverse and therefore affordable housing. A number of submissions were in support of the construction of the Kew gravity sewer trunk main and Thrumster Water Treatment Plant which would increase the supply of housing.

8. Protected Environment

Protection for our natural environment and support for climate friendly initiatives.

A total of 4.37% comments received could be attributed to protecting the environment. Comments relating to this theme centred around climate change and the perception that Council were not acknowledging climate change and the concern that climate change should be considered to plan, design and assess risk to infrastructure and the natural environment.

9. Thriving Economy

Initiatives that support local jobs and business

A total of 1.98% of comments could be attributed to thriving economy.

10. Inclusive Communities

Opportunities to celebrate our history, work alongside our First Nations people and build community spirit

Minimal feedback was received in this priority area.

What changed?

In response to feedback received through engagement, the following changes have been made to the exhibited documents:

Delivery Program (Attachment 4)

- Updated budget tables on pages 50 and 51 for funding scenario 3.
- Updated Capital Works for funding scenario 3 (Attachment 3).
- Inclusion of the Mayor and CEO message.
- Minor formatting changes.

Operational Plan (Attachment 5)

- Replacement Capital Works table on pages 10 and 11.
- Updated income, expenditure, budget and service costs on pages 13 to 16.
- Service Statements now include both Capital Works and Operational activities in the one section removing the Business as Usual Appendix.
- Capital Works have been updated to more clearly describe the activity, location, and delivery year for funding scenario 3 (Attachment 3).
- Inclusion of the Mayor and CEO message.
- Updated Fees and Charges, Rating Maps and Revenue Policy for 2022-2023 in accordance with the separate report tabled to this same Council meeting.
- Formatting changes to page numbers and table of contents.

Resourcing Strategy (Attachment 6)

- a) Long Term Financial Plan (LTFP)
Changes to the LTFP are detailed later in this report.
- b) Workforce Management Strategy
 - Minor formatting changes to grammar and inclusion of two graphics
 - Inclusion of statistics on our workforce gender diversity
 - Correction of statistics - Australian population born overseas and Australian population over 60 years
 - Inclusion of Organisational Design as an action.
- c) Asset Management Strategy
 - Minor formatting changes
 - Year references updated in table *'How will we get there - Next steps and initiatives'*.

TCMP component of the Port Macquarie CBD business rate

Council's current rating structure incorporates a Business Category that is further split into 3 sub-categories:

- Port Macquarie CBD
- Defined Urban Centres (Bonny Hills, Camden Haven, Kew & Kendall, Lake Cathie, Port Macquarie, Thrumster, Wauchope)
- Other Hastings.

In relation to the Port Macquarie CBD rate, it is noted that these rates are subject to a higher rate in the dollar as is commonly applied to CBD areas due to the fact that they often receive a higher level of service.

In addition to this, the Port Macquarie CBD rate also incorporates a TCMP component. The TCMP component was introduced to facilitate the funding of a range of works specific to the Port Macquarie CBD and an even higher level of maintenance. The monies collected from this component of the rate are quarantined

in a specific internal reserve and used each year to pay for specific works as resolved by Council, based on recommendations of the former TCMP Sub-Committee. Since 1994, \$5.2m in CBD maintenance works and \$19.7m in CBD capital works have been funded, the latter including projects such as Kooloonbung Creek, the Town Square, the Town Green Master Plan Implementation and Foreshore works.

At the 16 February 2022 Ordinary Council meeting, and in relation to Rates and Charges, Council resolved as follows:

12.03 NOTICE OF MOTION - TOWN CENTRE MASTER PLAN

That Council:

- 1. Request the Chief Executive Officer to commence a general review of the business sub-categories under s523(1)(a) of the Local Government Act 1993 and prepare a report on that review for consideration of the Council.*
- 2. Note that subject to the review (referred to in 1), should Council resolve to re-categorise the land within the business category as a result of such review, whereby all land within the Port Macquarie CBD Business Sub-Category has been re-categorised to Business - Defined Urban Centres, request the Chief Executive Officer draft an Operational Plan for the 2022-2023 financial year as part of the Integrated Planning & Reporting process with the removal of the Town Centre Master Plan business rate.*
- 3. Undertake an independent review of the historical Town Centre Master Plan processes, practices, fees, charges, management structures and outcomes achieved by the Town Centre Master Plan.*
- 4. Provide a report to Council on the findings of the independent review and undertake community consultation on a pathway forward for the future development and maintenance of the Port Macquarie CBD.*

In response to Resolution 1 above, an initial general review of the business sub-categories has been undertaken, with particular reference to the Port Macquarie CBD business rate including the Port Macquarie Town Centre Master Plan (TCMP) component of that rate.

The review was conducted by independent financial consultant John Comrie (JAC Comrie Pty Ltd) as part of the review and development of the draft 2022-2023 budget and long term financial plan (LTFP) process.

The review was presented to a Councillor Briefing held on 6 April 2022.

The draft 2022-2023 Operational Plan and Long Term Financial Plan as reported to Council at the Extraordinary Council Meeting held on 28 April 2022, were prepared with the removal of the TCMP component from the Port Macquarie CBD business rate, and a corresponding reduction in service levels (and expenditure) within the Port Macquarie CBD, to demonstrate the potential impact for the purposes of public exhibition and community comment regarding the impact of the proposed removal of the TCMP component.

As noted above, community engagement during the Public Exhibition period has demonstrated strong support for the reinstatement of the TCMP component pending a more detailed review. At the time of writing this report, a separate report was due to be tabled at the Ordinary Council Meeting on 16 June 2022, recommending that Council defer removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate from the final 2022-2023 Operational Plan and Long Term Financial Plan, pending a detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders, to recommend a pathway forward for the future development and maintenance of the Port Macquarie CBD and potentially other defined urban centres across the local government area.

As a result of the community engagement, the final IP&R documents proposed for adoption (Scenario 3) have been prepared with the TCMP component reinstated. This has resulted in the following:

- Inclusion of TCMP rating revenue (approx. \$1.26m);
- Inclusion of revenue for capital improvement works (approx. \$290k);
- Inclusion of enhanced maintenance activities, (approx. \$634k);
- 1 full time equivalent employee maintained (Port Macquarie Town Centre Landscape Architect) funded from the TCMP;
- Sufficient revenue to cover outstanding loan repayments maintained. Noting that outstanding loan balances at 30 June 2022 are expected to be \$2.03m;
- Inclusion of general fund contribution / revenue allocated to the TCMP works of approx. \$217k per year.

Impact of Rates Freeze

At the 16 February 2022 Ordinary Council meeting, and in relation to Rates and Charges, Council resolved as follows:

09.09 NOTICE OF MOTION - RATE FREEZE

That Council:

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

As such the Draft Long Term Financial Plan, as well as the Draft 2022-2023 Operational Plan, were developed with Ordinary and Special Rates frozen for the period 1 July 2022 to 30 June 2025.

Briefings of Councillors highlighting the impacts of the above were held 23 March 2022 and 6 April 2022.

The Local Government Minister's allowable increase for the 2022-2023 financial year has been set at 1.7%. In not applying this increase, the reduction to rates revenue in 2022-2023 would be \$940k. It is noted that each year the rate peg is applied to the base revenue from the previous year, therefore there is also a cumulative effect moving forward into the year after a freeze has been applied.

As noted above, community engagement during the public exhibition period has demonstrated strong support for the inclusion of the rate peg in the rating revenue. As a result, the final IP&R documents proposed for adoption (Scenario 3) have been prepared with the rate peg included. This has resulted in the above revenue amounts being included and these have been used to fund additional road renewal works in both the 2022-2023 Operational Plan and the Long Term Financial Plan.

Options

On the basis of the above Council resolutions and community engagement in relation to the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD business rate and Rates Freeze, three (3) scenarios were modelled as follows, both in relation to the 2022-2023 Operational Plan and the Long Term Financial Plan.

Scenario 1

This is the base scenario as per the Draft IP&R documents that were placed on public exhibition. The TCMP Levy and associated impacts were removed. The Ordinary Rates were held at 2021-2022 levels.

Scenario 2

This was as Scenario 1 above, with the TCMP levy and associated impacts reinstated:

- Inclusion of TCMP rating revenue (approx. \$1.26m);
- Inclusion of revenue for capital improvement works (approx. \$290k);
- Inclusion of enhanced maintenance activities, (approx. \$634k);
- 1 full time equivalent employee maintained (Port Macquarie Town Centre Landscape Architect) funded from the TCMP;
- Sufficient revenue to cover outstanding loan repayments maintained. Noting that outstanding loan balances at 30 June 2022 are expected to be \$2.03m;
- Inclusion of general fund contribution / revenue allocated to the TCMP works of approx. \$217k per year.

Scenario 3

This was as Scenario 2 above, with the 1.7% rate peg included. This results in approx. \$940k additional revenue for the 2022-2023 year, with the majority of this used to fund increased road renewal works. Refer to Attachment 3 for Capital Works program based on this funding scenario.

In light of the Community feedback, Scenario 3 forms the basis of the recommendation of this report.

Council could alternatively resolve to adopt Scenario 1 or Scenario 2.

Financial and Economic Implications

As noted above, and as a result of the community engagement process, it is recommended that Scenario 3 - incl. 1.7% rate peg increase and TCMP component of the Port Macquarie CBD business rate, be adopted to support the long term financial sustainability of Council. The following financial commentary assesses this option.

2022-2023 Operational Plan (Attachment 3)

The 2022-2023 budget forecasts a balanced position as shown below:

| Budget Summary Table Surplus/(Shortfall) | |
|---|---------------------------------------|
| | 2022 - 2023 Draft Budget \$'000 |
| Operating Budget | |
| Total Income | 252,695 [^] |
| Operating Expenses (excl. Interest Expense, Depreciation, Loss on Disposal of Assets) | (127,311) * |
| Interest Expense | (1,068) * |
| Net Operating Budget | 124,316 |
| Capital Items | |
| Net transfers from reserves | 29,344 |
| Purchase of Assets | (146,464) [^] * |
| Proceeds from New Loans | 4,300 |
| Loan Principal Repayments | (11,496) * |
| Net Capital Result | (124,316) |
| Budget Result surplus/(shortfall) | - |

[^]Includes \$8.0m in Developer Provided Assets

Total projected income is \$252.7m and includes \$73.0m in capital grants, noting that a number of these are not yet secured, however have been included as they relate to high strategic priorities - these have been highlighted in the Operational Plan.

Excluding depreciation and loss on disposal of assets, the total expenditure is \$286.3m which includes the items in the above table marked with an *. Council will also take out new loans of \$4.3m, as well as utilising \$80.5m of reserves to fund a variety of projects, (noting that this is offset by current year revenue such as developer contributions that must be put into reserves for use on future projects).

Despite a balanced budget position, the 2022-2023 budget forecasts an operating loss of \$2,444k on a consolidated basis which is driven by an operating loss of

\$8,780k for Council's general fund. There are a number of factors impacting this result including:

- In recent years, expenditure has grown at a faster rate than income;
- Natural disasters and the COVID-19 pandemic have impacted material and resource costs, as well as supply chains;
- Strategic increases in maintenance expenditure across core areas such as roads, drainage and parks;
- Impact of cost shifting from other levels of government.

The above factors are discussed in more detail in the Long Term Financial Plan section below.

The impacts of the above have been mitigated in the short term in part by the strategic use of Council's internal reserves. Although a negative operating result is manageable in the short-term, in light of the above factors and in light of Council's overall financial position, the importance of ensuring Council's ongoing financial sustainability is recognised. On this basis, Council will continue to focus on improving the general fund operating result, with the development and implementation of an improvement plan. This and the above factors are discussed in more detail in the Long Term Financial Plan section below.

Financial Assistance Grant

It should be noted that the 2022-2023 draft budget includes grant funding from the Federal Government in the form of a Financial Assistance Grant, (\$10.1m). The budget has assumed an uplift from the 2021-2022 levels. Any reduction to this funding could impact upon Council's ability to deliver services.

It should also be noted that the Federal Government has in recent years made advance payments of the annual allocation of the Financial Assistance Grant. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2022-2023 draft revenue budget in effect includes the second half of the 2022-2023 annual allocation and the first half of the 2023-2024 annual allocation (assuming the latter, which will be held in restricted cash until 2023-2024, is paid in advance). Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2022-2023 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

Long Term Financial Plan (LTFP)

As noted above, Council has reported strong financial performances for the consolidated operations in recent years despite significant challenges arising from drought, fires, floods and the COVID-19 pandemic. The general fund operations however have been tested, with operating losses reported in the last four years. The LTFP indicates that there are some continuing financial challenges in this space, with projected operating losses in the general fund for all 10 years, (although improving in the latter years), and as a result also the consolidated operations in a number of years. Significant factors impacting the LTFP include the following:

- Our Community has faced drought, fires and floods in recent times. These have

also impacted Council with significant costs in asset repairs and community support.

6.

- Similarly, the pandemic has had a financial impact across the Community, local businesses and Council operations. Council has provided a number of relief measures across this period and continues to assess and respond to emerging issues.

7.

- The above challenges have led to costs of materials and contractors increasing significantly over recent months, as well as supply chain challenges. This is expected to continue for some time.

8.

- Councils' main revenue stream of rates and annual charges is restricted each year by a Rate Peg set by IPART. This can present challenges in meeting increased service delivery expectations from a growing community, whilst having limited revenue raising avenues, and in recent years has seen costs increase at a higher rate than the revenue has been generated.

9.

- With a focus on improving and maintaining Council's assets, significant investment has been made through this plan in asset maintenance and renewals across our core areas, including roads, storm water, water, sewer, footpaths and open spaces. Investment in improved asset management planning will enhance this further.

Despite the above, Council does however have a strong balance sheet position and strong cash and investment reserves. The majority of these reserves are restricted for use on significant Water and Sewer projects, and a number of these will be delivered, with significant infrastructure investment over the next few years. In order to mitigate the above impacts in the short term, a number of our internal reserves will also be leveraged to deliver on some key works, in particular across the maintenance and renewal of our roads, storm water and footpath networks, as well as our parks and recreation spaces. It is noted however that internal reserves cannot be the ongoing solution to mitigate operating deficits - firstly they clearly can only be used once and secondly not all internal reserves are readily available for use, with a number having already been allocated to specific projects such as the Ocean Drive Duplication.


Although a negative operating result is manageable in the short-term, the projection of ongoing operating losses in the general fund, despite strong budget positions, indicates a need to focus on financial sustainability moving forward. Council needs to generate operating surpluses into the future to ensure that our Community's service expectations are met and important infrastructure is maintained through higher investment in asset maintenance and renewals.

Council plans to focus on returning to surplus in the general fund operations and generating sustained balanced budgets by developing and then implementing a comprehensive improvement plan. This will cover things such as improved asset management planning, efficiency reviews of operational areas, enhanced technology solutions and more efficient procurement solutions. Many of these initiatives are already underway and they will all flow into improved long term planning and financial modelling, as well as providing greater transparency and certainty to our community.

Attachments

AGENDA

EXTRAORDINARY COUNCIL
23/06/2022

1.  Engagement Strategy
2.  Engagement Report
3.  Capital Works Program - Scenario 3
4.  Delivery Program 2022-2026
5.  Operational Plan 2022-2023
6.  Resourcing Strategy 2022-2026

Item: 06.03

Subject: MAKING OF RATES AND CHARGES FOR 2022-2023, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2022-2023

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (0.25604 cents) in the dollar with a Base Amount of \$637.20 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.64%.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (0.28504 cents) in the dollar with a Base Amount of \$537.20 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.81%.
3. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (0.55479 cents) in the dollar with a Base Amount of \$637.20 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.09%.
4. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (2.44965 cents) in the dollar with a Base Amount of \$637.20 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Port Macquarie CBD'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 5.1%.
5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (0.48287 cents) in the dollar with a Base Amount of \$537.20 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.41%.
6. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2022-2023 of (0.28438 cents) in the dollar

with a Base Amount of \$664.50 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Farmland'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 31.05%.

7. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2022-2023 of (0.06384 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.**
8. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2022-2023 of (0.13609 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.**
9. **Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2022-2023 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:**

| Type of Service | Charge for 2022-23 |
|--|---------------------------|
| Standard service – 240 litre fortnightly general waste | \$496.00 |
| Minimiser service – 140 litre fortnightly general waste | \$435.00 |
| Excess service – 240 litre weekly general waste | \$733.00 |
| Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only) | \$273.00 |
| Half excess service – 240 litre weekly general waste (multi-unit dwellings only) | \$393.00 |
| Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only) | \$243.00 |
| Half special weekly service (multi-unit dwellings only) | \$334.00 |
| Availability charge on vacant land | \$80.00 |
| Availability charge on land not receiving full charge (multi-unit dwellings only) | \$145.00 |
| Additional recycling service – 240 litre fortnightly | \$77.00 |
| Additional organics service – 240 litre weekly | \$100.00 |
| Additional weekly garbage service – 240 litre general waste | \$379.00 |
| Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only) | \$288.00 |
| On application only special weekly service – 140 litre weekly general waste | \$613.00 |
| Minimum waste charge – single dwellings | \$435.00 |

10. **Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2022-2023 on all rateable land, categorised as Business, to which a waste service is**

(or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

| Type of Service | Charge for 2022-23 |
|---|--------------------|
| Commercial weekly service – 140 litre general waste | \$613.00 |
| Commercial excess service – 240 litre weekly general waste | \$733.00 |
| Commercial half weekly service – 140 litre fortnightly general waste (shared) | \$334.00 |
| Commercial half excess service – 240 litre weekly general waste (shared) | \$393.00 |
| Availability charge on vacant land – business properties | \$80.00 |
| Commercial availability charge on land not receiving full charge | \$80.00 |
| Commercial additional recycling service – 240 litre fortnightly | \$77.00 |
| Commercial additional organics service – 240 litre weekly | \$100.00 |
| Commercial additional weekly garbage service – 240 litre general waste | \$379.00 |
| Commercial additional weekly garbage service – 140 litre general waste | \$288.00 |
| Waste management access charge | \$32.00 |

11. **Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2022-2023 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:**

| Size of water meter connection | Charge for 2022-23 |
|--|--------------------|
| 20 mm including vacant properties and equivalent tenants | \$174.00 |
| 25 mm | \$272.00 |
| 32 mm | \$445.00 |
| 40 mm | \$696.00 |
| 50 mm | \$1,088.00 |
| 80 mm | \$2,784.00 |
| 100 mm | \$4,350.00 |
| 150 mm | \$9,788.00 |
| 200 mm | \$17,400.00 |
| Fire service - 32mm | \$222.50 |
| Fire service - 40mm | \$348.00 |
| Fire service – 50 mm | \$544.00 |
| Fire service – 80 mm | \$1,392.00 |
| Fire service – 100 mm | \$2,175.00 |
| Fire service – 150 mm | \$4,894.00 |
| Fire service – 200 mm | \$8,700.00 |
| Step 1 usage charges – per kilolitre | \$3.51 |

| | |
|--------------------------------------|--------|
| Step 2 usage charges – per kilolitre | \$7.02 |
|--------------------------------------|--------|

12. **Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2022-2023 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2022-2023 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:**

| Service | Charge for 2022-23 |
|---|--------------------|
| Pressure Sewer | \$909.40 |
| Connected or available (excluding churches and halls) | \$939.40 |
| Non-rateable (other than churches & halls S555) | \$747.90 |
| Non-rateable (S556) | \$939.40 |
| Unconnected (S548a) | \$602.90 |
| Non-rateable (churches & halls S555) | \$602.90 |
| Usage Charge - per kilolitre | \$1.39 |

13. **Make an Annual Charge for Recycled Water Availability, pursuant to Section 501 of the Local Government Act, for 2022-2023 on urban area business/commercial/council facilities where a recycled water service is provided. Make an Annual Charge for Recycled Water Availability, pursuant to Section 501 of the Local Government Act, for 2022-2023 on residential properties where a recycled water service is provided. Make a usage charge for recycled water usage, pursuant to Section 502 of the Local Government Act, for 2022-2023 where a recycled water service is provided. The recycled water annual charges are based on meter size:**

| Recycled Metre size - Business/Commercial/Council Facilities only | Charge for 2022-23 |
|---|--------------------|
| 20 mm | \$87.00 |
| 25 mm | \$136.00 |
| 32 mm | \$222.50 |
| 40 mm | \$348.00 |
| 50 mm | \$544.00 |
| 80 mm | \$1,392.00 |
| 100 mm | \$2,175.00 |
| 150 mm | \$4,894.00 |
| 200 mm | \$8,700.00 |
| Usage Charge - per kilolitre | \$1.75 |

| Recycled Metre size - Residential properties to be serviced by dual scheme (i.e. Two meters per property) | Charge for 2022-23 |
|---|--------------------|
| 20 mm | \$139.20 |

| | |
|------------------------------|-------------|
| 25 mm | \$217.60 |
| 32 mm | \$356.00 |
| 40 mm | \$556.80 |
| 50 mm | \$870.40 |
| 80 mm | \$2,227.20 |
| 100 mm | \$3,480.00 |
| 150 mm | \$7,830.40 |
| 200 mm | \$13,920.00 |
| Usage Charge - per kilolitre | \$2.81 |

14. **Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2022-2023 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:**

| Service | Charge for 2022-23 |
|-------------------------------|--------------------|
| Residential | \$25.00 |
| Residential - Strata | \$12.50 |
| Business - Strata | \$12.50 |
| Business – 0m2 to 350m2 | \$25.00 |
| Business – 351m2 to 700m2 | \$50.00 |
| Business – 701m2 to 1,000m2 | \$75.00 |
| Business – 1,001m2 to 1,400m2 | \$100.00 |
| Business – 1,401m2 to 1,750m2 | \$125.00 |
| Business – 1,751m2 to 2,100m2 | \$150.00 |
| Business – 2,101m2 to 2,450m2 | \$175.00 |
| Business – 2,451m2 to 2,800m2 | \$200.00 |
| Business – 2,801m2 to 3,200m2 | \$225.00 |
| Business – 3,201m2 to 3,500m2 | \$250.00 |
| Business – 3,501m2 to 3,850m2 | \$275.00 |
| Business – 3,851m2 to 4,200m2 | \$300.00 |
| Business – 4,201m2 to 4,600m2 | \$325.00 |
| Business – 4,601m2 to 4,900m2 | \$350.00 |
| Business – 4,901m2 to 5,200m2 | \$375.00 |
| Business – 5,201m2 to 5,600m2 | \$400.00 |
| Business – 5,601m2 to 5,950m2 | \$425.00 |
| Business – 5,951m2 to 6,300m2 | \$450.00 |
| Business – 6,301m2 to 6,600m2 | \$475.00 |
| Business > 6,600m2 | \$500.00 |

15. **Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2022-2023 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:**

| System | Charge for 2022-23 |
|--------------------|--------------------|
| Low risk system | \$40.50 |
| Medium risk system | \$79.80 |
| High risk system | \$114.10 |

| | |
|------------------|----------|
| Small commercial | \$228.20 |
| Large commercial | \$284.30 |

16. **Adopt the following Integrated Planning and Reporting (IPR) documents:**
- a) **2022-2023 Fees & Charges**
 - b) **2022-2023 Revenue Policy**
 - c) **2022-2023 Rating Maps**
17. **Set the interest rate on overdue rates and charges at 6.0% from 1 July 2022 to 30 June 2023 in accordance with the Office of Local Government directive.**

Executive Summary

The rates and annual charges for 2022-2023 have to be formally 'made' by Council resolution under Section 535 of the Local Government Act 1993. This report encompasses the rates and annual charges along with the fees and charges that are included in the 2022-2023 Revenue Policy that require formal adoption by Council.

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and the Fees and Charges documents as attached to this report.

Discussion

The Fees and Charges document and Revenue Policy are an integral part of the Integrated Planning and Reporting (IP&R) suite of documents. These documents outline Council's rating structure and the fees and charges to be applied to the 2022-2023 financial year.

Rates and Annual Charges

Draft plans and financials were prepared in accordance with the NSW Local Government IP&R framework and in line with the 16 February 2022 Notice of Motion Item 9.09 to freeze rates at the 2021-2022 level until 30 June 2025 and Item 12.03 proposing a discontinuation of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD business rate.

The draft plans were exhibited for the required 28-day period and this report now seeks Council's consideration of the community's feedback and endorsement of the Rating Structure and Revenue Policy, including the Fees & Charges.

Three (3) rating scenarios are presented for Council's consideration. Community engagement during the Public Exhibition period has demonstrated strong support for the inclusion of the rate peg in the rating revenue and the reinstatement of the TCMP levy to support the long term financial sustainability of Council. As a result, the final IP&R documents proposed for adoption (Scenario 3), including Council's rating structure, have been prepared with the 1.7% rate peg increase for Ordinary Rates and the TCMP component of the Port Macquarie CBD business rate retained until further review.

Further commentary on these matters is detailed in the Integrated Planning & Reporting report to Council, also included in this agenda.

The increase of 1.7% has also been applied to all the annual charges, excluding stormwater. The base stormwater annual charge has remained unchanged since its inception in 2006-2007. The Domestic Waste Management Charges are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government.

Fees and Charges

Some amendments have been made to the Fees and Charges since the draft Fees and Charges document was placed on exhibition as follows:

Ferry Fees:

- Flat 5% increase across all ferry ticket pricing removed
- Zero increase for resident annual passes and monthly, weekly and single trip tickets which will remain unchanged and not increased
- Increase for non-resident tickets increased up to 20% which takes the price of a single, non-resident trip from \$5.00 to \$6.00
- Heavy vehicle (truck) tickets has increased by up to 10% reflecting community sentiment and concern
- Resident annual sticker increased from \$55 to \$60. This is a one off purchase, and entitles the holder for limitless purchases of resident priced tickets in single, weekly and monthly classes (which have not increased). The annual pass price has not increased for residents
- The fees have been updated to refer to resident and non-resident classes

Cemetery Fees:

- Narrative amended slightly
- Site & Right of Interment - Adult increased by 4% to \$2,595
- Site & Right of Interment - Child up to 12 increased by 4% to \$830
- New Site - Right of Burial fee deleted

Other minor amendments are as follows:

- Update of Companion Animals Statutory fees to reflect amounts notified subsequent to draft documents
- Development Application Base Administration Fee increase pulled back to CPI
- Minor administrative and typographical changes

Options

It is a statutory requirement that Council adopt its Integrated Planning and Reporting suite of documents by 30 June 2022.

On the basis of the previous Council resolutions in relation to the Port Macquarie Town Centre Master Plan (TCMP) levy and Rates Freeze, 3 scenarios were modelled as follows:

Scenario 1

This is the base scenario as per the Draft IP&R documents that were placed on public exhibition. The TCMP levy and associated impacts were removed. The Ordinary Rates were held at 2021-2022 levels.

Scenario 2

This was as Scenario 1 above, with the TCMP levy and associated elements reinstated.

Scenario 3

This was as Scenario 2 above, with the 1.7% rate peg included.

In light of the Community feedback, Scenario 3 forms the basis of the recommendation of this report. Council could alternatively resolve to adopt Scenario 1 or Scenario 2.

Should Scenario 1 be resolved, recommendations 1 to 8 of the above would include the following amounts:

1. Ordinary Rate – Residential: (0.25174 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Defined Urban Centres’.
2. Ordinary Rate – Residential: (0.28084 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Other’.
3. Ordinary Rate – Business: (0.54550 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Defined Urban Centres’.
4. Ordinary Rate – Business: (1.45924 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Port Macquarie CBD’.
5. Ordinary Rate – Business: (0.47543 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Other’.
6. Ordinary Rate – Farmland: (0.28080 cents) in the dollar with a Base Amount of \$647.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Farmland’.
7. Special Rate – Residential: (0.06277 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.
8. Special Rate – Residential: (0.13382 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.

Should Scenario 2 be resolved, recommendations 1 to 8 of the above would include the following amounts:

1. Ordinary Rate – Residential: (0.25174 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Defined Urban Centres’.
2. Ordinary Rate – Residential: (0.28084 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Other’.

3. Ordinary Rate – Business: (0.54550 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Defined Urban Centres’.
4. Ordinary Rate – Business: (2.40869 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Port Macquarie CBD’.
5. Ordinary Rate – Business: (0.47543 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Other’.
6. Ordinary Rate – Farmland: (0.28080 cents) in the dollar with a Base Amount of \$647.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Farmland’.
7. Special Rate – Residential: (0.06277 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.
8. Special Rate – Residential: (0.13382 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.

Community Engagement & Internal Consultation

The IP&R suite of documents were exhibited from 4 May to 3 June 2022. The consultation process undertaken is outlined in the “Integrated Planning and Reporting (IP&R)” report included in this meeting.




Planning & Policy Implications

This report is aligned with Council’s legislative obligations under the requirements of the NSW Integrated Planning and Reporting Framework.

Financial & Economic Implications

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2022-2023 Operational Plan.

Attachments

1.  2022-2023 Fees and Charges
2.  2022-2023 Revenue Policy
3.  2022-2023 Rating Maps

Item: 06.04

Subject: CODE OF MEETING PRACTICE - POST PUBLIC EXHIBITION

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the draft Code of Meeting Practice.**
- 2. Formally thank those who made submissions and advise them of Council's decision on this matter.**

Executive Summary

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

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

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

The draft Code of Meeting Practice (Attachment 1) was publicly exhibited for 42 days (*Local Government Act 1993* section 361(3)) commencing 26 April 2022 with submissions being accepted until 6 June 2022. In this time 4 submissions were received.

Discussion

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

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

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

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

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

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

- Reduction in time that a Councillor may speak to a motion or amendment from five (5) minutes to three (3) minutes.
- Enhancing the section on tabling of documents and process around requesting that documents be tabled.
- Addressing irregularities when a procedural matter is not clearly identified in the Code of Meeting Practice
- Introduces non-mandatory provisions allowing Councillors to attend meetings by audio-visual link when approved by the Council or relevant committee.
- Introduces non-mandatory provisions allowing Council meetings to be held by audio-visual link in the event that a natural disaster or public health emergency occurs. This may only occur when the Mayor is satisfied that attendance at the meeting may present a risk to the health and safety of Councillors and their staff. The option to hold council meetings by audio-visual link also extends to pre-meeting briefing sessions and public forums to hear oral submissions from members of the public.
- Amend the mandatory webcasting requirements to reflect amendments to the Local Government Regulation since the previous iteration of the Model Code of Meeting Practice. Each council and committee meeting must be recorded by means of an audio or audio-visual device. At the start of each meeting, the chairperson is required to inform persons in attendance that the meeting is being recorded, is made publicly available via the Council's website and that all persons should refrain from making any defamatory statements. Council is no longer required to live stream a meeting however it is proposed that Council continue to do so where technically possible.
- Amend the disorders provisions, including mandatory clause 15.11(d), which specifies one of the ways a Councillor may commit an act of disorder at a meeting, i.e. where a councillor insults, 'makes unfavourable personal remarks about', or imputes improper motives to any other council official, or alleges a breach of the Council's code of conduct. The New Code replaces the previous phrase 'makes personal reflections on', which may have included a positive or negative reflection, with the more specific 'makes unfavourable personal remarks about'.
- Implement recommendation 6 of ICAC's report into the former Canterbury City Council. This requires all council business papers to include an ethical statement to remind Councillors of their oath or affirmation of office under s233A of the Local Government Act and obligation to disclose and manage conflicts of interest.
- Reinstatement of a finishing time. It is recommended that a finish time of 4pm be included in the Code of Meeting Practice. It is also included in the draft Code that an extension of 1 hour only may be exercised by Council resolution. If it cannot be completed in this time it must be adjourned and finished at an alternate time.

- Modify the Public Forum provisions to permit speakers to speak for 5 minutes on each item they wish to address, however they may only apply to speak to a maximum of two items, regardless of whether they are items on the agenda, or not on agenda.

Council is required to adopt a code of meeting practice that incorporates changes to the mandatory provisions as set out in the New Code by 4 December 2022 in accordance with clause 360(3) of the Local Government Act being within 12 months of the ordinary election. It is recommended that Council adopt the draft Code of Meeting Practice as attached to this report.

Options

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

- Adopt the draft Code of Meeting Practice as attached to this report
- Adopt an amended draft Code of Meeting Practice
- Re-exhibit the draft Code of Meeting Practice and continue to use the current Code of Meeting Practice noting a Code of Meeting Practice must be adopted before 4 December 2022. It is also noted that this will remove the opportunity for Councillors to remotely attend Council meetings as the provision to allow this is removed from the Act effective 30 June 2022 unless the Code of Meeting Practice allows it.

Community Engagement and Internal Consultation

Community Engagement

There were a total of 33 visits to Council's engagement website page during the exhibition period. Eight documents were downloaded or viewed. Six submissions were received via online submission or by email which resulted in minor changes to the Draft Policy as detailed below. The submissions are detailed in the below table, including responses to issues raised. The full submissions have been provided to Councillors under separate cover.

| Submission: Councillor Speaking Time | | Summary of Issue |
|--------------------------------------|--------------------------|---|
| 1. | James Gale | The changes to the speaking time, whilst encouraging succinct debate, also inhibits debate. It reduces time for opposition Councillors to clearly outline fully and the multiple implications to matters under debate and restricts democratic process. |
| | Response/Comment: | The proposal to reduce the speaking time from 5 minutes to 3 minutes for Councillors was recommended by a majority of Councillors at the time the draft Code was prepared. It is proposed to retain the 3 minutes in the draft code however it is |

| | | noted that Councillors may amend this to a different duration upon adoption of the draft code. |
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| Submission: Extraordinary Meetings | | Summary of Issue |
| 2. | Lauren Edwards | When an extraordinary meeting is called, the aim to have all of the elected body present, where possible, and is demonstrated through offering up 3 different date and time options to Councillors that Councillors can respond to with their preferences and availability. |
| | Response/Comment: | Extraordinary meetings may be required at very short notice in emergencies and including a clause as described above in the Code of Meeting Practice may delay the consideration of urgent matters. It is the intent to ensure as many Councillors as possible are able to attend extraordinary meetings however it must be acknowledged that it is not possible to ensure all Councillors are available at the same time. This has not been included in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate. |
| Submission: Various Items | | Summary of Issue |
| 3. | Mayor Peta Pinson | <p>6.9 Do not support proposed note – please provide evidence of Local Government advice as referred to by Cr Intemann. If there is no advice, then remove suggested new note.</p> <p>15.3 Does not support proposed addition to note. This is not the role of staff.</p> <p>15.4 Does not support proposed addition to note. This is not the role of staff.</p> <p>17.12 Does not support the inclusion of new note.</p> |
| | Response/Comment: | <p>6.9 Verbal advice has previously been provided to indicate that this provision was for the dealing with disorder however no formal advice has been provided. This has been removed from the draft code.</p> <p>15.3 It is agreed that this is not the role of staff in a Council meeting and has been removed from the draft Code.</p> <p>15.4 It is agreed that this is not the role of staff in a Council meeting and has been removed from the draft Code.</p> |

| | | 17.12 An adjournment may be moved at any stage throughout a meeting and has been moved from this section of the draft code. |
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| Submission: Various Items | | Summary of Issue |
| 4. | Deputy Mayor Adam Roberts | Deputy Mayor Roberts expressed his support for the suggestions as requested by Mayor Pinson. |
| | Response/ Comment: | No changes have been made to the draft code as a response to this submission. |
| Submission: Various Items | | Summary of Issue |
| 5. | Councillor Sharon Griffiths | <ul style="list-style-type: none"> • 3.7 Notice 7 days not 5 • 3.10 Notice 9 or 10 days not 7 • Invalid point for extra ordinary 3.3 if extraordinary recognised as urgent only • 3.11 add or at any other time prior to resolution • 3.13 funding notice of motion report CEO??? Suggested to remove • 3.16 remove all green text - operational staff should be able to provide the information • 3.29 remove green to determine if urgent is meaningless if already made the effort to be present at a meeting therefore likely to proceed regardless otherwise decide online before the meeting • 4.1 prior to is correct prior to or during allow flexibility • 4.13 speaker with two items permission to speak 5 mins on both • 4.13A two items permission to speak 5 mins on both • 4.25/4.26 transparency?? Planning • 5.2 If not a councillor meeting, may request to attend the meeting by audio visual link • 5.3 Seating to be determined by the mayor • 5.8 two days' notice why? |

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| | <ul style="list-style-type: none"> • 5.19 remove with the approval of the council or relevant committee see 5.20 not a request to council? • 5.23 5.24 5.25 remove • 5.26 delete to. council and committees are under no obligation to provide • 5.30 ?? no items are; within sight of the meeting that are inconsistent with the maintenance of order of the meeting or Simplify or make clear. • 9.16 add to the notes ... at any time • 10.04 a or b or both? • 17.10 Rescind a resolution, see point 17.11 |
| Response/ Comment: | <p>3.7 - This is a mandatory provision of the Model Code of Meeting Practice and reflects the requirements in the Local Government Act. This is not able to be amended.</p> <p>3.10 - This should read that the Notice of Motion must be submitted no later than 5pm the Monday of the week before the ordinary Council meeting is to be held. The draft Code has been amended to reflect this.</p> <p>3.3 - The new note is appropriate and not binding. This has not been amended in the draft Code.</p> <p>3.11 - Once a Notice of motion has been included on the agenda it must be considered at the meeting. The withdrawal of the notice of motion may be made during the meeting. This has not been amended in the draft Code.</p> <p>3.13 - It is appropriate that the funding source for a Notice of motion be considered when the Notice of Motion is moved. This has not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate.</p> <p>3.16 - This is an immaterial note for explanation purposes. This has been removed from the draft code.</p> <p>3.29 - The green text is to assist procedurally during the meeting. I feel it is advantageous to maintain this text however Councillors may amend the draft Code if they see a provision such as this is appropriate. No change has been made to the draft Code.</p> <p>4.1 - The proposed change has been included in the draft Code.</p> <p>4.13 - The draft code of meeting practice has been amended to allow speakers 5 minutes on each item they wish to address. It is noted that the draft code only allows speakers to apply to speak to a maximum of 2 items, regardless of whether they are items on the agenda, or not on the agenda.</p> <p>4.13A - Please see 4.13 above.</p> |

| | | <p>4.25 and 4.26 - It is not appropriate to allow certain subjects to be discussed in an open forum. This list includes those subjects. This has not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate.</p> <p>5.2 - This is a mandatory provision of the Model Code of Meeting Practice and should not be amended.</p> <p>5.3 - It is proposed to remove any clause relating to seating arrangements to allow flexibility. This has not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate.</p> <p>5.8 - This is a mandatory provision of the Model Code of Meeting Practice and should not be amended. This is also required to ensure that the necessary arrangements can be made for the remote attendance of the Councillor.</p> <p>5.19 - 5.30 - These clauses are non-mandatory clauses of the Model Code of Meeting Practice and all relate to the remote attendance of Councillors at Council or Committee meetings. These clauses have been drafted by OLG as being appropriate clauses relating to the remote attendance. It is the intention that Councillors should always attend Council meetings in person unless there is an acceptable excuse for them not being able to attend. These clauses provide appropriate clauses to ensure that remote attendance by Councillors is controlled and encourages attendance in person. This has not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate.</p> <p>5.30 - This clause ensures that Councillors should be aware of items that may appear in their background of a video stream including confidential material or personal items that must be appropriate to be viewed by the general public or others in attendance.</p> <p>9.16 - Suggested amendment has been made to the draft Code.</p> <p>10.04 - It is clear in the draft Code that (a) or (b) can be moved. They cannot both be moved. No change has been made to the draft Code.</p> <p>17.10 - The intent for a rescission motion to be moved relating to a development application by 12 noon the following day is to ensure that the approval has not already been given and Councillors have an opportunity to lodge a rescission motion. A rescission motion cannot be moved on an item that has been implemented and cannot be reversed. No amendments have been made to the draft Code as a result of this comment.</p> |
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| Submission: Various Items | | Issue |
| 6. | Stephen Gates | <ul style="list-style-type: none"> Comments and allegations have been made by Mr Gates about the changes |

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| | | <p>to the Code of Meeting Practice in February 2022. This does not relate to the draft Code of Meeting Practice and shall be distributed and responded to Councillors under separate cover.</p> <ul style="list-style-type: none"> • 3.10 - It is suggested that there is an inconsistency in the existing wording and the proposed addition. It is also suggested that 5 business days is sufficient for a notice of motion to be included on the agenda. • 3.13 - It is suggested that the Councillor submitting a Notice of motion should not be required to include a source of funding where expenditure of funds on works and services other than those in the current operational plan are required. • 3.16A - Mr Gates suggests that clause 3.16A be removed. • Part 4 - It is suggested that Public Forums be made mandatory in Ordinary and Extraordinary Council meetings and Committee meetings. • 4.13 - It is recommended that speakers in a public forum be provided with 5 minutes on each topic to address Council rather than 5 minutes in total as has been included in past Code of Meeting Practices. • 4.26 - It is suggested that the explanatory note below the clause be removed and that Council include a summary of the discussions held in the public forum and include any presentations provided by speakers on Council's website. • 4.19 - it is suggested that 4.19 be removed and replaced with a clause that would require the Chief Executive Officer to respond and report to the next Council meeting items of general interest that were discussed during the public forum. |
| | <p>Response/ Comment:</p> | <p>3.10 - It has been identified that 3.10 should be amended to read that "... it must be submitted no later than 5pm the Monday of the week before the Ordinary Council meeting is to be held." This has</p> |

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| | <p>been included in the draft Code. It was further suggested that there was an inconsistency in the clause however, part of the clause refers to Ordinary Council meetings and the other section relates to Extraordinary Council meetings. Extraordinary Council meetings are often called with far less notice which requires a shorter period to accept Notices of Motion for the agenda. It also suggests that 5 days is an appropriate period before a Council meeting for a Notice of Motion to be lodged. Council business papers are distributed at least 5 working days before a Council meeting. When adding preparation time to this period 5 working days is insufficient notice of a notice of motion. No changes have been made to the draft Code based on this suggestion.</p> <p>3.13 - It is suggested to remove clause 3.13 or reword the clause as suggested in Mr Gates' submission. The proposed clause in Council's draft Code of Meeting Practice was taken from the Model Code of Meeting Practice. It is noted that the clause was drafted by the Office of Local Government and although a non-mandatory clause of the Model Code of Meeting Practice, should Council accept that this clause is appropriate to include, it is recommended to use the wording as provided by the Office of Local Government. This has not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as this is appropriate.</p> <p>3.16A - Mr Gates has indicated that this clause is not included in the Model Code of Meeting Practice which is correct. The model code allows for Council to add additional supplementary clauses to its adopted code which Council has done in the past and in this case. Mr Gates has also indicated that there are differences in the current draft and the resolution of December 2018. When the Code of Meeting Practice was publicly exhibited in 2020, it included a clause 3.16A that matched the wording from the resolution in December 2018. Following the exhibition period and prior to adoption in 2021, this clause 3.16A was amended to read as it currently appears and was adopted in the April 2021 Code of Meeting Practice. Mr Gates has made several suggestions in his submission however it is noted that this clause was originally included following a Council resolution. These suggestions have not been amended in the draft Code however Councillors may amend the draft Code if they see a provision such as what Mr Gates has suggested as appropriate.</p> <p>Part 4 - Although Public Forums are discretionary by the use of the term "may", they are a standard agenda item on Ordinary Council meeting agendas. At this stage it is not common for a public forum to be held in conjunction with an Extraordinary Council meeting however it does happen from time to time. It may be appropriate for a public forum to be included as a standard inclusion on Extraordinary Council meeting agendas but I would suggest only for matters on the agenda. Extraordinary meetings are called for specific purposes and matters not on the agenda are recommended only be provided in Ordinary Council meetings. It is also suggested by Mr Gates that public forums should be</p> |
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| | <p>provided in Committee meetings. I'd suggest that it would not be appropriate to hold public forums in committee meetings as they are informal meetings and the majority are advisory in nature without any decision making delegations. The draft Code has been amended to provide for public forums for matters on the agenda during Extraordinary Council meetings noting Councillors may amend the draft Code further if they see a provision such as this is inappropriate.</p> <p>4.13 - It has been inaccurately indicated in this submission that Council has provided 5 minutes for speakers to speak on each item they wish to address during public forums. Reference is provided to Council's 2019 adopted Code of Meeting Practice states in clause 4.12 that <i>"Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson"</i>. It is not specified that this is per item, only that they have 5 minutes to speak. I also note that the Code has been adopted in 2021 where it again states that <i>"Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson"</i> and does not mention that the 5 minutes applies to each item. In practice the Mayor or chairperson has used their discretion to allow 5 minutes per item however this has not been specified in the Code. Following discussion with Councillors the draft code of meeting practice has been amended to allow speakers 5 minutes on each item they wish to address noting that speakers may apply to speak to a maximum of 2 items, regardless of whether they are items on the agenda, or not on the agenda. It is also proposed to set a maximum of 5 speakers to be able to speak on items not on the agenda.</p> |
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Internal Consultation

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


Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Draft Code of Meeting Practice