



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting:

Thursday 16 February 2023

location:

Council Chambers, 17 Burrawan Street, Port Macquarie

time:

3:00pm

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	<ul style="list-style-type: none"> ★ Sustainability ★ Excellence in Service Delivery ★ Consultation and Communication ★ Openness and Accountability ★ Community Advocacy
Community Themes	<ul style="list-style-type: none"> ★ Leadership and Governance ★ Your Community Life ★ Your Business and Industry ★ Your Natural and Built Environment

Under Clause 3.23 Statement of ethical Obligations in the Code of Meeting Practice as adopted by Council at the Extraordinary Meeting of Council held on 23 June 2022 (Item 6.04), business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Councillors are reminded of the oath or affirmation which was taken by each of them on 10 January 2022.

Oath Of Councillor

I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Port Macquarie-Hastings local government area and the Port Macquarie-Hastings Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation Of Councillor

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Port Macquarie-Hastings local government area and the Port Macquarie-Hastings Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Councillors have the opportunity to declare any interests in items on the agenda and inform the Council and public if they will be leaving the Chambers during the debate and voting on the item.

Ordinary Council Meeting

Thursday 16 February 2023

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

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

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

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 8 December 2022 be confirmed.

PRESENT

Members:

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

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Keith Hentschke)
Director Community, Planning and Environment (Melissa Watkins)
Director Community Infrastructure (Robert Fish)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance Officer (Tania Ellis)

The meeting opened at 10:00am.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil.

03 LOCAL GOVERNMENT PRAYER

Mr Eden McGregor from the Hope Community Church delivered the Local Government Prayer.

04 APOLOGIES

Nil

05 CONFIRMATION OF MINUTES

RESOLVED: Sheppard/Lipovac

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

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

06 DISCLOSURES OF INTEREST

Councillor Lipovac declared a Non-Pecuniary, Less Than Significant interest in Item 10.09 Business Rating Model Independent Review, the reason being that Councillor Lipovac meets with local business owners in the Port Macquarie CBD and the Hastings, Macleay and Nambucca Valleys. Councillor Lipovac intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Slade declared a Non-Pecuniary, Less than significant in Item 10.09 Business Rating Model Independent Review. The reason being immediate family owns property and businesses in the Wauchope CBD. Councillor Slade intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Maltman declared a Non-Pecuniary, Less than significant interest in Item 13.04 Lake Cathie Natural Resource Management Monthly Update November 2022. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

07 MAYORAL MINUTE

07.01 RECOGNITION OF SERVICE - MARK "STRAWNY" STRACHAN OAM

RESOLVED: Pinson

That Council congratulate and recognise the contribution of 33 years to the local media industry of Mark "Strawny" Strachan OAM and wish him well on his retirement.

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

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

NIL

SUSPENSION OF STANDING ORDERS

RESOLVED: Slade/Sheppard

That Standing Orders be suspended to allow Items, 10.01, 10.02, 10.05, 10.06, 10.07, 10.10, 10.11, 10.12, 11.02, 11.03, 13.08 and 13.09 to be brought forward and considered next.

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

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Sheppard/Lipovac

That items 10.01, 10.02, 10.05, 10.06, 10.07, 10.10, 10.11, 10.12, 11.02, 11.03, 13.08 and 13.09 be considered as a block resolution.

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

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

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 TO 23 NOVEMBER 2022

BLOCK RESOLVED: Sheppard /Lipovac

That Council note that there have been no Mayoral Discretionary Fund allocations for the period 3 to 23 November 2022 inclusive.

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

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Sheppard/Lipovac

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

10.05 LEGISLATIVE COMPLIANCE 2021-2022

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the Legislative Compliance 2021 - 2022 report.

10.06 CODE OF CONDUCT COMPLAINT STATISTICS

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2021 to 31 August 2022.

10.07 POLICY REVIEW - COMMUNITY LEASING AND LICENSING POLICY

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Endorse the draft Community Leasing and Licensing Policy Place for the purpose of public exhibition from 12 December 2022 to 28 February 2023
 2. Note that a further report will be brought to the March 2023 Council meeting, detailing the submissions received from the public during the exhibition period.
-

10.10 MONTHLY BUDGET REVIEW - NOVEMBER 2022

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Adopt the adjustments in the "November 2022 Adjustments" section of the Monthly Budget Review – November 2022 report and associated attachment.
 2. Amend the 2022-2023 Operational Plan to include all budget adjustments approved in this report.
-

10.11 INVESTMENTS - NOVEMBER 2022

BLOCK RESOLVED: Sheppard/Lipovac

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

10.12 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2021-2022

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Note that Council has been deemed compliant with the new Regulatory and Assurance Framework for Local Water Utilities
 2. Authorise the application to the NSW Government for approval to pay a dividend of \$954,315 to the General Fund from the surplus in Water Supply operations for the 2021-2022 financial year.
 3. Authorise the payment of \$106,035 for tax equivalents to the General Fund from the Water Supply operations for the 2021-2022 financial year.
 4. Authorise the application to the NSW Government for approval to pay a dividend of \$910,818 to the General Fund from the surplus in the Sewerage Fund for the 2021-2022 financial year.
-

-
5. Authorise the payment of \$101,202 for tax equivalents to the General Fund from the Sewerage Fund for the 2021-2022 financial year.
 6. Note that if successful in its application, a separate report will be brought back to Council outlining the proposed expenditure of the dividend.
-

11.02 DRAFT PORT MACQUARIE HASTINGS COUNCIL INTERPRETATION POLICY AND GUIDELINES

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Endorse the draft Port Macquarie Hastings Council Interpretation Policy and Guidelines for the purposes of public exhibition for a period of not less than 28 days
 2. Note that a further report will be presented to Council for consideration following the public exhibition period and consideration of any submissions.
-

11.03 RECREATION ACTION PLAN REPORT ON PUBLIC EXHIBITION

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Note the information contained in the report
 2. Note that a further report detailing the establishment of a Sporting Infrastructure and Priorities Working Group will be presented to the February 2023 Ordinary Council meeting as resolved by Council in October 2022
-

13.08 POLICY REVIEW - PLANNING PROPOSAL POLICY

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Publicly exhibit the draft Planning Proposal Policy for a period of not less than 28 days.
 2. Note that a further report will be tabled at a meeting of Council in April 2023, detailing any submissions received from the public during the exhibition period.
-

13.09 POLICY REVIEW OF CONFLICT OF INTEREST - COUNCIL-RELATED DEVELOPMENT APPLICATIONS. POST EXHIBITION REPORT.

BLOCK RESOLVED: Sheppard/Lipovac

That Council;

1. Note that no submissions were received in respect of the draft Policy.
2. Adopt the amendments to the Conflict of Interest Policy - Council-Related Development Applications.

10.03 NOTICE OF MOTION - LOCAL GOVERNMENT REMUNERATION ANNUAL REVIEW 2023

MOVED: Pinson/Roberts

That Council:

1. Request the Chief Executive Officer make a submission to the Local Government Remuneration Tribunal requesting that amendments be made to the criteria regarding the Regional Strategic Area that include:
 - a) Removal of criteria that the residential population will typically have a residential population above 200,000.
 - b) Removal of criteria that there be a proximity to Sydney which generates economic opportunities.
2. Request the Chief Executive Officer make a submission to the Local Government Remuneration Tribunal requesting that Port Macquarie-Hastings Council be reclassified as a Regional Strategic Area.

LOST: 4/5

FOR: Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard

10.04 UPCOMING STATE ELECTION FUNDING PRIORITIES

RESOLVED: Intemann/Griffiths

That Council:

1. Endorse the priority projects that are recommended and included in the table below for external funding through potential State Government election commitments.

Priority	Electorate	Township	Project	Cost Estimate	Details
1A	Oxley	Wauchope	Hastings Regional Sports Fields	\$42 million	Construction of: <ul style="list-style-type: none"> • Touch football fields. • Cricket fields - with both turf and synthetic pitches. • Multi-purpose sports fields. • Field lighting, irrigation and sports field drainage. • A grandstand facility including change rooms, accessible amenities, canteen and storerooms. • Multiple car park areas for up to 500 vehicles. • Bus access and pick-up/drop-off zones.
Or 1B	Oxley	Wauchope	Hastings Regional Sports Fields Stage 1	\$20 million	Construction of: <ul style="list-style-type: none"> • Cricket fields, including a junior cricket oval. • 1 car park. • Shared footpath.
2	Port Macquarie	Port Macquarie	Lake Road Upgrades	\$20 - 25 million	Construction of the following stages: <ul style="list-style-type: none"> • Duplication of Lake Road from Ocean Drive to Chestnut Road, including: <ul style="list-style-type: none"> • Intersection capacity and safety improvements. • Path linkage. • Signalisation of Lake Road at Jindalee Road. <p>Concept design completed for duplication project.</p>

					Adjustment of National Park boundary and development consent due to coastal SEPP incursions required. Signalisation project design undertaken. Works Authorisation Deed required via TfNSW and land acquisitions.
3	Oxley / Port Macquarie	Comboyne	Lorne Road - sealing	\$26.7 million	Construction and bitumen sealing of the remaining 13.5km of gravel road. Work currently funded via Council and Federal Government to seal to approximately Koppin Yarratt Road, with detailed design progressing. Concept design under way for the remaining section, with an application for \$26.7 million made under the NSW Fixing Country Roads grant (awaiting outcome).
4	Port Macquarie	Thrumster	Thrumster Sporting Complex	\$15 million	Construction of: <ul style="list-style-type: none"> • New premier multi-use sporting field. • Six x 5-a-side synthetic soccer pitches. • Clubhouse, toilets, change rooms, canteen, storerooms • Car parking, access road, footpath. Application for \$15 million made via NSW Accelerated Infrastructure Fund (awaiting outcome), with a \$5.5 million PMHC co-contribution.
5	Port Macquarie	Port Macquarie	Hasting River Drive Duplication (Hughes to Boundary Street) and Boundary Street Upgrades	\$37.5 million	Hastings River Duplication construction of: <ul style="list-style-type: none"> • Dual carriageway of 540m of duplication of HRD • 1 in 20-year flood immunity to match existing road surface

					<p>Boundary Street Upgrades construction of:</p> <ul style="list-style-type: none"> • Duplication of Boundary Street to airport and associated business park • Pavement and drainage improvements • Future proofing 1 in 20-year flood immunity <p>Protect will improve access, connectivity, reduce maintenance costs, increase amenity and connectivity and enhance economic opportunities for business and tourism.</p>
6	Port Macquarie	Lake Cathie	Ocean Drive Corridor Upgrades as per the MR538 and MR600 Corridor Strategy	<p>\$18 million for Stage Project 15.</p> <p>\$19 million for Project 16.</p>	<ul style="list-style-type: none"> • Construction of Project 15 - Ocean Drive: Ernest Street to Miala Street: Ocean Drive upgrade between Ernest Street and Miala Street (median divided two-lane cross section with bicycle lanes and various intersection upgrades) • Construction of Project 16 Ocean Drive / Woolworths Access (Lake Cathie): Upgrade to traffic signals <p>Concept designs are complete. Detailed designs and environmental assessments would be required to progress to a point of being construction ready.</p>
7	Oxley	Yippin Creek Wauchope	Beechwood Road Upgrade, including Flood Free Access	\$6 million	Construction of Beechwood Road upgrade between Yippin Creek Road and Waugh Street, providing for:

					<ul style="list-style-type: none"> • Flood free access to unlock area for housing development. • Replacement of ageing timber bridge • Intersection and alignment improvements <p>Received \$5 million via Australian Government Bridge Renewal Program, with PMHC providing a \$400k co-contribution. Application made for \$6 million under the NSW Government Accelerated Infrastructure Fund (awaiting outcome) to enable project to progress.</p>
8	Port Macquarie	Port Macquarie	Ocean Drive Duplication	\$10 million	<p>Construction of:</p> <ul style="list-style-type: none"> • Duplication of Ocean Drive from 2 to 4 lanes between Matthew Flinders Drive and Greenmeadows Drive. • Five intersection upgrades. • Utility upgrades. • Shared path. • Fauna provisions. <p>Contract for construction awarded with work recently commenced. \$111 million total project cost estimate, with a \$60 million NSW Government grant, \$8.24 million from PMHC water reserve & \$5.5 million PMHC reserves committed to date. Additional \$15.5 million required to complete construction, with a request for funding made to the NSW Government, awaiting outcome.</p>
9	Port Macquarie	Port Macquarie	Port Macquarie	\$30 million	<p>Possible elements to include in the final design:</p>

			Aquatic Centre		<ul style="list-style-type: none"> • Outdoor 50m pool with 10 lanes. • A heated indoor 25m pool. • Outdoor splash pad, leisure pool and slide. • Café or kiosk, amenities, administration building and plant rooms.
10	Port Macquarie	Lake Cathie / Bonny Hills	Rainbow Beach Sporting Fields Stage 2	\$3 million	Construction of amenities, change rooms, toilets and additional courts to compliment the recently completed stage 1.

2. That the list of priority projects be made available to all Port Macquarie and Oxley electorate State election candidates.

CARRIED: 9/0

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

AGAINST: Nil

Item 10.05 Legislative Compliance 2021-2022, has been addressed previously within the meeting.

Item 10.06 Code of Conduct Complaint Statistics, has been addressed previously within the meeting.

Item 10.07 Policy Review - Community Leasing and Licensing Policy, has been addressed previously within the meeting.

10.08 IMPROVEMENT PLAN 2022-2026 - GENERAL FUND OPERATING PERFORMANCE.

RESOLVED: Pinson/Griffiths

That Council:

1. Note the update provided in this Improvement Plan 2022-2026 – General Fund Operating Performance report.
2. Request the Chief Executive Officer to provide a briefing in the first quarter of 2023 to step through each initiative in the improvement plan.

CARRIED: 9/0

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

AGAINST: Nil

10.09 BUSINESS RATING MODEL - INDEPENDENT REVIEW

Councillor Lipovac declared a Non-Pecuniary, Less Than Significant Interest in Item 10.09 Business Rating Model Independent Review, the reason being that Councillor Lipovac meets with local business owners in the Port Macquarie CBD and the Hastings, Macleay and Nambucca Valleys. Councillor Lipovac remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Slade declared a Non-Pecuniary, Less than significant in Item 10.09 Business Rating Model Independent Review. The reason being immediate family owns property and businesses in the Wauchope CBD. Councillor Slade remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

MOTION: Roberts/Pinson

That Council:

1. Note the Independent Review Report and the stakeholder and community engagement undertaken on the Business Rating Model.
2. Request the CEO prepare a draft 2023-2024 Operational Plan, Long Term Financial Plan and Revenue Policy with the removal of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate, with the reports including alternate financial arrangements to deal with options relating to;
 - a) Paying out the existing Council loan funding TCMP initiatives
 - b) Ongoing maintenance of the Port Macquarie CBD
 - c) Delivery of any outstanding projects funded by the TCMP reserve

LOST: 4/5

FOR: Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard

THE MOTION ON BEING PUT WAS LOST

RESOLVED: Sheppard / Griffiths

That Council:

1. Note the findings of the independent review and stakeholder and community engagement undertaken in relation to Council's current business rating model as outlined in this Business Rating Model - Independent Review report.
2. Thank stakeholders and members of the community who provided feedback during the Business Rating Model - Independent Review engagement period.
3. With regard to the Port Macquarie CBD ordinary business rate, endorse a 32% reduction in the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate through to 2027 and a 45% reduction thereafter, and request the Chief Executive Officer prepare a draft 2023-2024 Operational Plan, Long Term Financial Plan and Revenue Policy in line with the corresponding reduction.
4. Note that the 32% reduction in the TCMP component of the Port Macquarie CBD ordinary business rate as referred to in Recommendation 3 above, will provide significant relief to business rate payers in the Port Macquarie CBD

- while retaining existing maintenance service standards and funding for existing TCMP related loan repayments through to 2027.
5. Request the Chief Executive Officer develop a communications plan to address the stakeholder concerns identified in the Business Rating Model - Independent Review report with regard to transparency, access to information and governance regarding the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate.
 6. With regard to the potential future options for the Port Macquarie CBD ordinary business rate and ordinary business rates levied in the Wauchope and Laurieton town centres as part of the Defined Urban Centre business rate, request the Chief Executive Officer give further consideration to funding options and associated management structures in conjunction with future development and / or reviews of the Port Macquarie, Wauchope and Laurieton town centre master plans respectively, with such considerations to be developed in consultation with stakeholders and the community.
 7. Request the Chief Executive Officer provide a further report to the May 2023 Council Meeting detailing a possible governance structure for the establishment and operation of a Working Group or Sub- Committee that would provide for the following:
 - (a) Representation/Membership from a cross section of the community and stakeholders and tenure of members
 - (b) Transparent decision making
 - (c) Oversight by Council
 - (d) Clear communications on purpose, responsibilities and recommendations to Council
 - (e) Engagement protocols
 - (f) Clarity of roles and responsibilities in the development, prioritisation and implementation of a Central Business District (CBD) Improvement Plan

CARRIED: 5/4

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

Item 10.10 Monthly Budget Review - November 2022, has been addressed previously within the meeting.

Item 10.11 Investments - November 2022, has been addressed previously within the meeting.

Item 10.12 Payment of Water Fund and Sewer Fund Dividend for the Year 2021-2022, has been addressed previously within the meeting.

11.01 RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING NOVEMBER 2022

RESOLVED: Lipovac/ Pinson

That Council:

1. Adopt the name "Port Macquarie-Hastings Sporting Fund Sub-Committee" in preference to the "Mayor's Sporting Fund Sub-Committee".
2. Endorse the Sub-Committee recommendation that Scott Hodgson receive \$250 for representation in State Rugby.
3. Endorse the Sub-Committee recommendation that Flynn Daly receive \$750 for representation in Australian All Schools Track and Field Championships in Adelaide in December 2022.
4. Accept the resignations of members Sue Reid and Jo-Anne Border.
5. Note the eight (8) applications received for membership to the Sub-Committee and appoint the following applicants:
 - Cathy Walsh
 - Clayton Pickworth
 - Troy Highlands
 - David Barnes
 - Claudia Buckby
 - Simon Thresher
 - Ben Ismay
 - Belinda Gaunt
6. Review the Charter at the next Meeting and update it to reflect the amended membership.

CARRIED: 9/0

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

AGAINST: Nil

Item 11.02 Draft Port Macquarie Hastings Council Interpretation Policy & Guidelines, has been addressed previously within the meeting.

Item 11.03 Recreation Action Plan Report on Public Exhibition, has been addressed previously within the meeting.

12.01 NOTICE OF MOTION - ALTERNATIVE ROUTES IN THE HEALTH AND EDUCATION PRECINCT

RESOLVED: Intemann/Roberts

That Council note the significant congestion of Lake Road and Wrights Road/Oxley Highway, and

1. Prioritise actions to complete negotiations with NSW National Parks and Wildlife Service and NSW Crown Lands regarding land in the vicinity and westward of Lake Road and Ocean Drive.

2. Note the potential opportunity to reduce congestion via alternative routes through the Industrial Area to the Health and Education Precinct.
3. Request the Chief Executive Officer provide a report to the April 2023 Ordinary Council Meeting on the status of progress in the matters raised in points 1 and 2 above.

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

12.02 NOTICE OF MOTION - ASSETS ROADS, BRIDGES AND PATHS

RESOLVED: Griffiths/Lipovac

That Council request the Chief Executive Officer provide an overview of transport assets (roads, bridges and paths) within the Port Macquarie-Hastings Local Government Area to support consideration of the 2023-2024 budget by Council as part of the annual Operational Plan development cycle, including for each sub category within transport assets:

1. The value and length of the assets
2. A summary of overall asset condition and breakdown of the infrastructure backlog
3. Renewal expenditure from past and current years as may be readily available
4. Planned renewal expenditure for 2023-2024 and within the Long Term Financial Plan
5. A summation of what will be achieved via planned expenditure in 2023-2024 and the Long Term Financial Plan
6. Advice on the extent at which backlog will be addressed via that planned expenditure and options that may exist for how Council distributes its infrastructure spend.

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

12.03 NOTICE OF MOTION - COUNCIL'S LONG TERM ENERGY STRATEGY

RESOLVED: Edwards/Sheppard

That Council:

1. Note Port Macquarie Hastings Council's Long Term Energy Strategy as adopted in 2017, and points 1 and 2 of the Strategy which state that Council aims to source 100% of its electricity from renewable sources by 2027, and to implement one or more mid-scale solar projects when this technology becomes cost efficient to install and operate in the medium to long term.
2. Request the Chief Executive Officer provide a report to Council, no later than the March 2023 Ordinary Council Meeting, on suitable Council owned land

and asset sites that could accommodate renewable energy projects such as a mid-scale solar plant and/or community battery projects.

CARRIED: 5/4

FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

12.04 PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - FLY NEIGHBOURLY AGREEMENT TRIAL - SIX MONTH REVIEW

RESOLVED: Intemann/Roberts

That Council:

1. Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - Six Month Review report;
2. Note that a further report will be presented at the Ordinary Council Meeting to be held in June 2023.

CARRIED: 8/1

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

AGAINST: Griffiths

13.01 NOTICE OF MOTION - FRIENDS OF CAMDEN HAVEN HEADLAND VOLUNTEER GROUP

MOVED: Pinson/Roberts

That Council:

1. Resolve to commence the process for the establishment a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
2. Request the Chief Executive Officer to provide a report to the February 2023 Ordinary Council meeting outlining the steps involved in establishing this volunteer group.

AMENDMENT: Sheppard / Edwards

That Council:

1. Note the request to commence the process for the establishment of a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
 2. Note that a draft Volunteer Policy is currently under development by Council, and request the Chief Executive Officer to give consideration to the inclusion of a project for the development of a 'Friends of...' community volunteer
-

framework, as part of the development of the draft 2023-2024 Operational Plan.

3. In consideration of point 2 above, request the Chief Executive Officer to undertake engagement with existing volunteer groups working on the Camden Haven Headland, nearby residents and the Camden Haven community in considering the "Friends of" volunteer framework.

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

THE AMENDMENT WAS PUT AND CARRIED

Councillor Maltman left the meeting, the time being 12:06pm.

Councillor Maltman returned to the meeting, the time being 12:08pm.

THE AMENDMENT THEN BECAME THE MOTION AND ON BEING PUT WAS CARRIED

RESOLVED: Sheppard / Edwards

That Council:

1. Note the request to commence the process for the establishment of a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
2. Note that a draft Volunteer Policy is currently under development by Council, and request the Chief Executive Officer to give consideration to the inclusion of a project for the development of a 'Friends of...' community volunteer framework, as part of the development of the draft 2023-2024 Operational Plan.
3. In consideration of point 2 above, request the Chief Executive Officer to undertake engagement with existing volunteer groups working on the Camden Haven Headland, nearby residents and the Camden Haven community in considering the "Friends of" volunteer framework.

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

13.02 NOTICE OF MOTION - SIGNIFICANT KOALA HABITAT WITHIN PRIVATE NATIVE FORESTRY

MOVED: Edwards/Sheppard

That Council:

1. Note the Port Macquarie Hastings Local Government Area Biodiversity Management Strategy acknowledges that some 15,330 hectares of the private native forestry licences issued were located on Preferred Koala Habitat.
2. Note the NSW Koala Strategy and specifically Pillar 1 which affords over \$20 million to work with private landholders with high-quality koala habitat in populations for immediate investment will be supported to permanently conserve their koala habitat. Support will be targeted towards stronghold areas and will occur via two programs administered by the Biodiversity Conservation Trust: Conservation Partners Program, and in-perpetuity conservation agreements with annual payments.
3. Request the Chief Executive Officer to write to all Private Native Forestry licence holders in the Port Macquarie Hastings Local Government Area that Council has received notification of to inform them of the significant koala habitat understood to be within Private Native Forestry approved landscapes and of the opportunity available to apply to make such an agreement where the land holder can receive payment to protect koala habitat as outlined in point 2 above.

THE MOTION WAS WITHDRAWN

ADJOURN MEETING

RESOLVED: Pinson/Roberts

The Ordinary Council Meeting adjourned at 12:47pm

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

RESUME MEETING

The Ordinary Council Meeting resumed at 13:04pm

13.03 NOTICE OF MOTION - SOUTHERN BREAKWALL UPGRADE PROJECT

MOVED: Intemann/Griffiths

That Council:

1. Supports in principle the proposed Port Macquarie Southern Breakwall Upgrade Project, to be completed in 2023 and fully funded by the NSW Government, the primary purpose being to maintain this critical maritime asset and improve the public amenity of the Breakwall surrounds, noting its many other benefits as a tourist attraction as well as supporting economic activity and community health and wellbeing.
2. Notes the significant community concerns expressed, including the need for the project, loss of items of cultural significance, and perceived risk from the works to the point and surf break, and that Council is awaiting further information and a requested meeting with Transport for NSW.

AMENDMENT: Pinson/Roberts

That Council:

1. Note the resolution of Council at the Ordinary Council Meeting held on 17 November 2022:

RESOLVED: Roberts/Pinson

That Council:

1. Note the information provided in this report.
2. Request the Chief Executive Officer, write to the Hon Premier of New South Wales, Dominic Perrottet, advising of Council's significant concerns in relation to the Port Macquarie Southern Breakwall project, due to the need for further information and to address significant concerns expressed by the community, and request the NSW Government:
 - a. undertake a thorough independent review of the community engagement process and the engineering and arborist reports.
 - b. comprehensively address in writing, the numerous questions raised by the Port Macquarie Hastings community, that have been previously provided to the State Member for Port Macquarie, Leslie Williams.
 - c. request Transport for NSW to urgently provide to council the high resolution multi-beam hydro survey and point cloud-drone survey which was used to produce cross sectional 3d model of the southern breakwall.

CARRIED: 7/2

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

AGAINST: Lipovac and Sheppard

2. Note that no further information from Transport for NSW or The Hon Leslie Williams MP has been provided.

3. Note that the current proposal is a project of Transport for NSW and supported by Member for Port Macquarie, The Hon Leslie Williams MP.
4. Note the significant community concerns expressed, including the loss of cultural significance which includes removal of painted memorial rocks, felling of mature trees which include mature Norfolk Pines and perceived risks from the planned work to the point of the Breakwall which could destroy the world renowned surf break.
5. Support a widening of the Breakwall footpath via a reviewed concept design and detailed design following community engagement and consultation.
6. Note the tabled petition of 1350 signatures collected in opposition to the current State Government proposal with an additional 1500 signatures captured in an online petition unable to be tabled due to Council's petition policy.
7. Request the Chief Executive Officer to place the interview between Damian King and Angus Gordon on Council's website as a matter of public interest.
8. Request the Chief Executive Officer to provide a copy of the interview between Damian King and Angus Gordon to The Hon. Leslie Williams MP and Transport for NSW.

PROCEDURAL MOTION:

RESOLVED: Edwards/Griffiths

That the amendment be put.

CARRIED: 9/0

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

AGAINST: Nil

THE AMENDMENT ON BEING PUT WAS LOST

LOST: 4/5

FOR: Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Griffiths

That Council:

1. Supports in principle the proposed Port Macquarie Southern Breakwall Upgrade Project, to be completed in 2023 and fully funded by the NSW Government, the primary purpose being to maintain this critical maritime asset and improve the public amenity of the Breakwall surrounds, noting its many other benefits as a tourist attraction as well as supporting economic activity and community health and wellbeing.
2. Notes the significant community concerns expressed, including the need for the project, loss of items of cultural significance, and perceived risk from the works to the point and surf break, and that Council is awaiting further information and a requested meeting with Transport for NSW.

CARRIED: 5/4

FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

**13.04 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY
UPDATE DECEMBER 2022**

Councillor Maltman declared a Non-Pecuniary, Less than significant in Item 13.04 Lake Cathie Natural Resource Management Monthly Update November 2022. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict will not influence her decision making in the matter.

RESOLVED: Roberts/Slade

That Council note the progress of natural resource management projects / initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and progression of the Coastal Management Program.

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

**13.05 POST EXHIBITION REPORT - PLANNING PROPOSAL PP-2022-981 11
AND 33 MUMFORD STREET, PORT MACQUARIE**

RESOLVED: Pinson/Roberts

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal PP-2022-981 11 and 33 Mumford Street, Port Macquarie.
2. Note the Gateway Determination (Attachment B) granted by the Department of Planning and Environment on 15 May 2022.
3. Note implementation of the Employment Zones Reform Package in December 2022, and translation of zone B5 Business Development to E3 Productivity Support under the reforms.
4. As a result of the consideration of submissions, and Government agency responses:
 - a) endorse the Planning Proposal as publicly exhibited (Attachment C) under section 3.35 of the Environmental Planning & Assessment Act 1979 in relation to 11 and 33 Mumford Street, Port Macquarie, and
 - b) take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Map Amendment) to give effect to the revised Planning Proposal.
5. Delegate authority to the Director Community, Planning and Environment to make inconsequential or minor administrative amendments to the Planning Proposal prior to forwarding it to the Department for finalisation.
6. Notify Council's decision to all persons who lodged a submission.

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

**13.06 POST EXHIBITION REPORT - PLANNING PROPOSAL PP-2021-6399
BLACKWOOD STREET, PORT MACQUARIE.**

RESOLVED: Sheppard/Griffiths

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal (PP) - Blackwood Street, Port Macquarie.
2. Note the Gateway Alteration request (Attachment C) submitted to the Department of Planning and Environment on 17 November 2022.
3. Note the updated provisional Koala Plan of Management prepared by the proponent and submitted 22 November 2022 (Attachment B).
4. Note the additional capacity demand (up to 72+ equivalent persons) on the Port Macquarie Waste Water Treatment Plant, which is known and modelled demand consistent with Council's decision at the Ordinary Council Meeting held on 18 August 2022.
5. Note that under the NSW Government Local Environmental Plan Making Guideline (September 2022), Council must comply with the timeframes set by the NSW Government for completing the Planning Proposal.
6. As a result of the consideration of submissions, and Government agency responses:
 - a) endorse the updated provisional Koala Plan of Management, and forward the plan to the Minister for Planning and Minister for Homes for approval;
 - b) endorse the Planning Proposal as publicly exhibited (Attachment D) under section 3.35 of the Environmental Planning & Assessment Act 1979 in relation to Lot 497 DP1258597, Blackwood Street, and
 - c) take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Map Amendment) to give effect to the revised Planning Proposal, and
 - d) request the Minister as the LPMA for the Planning Proposal, to make the plan.
7. Delegate authority to the Chief Executive Officer to make inconsequential or minor administrative amendments to the Planning Proposal prior to forwarding it to the Department for finalisation.
8. Notify Council's decision to all persons who made a submission.

CARRIED: 7/2
FOR: Edwards, Griffiths, Lipovac, Maltman, Roberts, Sheppard and Slade
AGAINST: Intemann and Pinson

13.07 POLICY REVIEW - CLIMATE CHANGE RESPONSE POLICY - POST PUBLIC EXHIBITION

RESOLVED: Sheppard/Intemann

That Council:

1. Note the submissions and feedback relating to the draft Climate Change Response Policy received during public exhibition period.
2. Adopt the revised draft Climate Change Response Policy to include minor amendment to, 1. Objective, Point 2, to insert the word "towards" before the words "net zero".
3. Thank those people who provided feedback during public exhibition period and advise on the outcome of Council's consideration of this matter.
4. Incorporate climate adaptation and resilience strategies in the development of the draft Sustainability Strategy (currently under development), with a view to expedite progress to action planning and implementation.
5. Request the Chief Executive Officer to provide a workshop with Councillors to work through the structure and focus of the draft Sustainability Strategy, in the first quarter 2023.

CARRIED: 5/4

FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

Item 13.08 Policy Review - Planning Proposal Policy, has been addressed previously within the meeting.

Item 13.09 Policy Review of Conflict of Interest - Council-related Development Applications. Post Exhibition Report., has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 03:01pm.

Councillor Lipovac left the meeting, the time being 03:01pm.

Councillor Maltman left the meeting, the time being 03:01pm.

Councillor Slade returned to the meeting, the time being 03:02pm.

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

13.10 ENVIRONMENTAL LAND REZONING - COUNCIL OWNED LANDS

RESOLVED: Intemann/Griffiths

That Council:

1. Endorse the draft Planning Proposal (Attachment 1), for environmental lands prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.
2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the

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- Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Chief Executive Officer to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
 4. Receive a report following the public exhibition period on any submissions received.

CARRIED: 8/0

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

AGAINST: Nil

13.11 REGIONAL INTEGRATED TRANSPORT STRATEGY

RESOLVED: Intemann/Griffiths

That Council:

1. Endorse the draft Regional Integrated Transport Strategy 2022-2042 for the purpose of public exhibition.
2. Endorse the draft Engagement Plan, noting that it is intended to place on public exhibition together, the draft Blueprint for Generational Equity, the draft Infrastructure Strategy and the draft Regional Integrated Transport Strategy, if endorsed, in recognition of the strategic importance and inter-relationships between the documents.
3. Place the draft Regional Integrated Transport Strategy on public exhibition for a period of not less than 28 days in accordance with the Engagement Plan.
4. Note that three (3) further reports will be presented to the April 2023 Ordinary Council Meeting following the public exhibition period, detailing the submissions received and any recommended changes to the three (3) draft documents for consideration by Council.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Lipovac returned to the meeting, the time being 03:05pm.

Councillor Sheppard left the meeting, the time being 03:06pm.

CONFIDENTIAL SESSION

RESOLVED: Roberts / Sheppard

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.

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2. That Council move into Closed Session to receive and consider the following items:

Item 14.01 Budget and Reporting Application

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.02 Electricity Contracts

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

Item 14.03 Purchase of Tuffins Lane Sports Precinct Land, Port Macquarie

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

Item 14.04 Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport

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

Item 14.05 Materials Recovery Facility and Recycling Processing Options

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

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

14.01 BUDGET AND REPORTING APPLICATION

RESOLVED: Roberts/Lipovac

That Council:

1. Note that the requirements for the budget and reporting application will be considered as part of the Enterprise Resource Planning system review.
2. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for council's budget and reporting application due to extenuating circumstances for the reasons that councils seeks to extend the contract with Jedox Pty Ltd for the budget and reporting application for a further renewal period(s) to align with the Enterprise Resource Planning system review.

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3. Maintain the confidentiality of the consideration in respect of the budget and reporting application procurement matter outlined in this report.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Sheppard returned to the meeting, the time being 03:08pm.

14.02 ELECTRICITY CONTRACTS

RESOLVED: Griffiths/Roberts

That Council:

1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for the supply of electricity to Council's sites and facilities due to extenuating circumstances for the reasons that a satisfactory outcome would not be achieved by openly advertising the invitation of tenders.
2. Decide to undertake a selective tendering method, requesting pricing from retailers as detailed in this report.
3. Subject to successful selective tendering process, the Chief Executive Officer shall accept the tender of the successful tenderer, under existing delegation to the Chief Executive Officer and present a further report to a future meeting of Council on completion of the selective tendering process for Council's information.
4. Maintain the confidentiality of the consideration in respect of the procurement processes for the supply of electricity outlined in this report.

CARRIED: 9/0

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

AGAINST: Nil

14.03 PURCHASE OF TUFFINS LANE SPORTS PRECINCT LAND, PORT MACQUARIE

RESOLVED: Roberts/Pinson

That Council:

1. In accordance with the Council resolution of 20 October 2022 to purchase the land as described as follows, pay the amount of \$1,512,500 (including GST) to the owner of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, associated with the Tuffins Lane Sports Precinct, Port Macquarie.
2. As required, pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 as "operational land" by

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- placing on public exhibition the proposed resolution "It is intended to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 (land situated at 10 - 20 Tuffins Lane, Port Macquarie) as operational land" from 9 December 2022 for a minimum period of 28 days and allowing for the Christmas holiday period.
3. Note that a further report will be tabled at the February 2023 Ordinary Council meeting detailing any submissions received during the exhibition period relating to the classification of the land.
 4. Adopt a budget adjustment for the land acquisition referred to in Resolution 1 above, in the amount of \$1,375,000 (excluding GST).
 5. Enter into total borrowings of \$1,375,000 (excluding GST) for the land acquisition referred to in Resolution 1 above.

CARRIED: 7/2

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

AGAINST: Griffiths and Intemann

14.04 TENDER T-22-61 AVIATION SECURITY SCREENING SERVICES, PORT MACQUARIE AIRPORT

RESOLVED: Griffiths/Roberts

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for Request for Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport.
2. In accordance with section 178(3)(e) of the Local Government (General) Regulation 2021 enter into negotiations with MSS Security Pty Ltd and Sydney Night Patrol and Inquiry Co Pty Ltd with a view to entering into a contract in relation to the subject matter of the contract.
3. In accordance with section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders for the reason that the evaluation panel considers that the organisations identified in Recommendation 2 above have the demonstrated capability, capacity and experience to meet the requirements of the contract.
4. Note the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-22-61 Aviation Security Screening Services, Port Macquarie Airport following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport.

CARRIED: 9/0

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

AGAINST: Nil

14.05 MATERIALS RECOVERY FACILITY AND RECYCLING PROCESSING OPTIONS

RESOLVED: Roberts/Pinson

That Council:

1. Note the continued intention to align future waste management contracts in 2026.
2. Note the difficulty experienced in establishing short term contract terms as resolved in February 2022, for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility.
3. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances to allow sufficient time to plan for Council's long term recycling infrastructure and alignment, not to call public tenders for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility at this time.
4. Request the Chief Executive Officer to enter into negotiations to vary contract number S.600.119.05.02 for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility with JR Richards Pty Limited for a further period expiring 31 August 2026 in accordance with the terms and conditions specified in the contract.
5. Delegate to the Chief Executive Officer the authority to negotiate and sign the contract deed of variation with JR Richards Pty Limited expiring 31 August 2026 in accordance with the terms and conditions specified in the contract.
6. Note the approach proposed for the establishment a new Materials Recovery Facility with best available technology at the Cairncross Waste Management Facility.
7. Note that a further report will be tabled providing the negotiated rates/fees accepted for the contract variation.
8. Maintain the confidentiality of the documents and consideration in respect of this contract.

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

RESOLVED: Lipovac/Roberts

That the Council Meeting be re-opened to the public

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

The meeting closed at 3:26pm.

.....
Peta Pinson
Mayor

UNCONFIRMED

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Number 10.04 and 10.06 be considered as confidential, in accordance with Section 10A(2)(d)(i) and Section 10A(2)(c) of the Local Government Act 1993

Discussion

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

Item No: 10.04
Subject: 2024 Ordinary Local Government Election
Attachment Description: 2024 Local Government Election - Cost Estimate
Confidential Reason: Relates to information that would if disclosed, prejudice the commercial position of the person who supplied it.

Item No: 10.06
Subject: Quarterly Budget Review
Attachment Description: CONFIDENTIAL - December 2022 Quarterly Budget Review-Consultancy Engagements.
Confidential Reason: Relates to information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting or proposes to conduct business.

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: 10.01

**Subject: NOTICE OF MOTION - OFFICE OF DEPUTY MAYOR - AMEND
RESOLUTION OF COUNCIL**

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

RECOMMENDATION

That Council:

- 1. Amend the resolution of Council that was adopted at its Extraordinary Council meeting held 13 January 2022 with respect to Item 6.01 Creation of Office of Deputy Mayor to set the term of the Office of Deputy Mayor to be a period of (12) twelve months.**
- 2. Expire the term of the Office of Deputy Mayor effective immediately and elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.**

Comments by Councillor Lipovac:

This will promote fairness, equity and varied opinions as well as a learning opportunity for other Councillors to pursue whilst ensuring an adequate flow of communication within the councillor body. That is in addition to improving co-operation and transparency.

Attachments

Nil

Item: 10.02

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 24
NOVEMBER 2022 TO 1 FEBRUARY 2023**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Mayoral Discretionary Fund allocations for the period 24 November 2022 to 1 February 2023 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 24 November 2022 to 1 February 2023 inclusive.

Discussion

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

Purchase of 3 x copies of book "Painting Stories" for each of Council's Libraries	\$120.00
Donation to PMQ Salvation Army Christmas/Toy Appeal	\$500.00
Donation to Jigsaw Australia / Learning Ventures	\$150.00
Total allocation	\$770.00

Options

This report is for noting only.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

The allocations made during this reporting period were funded from the Mayoral Discretionary Fund as included in the 2022-2023 Operational budget.

Attachments

Nil

Item: 10.03

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

FEBRUARY 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie-Hastings Tree Management Policies and Procedures	19/05/2022 Item 12.01		DPCE	Jun-22 Sep-22 Nov-22 Dec -22	Feb-23
Site Specific Planning Proposal Requests. Bi-Annual Report	16/06/2022 Item 14.02		DCPE	Dec-22	Feb-23
Port Macquarie Aquatic Facility Staging options and impacts.	17/11/2022 Item 12.04		DCPE		Feb-23
Ferry Operations Vehicle Movements and Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Ferry Operations Mar 2023. The trial period for amended ferry operations was superseded via resolution August 2021 to continue indefinitely. Ferry data is currently being reviewed a further update on ferry operations/associated data planned for early 2023 via briefing as time permits within the Councillor schedule and report.	DCI	Oct-21 Nov-21 Feb-22 Jun-22 Dec-22	Feb-23

FEBRUARY 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie Works Depot	16/06/2022 Item 11.16	Project plan is being established, focusing on needs/location, including the consideration of recently purchased land at Koala Street. Stakeholder engagement and requirements are currently being determined.	CEO	Oct-22	Feb-23
COVID-19 Recovery and Stimulus Projects update	18/8/2022 Item 13.01		DCPE		Feb-23
Policy Review: Management of Public Spaces. Outlining success of method dealing with these Issues	16/06/2022 Item 12.03	Policy only published online late November.	GMC	Dec-22	Feb-23
Classification of Tuffins Lane Sports Precinct Land, Port Macquarie	08/12/2022 Item 14.03	A further report following Public Exhibition be provided to Council	DCPE		Feb-23
Recreation Action Plan: Report on Public Exhibition	08/12/2022 Item 11.03	Report be brought back to Council for consideration.	DCPE		Feb-23
Electricity Contracts	08/12/22 Item 14.02	A further report to future Council meeting	DBP		Feb-23

MARCH 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Community Satisfaction Survey	19/05/2022 Item 12.01	Workshop to be held with Councillors	DCPE	Feb-23	Mar-23
Prioritisation of Sporting Infrastructure Projects Outcome following discussions with Federal and State members	16/06/2022 Item 14.02	Discussions to take place with Federal and State members prior to report to Council	DCPE	Oct-22 Nov-22 Feb-23	Mar-23
Recreation Action Plan	20/10/2022 Item 12.07	Recreation working group to be established.	DCPE	Feb-23	Mar-23
Tacking Point Surf Life Saving Club	17/11/2022 Item 12.04	Awaiting information from Crown Land	DCPE	Feb-23	Mar-23
Integrated Transport Plan: Milestone Events	19/05/2021 Item 12.03	Request the Chief Executive Officer provide a report to Council in accordance with milestone events associated with progress on the Integrated Transport Plan.	DCI	Feb-23	Mar-23
Policy Review: Community Leasing and Licensing Policy	16/06/2022 Item 11.16	Councillors requested a further report be brought to the March 2023 meeting	DCPE		Mar-23
Delivery of Camden Haven Surf Life Saving Club	18/8/2022 Item 13.01	Awaiting information from Crown Land	DCPE	Dec-22	Mar-23
Tendering and purchasing process: Council's commitment and support to local business for previous 12 months	17/03/2022 Item 14.07		DBP		Mar-23
Draft Port Macquarie-Hastings Local Housing Strategy: 2021-2041 post exhibition	20/10/2022 Item 12.07	Consultation with industry to take place	DCPE	Oct-21 Mar-22 Jun-22 Nov 22	Mar-23

MARCH 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Notice of Motion: Councils Long Term Energy Strategy	16/06/2022 Item 12.03	Report to council on suitable Council owned land which could accommodate renewable energy projects	DCPE		Mar-23
Tender T-22-61 Aviation Security Screening Services	08/12/2022 Item 14.03	Further report to Council after contract has been awarded Negotiations continue	DBP	Feb-23	Mar-23

APRIL 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Payment of Water and Sewer fund dividends for 2021-2022	08/12/2022 Item 10.12	A separate report be brought back to Council if successful in the application outlying the expenditure.	DPB		Apr-23
Policy Review: Planning Proposal Policy	08/12/2022 Item 13.08	A further report will be tabled following public exhibition	DCPE		Apr-23
Draft Policy: Port Macquarie-Hastings Local Council Interpretation Policy and Guidelines	08/12/2022 Item 11.02	A further report be brought to Council following the public exhibition	DCPE		Apr-23
Notice of Motion : Alternative Routes in the Health and Education Precinct	08/12/2022 Item 12.01	A report to Council on the status of progress in the matters of points 1 and 2	DCI		Apr-23
Regional Integrated Transport Strategy	08/12/2022 Item 13.11	a further three (3) further reports to Council meeting following public exhibition.	DCPE		Apr-23
Draft Infrastructure Strategy report: Details of submissions and recommendations	17/11/2022 Item 11.14		DCPE		Apr-23

MAY 2023 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Business Rating Model: Independent Review	08/12/2022 Item 10.09	A further report be brought to Council addressing items in point 7	DPB		May-23

JUNE 2023 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Implementation of Fly Neighbourly Agreement 12 month Update	19/05/2022 Item 13.01		DBP		Jun-23
Port Macquarie Airport Six Month Report	08/12/2022 Item 12.04	A further report to be presented to Council			Jun-23
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	To be considered as part of wider development contribution framework review and proposed development yet to be assessed.	DCPE	Dec-20 Jun-21 Oct-21 Jun-22 Dec-22	Jun-23
Post Exhibition: Classification as "Operational" Land 52 John Oxley Drive, Port Macquarie:	20/06/2018 Item 14.05	To be incorporated in strategic property portfolio review to be undertaken in 2022/2023	DBP	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Jun-22	Jun-23
Material Public Benefit Developer Delivered Sewer Works Kendall completion of works	17/03/2022 Item 14.07	Request the CEO to add a new action to the 2021-2022 Operational Plan Kew Kendall SPS#1 Upgrade and Works. Moved to June 23 as works have not yet been completed.	DCU	Feb-23	Jun-23

Future Reports					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Kempsey Shire Council, Cairncross Landfill. Details of Waste accepted during 2022-2023	18/8/2022 Item 16.05		DCU		Aug-23
Draft MR538 and MR600 Corridor Strategy Following Public Exhibition	19/05/2022 Item 14.04		DCI		Oct-23
Biodiversity Certification Assessment and Strategy. Port Macquarie Airport and Surrounding Land viability/implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DCPE		2024 (estimate)
Policy Review: Volunteer Policy	21/04/2022 Item 11.09	Resolved by Council in July 2022 Ordinary Council meeting to defer policy pending a workshop being undertaken	DCPE	Jul-2022 Oct-22 Dec 22	TBA
Progress of Sale: Council owned lots at North Shore.	19/09/18 Item 09.24	Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Aug-22	TBA
Sale of Surplus Land: 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23	Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-22	TBA

Future Reports					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Lots 101 and 102 DP 1244390 Pacific Drive, Port Macquarie. Options for operational land	07/03/2022 Item 10.01	Subject to strategic property portfolio review to be undertaken in 2022.	DBP		TBA
T-22-51 Water and Sewer Process Membrane Replacement Program following negotiations	21/07/2022 Item 16.02		DCU		TBA
T-21-27 Supply and Delivery of Water Treatment Chemicals Following Negotiations	21/07/2022 Item 16.03		DCU		TBA
Response to Notice of Motion. Southern Breakwall, Port Macquarie	18/8/2022 Item 14.01		DCPE		TBA
Wastewater Treatment Plant Capacities Finalising Planning Proposals Port Macquarie /Thrumster Sewerage Scheme Catchment	18/8/2022 Item 14.04		DCU/DCPE		TBA
Endorsement of Membership to Mayor's Sporting Fund Sub-Committee	18/8/2022 Item 11.02		DCPE		TBA
Hastings Youth Voice - Future report to be tabled	15/09/2022 Item 12.02		DCPE		TBA
Blueprint for Generational Equity further report to Councillors following consultation with community	17/11/2022 Item 12.03		CEO		TBA
Land Acquisition Kendall Road, Kendall Following Exhibition	17/11/2022 Item 14.05		DCPE		TBA
RFQ-21-57 Design and Construction of Valve Pits	17/11/2022 Item 16.01		DBP		TBA

CYCLIC REPORTS

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Port Macquarie-Hastings Sporting Fund Sub-Committee	DCPE	Monthly	Every (except Feb)	March 2023	Due to sequence of meeting
Opening Lake Cathie (13/01/2022 Item 05.01)	DCPE	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Community Inclusion Plan Update of Tasks, Measures and Actions	DCPE	Quarterly	Sep, Dec, Mar, Jun		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Sep		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
Recreation Action Plan – Status	DCPE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	Annually	Aug		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken (04/08/2021 - Item 10.01)	DCPE	Annually	Aug		
Council Meeting Dates	CEO	Annually	Nov		
Audit Committee Annual Report	CEO	Annually	Dec		
Legislative Compliance Register	CEO	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct	Dec-22	To be considered in Mar 2023 following consultation with Councillors



Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		
Local Strategic Planning Statement (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Strategic Planning Statement - Implementation of Actions (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		
General Fund Operating Performance	CEO	Biannual	Dec June		

Attachments

Nil

Item: 10.04

Subject: 2024 ORDINARY LOCAL GOVERNMENT ELECTION

Presented by: Business and Performance, Keith Hentschke

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 resolve that:

1. Pursuant to sections 296(2) and 296(3) of the *Local Government Act 1993 (NSW)* ("*the Act*") an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to sections 296(2) and 296(3) of *the Act* that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council where required.
3. Pursuant to sections 296(2) and 296(3) of *the Act* that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where required.

Executive Summary

The next Ordinary Local Government Election is scheduled for the second Saturday in September 2024, being 14 September 2024. Council has a number of options available being:

1. Council conducts the 2024 Ordinary Election.
2. Council can partner with an external service provider (partial outsource). This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer.
3. Council can partner with an external service provider (100% outsourced). This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer.
4. Council can engage the NSW Electoral Commission (100% outsourced).

If Council decides to engage the services of the NSW Electoral Commission (NSWEC) to administer this election, Council is required to resolve to that effect prior to 14 March 2023.

If Council does not resolve to engage the NSW Electoral Commission prior to 14 March 2023, Council's Chief Executive Officer will be responsible for administering the 2024 Ordinary Local Government Election for Port Macquarie-Hastings Council.

DiscussionBackground

Section 296 of the LG Act provides that council elections, polls and referenda are to be administered by the Chief Executive Officer of the council concerned. However, councils can engage the NSWEC to administer elections, polls and referenda on their behalf.

With regard to the 2021 Local Government elections, it is noted that of the 128 councils in NSW, 122 councils engaged the NSW Electoral Commissioner to conduct the elections, 4 councils were under administration and did not conduct elections and the remaining 2 councils engaged a commercial election service provider.

If a council decides to engage the services of the NSWEC, the council must pass a resolution, to that effect, at least 18 months prior to the next Ordinary Local Government Election.

Should Council decide to engage the NSWEC to administer the next Ordinary Local Government Election, occurring in September 2024, it must pass a resolution to do so prior to 14 March 2023.

As Council now has the freedom of choice with regards to the conduct of elections, polls and referenda, a number of options are available:

Option 1: Council conducts the 2024 Ordinary Election

Council could conduct the election. The Office of Local Government has released guidelines under section 23A of the LG Act to assist councils to understand their level of responsibility and accountability if they chose to administer their own election.

If Council administers the election, the Chief Executive Officer would be responsible for the following:

- Conducting the election.
- Appointing the Returning Officer and substitute Returning Officer.
- Appointing the polling places.
- Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
- Confirming the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees.
- Preparing a list of names of those on the residential roll, who appeared to have not voted at the election, and forwarding this list to the Electoral Commissioner within 14 days (or within a longer period if provided for in the Regulation) of the election.
- Managing the relevant election costs.
- Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.

This option would place significant strain on Council resources, impacting heavily on Council operations.

Option 2: Partner with an external service provider (partial outsource)

Council could partner with an external provider - selectively outsourcing components of the election. This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer. Information is provided in the attachment.

Under this model, the Chief Executive Officer would hold the responsibilities as are listed under Option 1.

Partial outsourcing is not available utilising the services of the NSWEC.

Option 3: Partner with an external service provider (100% outsource)

Council could partner with an external provider - outsourcing the administration of the entire election. This would require Council to undergo a competitive tendering process and as a result resolve to enter in to a contract with the successful tenderer.

Under this model, the Chief Executive Officer would hold the responsibilities as are listed above, under Option 1.

Option 4: Engage the NSW Electoral Commission (100% outsource)

Council could engage the NSWEC - outsourcing the administration of the entire election.

Under this model, the Electoral Commissioner, not the Chief Executive Officer, would hold the following responsibilities:

- Conducting the election.
- Appointing the Returning Officer and substitute Returning Officer.
- Appointing the polling places.
- Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
- Managing the relevant election costs.
- Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.

Regardless of the option chosen, there are certain legislative requirements that the Chief Executive Officer is required to fulfil, these are the confirmation of the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees (Section 299 and 300 of the LG Act).

Pricing

Council engaged the NSW Electoral Commission to conduct the 2021 Local Government Election at a cost \$570,822 (ex GST). It is noted that the cost of holding the 2021 Local Government Elections across the state were subsidised by the NSW Government by funding \$86 million to ensure that COVID-19 requirements during the election were not funded by councils. No such funding arrangement has been announced for the 2024 elections.

The most recent comparative cost information Council has between engaging the NSW Electoral Commission and a commercial election provider is from 2018 and at that time the commercial election provider was approximately 13% higher in estimated costs than the NSW Electoral Commission.

The NSW Electoral Commission have indicated that they estimate that the cost to conduct the 2024 Local Government election for Port Macquarie-Hastings Council will be a significant increase on the 2021 elections. This increase on the 2021 local government election cost is partly due to:

- Early voting centre rental costs have significantly increased
- Logistics costs are increasing by 10% year-on-year
- The fuel levy for material deliveries and collections has increased by 24%
- The 3-year CPI increase is 13.12%
- Staff costs have risen by 2.83% pa
- Growth in the number of electors is 3.34% over 3 years
- Paper costs have risen (affecting ballot papers and printed rolls)

The estimate has been included in a confidential attachment, as Attachment 1, so as not to prejudice the commercial position of the NSW Electoral Commission should Council resolve to conduct the 2024 local government election without engaging the NSW Electoral Commission with competitive tenders being sought.

This estimate cost does not include the core costs of conducting the election which is funded by the NSW Government. These costs included in the estimate are directly attributed to the Port Macquarie-Hastings Council local government area.

It should also be noted that this is an estimate and some costs may increase at higher rates than are currently being experienced resulting in a higher actual costs at the time of the election. These increased costs would likely affect any commercial election provider as well as the NSWEC.

Factors for Consideration

Factors for Consideration: Engaging the NSWEC

- Election held independently of Council.
- Electoral Commissioner holds responsibility of the election.
- NSW Electoral Commission very experienced and has demonstrated they can resource an election for almost all NSW Councils simultaneously.
- Minimal burden on current Council operations.
- There is no requirement for a public tender process should the NSW Electoral Commission be engaged as section 55(3)(p) of the Local Government Act 1993 provides an exclusion when entering into contracts with the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums.

Factors for Consideration: Engaging an external election service provider

- Chief Executive Officer's responsibilities include:
 - Conducting the election.
 - Appointing the Returning Officer and substitute Returning Officer.
 - Appointing the polling places.

- Determining the fees payable to the Returning Officer, the substitute Returning Officer and electoral officials.
- Confirming the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees.
- Preparing a list of names of those on the residential roll, who appeared to have not voted at the election, and forwarding this list to the Electoral Commissioner within 14 days (or within a longer period if provided for in the Regulation) of the election.
- Managing the relevant election costs.
- Preparing a report for the Minister for Local Government on the conduct of each election that must disclose, among other things, full and transparent costings for that election.
- Returning Officer:
 - Cannot be an employee of Council.
 - Cannot vote in the election.
- Access and availability to suitably qualified election officials.
- Increased Council staff responsibilities and burden of risk.
- Perception of 'independent' conduct of election.
- Storage of election material (post-election).

Options

1. Council conducts the 2024 Ordinary Election.
2. Council can partner with an external service provider (partial outsource).
3. Council can partner with an external service provider (100% outsourced).
4. Council can engage the NSW Electoral Commission (100% outsourced).

If Council does not resolve to engage the NSW Electoral Commission prior to 14 March 2023, Council's Chief Executive Officer will be responsible for administering the 2024 Ordinary Local Government Election for Port Macquarie-Hastings Council. Council would then need to determine if it was to engage an external provider to conduct the election or conduct the election in-house with Council resources.

Community Engagement and Internal ConsultationCommunity Engagement

No community engagement undertaken.

Consultation

- Chief Executive Officer
- Group Manager Governance

Planning and Policy Implications

Section 296 of the LG Act now provides that Council elections, polls and referenda are to be administered by the Chief Executive Officer.

However, under section 296(2) of the LG Act, Council has the option to engage the services of the NSWEC, should it resolve to do so.

Engaging the NSWEC

Should Council wish to engage the NSWEC to conduct the 2024 Ordinary Local Government Election, Council must:

1. Resolve to engage the NSWEC no later than 18 months prior to the next Ordinary Local Government Election, being before 14 March 2023.
2. Enter into an arrangement, by contract, no later than 15 months prior to the next Ordinary Local Government Election, being before 14 June 2023.

Not engaging the NSWEC

If Council does not resolve to engage the NSWEC prior to 14 March 2023, the Chief Executive Officer will be responsible for administering the 2024 Ordinary Local Government Election.

Should Council resolve to administer the 2024 Ordinary Local Government Election itself, such a resolution should specify (on advice from the Office of Local Government):

1. Whether the Chief Executive Officer intends to administer elections personally or to engage an electoral services provider; and
2. If the Chief Executive Officer intends to administer elections personally, whether the Chief Executive Officer has identified any persons to be appointed as the Returning Officer and substitute Returning Officer and, if so, their names; and
3. If the Chief Executive Officer intends to engage an electoral services provider, whether the Chief Executive Officer has identified an electoral services provider and, if so, the name of that provider.

Financial and Economic Implications

Council is financially prudent regarding the cost of the four (4) yearly Ordinary Local Government Election and allocates funds to the election reserves where possible.

The estimate has been included in a confidential attachment, as Attachment 1, so as not to prejudice the commercial position of the NSW Electoral Commission should Council resolve to conduct the 2024 local government election without engaging the NSW Electoral Commission with competitive tenders being sought.

Attachments

1. 2024 Local Government Election - Cost Estimate (Confidential)

Item: 10.05**Subject: LEGAL FEES****Presented by: Business and Performance, Keith Hentschke**

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Legal Fees report.

Executive Summary

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

There were no matters costing more than \$10,000 in the 2022-2023 financial year as at the end of December 2022.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

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

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

That Council:

1. Note the information in the Legal Fees report.
2. Request the General Manager to provide an updated report quarterly to Council.

There were no matters costing more than \$10,000 in the 2022-2023 financial year as at the end of December 2022.

Options

Council can resolve to request further information.

Community Engagement and Internal ConsultationInternal Consultation

- Chief Executive Officer

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 10.06

Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2022

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Quarterly Budget Review Statement for the December 2022 Quarter.

Executive Summary

This report details Council's progress against the original and revised 2022-2023 budget as at the end of the second quarter being 31 December 2022.

Discussion

The Quarterly Budget Review Statement (QBRS) is a statutory report prepared in accordance with sections 202 and 203 of the *Local Government (General) Regulation 2021* ('Regulations').

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

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

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

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

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

09.09 SUPPLY OF SERVICES TO COUNCIL

That Council:

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

*Confidential **Attachment 2** titled "Confidential - December 2022 Quarterly Budget Review - Consultancy Engagements" relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (Local Government Act 1993 - Section 10A(2)(c)).*

Budget Progress Commentary

The variances listed below should be read in conjunction with **Attachment 1** (December 2022 Quarterly Budget Review Statement).

Income and Expenses – QBRs Page 1Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$105.768m	\$106.320m	+\$0.552m	100.5%
<i>Major budget variances include:</i> - Rates: + \$0.570m <i>Rates revenue is slightly above YTD budget due to growth. This will continue to be monitored and reviewed for a possible budget adjustment in the third quarter.</i>			

User Charges and Fees

YTD Budget	YTD Actual	Budget Variance	% Received
\$17.689m	\$17.557m	-\$0.132m	99.3%
<i>User Charges and Fees is in line with YTD Budget. There are no material budget variances within this quarter.</i>			

Interest and Investment Revenue

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.939m	\$4.297m	+\$1.358m	146.2%
<i>Interest and Investment Income is higher than YTD budget, largely due to higher than predicted interest rates, as well as higher than predicted reserve balances available for investment. This will continue to be monitored and reviewed for a possible budget adjustment in the third quarter.</i>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$3.156m	\$3.795m	+\$0.639m	120.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Waste Management: + \$0.525m - Glasshouse: + \$0.160m <p><i>Waste income is above YTD budget due to the sale of carbon credits and increased steel sales at all four of Council's Waste Depot sites. It is noted that an option to sell carbon credit units outside of contract arrangements with the Clean Energy Regulator has recently become available which provides Council with an opportunity to potentially obtain a higher price per unit and therefore increased profit. Council has therefore decided to sell their Australian carbon credit units to the secondary market.</i></p> <p><i>Glasshouse Commercial Hire revenue is above YTD budget. This is attributed to the facility operating at increased capacity following on from the COVID-19 impacts.</i></p> <p><i>The above will continue to be monitored and reviewed for a possible budget adjustment in the third quarter.</i></p>			

Operating Grants and Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$5.375m	\$5.600m	+\$0.225m	104.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Natural Resources: + \$0.555m - Community Inclusion: - \$0.249m <p><i>Natural Resources operating grants is above YTD budget. This is due to various new grants being received this quarter. They include Koala Strike, the Koala Habitat Mapping Project and the Black Summer Bushfires funding. Budget adjustments for these grant are included in the January Budget Review (also contained within the agenda of this meeting).</i></p> <p><i>Community Inclusions operating grants are below YTD budget. This is a timing issue only. There was a payment expected for a "Reconnecting Communities" grant in December that is now delayed, noting that confirmation has been received that requirements have been met and funds will be paid.</i></p>			

Capital Grants and Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$22.656m	\$19.526m	-\$3.130m	86.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Roads & Bridges: - \$7.827m - Developer Contributions: + \$5.491m 			

Capital Grants for Roads and Bridges are below YTD budget. This is due to the timing of when grant receipts have been phased, the largest being \$8.5m for the Ocean Drive Duplication project, which will now be recognised as an end of year adjustment.

Developer contributions are above budget as at the end of first half of the year. This variance is due to the timing of contribution receipts and the level of development activity. They will continue to be monitored and restricted at the end of financial year.

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$29.715m	\$28.365m	-\$1.350m	95.5%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Salaries & Wages: - \$1.341m <p><i>The favourable variation in salaries and wages is due to vacant positions and the timing of employees taking leave during this quarter. It is noted that actual FTE numbers at December 2022 reflected 44 positions or 7% lower than the budgeted FTEs of 614.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$0.635m	\$0.643m	+\$0.08m	101.3%
<p><i>Interest on Loans is in line with YTD Budget.</i></p>			

Materials and Contracts

YTD Budget	YTD Actual	Budget Variance	% Expended
\$25.372m	\$20.760m	-\$4.612m	81.8%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Water Supply: - \$0.652m - Sewerage Services: - \$0.413m - Waste Contract Management: - \$0.516m - Digital Technology: - \$0.479m - Destination and Cultural Development: - \$0.351m - Parks and Recreation: - \$0.340m - Strategic Planning: - \$0.378m <p><i>The variances in Water and Sewer are due to the timing of operational maintenance on Council's assets. Unfavourable weather conditions in the first half of the year have had an impact on when works can be carried out. This will continue to be monitored and adjusted if required.</i></p>			

The variance in Waste Contract Administration is due to the timing of contractor payments.

Digital Technology expenditure is below YTD budget due to the timing of contractor payments.

The variance in Destination and Cultural Development is due to expenditure on Tourism Marketing, with actuals below YTD budget. This will be monitored and adjusted if necessary.

Parks and Recreation is running below budget with levels of maintenance also weather dependent. This will continue to be monitored and adjusted if required.

Strategic Planning is below YTD budget due to several projects running behind schedule.

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

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$25.377m	\$26.104m	+\$0.727m	102.9%
<i>The higher than budgeted depreciation is due largely to variances in roads and sewer assets. This is due to the impact of the prior year revaluation and the timing of capitalisation of works. This will continue to be monitored and adjusted if required.</i>			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$8.352m	\$7.081m	-\$1.271m	84.8%
<i>Major budget variances include:</i> <ul style="list-style-type: none"> - Insurances: - \$0.903m - Payments to Other Levels of Government: - \$0.403m <i>The variances in both Insurances and Payments to Other Levels of Government (Waste Levy) are due to timing of payments only.</i>			

Asset Disposal

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

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$40.409m	\$34.346m	-\$6.063m	85.0%
<p><i>Projects with major budget variances include:</i></p> <ul style="list-style-type: none"> - <i>Kennedy Drive: - \$0.949m</i> - <i>Works delayed due to weather. Project on track overall.</i> - <i>Sewer Pump Station Upgrades: - \$0.705m</i> - <i>Works on track, timing of payments only.</i> - <i>Vince Inmon Sporting Fields: - \$0.458m</i> - <i>Project behind schedule. Main building works are yet to commence.</i> - <i>Kew Main Street: - \$0.367m</i> - <i>Works have commenced on this project, project behind schedule.</i> - <i>Westport Park Playspace: - \$0.348m</i> - <i>Project on track. Contractor works to start in January.</i> - <i>Rainbow Beach Sports Field: - \$0.344m</i> - <i>Project on track. Timing of contract payments only.</i> <p><i>It is noted that the actual expenditure does not necessarily reflect the amount of funds that have been committed to particular projects through the raising of purchase orders. For capital projects, progress against their budgets may not necessarily reflect their progress in relation to physical completion.</i></p> <p><i>Progress details for particular capital projects can be found in the report “2022-2023 Operational Plan - Progress Report as at 31 December 2022” which is also on the agenda of the Ordinary Council Meeting for February 2023 and contained within the business paper.</i></p>			

Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 31 December 2022 was 1.87% which was 0.46% below the benchmark of 2.33%. This is due to the unexpected aggressive rate hikes undertaken by the RBA. Whilst the 'underperformance' may continue in the short term, it is anticipated that this is temporary.

Key Performance Ratios – QBRs Page 4

The budget variations and carry-overs that have been adopted throughout the financial year have not had a material impact on the forecasted T-Corp ratios set out in the adopted original budget. The unrestricted current ratio has moved more in line with previous year actuals due to the impact of grants and associated contract liabilities.

Contracts and Other Expenses – QBRS Page 5-6

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

Statement by Responsible Accounting Officer

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

Responsible Accounting Officer Statement

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 31 December 2022 indicates that Council's projected financial position at 30 June 23 will be less than satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The operating deficit will be addressed through ongoing review with budget managers to identify potential savings, as well as the development and implementation of a formal improvement plan.



Nicole Spencer

December 31, 2022

Responsible Accounting Officer - Port Macquarie-Hastings Council

Options

Council may adopt the recommendation or amend as required.

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

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


Financial & Economic Implications

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 31 December 2022, is a deficit of \$5.983m. As at 31 December 2022 there was a budget surplus of \$27,041 for the 2022-2023 financial year. Despite a surplus budget position, there are a number of factors impacting the operating deficit 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.

As noted in the development of the Operational Plan and original budget, 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 in particular, with the development and implementation of an improvement plan.

Attachments

1.  December 2022 Quarterly Budget Review Statement
2. Confidential - December 2022 Quarterly Budget Review - Consultancy Engagements (Confidential)

Item: 10.07

Subject: MONTHLY BUDGET REVIEW - JANUARY 2023

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the adjustments in the "January 2023 Adjustments" section of the Monthly Budget Review – January 2023 report and associated attachment.**
- 2. Amend the 2022-2023 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of January 2023. The Council adopted 2022-2023 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report forecast a budget surplus position of \$27,041 as at the end of January 2023. This is outlined in the table below.

Monthly Budget Review Summary

Original Budget as at 1 July 2022	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Shortfall	(\$102,411)
August Review	Balanced	\$0
September Review	Surplus	\$136,452
October Review	Balanced	\$0
November Review	Shortfall	(\$7,000)
January Review	Balanced	\$0
Forecast Budget Position for 30 June 2023	Surplus	\$27,041

Discussion

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2022-2023 budget position along with the proposed movement of funds to accommodate any changes.

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

January 2023 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2023" on page 3 of this report. Further details on individual transactions are provided in Attachment "January 2023 Budget Review".

Grants and Contributions totalling \$3,475k were recognised during the month of January. These include funding received for the Glasshouse Gallery Lighting Upgrade (\$239k), Pembroke Road (\$522k), Airport Security Screening (\$231k) and March 2021 Flood Recovery Works (\$2,353k).

A resolution of a past Council meeting on 8 December 2022 resulted in a budget adjustment for land acquisition at Tuffins Lane (\$1,375k).

Budget Variance Requests were approved by Executive during the month for Town Beach Amphitheatre (\$100k) and the Carbon Credits Buy Out Project (\$179k).

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

Forecast Budget Statement for the Year Ended 30 June 2023

	2022-23 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	2022-23 Full Year Forecast '\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	110,829		0	110,829		110,829
User Charges and Fees	41,032		0	41,032		41,032
Interest Received	5,499		0	5,499		5,499
Grants and Contributions	88,478	6,388	5,496	100,362	3,475	103,837
Other Operating Receipts	6,084		21	6,105	10	6,115
Expenses from continuing operations						
Employee Costs	(57,410)		(123)	(57,533)		(57,533)
Materials and Contracts	(53,468)	(1,198)	(3,275)	(57,941)	(2,581)	(60,522)
Depreciation	(50,753)		0	(50,753)		(50,753)
Interest Paid	(1,327)		0	(1,327)		(1,327)
Other Operating Payments	(16,164)		(161)	(16,325)		(16,325)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	69,800	5,190	1,958	76,948	904	77,852
Restricted Asset Movements						
Transfer from Restricted Assets	80,376	11,643	10,002	102,021	1,554	103,575
Transfer to Restricted Assets	(51,104)		(88)	(51,192)		(51,192)
Net Revenues (Used in)/Provided by in Restricted Assets	29,272	11,643	9,914	50,829	1,554	52,383
Property, Plant and Equipment Movements						
Purchase of Assets	(137,628)	(16,833)	(11,845)	(166,306)	(2,458)	(168,764)
Developer Provided Assets	(8,000)		0	(8,000)		(8,000)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(145,628)	(16,833)	(11,845)	(174,306)	(2,458)	(176,764)
Financing Activities Movements						
Proceeds from Borrowings and Advances	4,300			4,300		4,300
Repayments of Borrowings and Advances	(11,497)			(11,497)		(11,497)
Net Revenues (Used in)/Provided by Financing Activity	(7,197)	0	0	(7,197)	0	(7,197)
Net Result (Incl Depreciation)	(53,753)	0	27	(53,726)	0	(53,726)
Add Back: Non Cash Items	53,753		0	53,753		53,753
Budget Surplus/(Shortfall)	0	0	27	27	0	27

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

Options

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

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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


Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report result in the budget position surplus of \$27,041.

Statement by Responsible Accounting Officer

"The adopted original budget result for 2022-2023 was a balanced budget. As at 31 January 2023 this position is changed to a budget surplus of \$27,041 and this position is considered acceptable".

Attachments

1.  January 2023 Budget Review

Item: 10.08**Subject: TEMPORARY WASTE FEE WAIVER - 3 FEBRUARY 2023 STORM****Presented by: Community Utilities, Jeffery Sharp**

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION**That Council:**

1. **Waive Council tipping fees (including State Government levies) for Local Government area residents and businesses affected by the storm event on 3 February 2023, until 28 February 2023.**
2. **Provide a free one-off bulky kerbside collection of storm-affected green waste for Local Government area residents and businesses affected by the storm event on 3 February 2023.**
3. **Note the scope of the tipping fee waiver and bulky kerbside green waste collection apply only to properties within the “affected area map” as detailed in this report.**
4. **Note that an application has been made to the NSW EPA for a Waste Levy Exemption for storm-affected waste disposal.**
5. **Note a report will be tabled at the April 2023 Ordinary Council Meeting detailing the full extent of costs waived for this storm event.**

Executive Summary

On 3 February 2023, Port Macquarie experienced an intense storm event causing significant damage to vegetation and infrastructure and resulting in waste scattered throughout the Port Macquarie area.

On 7 February 2023, Councillors were briefed on the situation and canvassed for their in-principle support to waive tipping fees and provide a bulky kerbside green waste collection to affected residents within a designated area as detailed in this report.

This report seeks to obtain formal approval of the tipping fee waiver and the provision of the green waste collection service.

Discussion

On 3 February 2023 at approximately 3pm, Port Macquarie experienced an intense storm event with high winds, heavy rainfall and hail. While only lasting up to 20 minutes, the event caused numerous fallen tree branches, trees being ripped out of the ground and in some cases roofs being torn from buildings. It's reported that over 11,000 homes and businesses lost power.

It's understood the storm did not affect the wider LGA, but rather was focused in a small area of Port Macquarie - the affected area has been mapped which is shown below. This boundary of this area was determined using the recorded incidents of fallen trees on Friday 3 February 2023 and extending this area slightly to account for unreported incidents. A list has been generated from this map showing the affected streets.



As of 8 February 2023, over 70 tonnes of storm-damaged waste has been disposed of at Council's waste facilities, with the majority of this being from Council clean ups. There have also been over 150 reported incidents of fallen trees, with over 40 of these being parks and open spaces still to be inspected. It is expected there will still be a large number of waste, and in particular, green waste to be disposed of.

On 7 February 2023, Councillors were briefed on the situation and canvassed for their in-principle support to waive tipping fees at Kingfisher Waste Transfer Station (WTS) and the Cairncross Waste Management Facility (WMF) until 28 February 2023 and for Council to provide a bulky kerbside green waste collection to affected residents.

In a media release on 7 February 2023, residents were advised about the recovery initiatives being put in place. Residents have been asked that when disposing of storm-affected waste at the Kingfisher WTS or Cairncross WMF to bring proof of their residential address. Waste staff will cross reference this address to the streets in the affected area list to assess eligibility of the tipping fee waiver.

The bulky kerbside green waste collection will be provided after 19 February 2023 to allow residents time to place this waste on the kerbside. Residents will be required to contact customer service to book prior to this date, who will assess their address against the streets in the affected area list to assess eligibility of the service.

It can be expected that the affected area map developed will not encompass absolutely all affected properties. Therefore, some degree of discretion is proposed for assessment.

An application was made on 6 February 2023 to the NSW Environmental Protection Authority (EPA) for a Waste Levy Exemption. In past cases, the NSW EPA only issues these when a Natural Disaster Declaration is made by the NSW Government.

A general ledger number has been set up to record all costs associated with the clean-up effort.

Options

Council may resolve to accept the staff recommendation or resolve in some other manner.

Community Engagement and Internal Consultation

Internal consultation has occurred with:

- Chief Executive Officer
- All Council Directors
- Acting Waste Manager
- Executive Assistant Community Infrastructure
- Senior Arborist

Consultation was held with Councillors on 7 February 2023 to canvas their in-principle support for the initiatives in this report.

Planning and Policy Implications

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

Financial and Economic Implications

FY 2022/23 fees and charges for waste disposal are as follows:

General waste - \$257 / tonne
Green waste - \$67 / tonne

As of 8 February 2023, there has been approximately \$4,700 worth of storm-damaged waste received at Council's waste facilities, being just over 70 tonnes.

Estimations of green waste to collect from private residences from the kerbside collection is 240 tonnes which costs \$16,080 for disposal. Contractors will be engaged to undertake the bulky green waste collection. Costs for this service are unknown at this stage. The amount of waste from Council's parks and reserves is unknown at this stage.

A report will be tabled at the April 2023 Ordinary Council Meeting detailing the full extent of costs waived for this storm event.

Attachments

Nil

Item: 10.09

Subject: INVESTMENTS - DECEMBER 2022

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 31 December 2022 was \$426,999,306.
- Interest for the month of December was \$789,423.
- The year-to-date investment income of \$4,184,810 represents 81% of the total annual investment income budget of \$5,173,100.
- Council's total investment portfolio performance for the financial year to date was 0.46% below the benchmark (1.87% against 2.33%), benchmark being the Bank Bill reference rate as at 31 December 2022.

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

- Council's portfolio has met compliance requirements, however is marginally below benchmarks during the month due to the unexpected aggressive rate hikes undertaken by the RBA. Whilst the 'underperformance' may continue in the short term, it is anticipated that this is temporary.
- Over the past 12 months, the portfolio has returned 1.70% p.a., outperforming bank bills by 0.45% p.a.
- Domestically, the RBA is growing more confident about easing global growth and lower goods price inflation as supply chain disruptions resolve, however the Board notes the balance of risks on Australian wages growth had shifted to the upside. Importantly and perhaps because of these mixed signals - the Board considered a wider range of options for policy at this meeting, including for the first time since interest rates were first increased in May, a pause in the rate rise cycle.
- Council's exposure to institutions that fund fossil fuels is approximately 82% of the total portfolio.
- Port Macquarie-Hastings Council remains amongst the best performing Councils in NSW where deposits are concerned, earning on average, \$1.89m in additional interest income compared to its peers.

Discussion

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

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

Overview

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

Development Activity

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

Water and Sewer

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

Current Investments

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

As at 31 December 2022, the investments held by Council totalled \$426,999,306 and were attributed to the following funds:

General Fund*	188,968,542
Waste Fund	24,116,921
Water Fund	144,671,635
Sewer Fund	67,508,591
Broadwater	1,669,567
Sanctuary Springs	64,050
	426,999,306

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

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

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

It is noted that there is a variance between the total investments held as per this report, (\$426,999,306), and total investments held as per Imperium's attached monthly report (\$427,001,099). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report.

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

Financial institutions funding fossil fuels	Purchases since 01/07/22 (\$)	Purchases since 01/07/22 (%)	Amount invested at 31/12/22 (\$)	Amount invested at 31/12/22 (%)
Yes	31,020,000	55%	346,999,306	82%
No	25,000,000	45%	80,000,000	18%
	56,020,000		426,999,306	

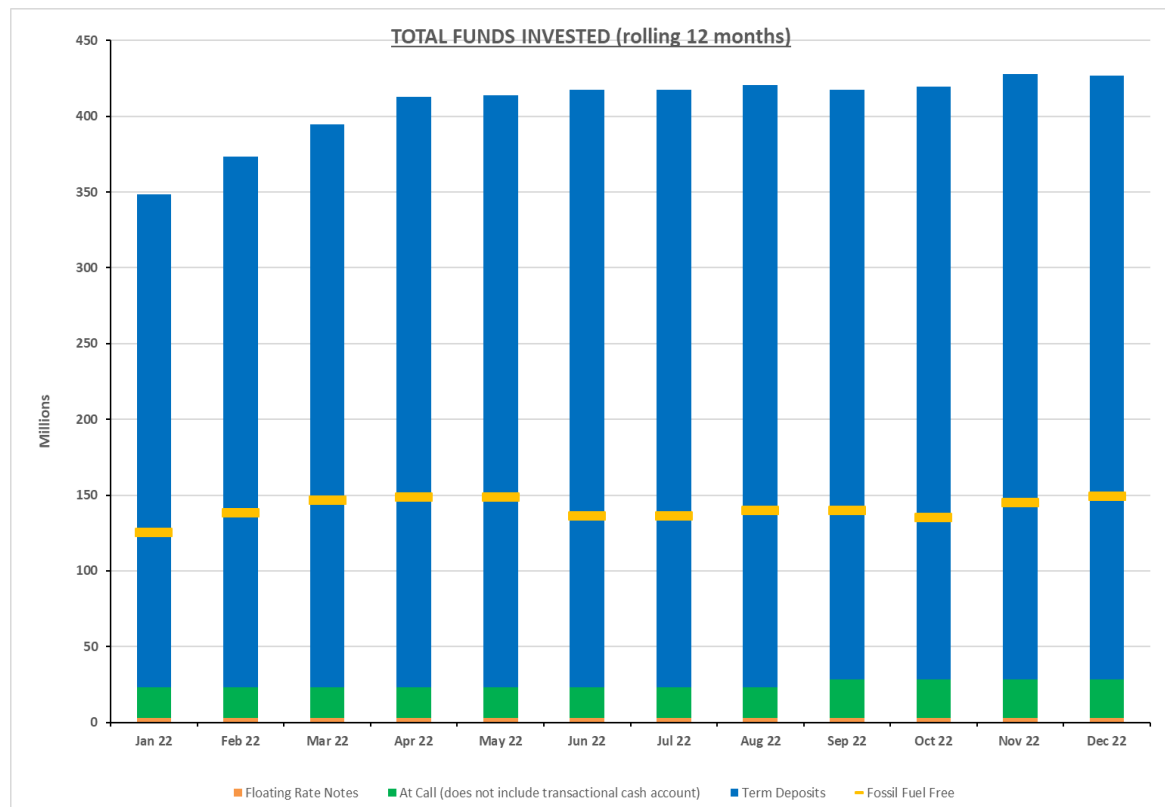
It is noted that Council has recently performed a review of all financial institutions with which investments are held, in relation to the categorisation of whether they fund fossil fuels, against the information reported via the "marketforces.org.au" website. As a result of this review, ICBC has been re-classified to the "Yes" category.

When investing, Council seeks and receives multiple quotes from a range of financial institutions across the different ratings spectrum. In the instance that a bank is not lending to the fossil fuel industry and they are offering the highest rate, and comply with the various Policy risk limits, Council preferences that bank, in accordance with the Investment Policy.

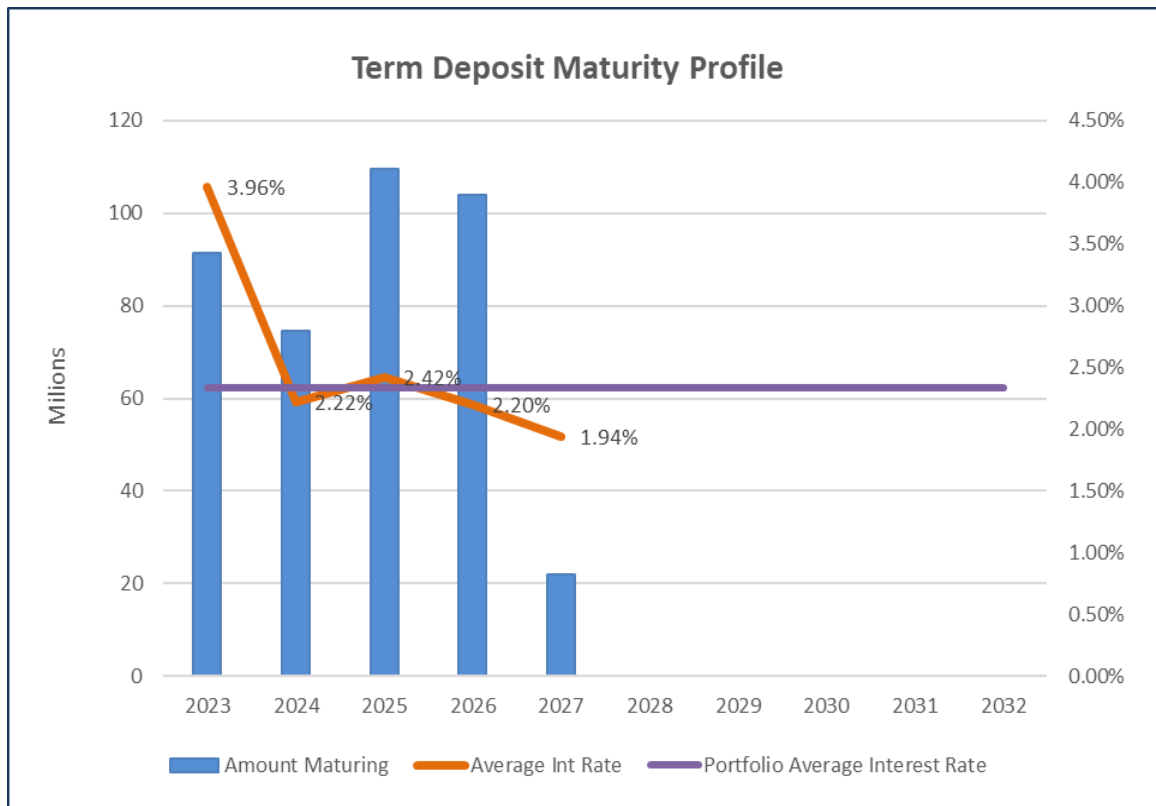
The weighted average yield from investments in institutions funding fossil fuels is currently lower than investments which do not fund fossil fuels, which is reflective of the investment portfolio performance over a period of time, rather than rates attached to individual investments taken out at a point in time.

During the COVID-19 pandemic, and because of the RBA's monetary policy, we were experiencing an 'abnormal' marketplace where the higher rated ADIs, often those lending to the fossil fuel industry, were offering a higher rate than the lower rated ADIs. Pre-pandemic however, Council locked in higher yields with the BBB rated banks given they were generally offering higher rates than the higher rated banks (i.e. a 'normal' market). This is the reason why the "BBB" rated category's current yield is still higher than the higher rated banks - it is largely driven by the investments placed prior to the pandemic. It does not necessarily mean however that an investment taken out today with a "BBB" rated ADI will have the highest rate.

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



The following graph shows the maturity profile of the current investment portfolio, (excluding the cash management account which is at call):



The above profile shows that Council's investment maturities are well balanced across the next 5-year horizon. The average interest rate of those maturities falling in the current year illustrates the impact of longer term investments made in higher rated products prior to the interest rate decline during the COVID-19 pandemic. This has meant that returns have been somewhat protected against falling rates and the portfolio performed strongly in spite of this. From next year on we can see that the average interest rate of maturities falls. This reflects the declining interest rates of the last two years, noting none-the-less that Council protected the portfolio against even lower interest rates than illustrated here by taking advantage of longer term and higher rated products, thereby still maintaining average returns above industry benchmarks. Moving forward it will be important to take advantage of rising interest rates if re-investing maturing investments, whilst also balancing with a level of risk mitigation against a potential recession environment.

Options

This is an information report.

Community Engagement and Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing basis with investments. Council obtains regular updates regarding market activities positions from various institutions.

Planning and Policy Implications

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

Financial and Economic Implications

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

Council's total investment portfolio performance for the financial year to date is 0.46% below the benchmark (1.87% against 2.33%) and year to date income is 81% of the total annual budget.

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

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

Certification

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

Nicole Spencer
Responsible Accounting Officer

Attachments

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

Item: 10.10

Subject: INVESTMENTS - JANUARY 2023

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment Report for the month of January 2023.

Executive Summary

- Total funds invested as at 31 January 2023 was \$416,065,878
- Interest for the month of January was \$786,520.
- The year-to-date investment income of \$4,971,331 represents 96% of the total annual investment income budget of \$5,173,100.
- Council's total investment portfolio performance for the financial year to date was 0.56% below the benchmark (1.90% against 2.46%), benchmark being the Bank Bill reference rate as at 31 January 2023.

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

- Council's portfolio has met compliance requirements, however is marginally below benchmarks during the month due to the unexpected aggressive rate hikes undertaken by the RBA. Whilst the 'underperformance' may continue in the short term, it is anticipated that this is temporary.
- Over the past 12 months, the portfolio has returned 1.74% p.a., outperforming bank bills by 0.22% p.a.
- For now, the RBA continues to signal that it expects to increase interest rates further over the period ahead, with up to 2-3 hikes already largely priced into the market by Q2-Q3 2023, taking the cash rate up to 3.75%. Thereafter, noting the lags in monetary policy, a pause around the end of Q2-Q3 is likely whilst the RBA monitors the economic data.
- Council's exposure to institutions that fund fossil fuels is approximately 83% of the total portfolio.
- Port Macquarie-Hastings Council remains amongst the best performing Councils in NSW where deposits are concerned, earning on average, \$1.89m in additional interest income compared to its peers.

Discussion

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

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

Overview

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

Development Activity

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

Water and Sewer

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

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 January 2023, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 January 2023, the investments held by Council totalled \$416,065,878 and were attributed to the following funds:

General Fund*	184,129,954
Waste Fund	23,499,401
Water Fund	140,967,280
Sewer Fund	65,780,015
Broadwater	1,626,818

Sanctuary Springs	62,410
	416,065,878

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

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

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

It is noted that there is a variance between the total investments held as per this report, (\$416,065,878), and total investments held as per Imperium's attached monthly report (\$416,070,208). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report.

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

Financial institutions funding fossil fuels	Purchases since 01/07/22 (\$)	Purchases since 01/07/22 (%)	Amount invested at 31/01/23 (\$)	Amount invested at 31/01/23 (%)
Yes	31,020,000	55%	342,065,878	83%
No	25,000,000	45%	74,000,000	17%
	56,020,000		416,065,878	

When investing, Council seeks and receives multiple quotes from a range of financial institutions across the different ratings spectrum. In the instance that a bank is not lending to the fossil fuel industry and they are offering the highest rate, and comply with the various Policy risk limits, Council preferences that bank, in accordance with the Investment Policy.

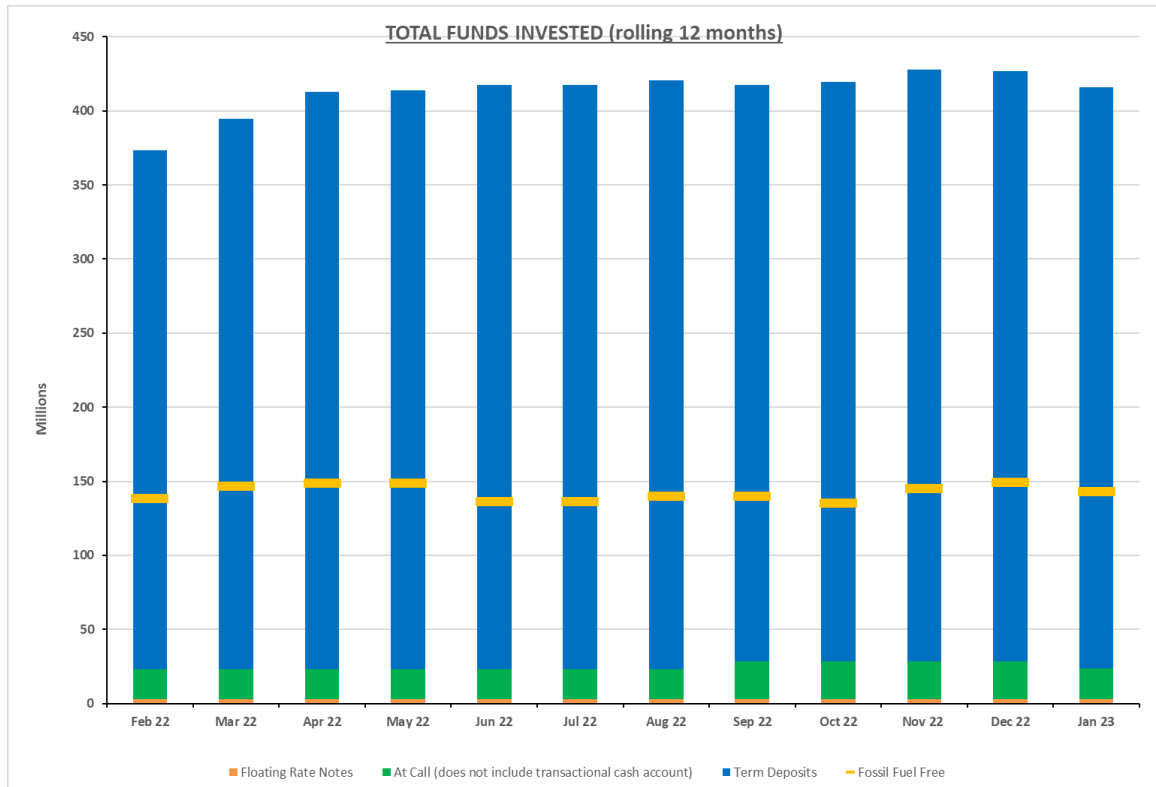
The weighted average yield from investments in institutions funding fossil fuels is currently lower than investments which do not fund fossil fuels, which is reflective of the investment portfolio performance over a period of time, rather than rates attached to individual investments taken out at a point in time.

During the COVID-19 pandemic, and because of the RBA's monetary policy, we were experiencing an 'abnormal' marketplace where the higher rated ADIs, often those lending to the fossil fuel industry, were offering a higher rate than the lower rated ADIs. Pre-pandemic however, Council locked in higher yields with the BBB rated banks given they were generally offering higher rates than the higher rated banks (i.e. a 'normal' market). This is the reason why the "BBB" rated category's current yield is still higher than the higher rated banks - it is largely driven by the investments

placed prior to the pandemic. It does not necessarily mean however that an investment taken out today with a “BBB” rated ADI will have the highest rate.

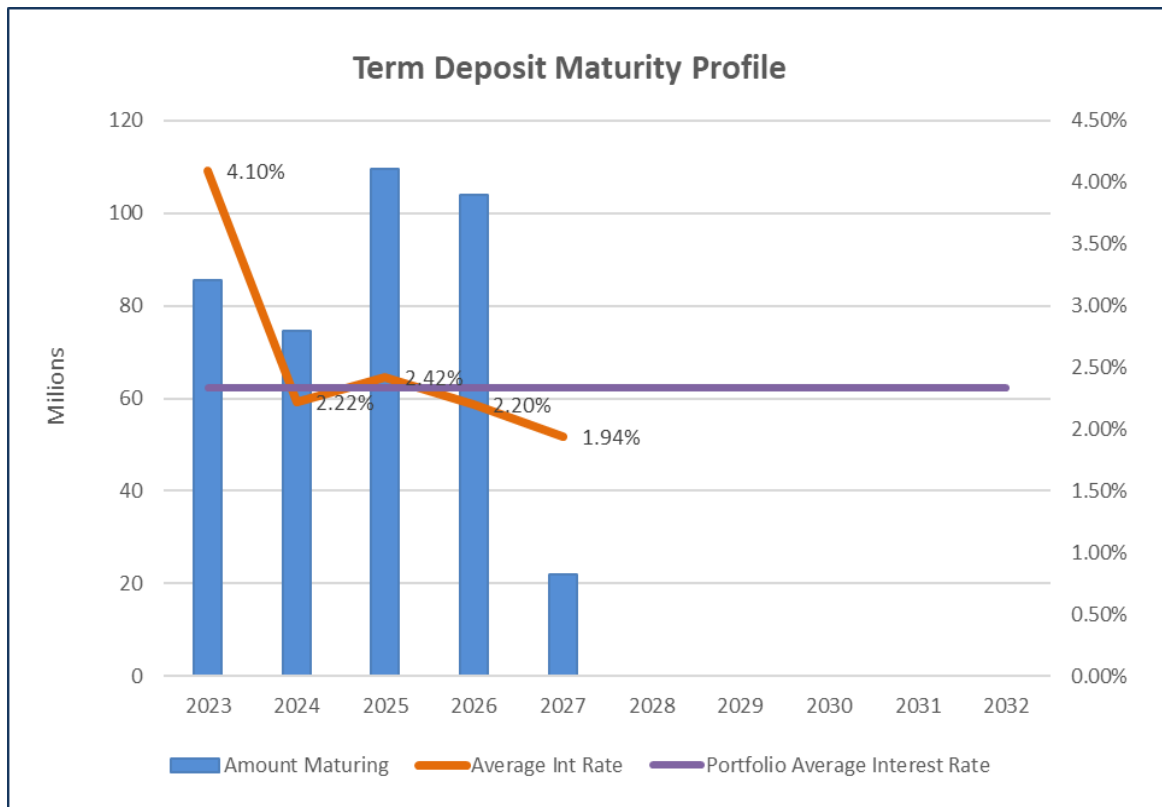
Staff are currently undertaking a broader review in conjunction with Imperium Markets against the information reported via the “marketforces.org.au” website. Commentary on fossil fuel investments is provided by Imperium Markets in the attached Monthly Investment Report (Attachment 1).

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



The value of Council’s investments as at 31 January 2022 was \$11m lower than 31 December 2022 due largely to the timing of maturities at month end - these are expected to be reinvested in early February.

The following graph shows the maturity profile of the current investment portfolio, (excluding the cash management account which is at call):



The above profile shows that Council's investment maturities are well balanced across the next 5-year horizon. The average interest rate of those maturities falling in the current year illustrates the impact of longer term investments made in higher rated products prior to the interest rate decline during the COVID-19 pandemic. This has meant that returns have been somewhat protected against falling rates and the portfolio performed strongly in spite of this. From next year on we can see that the average interest rate of maturities falls. This reflects the declining interest rates of the last two years, noting none-the-less that Council protected the portfolio against even lower interest rates than illustrated here by taking advantage of longer term and higher rated products, thereby still maintaining average returns above industry benchmarks. Moving forward it will be important to take advantage of rising interest rates if re-investing maturing investments, whilst also balancing with a level of risk mitigation against a potential recession environment.

Options

This is an information report.

Community Engagement and Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing basis with investments. Council obtains regular updates regarding market activities positions from various institutions.

Planning and Policy Implications

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

Financial and Economic Implications

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

Council's total investment portfolio performance for the financial year to date is 0.56% below the benchmark (1.90% against 2.46%) and year to date income is 96% of the total annual budget.

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

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

Certification

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

Nicole Spencer
Responsible Accounting Officer

Attachments

1.  Port Macquarie-Hastings Council Investment Report - January 2023
2.  Port Macquarie-Hastings Council Portfolio Valuation - January 2023

Item: 10.11

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

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

This report provides details of the Glasshouse finances for the 2022-23 financial year (as at 31 December 2022), including the updated status of Glasshouse loan balances.

The Report also provides an update on progress achieved against the Actions identified in the Glasshouse Plan 2020 – 2022.

Discussion

Background

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

Accordingly, this report provides details of the Glasshouse finances for the 2022-23 financial year as at 31 December 2022, including the updated status of Glasshouse loan balances, and provides an update on progress against the Actions identified in the Glasshouse Plan 2020 - 2022.

The Glasshouse Plan is due to be reviewed and updated in 2023, in consideration of Council's Cultural Plan 2021 – 2025 (see 2022-23 OP action ref. GH 06.1_AHP 4.4).

Glasshouse Finances

This report and the attached Financial Statement present the financial performance of the Glasshouse Venue for the second quarter of the 2022-23 financial year (1 October 2022 to 31 December 2022) and the financial year to date (1 July 2022 to 31 December 2022). The commentary in this report refers to the operating deficit/shortfall (before interest and depreciation).

Whilst forecasting post-COVID has been challenging, in summary:

- Income is up 7% on budget
- Operating costs are down 8% on budget
- Operating deficit at 31 December 2022 is down 20% (\$241,116) on budget

Income received in the first half of the 2022-23 financial year (1 July 2022 to 31 December 2022) was 7% higher than budget, reflecting strong performance post-COVID.

Operating income at 31 December 2022 (\$1,020,088) has increased by 212% over the corresponding period to 31 December last year (\$327,020) noting the impacts of COVID through 2021.

Operating costs at 31 December 2022 (\$2,014,408) have increased by 37% over the corresponding period to 31 December last year (\$1,464,642) reflecting the increased program of events post-COVID.

The operating deficit for the financial year to date (before interest and depreciation) is a deficit/shortfall of \$994,320 against a budget of \$1,235,436.

Glasshouse Loan Balances

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

The outstanding balance of the borrowings that are repaid through general revenue, as at 31 December 2022, is \$5,250,358. This demonstrates that over \$22.7 million has already been repaid, with loans expected to be repaid by 2027.

Glasshouse Plan 2020 - 2022 Actions

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

Progress achieved against the key outcomes and actions identified in the adopted Plan is summarised in the attached *Update on Glasshouse Plan 2020 – 2022 Actions - February 2023* with some specific outcomes discussed below.

4.7 Cultural performance measure

The following table includes Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 31 December 2022):

Performance Indicator	2019-20 Actual	2020-21 Actual	2021-22 Actual	2022-23 Actual
	Jul-Dec	Jul-Dec	Jul-Dec	Jul-Dec
Visitation (Glasshouse)	141,849	34,863	31,116	87,712
Visitation (Gallery)	22,124	10,343	6,982	16,036
Visitation (VIC)	56,740	N/A	N/A	N/A
Visitation (website)	98,351	35,172	46,070	114,572
Utilisation (%) (theatre)	51%	12%	13%	49%
Utilisation (%) (studio)	52%	15%	14%	32%
Utilisation (%) (meeting rooms)	38%	21%	14%	54%
Average attendance (%) (theatre)	66%	68%	65%	73%
Average attendance (%) (studio)	58%	91%	57%	82%
Number of tickets processed	42,738	5,763	4,274	35,201
Percentage of tickets sold online	45%	13%	41%	59%

The KPI results across visitation and utilisation reflect the increased program of events post-COVID.

In line with the increased program and strong financial performance, the Glasshouse has delivered 225 events in the first half of the 2022-23 financial year (1 July 2022 to 31 December 2022):

- Gallery events - 60
- Glasshouse Theatre Program performances and activities - 21
- Commercial Hire performances - 45
- Commercial Hire events - 72
- Community Hire performances and events - 27

Options

This is an information report.

Community Engagement and Internal Consultation

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

Planning and Policy Implications

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



The Glasshouse Plan is due to be reviewed and updated in 2023, in consideration of Council's Cultural Plan 2021 – 2025 (see 2022-23 OP action ref. GH 06.1_AHP 4.4).

Financial and Economic Implications

The attached Financial Statement provides details of the Glasshouse finances for the 2022-23 financial year (as at 31 December 2022), including the updated status of Glasshouse loan balances.

The first half year has seen activity within the venue return to pre-COVID levels, with income exceeding budget by 7% and operating costs reduced by 8%. This has resulted in the operating deficit at 31 December 2022 being under budget - a position that is \$244,226 better than predicted and a successful mid-year budget result.

Attachments

1.  Glasshouse Financial Statements - December 2022
2.  Update on the Glasshouse Plan 2020 - 2022 Actions - February 2023

Item: 10.12

Subject: GRANT APPLICATIONS BIENNIAL REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Grant Applications Biannual Report, providing an update on grants that Council has applied for or obtained, for the 2022 -2023 financial year.

Executive Summary

Grants from State and Federal Government support the delivery of a range of Council services and infrastructure for our community. This report provides an update on Council's grant applications and outcomes for the period 1 July 2022 to 31 December 2022.

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

In the six-months since 1 July 2022, Council has applied for 56 grants totalling over \$98.5 million, and, to date, has been successful in securing \$4.7 million. Noting that 80% of the applications are awaiting a funding outcome for the reporting period. This equates to more than \$93 million in grant applications with an outcome to be announced. Due to the NSW election cycle we are anticipating an increase in announcements and funding opportunities through-out February and March 2023.

Discussion

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

Activity over the last six months

The Council Grants Register (Attachment 1) details grant applications made, successfully, unsuccessfully, or outcome unknown for the first six-months of the 2022-2023 financial year.

During the reporting period Council has been advised of the success of some of these applications with highlights including:

- \$235,000 Dredging lower Cathie Creek and sand nourishment of Lighthouse Beach, Lake Cathie (NSW Coastal and Estuary);
- \$70,000 Camden Haven Flood Study (NSW Floodplain Management);
- \$1,646,000 Regional Roads Kew, Kendall, Comboyne, Port Macquarie (NSW Block Grant Regional Roads);
- \$286,689 Ocean Drive North Haven relining stormwater culverts (NSW Regional Roads Repair);
- \$479,315 Pothole Repairs (NSW Fixing Local Roads Pothole Repair Fund);
- \$215,000 Koala Roadstrike Management (NSW Koala Recovery Strategy);
- \$300,000 Koala Habitat Mapping (NSW Koala Recovery Strategy); and
- \$76,882 Port Macquarie Airport Security Screening (Australian Government Regional Airports Screening Infrastructure).

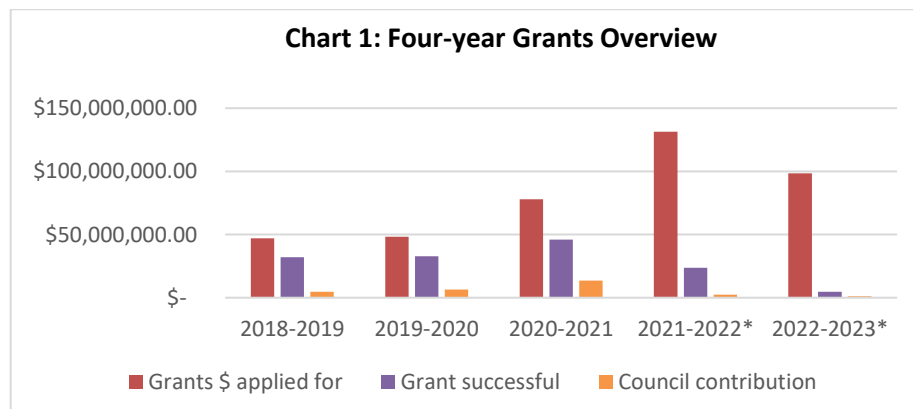
Council staff have invested 805 hours in the preparation of grant applications in the last year.

In terms of supporting community members and groups seeking grants, the PMHC Grant Finder website pmhc.grantguru.com.au provides a free search engine for grants. It has grown from 165 registered users in July, to 190 registered users in December, representing local sporting clubs, community organisations and event managers.

Council also provides land-owner consent and letters of support where appropriate for sporting clubs, event managers and community organisations to facilitate and support these stakeholder's application for their own grants and turn their ideas into reality. Over the six-months, Council provided 28 such letters in support of community-led projects and events.

Broader trend analysis

The following chart (collated from the Grants Register) shows an overview of the last four years and demonstrates a strong increase in grant submissions. It should be noted that there are still \$4.1million in applications from 2021-2022 awaiting an outcome and \$93 million* in applications from 2022-2023 still awaiting an outcome in this reporting period.



Options

This report is submitted for notation only.

Community Engagement and Internal Consultation

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

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

Claims for reimbursement for disaster repair works are also not included in this report.

Planning and Policy Implications

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


Financial and Economic Implications

The only direct economic implications in relation to this report are the staff resources consumed as identified in the Discussion section of this report.

It is noted that if successful in receiving grants, often there is a requirement for Council to provide matched funding. Additionally, further resources are required to not only implement the grant funded project, but also to complete an acquittal at the end of the project term and for many projects, to provide regular progress reports as the grant funds are expended.

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

Attachments

1.  Grants Register 1 July 2022 to 31 December 2022

Item: 10.13

Subject: CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

1.5.2 Use procurement, tendering, purchasing and contract management approaches that are transparent and equitable.

RECOMMENDATION

That Council note the information provided in the Contracts Register.

Executive Summary

Attached is a Contracts Register for the quarter reporting that provides information relating to Contracts that have been awarded under delegation by the Chief Executive Officer.

Discussion

Under section 377 of the *Local Government Act 1993*, a Council may by resolution delegate to the general manager or any other person specific functions. This includes the function to accept tenders as set out in section 178(a) of the *Local Government (General) Regulation 2021* and in accordance with s377(1)(i) of the Act.

Delegated Authority

When a tender process and evaluation is completed, under delegated authority the Chief Executive Officer may accept tenders, with the following exceptions that should be referred to Council:

- The limitation legislated in s377(1)(i) of the Act being the acceptance of tenders required under the Act to be invited by the council.
For example: the acceptance of tenders to provide services currently provided by members of staff of the council.
- A recommendation made under s178(1)(b), s178(3) or s178(4) of the Regulation.
For example: a recommendation to decline tenders and enter into negotiations.
- Any tender for a service or project where cost exceeds the adopted budget limit for that service or project.
- Any tender for a service or project which is not in an approved Operational Plan.

The Project Steering Group, Group Manager, Procurement, the Procurement Sponsor and the Chief Executive Officer will retain discretion to refer to Council for decision any tender:

- which otherwise falls within the Chief Executive Officer's delegated authority;
- which has failed to comply with the critical dates as detailed in the Procurement Calendar;
- which has materially deviated from the approved Procurement and Evaluation Plan;
- that has a significant level of public interest in the service;
- that is contentious in nature; or
- for any other reason described in the tender evaluation report.

A report is tabled on a quarterly basis providing Council with a list of Contracts that have been awarded under delegation by the Chief Executive Officer.

The attached Quarterly Report - Contracts Register - is provided for information purposes.

Options

This is an information report. Council can resolve to request further information.

Community Engagement and Internal Consultation

Internal Consultation

- Chief Executive Officer
- Director Business and Performance
- Group Manager Procurement
- Contracts Manager
- Contracts Officer.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  PMHC GIPA Contracts Register - Council Meeting - February 2023

Item: 10.14

Subject: 2022-2026 DELIVERY PROGRAM AND 2022/23 OPERATIONAL
PLAN - SIX MONTH PROGRESS REPORT JULY TO DECEMBER
2022

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council note the 2022-2026 Delivery Program and 2022 - 2023 Operational Plan Six Month Progress Report July to December 2022.

Executive Summary

Six monthly progress reports on the Delivery Program are a legislated requirement of the NSW Government's Integrated Planning and Reporting Framework.

The progress report allows Council and the community to know what action has been undertaken relative to the objectives contained within the 2022-2026 Delivery Program.

Attachment A provides a Delivery Program Summary that serves as a reference document for Councillors and the community to easily identify outcomes and delivery across the local government area. It provides information on actions, activities and projects and outlines achievements against the set Delivery Program objectives.

Discussion

The Delivery Program outlines the Councillors' commitments to the Port Macquarie-Hastings community during their term of office. Objectives in the Delivery Program represent the outcomes Council aims to achieve and serve as a guide in the development of the annual Operational Plan. The Operational Plan sets out the actions, activities and projects that will be undertaken each financial year to deliver the overall objectives in the Delivery Program and ultimately contribute to achieving the vision and goals outlined in the long term Community Strategic Plan.

In a broad context, the Delivery Program enables Council to deliver the community's aspirations for the future, as described in the *Imagine2050* Community Strategic Plan.

Six monthly reporting allows Council and the community to see the progress made in delivering outcomes to achieve the Delivery Program objectives.

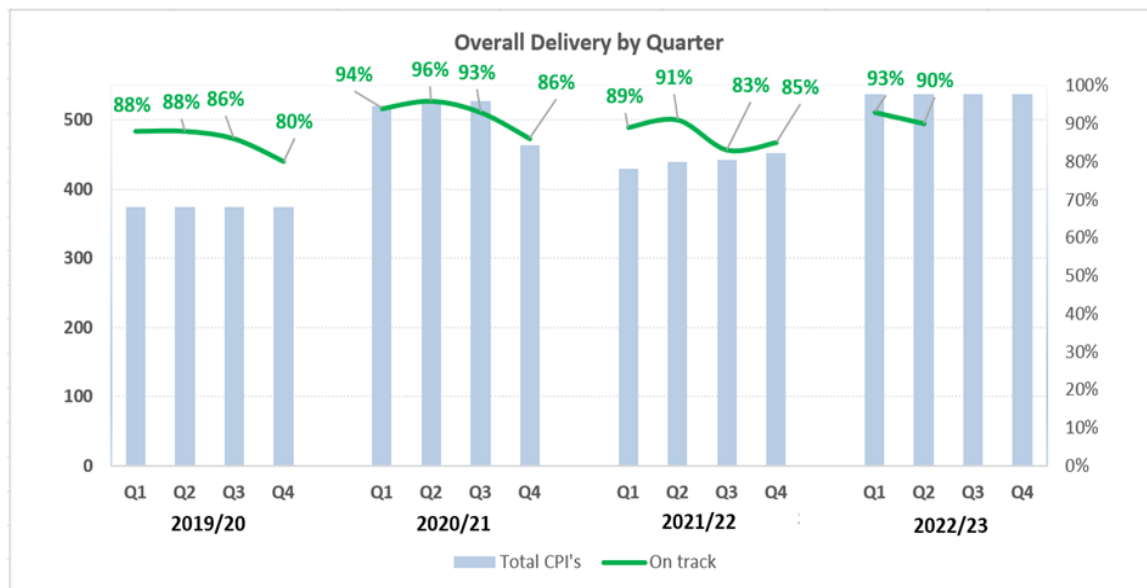
The Delivery Program objectives appear in each of the six Community Themes outlined below:

- Authentic and High Performing
- Connected
- Environmentally Sustainable
- Liveable
- Resilient
- Thriving

The six monthly reporting process focuses on the progress that has been made against actions, activities and projects that have been undertaken by Council as at 31 December 2022. It provides a snapshot of Delivery Program implementation, assessing the first six months of the 2022-2023 Operational Plan.

The 2022-2023 Operational Plan contains a total of 537 actions with 465 actions On Track and an additional 20 actions completed. This equates to an overall delivery of 90% for the reporting period.

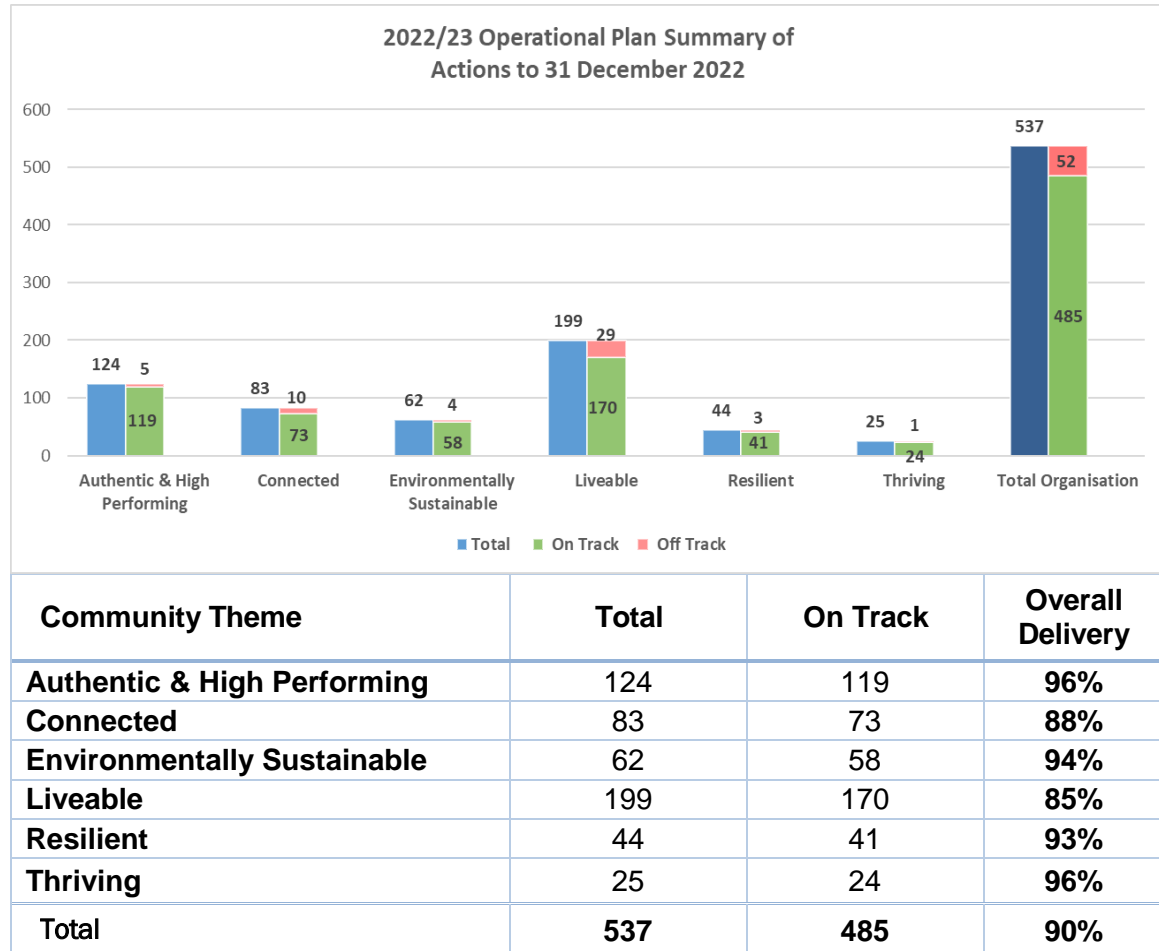
The following graph and accompanying table provide a trend analysis of the total number of Operational Plan actions and percentage of actions identified as On Track by quarter over the previous three reporting years.



Status	Quarter 1		Quarter 2		Quarter 3		Quarter 4	
2019/20 On Track	375	88%	375	88%	375	86%	375	80%
2020/21 On Track	521	94%	527	96%	527	93%	464	86%
2021/22 On Track	430	89%	439	91%	443	83%	453	85%
2022/23 On Track	537	93%	537	90%				

Outcomes against Delivery Program strategies are detailed in Chart 1 below with the accompanying table detailing the total number of Operational Plan actions and their status by theme for the 2022-2023 Operational Plan to 31 December 2022.

Chart 1



Details of progress achieved against each Operational Plan action are provided in the following attachments:

Attachment A - Delivery Program Summary

This new report has been designed as a visual summary for councillors and the community to better depict Council's achievements and progress against the 2022-2026 Delivery Program.

Attachment B - Six Month Progress Report July to December 2022

This report provides full details on all Operational Plan actions with commentary on progress and status for each. It also shows the links to the Community Strategic Plan, Delivery Program Objective and Operational Plan Action that is being delivered.

Attachment C - Six Month Exception Report

This report provides details of all actions that have been identified as Off Track as at 31 December 2022.

There are a number of Actions that have been identified as not progressing in the current Operational Plan as outlined in the Table below:

Service	OP Ref	Action	Period Comments
Airport	AP 04_T 1.3	Undertake asset planning, analysis and reporting activities across the asset management lifecycle for the Port Macquarie Airport in line with the Asset Management Framework and Port Macquarie Airport Master Plan.	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Airport maintenance carried out as required in accordance with regulatory requirements and business needs.
Council & Community Facilities	CCF 02_L 3.2	Undertake Asset Planning, analysis and reporting activities for Community & Council Facilities in line with the Asset Management Framework across the asset management lifecycle including: - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Asset Planning has commenced with an Asset Management steering group established.
Economic Development	ED 12_T 1.3	Port Macquarie Hastings Destination Eco Certification (in conjunction with Ecotourism Australia and local stakeholders)	This Operational Plan action will not be delivered during 2022/23 due to lack of support from National Parks and Wildlife Services for Councils submission.
Glasshouse	GH 03_AHP 4.2	Undertake asset planning, analysis and reporting activities across the asset management lifecycle for the Glasshouse in line with the Asset Management Framework and Glasshouse Asset Management Plan	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Glasshouse equipment and asset maintenance/ refurbishment carried out as required to meet business needs.

Service	OP Ref	Action	Period Comments
Project Delivery	CCF 07_L 3.2	Port Macquarie Community Centre - Design and construction	This Operational Plan cannot be delivered due to resourcing availability within the project management team. This project will be reallocated and proposed for 2023/24 financial year. A project brief and scope will be developed.
Project Delivery	TR 48_C 1.1	Timber Bridge Replacement Program - Bridge 178 Mundays Lane	Due to the timeframes involved in following the legislation planning/ environmental approval pathways, the Timber Bridge replacement program cannot be delivered in the Fixing Country Bridges Program delivery timeframes. Project to be removed from the 2022/23 Operational Plan via a monthly budget adjustment.
Project Delivery	TR 49_C 1.1	Timber Bridge Replacement Program - Bridge 179 Mundays Lane	Due to the timeframes involved in following the legislation planning/ environmental approval pathways, the Timber Bridge replacement program cannot be delivered in the Fixing Country Bridges Program delivery timeframes. Project to be removed from the 2022/23 Operational Plan via a monthly budget adjustment.
Project Delivery	TR 50_C 1.1	Timber Bridge Replacement Program - Bridge 181 Mundays Lane	Due to the timeframes involved in following the legislation planning/ environmental approval pathways, the Timber Bridge replacement program cannot be delivered in the Fixing Country Bridges Program delivery timeframes. Project to be removed from the 2022/23 Operational Plan via a monthly budget adjustment.
Project Delivery	TR 52_C 1.1	Timber Bridge Replacement Program - Old School Road Bridge, Herons Creek	Project to be deferred to outer years as no funding currently exists.

Service	OP Ref	Action	Period Comments
Sewerage	S 03_L 2.2	Undertake Asset Planning, analysis and reporting activities for Sewerage Scheme Assets in line with the Sewerage Scheme Asset Management Framework across the asset management lifecycle including: - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Asset maintenance plans and programs are being developed based on adopted budgets and operational priorities for sewer.
Sewerage	S 37_L 2.2	Camden Haven Sewer Pump Station #9 - Catchment Reline	This Operational Plan action will not be delivered due to supply cost increases. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.
Sewerage	S 38_L 2.2	Port Macquarie Sewer Pump Station #29 - Catchment Reline	This Operational Plan action will not be delivered due to supply cost increases. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.
Sports & Recreation	SR 05_L 3.1	Undertake asset planning, analysis and reporting activities for Sports & Recreation assets across the asset management lifecycle in line with the Asset Management Framework including: - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23.
Sports & Recreation	SR 67_L 3.1	Dunbogan Reserve - Upgrade	Project not progressing at this stage. Council endorsed fund reallocation and will revisit the project in future years.

Service	OP Ref	Action	Period Comments
Stormwater, Drainage & Flooding	SDF 02_L 2.2	Undertake asset planning, analysis and reporting activities for Stormwater assets in line with the Asset Management Framework across the asset management lifecycle including: - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Works to be partly carried over into 2023/24 based on progress with the Stormwater Strategy and the organisational review of asset management practices and plans.
Transport	TR 03_C 1.1	Undertake asset planning, analysis and reporting activities for Transport assets in line with the Asset Management Framework across the asset management lifecycle including: - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. This project is not scheduled to start until Q3 and is planned to be finalised in Q3 of the 2023/24 Operational Plan year.
Transport	TR 92_C 1.1	Kendall Town Centre Master Plan works - Design	Preliminary scoping and project planning for road design has commenced. Funding has no associated income source meaning the project is unable to progress and is recommended for consideration in future Operational Plan development pending priority.

Service	OP Ref	Action	Period Comments
Waste Management	WM 05_ES 2.2	Undertake asset planning, analysis and reporting activities for Waste assets in line with the Asset Management Framework across the asset management lifecycle including: <ul style="list-style-type: none"> - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog 	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Asset maintenance plans and programs are being developed based on adopted budgets and operational priorities for waste.
Waste Management	WM 12_ES 2.2	Cairncross Waste Management Facility (WMF) <ul style="list-style-type: none"> - Waste transfer station extension 	This Operational Plan action is dependent on the Waste Strategy and associated Cairncross Master planning being developed to ensure a strategic design for the entire facility. This project will be deferred into outer year's budget.
Water Supply	WS 04_L 2.2	Undertake asset planning, analysis and reporting activities for water network assets in line with the Asset Management Framework across the asset management lifecycle including: <ul style="list-style-type: none"> - Data analysis to assist planning - Assessments of asset risk, performance and cost - Reporting on asset performance and any asset backlog 	Delivery of this Operational Plan Action is pending development of the Asset Management Framework (refer to OP action AM 12_AHP 4.2), which is currently underway. Current Asset Management plans are out of date and therefore cannot practically be updated for 2022/23. Asset maintenance plans and programs are being developed based on adopted budgets and operational priorities for water.

Service	OP Ref	Action	Period Comments
Water Supply	WS 09_L 2.2	Camden Haven Recycled Water Review	This Operational Plan action will not be delivered due to impacts of limited project management resourcing currently assigned to other priority projects, being the Recycled Water commissioning project to meet Environmental Protection Authority requirements. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.
Water Supply	WS 29_L 2.2	Kew (Area 15) Reservoir	This Operational Plan action will not be delivered due to the impacts of limited resourcing. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.
Water Supply	WS 44_L 2.2	Comboyne Water Treatment Plant - Process upgrade	This Operational Plan action will not be delivered due to other higher operational priorities and impacts of limited resourcing. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.
Water Supply	WS 56_L 2.2	Increase capacity at Telegraph Point Clearwater Storage	This Operational Plan action will not be delivered due to impacts of limited project management resourcing. This project will be deferred out of the 2022/23 Operational Plan via the Quarterly Budget Review in the coming months.

Options

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

Community Engagement and Internal Consultation

Internal consultation was undertaken with:

- Chief Executive Officer, Directors, Executive and Group Managers;
- All staff reporting against the 2022/23 Operational Plan;
- Business Performance Analyst (Corporate Reporting);
- Planning and Reporting Development Officer;
- Planning and Reporting Officer.




Planning and Policy Implications

This report complies with the statutory obligations contained within Local Government Act and is in line with the requirements of the NSW Integrated Planning and Reporting Framework.

Financial and Economic Implications

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

Attachments

1.  Attachment A: Delivery Program Summary
2.  Attachment B: Six Month Progress Report July to December 2022
3.  Attachment C: Six Month Exception Report

Item: 10.15

Subject: LOCAL STRATEGIC PLANNING STATEMENT - ANNUAL UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the progress of actions identified in Council's Local Strategic Planning Statement (LSPS) - *Shaping our Future 2040*.
2. Note that the LSPS is to be reviewed to ensure alignment with Council's Community Strategic Plan (*Imagine 2050*) and the revised North Coast Regional Plan which were adopted in 2022.
3. Note that the review will also seek to assign actions which support the implementation of the planning priorities and principles identified in the LSPS, to the appropriate Council strategy(s) and supporting action plan(s).

Executive Summary

Shaping Our Future 2040 is Council's Local Strategic Planning Statement which sets out:

- the 20-year vision for land use in the local area;
- the shared community values that are to be maintained and enhanced;
- how development and change will be managed in the future and
- the special values and characteristics which contribute to local identity.

Shaping Our Future 2040 was adopted by Council on September 30, 2020 and subsequently published on the NSW Government's Planning Portal as required by section 3.9 of the Environmental Planning and Assessment Act, 1979.

The purpose of this report is to:

- provide a status update on the progress of the implementation of the actions as identified within the LSPS;
- outline the role that the LSPS will take in informing strategies and action plans within Council's Draft Strategic Framework
- Identify steps to be taken to ensure there is alignment of the LSPS with Council's Community Strategic Plan (*Imagine 2050*) and the North Coast Regional Plan 2041.

Discussion

Shaping Our Future 2040 is the core strategic land-use planning document for the Port Macquarie-Hastings Local Government Area (LGA) which bridges the space between the Community Strategic Plan and the local planning framework; outlines the vision for land-use planning in our local area over the next 20 years and sets the direction for our communities' environmental, social and economic land-use needs.

Additionally, the role of *Shaping Our Future 2040* is to:

- Identify the special characteristics that contribute to local identity and make our area special
- Recognise our shared community values and how they will be maintained or enhanced
- Direct how we manage future change
- Identify and give effect to relevant directions located within the North Coast Regional Plan
- Identify gaps of knowledge where further strategic planning work is needed
- Link Council's strategies and plans to the implementation of the NSW Government's Strategic Plans
- Shape planning controls to facilitate future planning directions

LSPS Implementation Update

It is now 28 months since the LSPS came into effect. The LSPS details 71 actions across 19 Planning Priorities. The time period for delivery of these actions are spread across the following time periods:

- Immediate: 0 - 2 years (by 2022)
- Short-term: 2 - 5 years (by 2025)
- Medium-term: 5 - 10 years (by 2030)
- Long-term: More than 10 years (by 2040)

Attachment 1 - Shaping Our Future 2040 Implementation Update - details progress against each of the 30 actions identified for immediate (or ongoing) delivery up until the end of December 2022.

Review of the LSPS

As identified in a previous report to the Ordinary Council Meeting of 3 November 2021, Item 12.05, it is intended by Council to review the LSPS following the adoption of Council's new Community Strategic Plan *Imagine 2050* and the adoption of the updated North Coast Regional Plan, to ensure strategic alignment with these key informing documents. It was identified that this review of the LSPS would also incorporate the feedback received from the exhibition period of the draft LSPS as endorsed by Council at the 18 November 2020 Ordinary Council Meeting.

The Community Strategic Plan *Imagine 2050* was adopted by Council in June 2022 and the North Coast Regional Plan 2041 (NCRP 2041) was released by the New South Wales Department of Planning and Environment (DPE) in early December 2022 as shown in Attachment 2.

During 2022, Council made significant progress in the development of its Draft Strategic Framework and leading strategies within that Framework, including the development of a draft Housing Strategy, draft Infrastructure Strategy and draft Regional Integrated Transport Strategy, all firsts for Port Macquarie Hastings Council, as well as a draft Economic Development Strategy, which was not ultimately adopted by Council. Additionally, work has commenced on the development of an Environmental Sustainability Strategy. Staff also foreshadowed in a report to the Ordinary Council Meeting of 15 September 2022 (Item 14.05), the development of a strategy in 2023 for the management of land use across the LGA arising from a review of the Urban Growth Management Strategy (UGMS).

As a result of this strategic planning work (which had not been completed when the LSPS was developed), it is appropriate for the revised LSPS to become a principles-based document which identifies the land use strategic direction and planning priorities for Council. Strategies and actions to address these can then cascade into the relevant Lead Strategies and supporting action plans of Council's Strategic Framework as identified in the table below and the accompanying diagram.

LSPS Theme	Relevant Council Strategy	Notes
Our Environment	Environmental Sustainability Strategy	Strategy name to be confirmed following a Councillor Workshop in Q1 2023
Our Places	Living and Place Strategy	A new strategy which will incorporate Council's approach to Master Planning (in accordance with the PMHC Blueprint) and the provision of a diversity of housing across the LGA in the right locations. The current Urban Growth Management Strategy and draft Housing Strategy is proposed to be superseded by the Living and Place Strategy subject to Council's endorsement
Our Connections	Regional Integrated Transport Strategy	Draft Strategy currently on Public Exhibition
Our Economy	Economic Development Strategy	Strategy has been drafted and is currently under further review prior to further consideration by Council
Enabled by Infrastructure	Infrastructure Strategy	Draft Strategy currently on Public Exhibition



Councils' local strategic planning statement provided key inputs into the newly-released North Coast Regional Plan 2041. Importantly, the proposed strategic structure outlined above is consistent with the NCRP 2041 and in particular the local government narrative for Port Macquarie Hastings (refer pages 108-109 of Attachment 2).

Options

This report is provided for notation only.

Community Engagement and Internal Consultation

This report is an information report and as such no engagement outside of the Strategic Land Use Planning Team has been undertaken as yet.

Planning and Policy Implications

This report identifies the requirement to review Council's Local Strategic Planning Statement *Shaping Our Future 2040* to ensure consistency with Council's Community Strategic Plan (*Imagine 2050*) and the NCRP 2041.

It also foreshadows the development of additional strategies and action plans to support the strategic directions and planning priorities of the LSPS.

Financial and Economic Implications

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

Attachments

1. Attachment 1 - Shaping our Future 2040 Implementation Plan - Update December 2022
2. North Coast Regional Plan 2041 - Port Macquarie Hastings Narrative

Item: 10.16

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

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the Development Activity and Assessment System Performance report for the second quarter of 2022-2023.**
- 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.**

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the October to December 2022-2023 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

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

Discussion

1. Development Activity and Assessment System Performance

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

The monthly average number of Development Applications (DAs) received for the year to date was 91, which is just under the previous year's monthly average of 92. The month of November was particularly busy with 104 DAs received. Whilst anecdotally there are reports in the metropolitan media of the construction and property market softening, this is not reflected in application volumes for Port Macquarie-Hastings. Perhaps the reduction in planning certificates from last year's monthly average of 298 compared to the year to date monthly average of 266 is a lead indicator of a slight softening to come. It will be interesting to see trends over the remainder of the year.

Similar to DAs, Construction Certificates (CCs), Plumbing and Drainage and Roads Act applications received for the year to date compared to the monthly average of the

previous year are on par. Over the quarter, a monthly average of 39 CCs, 89 Plumbing and Drainage and 51 Roads Act applications were received. This is compared to the 2021-2022 monthly average of 40 CCs, 81 Plumbing and Drainage and 49 Roads Act applications.

There has been an increase in building and plumbing inspection numbers over the quarter, with a monthly average for the year to date of 492 inspections, compared to a monthly average of 426 for the previous year.

All in all, it continues to be a very positive sign of confidence in the Port Macquarie-Hastings, with building and construction activity continuing to be strong.

Table 1 - Applications Received and Determined

Applications Received and Determined	2019-20 Monthly Average	2020-21 Monthly Average	2021-22 Monthly Average	2022- 23 TOTAL	2022- 23 Monthly Average	Oct-22	Nov-22	Dec-22
Development Application Received	83	99	92	547	91	68	104	83
Development Application Approved	76	90	86	454	76	65	96	64
Development Application Refused/Withdrawn/Rejected	4	5	2	19	3	6	5	2
DA Modifications Received	13	17	16	118	20	17	18	18
DA Modifications Determined	12	16	15	104	17	12	19	18
Complying Development Certificates Received (Council)	10	9	6	21	4	2	3	6
Complying Development Certificates Determined (Council)	7	5	4	12	2	1	1	2
Complying Development Certificates Determined (Private Certifier)	17	19	27	192	32	46	30	23
Construction Certificates - Building Work Received (Council)	45	48	40	235	39	40	43	22
Construction Certificates - Building Work Determined (Council)	44	43	39	227	38	27	42	38
Construction Certificates - Building Work Determined (Private Certifier)	39	22	30	236	39	29	39	32
Plumbing & Drainage Received	82	95	81	532	89	80	94	77
Plumbing & Drainage Determined	81	87	72	579	97	85	111	85
Subdivision Works Certificates Received	9	8	9	50	8	3	8	6
Subdivision Works Certificates Determined	8	8	7	38	6	6	5	7
Subdivision Certificates Received	9	7	6	42	7	8	12	4
Subdivision Certificates Determined	8	8	7	31	5	8	4	3
Strata Certificates Received	3	1	3	15	3	2	1	2
Strata Certificates Determined	4	1	3	14	2	1	3	0
Roads Act Applications Received	40	55	49	304	51	46	55	34
Roads Act Applications Determined	35	49	45	304	51	53	62	38
Planning Certificates Issued	245	277	293	1593	266	370	335	173
Building Inspections Undertaken	461	456	426	2950	492	483	574	429
Planning Proposals (received)			1	2	0	0	0	0
Building Information Certificates (received)			5	50	8	8	8	4

Application processing data and longer-term trends for the various application types is provided in Table 2. For DAs, monthly gross average processing times for the quarter was 88 days, being greater than the previous year's monthly average of 71 days. The net monthly average was 61 days compared to the previous year's net monthly average of 54 days. These increases are largely due to the continued high volume of applications being received and the backlog of work. Additional factors in increased processing times is considered to be attributed the increasing delays in agency referral comments and the introduction of the NSW Planning portal, which has unfortunately added to the administration effort required to process applications at the lodgement stage in particular.

The monthly net average processing days for works certificates for the year to date was 89 days compared the previous year's monthly average of 74 days. The gross average data for works certificates is considerably greater than the net average due to a number of applications that have been on 'stop the clock' while officers are waiting for necessary information from applicants. Staff are working to improve the lodgement review process to improve the quality of applications being received. The inability to recruit for a vacant development engineering position over the past 12 months is also a factor in increased processing times. Significant improvements have been realised in gross monthly averages for the processing of subdivision certificates, with the gross monthly average for the quarter being 58 days, compared to the monthly average in 2021-2022 being 65 days and the prior year, 94 days.

Table 2 - Application Processing Times

Processing Days	PMHC 2019 - 20 Monthly Average	PMHC 2020 - 21 Monthly Average	PMHC 2021-22 Monthly Average	PMHC 2022-23 Monthly Average	Oct-22	Nov-22	Dec-22
Development Application Net Median Days	37	41	48	54	56	60	69
Development Application Gross Median Days	56	50	61	67	64	71	87
Development Application Net Average Days	42	47	54	61	62	58	71
Development Application Gross Average Days	61	68	71	88	90	96	91
Complying Development Net Average Days	13	21	20	18	0	39	5
Complying Development Gross Average Days	15	25	37	29	0	39	59
Building Construction Certificate Net Average Days	9	14	24	23	15	25	39
Building Construction Certificate Gross Average Days	66	61	72	75	49	83	114
Plumbing and Drainage Net Average Days	18	21	38	43	44	36	60
Plumbing & Drainage Gross Average Days	53	60	83	81	74	70	100
Subdivision Works Certificates Net Average Days	39	73	74	89	129	103	58
Subdivision Works Certificates Gross Average Days	77	99	116	131	142	120	94
Subdivision and Strata Certificates Net Average Days	44	48	45	52	58	87	23
Subdivision and Strata Certificates Gross Average Days	91	94	65	58	64	87	41
Roads Act Net Average Days	13	19	21	28	32	48	39
Roads Act Gross Average Days	39	37	46	50	60	63	65

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

Table 3 below lists DAs that have been determined during the quarter which have included a Clause 4.6 exception to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard. Variations exceeding 10% are considered by the DAP and then referred to Council, if supported, for determination.

Table 3 - Variations to Development Standards

Application	Property	Extent of Variation
DA2022 - 244.1	20 Castle Court, Port Macquarie	10.0%
DA2021 - 952.1	135 Bridge Street, Port Macquarie	5.0%
DA2022 - 184.1	8 Short Street, Port Macquarie	5.3%
DA2022 - 601.1	118 Settlement Point Road, Port Macquarie	7.4%
DA2022 - 627.1	140 Diamond Drive, Port Macquarie	6.0%

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

Options

This is an information report.

Community Engagement and Internal Consultation

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

Planning and Policy Implications

There are no planning or policy impacts.

Financial and Economic Implications

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

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: FERRY OPERATIONS

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the information on ferry patronage and 'left on bank' data provided within the report, including statistics following the implementation of the extended operating hours from mid-2021 of the Hibbard Ferry, which increased by 1.25 hours per day Monday to Friday (6.00am-6.30am and 2.00pm-2.45pm).
2. Continue to monitor ferry patronage.
3. Note that ferry operations cost the Port Macquarie-Hastings community \$824,000 over the 2021/2022 financial year and that key resident concessional fares for ferry services have remained unchanged since 2015/2016.
4. Review fees and charges annually seeking to progressively reduce the operating loss of the ferry operations, commencing from the 2023/2024 financial year via the 2023/2024 fees and charges to be drafted as a part of the Integrated Planning and Reporting suite of documents.
5. Maintain the Hibbard Ferry operating hours that were introduced in 2021 and fund the additional \$30,000 ferry operating expense via an increase in fees and charges from 2023/2024.
6. Increase the period of two-person operation of the Settlement Point Ferry to include the hours of 10.00am-3.00pm Monday to Friday to improve navigation safety and enhance operating efficiency.
7. Trial for a period of two months a one-person operation on Settlement Point Ferry between the hours of 7.00am-7.45am and 5.15pm-6.00pm Monday to Friday as these hours are expected to be manageable with a one-person operation.
8. Note that implementation of parts 6 and 7 of the recommendation will result in a two-person operation of the Settlement Point Ferry between the hours of 7.45am-5.15pm Monday to Friday.
9. Receive a report at the conclusion of the trial period for the purposes of determining whether the amended two-person operating hours should be made permanent.
10. Advocate with Transport for NSW with regard to a contribution for ferry operations to reduce the financial burden of the service on the General Fund of Council.

Executive Summary

Hibbard Ferry operating hours were extended on weekdays from mid-2021. This report provides a summary of vehicle movements and 'left on bank' (LOB) statistics following implementation of these extended hours for ferry operations and options for the funding of the extended hours. These are provided per the resolutions of Council at the May and August 2021 Ordinary Meetings to report back on these items.

Ferrymen Pty Ltd, current contractor for the ferry operations, have provided a report and proposal seeking Council approval to increase its services to a two-person operation on the Settlement Point Ferry to enhance the safety of the service. This follows a review of their current practices, risk assessment, and recommendations provided by Australian Maritime Safety Authority (AMSA). This report advises on options that Council may consider and the associated financial implications.

Ferry operations are at a significant cost to Council, with the operating loss funded via the General Fund. Operating costs are growing as a result of annual cost escalation and service improvements, however fees and charges have not offset this growth in cost. Of note resident concessional fares have remained unchanged since 2015/2016, whilst standard full fee fares have increased periodically. This report provides information on the ferry service cost and recommendations for the review of fees and charges.

Discussion**Background Information**

Multiple reports to Council, a Mayoral Minute and Notice of Motion occurred over the period from December 2020 to August 2021, primarily with regard to the Hibbard Ferry operating hours, ferry utilisation and annual ferry operating costs/loss.

At the 19 May 2021 Ordinary Council Meeting, Council resolved:

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Upon return to service of the Hibbard Ferry, extend the Hibbard Ferry hours of operation to conduct a six-week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes).
6. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) and report these back to a future Council meeting.
7. Note that a permanent increase to the Hibbard Ferry hours of operation to

6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640.

8. Monitor the condition and erosion of the road access to the Hibbard Ferry, north side of Hastings River, and consider the need for bank stabilisation and/or road widening.

As per item 5 of this resolution, a six-week trial to extend the Hibbard Ferry hours of operation began on 15 June 2021 and was due to conclude on 7 August 2021.

During the trial period, a Notice of Motion was tabled at the 4 August 2021 Ordinary Council Meeting, and Council resolved:

That Council:

1. Note the intention of the resolution at Item 12.03 of the 19 May 2021 Ordinary Council Meeting, and extend the hours of operation of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.
2. Fund the extended hours from the Ferry Reserve and reconsider the funding source at the time of the next report on ferry operations.
3. Note that the report to Council on 19 May 2021 indicated that the annualized cost of this option was \$22,400.

Since this resolution of Council, the extended hours of operation of the Hibbard Ferry have remained in place. The additional cost burden of the extended hours has a negative impact on Council's General Fund position by approximately \$30,000 per year. It is noted that the indicated cost (\$22,400) in the resolutions of Council above are for the additional costs under the ferry operations contract, however there are also additional running costs of the ferry for the extended hours of operation (for example: maintenance, fuel and licensing).

Current Service Hours, Standards and Capacity

Settlement Point Ferry operates 24/7, and has a 21 vehicle (car) capacity. Hibbard Ferry operates between 6.00am-9.50am and 2.00pm-6.50pm Monday to Friday, 8.00am - 6.50pm weekends and public holidays. During school holidays the Hibbard Ferry hours are extended to 6.00am-6.50pm Monday to Friday. Hibbard Ferry has a 15 vehicle (car) capacity.

Prior to mid-2021 the Hibbard Ferry operated from 6.30am-9.50am and 2.45pm-6.50pm Monday to Friday, 1.25 hours per day less than the current operating hours. Weekends, public holidays and school holiday periods were per the current operating hours.

The current service standard for vehicles travelling bank to bank is under 23 minutes. This is calculated based on an average loading and transit time of 7.5 minutes per trip. For example, if a car arrived at the bank and just missed the ferry, it would take the ferry approximately 7.5 minutes to cross, then 7.5 minutes to return to the original bank, and load the waiting car to convey it across the river in another 7.5 minutes (totaling 22.5 minutes). This service standard is aimed to be met for 95% of the vehicles transported.

Based on the current service standard, it is considered a queuing delay when the ferry has maximized its load capacity, and a vehicle has been 'left on bank' (LOB) for more than one ferry return. Therefore, a LOB occurrence arises when the ferry

has a full load and more than the ferries capacity remains on bank after loading, with the first car beyond the ferries capacity remaining on bank constituting a queueing delay. While the Settlement Point ferry has a 21 car capacity, often a full load will comprise of caravans, trailers or larger heavy vehicles.

There are a number of factors that can have an impact on the service level including:

- “Peak Hour” in the morning and afternoons
- School day delay for 8am connection with Busways bus service (ferry leaves at specific time for this connection)
- Monthly ticket sales increases cashless transactions
- Traffic incidents
- Ferry slipping
- Mechanical breakdowns
- Flood and other disasters
- Events
- School or public holidays with increased tourist activities
- Local development
- Council operational activities

At times there can be a number of uncontrollable factors that align and can cause queuing delays. These situations are difficult to predict, and are considered normal operational issues that vehicular ferries are subject to. Recorded data has shown these occurrences generally return to normal service standard within 1.5-2 hours.

Ferry Patronage and Vehicles Left on Bank Data and Analysis

Vehicle movement data on weekdays (not holiday periods) for the ferries over the 2021/2022 period is outlined below and in the attachment, and for selected months (February, June, November and December) through 2022 in the attachment. The periods of the data follow from the commencement of the extended operating hours of the Hibbard Ferry, with the data being provided to inform Councillors of the Hibbard Ferry use since those changes came into effect. Also for the awareness of Councillors, the attachment includes a brief summary of ferry usage over the school holiday period from 21 December to 31 December 2022.

Of note from analysis of usage data over the 2021/22 period:

- Of the 64,883 Settlement Point Ferry trips, 31 trips (179 vehicles) recorded more than the ferries capacity LOB, or 0.05% of the total trips. All the above instances were between 11.30am-2.30pm, which for days outside of weekends/holidays there is one operator on the ferry only. 75% of the LOB occurrences were during the months of December and January likely resulting from holiday traffic.
- Uncontrollable factors that contribute to delays are generally resolved within 2hrs.
- Settlement Point Ferry carries on average 3 vehicles per load between 6.00am-6.30am Monday to Friday, and Hibbard Ferry carries 4 vehicles (the extended

morning hours). Prior to mid-2021, 7 vehicles on average were using the Settlement Point Ferry over this period, indicating the extended morning Hibbard Ferry operating hours has moved approximately 4 vehicles per trip from the Settlement Point Ferry to use the Hibbard Ferry. Settlement Point Ferry use has accordingly dropped below 15% on average for this period.

- Settlement Point Ferry carries on average 8 vehicles per load between 2.00pm-2.45pm Monday to Friday, and Hibbard Ferry carries 4 vehicles (the extended afternoon hours). Prior to mid-2021, 12 vehicles on average were using the Settlement Point Ferry over this period, indicating the extended afternoon Hibbard Ferry operating hours has moved approximately 4 vehicles per trip from the Settlement Point Ferry to use the Hibbard Ferry. Settlement Point Ferry use has accordingly dropped below 40% on average for this period.

The intention of the suggested six-week trial in the May 2021 Ordinary Council Meeting report on ferry operations, noting Council resolved to permanently increase the hours at the August 2021 Ordinary Council Meeting, was to improve travelling time for commuters, and reduce the potential for vehicles to be LOB. This followed feedback from community consultation at the time that indicated residents wanted an improved level of service with no additional cost. Data and information on ferry usage provided at the time of the May 2021 report did not provide strong evidence to support the increase in hours.

The data above and attached indicates that there continues to be no evidence based on usage to support the extended operating hours at Hibbard Ferry (6.00am-6.30am and 2.00pm-2.45pm). Capacity exists during those times at the Settlement Point Ferry to service the small number of vehicles using Hibbard Ferry, without experiencing extended wait times.

The primary benefit of the extended Hibbard Ferry hours is for residents in the Riverside Drive area who have a more convenient option to get to their destination, in particular if seeking to travel to the Hibbard area or to the west of Port Macquarie.

Accordingly, Council may wish to further review the hours of operation of the Hibbard Ferry in order to reduce ferry operating costs and to better align the service with usage. Options that Council may wish to consider are outlined within the Options section of this report, including the associated financial impact. This section of the report also outlines options for the ongoing funding of the extended operating hours of the Hibbard Ferry, which has to date had a negative impact on the General Fund of approximately \$30,000 per year.

Settlement Point Ferry Operating Risk - Two-Person Operation Need

Under the Marine Safety (Domestic Commercial Vessel) National Law Act 2012, Schedule 1 Marine Order 503 (Certificate of Survey-National Law) 2018, Council's ferries are classified as a class E1 Vessel, which would normally require two full time operators while the ferries are in operation.

For the ferries to operate, Council must comply with the regulations and be granted a 'Certificate of Survey', which expires every five years. Within the five years, there are conditions that need to be met for the certificate to be renewed on an annual basis. Council has an exemption under the 'Certificate of Survey and Operation' to work with a single operator, which has been the case for over 30 years. A condition of this

is that a 'Safety Management Plan' must be in place for the safe operation of the vessel by the one operator.

Advice was provided in this regard within the report to the May 2021 Ordinary Meeting of Council. At that time Council noted within the resolution that for the Settlement Point Ferry there may be a need to meet maritime safety law. The resolution further noted the opportunity to improve efficiency in loading and travel times via a two-person operation and that this would increase operating costs.

There have been three reportable incidents investigated with regard to the Settlement Point Ferry operation by NSW Maritime, in 2006, 2011 and 2021. All occurred at a time of single person operation and during a period of high ferry and waterway use. The outcome of the 2021 investigation provided three options to address immediate safety concerns:

- 1) Provide a second operator, so sighting of the river on the port and starboard sides complies with regulations.
- 2) Design a way to load large trucks so the 112.5 degree sighting angle on the starboard side by the operator can be maintained.
- 3) Place CCTV camera and screens to assist in the viewing of river traffic while moving north and south.

Council installed CCTV cameras and screens, which resulted in the withdrawal of the defect notice, however CCTV loses clarity over distance and the sighting of small craft close to the ferry around the boat shed on the Settlement Point side remains an issue. The ferry operator has also sought to load heavy vehicles at the rear end of the ferry where possible to provide for the maximum sighting angle.

In response to the 2021 incident, and request by AMSA, Council's contractor Ferrymen Pty Ltd reviewed their operational risk assessment. The report recommended:

'To reduce risks to an acceptable level, we propose Council increases manning levels from one (1) to two (2) during peak periods between 10am–3.00pm Monday to Friday, representing an extra 5hrs per day, or 25hrs per week. This will meet the core compliment outlined in the National Standard for Commercial Vessels for all peak periods.'

The current operating hours for a two-person operation on Settlement Point Ferry are (noting the Hibbard Ferry is a one-person operation at all times when operating, except when the Settlement Point Ferry is out of service):

- 7:00am-10:00am and 3:00pm-6:00pm weekdays.
- 9.00am-5.00pm weekends.

The second operator is employed during peak hours of operation to assist with the increase in vehicular traffic, improving loading and commuting times for passengers, and enhancing ferry navigation safety. The second operator also supports the supervision of school children (approximately 18 - 25 children) who cross at 8am to connect with school buses on Settlement Point Road.

Within the latest tender for the Operational Contract, which commenced July 2020, Council adopted to support an extension of two-person operations to include weekends and the Christmas holiday period.

During two-person operating hours at Settlement Point, the ferry completes a river crossing (including loading and unloading) in approximately 7.5 minutes on average. 2021/2022 data indicates during the period between 10.00am-3.00pm, with only a one-person operation, crossing times increase to approximately 9.8 minutes per trip on average. It should be acknowledged that the introduction of the cashless payment system option has resulted in a minor increase in transit times.

The current manning level of both ferries, other than the five hours between 10.00am-3.00pm weekdays on Settlement Point Ferry, is considered to be sufficient to cover all aspects of the regulations and provide a suitable Safety Management System for the Operational Contract. During the 10.00am-3.00pm period the prevalence of heavy vehicles is higher and waterway use/activity is increased, the two key aspects of the navigational risk. In addition to scanning the river and skippering the vessel, the operator has other duties which include accounting for money, restocking tickets and monitoring ferry patrons.

It is noted that heavy vehicles do not use the Hibbard Ferry as they are unable to be loaded as a result of the ramp angle onto the ferry. The required 112.5 degree sighting angle is therefore able to be maintained by the operator meaning the operating risk is considerably less.

Within the Options section of this report, options are outlined for Council to consider to address the increased risk for the Settlement Point Ferry operation over these hours (10.00am-3.00pm weekdays). This includes a potential brief trial period and outlines the associated costs of extending the two-person operating hours of the Settlement Point Ferry.

The benefits of a two-person operation over increased hours on Settlement Point Ferry include:

- Greater compliance with AMSA National Law (i.e. not reliant on exemption).
- Further address recommendations from reportable incident investigation.
- Acknowledge and support Ferrymen Pty Ltd request.
- Provide additional safety measures for the community and waterway users.
- Improve loading and commuting times.

Options

Within this report there are three aspects of ferry operations that require Council consideration and decision. These are outlined below:

Hibbard Ferry Operating Hours

The additional hours of operation of the Hibbard Ferry (6.00am-6.30am and 2.00pm-2.45pm Monday to Friday) have now been in place for in excess of 18 months. The additional hours increase ferry operating costs by approximately \$30,000 per year. Significant community interest exists with regard to ferry operating hours and fares.

Council may consider the following options:

- Maintain the current operating hours, which have been in place since mid-2021.
- Revert to the previous operating hours that were in place prior to mid-2021, which would see a reduction in operating hours of the Hibbard Ferry of 1.25hrs per day Monday to Friday in the early morning and early afternoon and result in an operating cost saving of \$30,000.
- Alternative operating hours as determined.

This report provides information on ferry patronage since mid-2021 for Council's consideration and recommends Council note this information. An amendment to the Hibbard Ferry operating hours is not included within the recommendation, however based on usage data Council may wish to review the operating hours.

Should the Hibbard Ferry operating hours remain unchanged, Council will need to consider the method of funding the additional \$30,000 in operating costs that resulted from the extension of hours in 2021. At present the General Fund is funding the revised hours and the overall deficit of the ferry operation. No change or opportunity exists to address this status, with the exception of higher user fares. Given the extended operating hours are to the benefit of ferry users, it is recommended that the additional \$30,000 in operating costs be offset by increased fares from the 2023/2024 financial year via the draft Fees and Charges to be included within the Integrated Planning and Reporting suite of documents for 2023/2024.

Settlement Point Two-Person Ferry Operations

Extension of the Settlement Point Ferry two-person operating hours for the 10.00am-3.00pm period is recommended as outlined within the Discussion section of this report. This will address navigational risk and compliance, whilst also enhancing operating efficiency thereby improving the service speed for ferry users.

Alternatively, Council may leave the ferry operator numbers unchanged and continue to monitor hazards and the performance of the ferry operations. Based on the inherent risk that exists this is not recommended.

For the additional 5 hours of operation Monday to Friday recommended, the additional annual cost shall be approximately \$80,000, which will grow annually. The additional cost either needs a funding source or to be offset by increased fees and charges, or reduction in operating costs of other aspects of the ferry service.

A potential reduction to the operating costs to partially offset the \$80,000 increase would be to revert to single person ferry operations over the hours of 7.00am-7.45am and 5.15pm-6.00pm, saving approximately \$24,000. A two-month trial of such an arrangement is recommended in this report.

Supporting this change includes:

- The ferry operations contractor will be able to better manage balancing permanent staff with casual labour and compliance with applicable Award conditions.
- Since 2014/2015, when various ticket options were introduced to reduce individual ticket sales, ticket transactions via the ferry operators has reduced by 50%, thereby resulting in a significant operational improvement. Implementation of two operators prior to 2014/2015 primarily related to expediting the ticket sale process, a need that is now considerably diminished.

- Ferry usage volumes can be managed via a single operator, based on the 2021/2022 average of 6.3 vehicles per southbound trip in the morning for the 7.00am-7.45am period and 6.5 vehicles per northbound trip in the afternoon for the 5.15pm-6.00pm period.
- Ferry usage by heavy vehicles during these hours, which greatly contribute to the navigational risk, is very low. During the morning hours of 7.00am - 7.45am for 2021/2022 only 84 trucks utilised the ferry, meaning one truck crosses every four days on average during this time. An even lower occurrence of heavy vehicles occurs in the 5.15pm-6.00pm period.
- An additional operator is required from 7.45am to assist with the supervision of school children using the ferry to cross at 8am to connect with school buses on Settlement Point Road.

Fees and Charges

Information related to the operating loss of the ferry operations is outlined within the Financial and Economic Implications section of this report, including the impacts of the service level amendment recommendations in this report. Any operating loss of the ferry operations is funded via the General Fund, thereby having a resulting impact on the overall financial position of Council.

Arising from that information, Council has the option to seek to reduce or maintain the existing deficit position over time via review of fees and charges annually, providing a stronger emphasis on a user pays basis for the service. Fees and charges for resident concessional passes for the ferries have remained unchanged since 2015/16. Alternatively, Council may maintain fees and charges at their current level, which will result in the operating loss growing over time as operating costs increase. Such a continued position would have a resulting detrimental impact on other services of Council and is therefore not recommended.

To reduce the operating loss on the ferry service, Council may seek to increase the suite of fares for the ferries. A number of resident concessional fare options exist, including 25 ticket book, weekly, monthly and annual passes, which are significantly discounted from the standard full fare charges and have not changed since 2015/16 as mentioned above. Increasing the resident concessional fares is recommended via the annual review of fees and charges, noting at present each of these fares is a note denomination for simplification of cash handling by the operator. For example, a \$5 increase across all resident concessional fares would realise of the order of \$40,000-\$45,000 of additional income, covering the additional cost of the Hibbard Ferry operating hours.

The standard full fare charges provide the greatest opportunity for additional income generation as they account for the majority of income received. This is outlined within the Financial and Economic Implications section of this report. Increases to these are recommended. For a single trip fare for a car, an increase of \$2 (from \$6 to \$8) would realise approximately \$160,000 of additional income. As part of this, a review of large vehicle fees and charges to ensure they better reflect the space utilised on the ferry should also be considered. For example, a semi-trailer charge is currently \$18, the equivalent of the charge for three vehicles, however a greater area on the ferry deck is used.

Supporting the review of fees and charges is those currently in place at Burns Point Ferry in the Ballina Shire Council LGA. A comparative summary of key fees and charges for 2022/2023 is provided below for those most commonly used. Ballina Shire offer discounts (50%) only to pensioner and health care card holders for the Burns Point Ferry, whereas in the Port Macquarie-Hastings concessional fares are available to all residents.

Fare Type	BSC	PMHC
Motorcycle - Single	\$3	\$2 / \$0.40*
Car/Utilities - Single	\$7	\$6 / \$0.80*
Trucks (small-medium) - Single	\$15.50	\$12 / \$2.40*
Semi-Trailers - Single	\$24.50	\$18 / \$3.20*
Cars/Utilities - Weekly	\$62.50	\$40 / \$10*
Cars/Utilities - Annual	\$387.50	\$1000 / \$350*

*LGA residents only concessional fare.

This report recommends that Council progressively increase fees and charges annually to reduce the current operating loss of the ferry operation service, the approach for which would be based on the information outlined above. If endorsed the revised fees and charges will be included within the draft Fees and Charges as part of the Integrated Planning and Reporting suite of documents to be reported to Council in coming months.

Further to the above, this report recommends that Council explore opportunities for a funding subsidy via Transport for NSW for the ferry operations given the service is one of the few Council operated ferries in NSW. The intention would be to write to Transport to NSW to commence this conversation.

Community Engagement and Internal Consultation

Community engagement was undertaken in early 2021 following the Ordinary Council Meeting of February 2021. The engagement report was attached to the Ferry Operations report to the May 2021 Ordinary Meeting of Council. The intent of the engagement was to better understand:

- Service level expectations of the ferry services
- Satisfaction levels with ferry services
- Issues impacting ferry users

The engagement identified a moderate level of satisfaction with the ferry operation services, with the improvement opportunities primarily relating to cost and wait times. The most commonly recommended ideas related to waiting time were with regard to additional staffing and extended hours of operation of the Hibbard Ferry.

Internal consultation has occurred with:

- Fleet Services Manager
- Group Manager Infrastructure and Recreation Operations
- Director Community Infrastructure
- Executive

Prior to implementing changes to ferry operation staffing needs, consultation with the contractor would need to occur on how to best provide the additional labour. The contractor is in support of the extended hours of two-person operations based on their assessment of risk.

Planning and Policy Implications

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

Financial and Economic Implications

The annual operating loss for the ferries was approximately \$824,000 in 2021/2022, which is funded from General Revenue. Prior reports to Council indicated an annual loss of \$941,400, an average of the previous 5 years. The 2021/2022 loss was lower partially as a result of higher patronage over that year driven by domestic tourism in light of the impacts of COVID-19 restrictions and re-building post March 2021 flooding. For context the village areas along Riverside Drive, Shoreline Drive (and intersecting cul-de-sacs), North Shore Drive and Plomer Road generate approximately \$520,000 in rate revenue annually to the General Fund.

Some amendments to fees and charges came into effect from mid-2022. Primary changes were to the standard full fare (typically day visitors/trips) and standard fares for heavy vehicles. The single-trip standard full fare (cars/utilities) increased from \$5 to \$6. Further increases to resident concessional fares were recommended, but not ultimately resolved by Council.

Council has minimal opportunity to reduce operating expenses as this would largely be only achieved via a reduction in service. Therefore, to improve the financial position of the ferry operation, increased revenue is the main opportunity. Options in this regard are outlined within the Options section of this report.

Of the income received at present, approximately 63% is received from standard full fare purchases (based on the 2021/2022 financial year). Resident concessional fares account for the remainder (37%). Resident concessional fares account for 79% of the vehicle ferry trips however, indicating a perceived inequity in the structure of the fees and charges.

Council must also fund the replacement of ferries, as is the case with any asset of Council. The Hibbard Ferry in particular will require replacement in the near future, of which Council will need to fund. The likely cost of this replacement is of the order of \$5-6 million. Only \$1.7 million is in reserve at present to fund this cost, noting this reserve is also used for the cyclic slipping program of each ferry every 4 years. Without replacement, reliability of the service can be expected to worsen as a result of an ageing asset. Fees and charges should factor in the renewal cost, via the funding of annual depreciation as a minimum, to provide a true reflection of the overall cost to operate the ferry service.

Attachments

1.  Ferry Patronage Data Summary

Item: 11.02

Subject: PORT MACQUARIE-HASTINGS TREE MANAGEMENT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained in this report.**
- 2. Adopt a Tree Management Budget increase of \$620,000 as described in the report for inclusion in the draft 2023/2024 Operational Plan**
- 3. Confirm a \$920,000 per annum budget allocation for Tree Management for inclusion in future budgets as described in the report for inclusion in the draft 2024/2025 Operational Plan and outer years.**

Executive Summary

This report is provided in response to a Council Resolution on 19 May 2022 where Council resolved as follows:

That Council:

- 1. Note a proposed additional budget of \$100,000 has been included in the draft 2022-2023 Operational Plan for management of trees.**
- 2. Note the backlog of 842 tree requests with 53% of those jobs rated in the very high to high risk band.**
- 3. Note information on tree approval requirements has been updated on Council's website.**
- 4. A future report will be presented to Council following the review of the tree function outlining the budget required to fast-track the backlog of work and deliver process improvements identified in the review.**
- 5. Include in report to Council, point 4, consideration of options to reduce risk and provide provisions for residents to prune trees without approval from Council.**

This report is to provide further information in response to resolutions 4 and 5 above.

Discussion

At the Ordinary Council Meeting held on 19 May 2022, Council considered a report on Port Macquarie-Hastings tree management policies and procedures.

In April 2021 Council staff submitted a business case seeking an increase in tree management resources to assist with clearing the backlog of tree maintenance on public land. Following consideration of this business case, an additional \$100,000

was committed each year, for three financial years, commencing FY 2021/2022 and finishing in 2023/2024.

Last financial year (2021/2022), the additional \$100,000 was utilised to engage contractors to complete additional works. This equated to 34 additional Very High and High risk trees (Priority 1 & 2) being actioned.

The cost to engage contractors to undertake works equates to approximately \$475 per hour compared to \$310 per hour when internal resources are utilised. These hourly costs include provision of one truck chipper combination, one Elevated Work Platform (EWP) and four staff. The annual cost of a Council tree worker is approximately \$82,557 (staff salary and on-cost only, plant not included). After analysing the data, it was determined that a better outcome would be achieved if the additional budget was allocated for internal resourcing. Subsequently, Council have now employed an additional tree worker on a two-year contract.

The additional staff member increased efficiencies allowing for the splitting of rostered days off which provides an additional 26 operational days per annum, continuation of productive service during periods of leave where a 3-person team can be operational i.e. 4 weeks' x 4 staff (previously through periods of leave crew would be reduced to 2-person crew and only focusing on ground works), improvements in WH&S, aerial rescue, rotation of duties, fatigue management and allowing for all plant to be onsite with additional plant operator.

As of February 2023, there were **751** tree maintenance tasks, for trees on public land, listed within Council's Tree Management system. A single request can include multiple trees therefore this equates to **1563** actual trees requiring some form of works to be undertaken by Council within the LGA. Note: impacts from the storm event on Friday 3 February 2023 added an estimated 150 individual sites that have some form of works identified from single branch failure to complete tree failure. Some sites have a combination of both failures to multiple trees.

The following table provides a breakdown of the current and projected tree management budget. Current projections show a significant decrease in the recurrent budget from 2024/25 onwards - this will have a significant impact on funding current resources from 2024/25 onwards.

FY 2021/22	Recurrent budget	\$945,716
	Additional funding	<u>\$100,000</u>
	Total	\$1,045,716
FY 2022/23	Recurrent budget	\$661,982
	Additional funding	\$100,000
	First Year - Additional tree maintenance undertaken (2 years only)	<u>\$300,000</u>
	Total	\$1,061,982*

*Note increase between FY 21/22 & 22/23 only equates to \$16,266

Projected budget

FY 2023/24	Recurrent budget	\$661,982**
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Additional funding	\$100,000
Final Year - Additional tree maintenance undertaken (2 years only)	\$300,000
Total	\$1,061,982

**estimated budget + CPI increase based on prior years

FY 2024/25	Recurrent budget	\$661,982**
	Total	\$661,982

**estimated budget + CPI increase based on prior years

Resolution 4

To fast-track clearing the backlog of tree maintenance and removal works across the LGA, significant financial increase is required to the current budget. A number of options have been considered ranging from \$1,640,000 which would see the backlog cleared within 12 months to no change in budget which would lead to a reduction in the current service level and an increase in outstanding tasks.

It is recommended the following option be adopted:

Proposed Option for ongoing funding:

- No additional capital budget increase during 2023/2024 financial year and;
- In 2023/2024 increase the recurrent operational budget by \$620,000 (giving a total of \$920,000 and;
- From 2024/2025 Increase operational budget by a further \$300,000 and continue in the ongoing financial year's budget. This will return the budget to the 2021/22 recurrent budget amount of \$920,000

Total Cost = \$920,000 each year, ongoing

Outcome: Estimate additional 50% reduction in Priority 1 and 2 tree tasks

This budget increase will allow for an increase in operational positions within Council's tree management team, along with essential plant and equipment. The increase in resources will result in changes to workflow by increasing operational capacity from currently 1 crew to 2 crews with the following structure:

- (1 x FTE) Team Leader (roving to scope works and assist with task completion)
- (6 x FTE) Tree Maintenance Team Members - 3 members per crew

The above structure will allow internal staff to schedule newly identified Very High and High Risk (Priority 1 & 2) tree works within appropriate timeframes and implement a cyclic, proactive tree maintenance schedule (Note: current resources only allow for a reactive, risk based program schedule).

Additional tree management budget options are contained within Attachment 1.

Resolution 5

In 1992 Council adopted Tree Preservation Orders, being Public Property Policy and Private Land Policy with the objectives:

- *To protect vegetation and provide for the assessment of the impact of clearing for the reasons of preserving amenity and the ecology of the area of Hastings.*
- *To provide supporting information in relation to Council's Tree Preservation Order in relation to assessment and processing of application for permits under the Order.*

In June 2011, both Tree Preservation Orders were rescinded. Equivalent provisions were incorporated into (then) DCP 2011, and subsequently DCP 2013 to form the framework when assessing private tree removal and pruning applications.

DCP 2013 Chapter 2.6.3 (then) stated;

Development Provisions:

- a) Clause 5.9 (2) of the Local Environmental Plan applies to trees listed in Table 2.6-1 **and any tree** on land that is:
- 3 metres or higher in height, or
 - has a trunk diameter of 100mm measured at 1.0 metre above ground level; or
 - is a mangrove or cycad

Table 2.6-1 referenced Koala Food Trees and categorised them as primary, secondary/supplementary and other browse species.

Certain criteria also allowed for the pruning trees on private lands without approval:

- d) *Removal of dead branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:*
- *Does not alter the canopy of the tree, and*
 - *Does not destroy the aesthetic appearance of the tree canopy; and*
 - *Does not alter the growth structure of the tree, and*
 - *Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees*

In June 2020 amendments were made to DCP 2013 which included legislative criteria surrounding Tree Management - Private Land to which State Environmental Planning Policy SEPP (Vegetation in Non-Rural Areas) 2017 Applies.

Clause 9 of SEPP (Vegetation in Non-Rural Areas) 2017 (then) required Council to declare vegetation that requires a permit for removal in a DCP. The prescribed vegetation only applies to Land Use Zones regulated by Council.

When the DCP 2013 was updated, a typographical error (bold below) was made that infers only trees listed in Table 1: Koala Food Trees, requires Council approval for removal.

Development Provisions, now states:

- a) Prescribed vegetation for the purposes of the SEPP (Vegetation in Non-Rural Areas) 2017 **is any tree identified in Table 1** or is a mangrove or cycad and is:
- 3 metres or higher in height, or
 - has a trunk diameter of 100mm measured at 1.0 metre above ground level, or
 - a hollow bearing tree

As a result of this amendment, Council's Tree Management - Private Land procedure has been revised to inform customers of current legislative requirements under DCP 2013. No approval is required for tree removals unless it meets the above mentioned criteria, or in an area mapped as Littoral Rainforest or Coastal Wetland under the SEPP (Coastal Management) 2018 and subject to a development application.

These changes should be reflected in the DCP and will be with the next DCP review.

On 1 March 2022, SEPP (Vegetation in Non-Rural Areas) 2017 was repealed by the NSW Government and consolidated into the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Options

Council may choose to:

1. Adopt the recommendations as proposed;
2. Seek additional information; or
3. Resolve in some other manner.

Community Engagement and Internal Consultation

Internal engagement has taken place with the following stakeholders:

- Group Manager Community
- Recreation and Facilities Manager
- Parks Management Officer
- Senior Arborist

Planning and Policy Implications

At this time there are no planning or policy implications arising from this report.

Financial and Economic Implications

The level of financial impact will depend on the level of budget commitment Council adopts. These options were discussed in the body of the report and in Attachment 1.

This report recommends as follows:

- No additional capital budget increase during 2023/24 financial year and;
- In 2023/2024 increase the recurrent operational budget by \$620,000 (giving a total of \$920,000 and;

- From 2024/2025 Increase operational budget by a further \$300,000 and continue in the ongoing financial year's budget. This will return the budget to the 2021/2022 recurrent budget amount of \$920,000

Total Cost = \$920,000 each year, ongoing

Outcome: Estimate additional 50% reduction in Priority 1 and 2 tree tasks

Attachments

1.  Tree Management Budget Options

Item: 11.03

Subject: MANAGEMENT OF PUBLIC SPACES POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information contained within this report.

Executive Summary

This report provides information on the implementation of the Management of Public Spaces Policy, as requested by Council at the June 2022 Council Meeting.

Discussion

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

RESOLVED: Intemann/Griffiths

That Council:

1. Adopt the Management of Public Spaces Policy.
2. Rescind the following existing policies:
 - a. A-Frame Sign Policy 2013
 - b. Activities in Public Places Policy 2013
 - c. Alcohol Use on Public Reserves and Beaches Policy 2018
 - d. Commercial Activities on Council-managed Land Policy 2017
 - e. Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018
 - f. Mooring Agreement for Lady Nelson Wharf Policy 2010
 - g. Outdoor Dining Policy 2018
 - h. Parks and Reserves Use Policy 2010
 - i. Port Macquarie Entertainment Precinct Event Use Policy 2018
3. Include in the policy that applicants contact Council staff regarding details of the requirements of applicants and provide specific staff contact.
4. A report be brought to Council within 6 months outlining the success or otherwise this method of dealing with these issues, relative to the stated goals.

This report is in response to Resolution (4) above.

Council previously held nine existing policies for the management of public spaces.

Activities being conducted within our reserves are becoming more diverse with event applications, for example, requiring assessment across a number of sections within Council and under a range of policies. A single event application requesting food

stalls, amplified devices, amusement devices and the serving of alcohol would have previously been relevant to five different policies. The implementation of the Management of Public Spaces Policy captures the varying activities under one policy.

With the repeal of the nine existing policies and implementation of one overarching policy, information updates were made to ensure customers can clearly navigate information on their specific requirements via the Council website.

Council staff requested feedback on the Management of Public Spaces Policy from customers when corresponding with them regarding their applications. Applicants were largely unaware of the policy change.

Existing applicants advised they didn't notice a change as they were aware of the process having been through prior applications. They therefore didn't refer to the website or research the process and just submitted an application as they did previously. New applicants advised they were referring to the information contained on Council's website to understand process relevant to the activity they wish to undertake. The applicants were referencing the available toolkits, guidelines, workflows and advised the information was sufficient to enable them to process an application without having to phone council staff or enquire with customer service.

Prior to the implementation of this policy, customers would regularly become frustrated when staff would direct them to a number of different policies for their one application/activity.

Overall the implementation of an overarching policy has been successful with the customer able to navigate requirements on their own ability through web content.

Community Engagement and Internal Consultation

Community Engagement

Community engagement was undertaken on the draft policy. The policy was placed on 28 days' public exhibition with no submissions received.

Council staff requested feedback on the policy from applicants when corresponding with them regarding their applications.

Internal Consultation

- Group Manager, Community
- Group Manager, Environment & Regulatory Services
- Recreation & Facilities Manager
- Property Coordinator
- Parks Management Officer
- Health & Building Coordinator
- Environmental Health Officer

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 11.04**Subject: PORT MACQUARIE AQUATIC FACILITY****Presented by: Community, Planning and Environment, Melissa Watkins**

Alignment with Delivery Program

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

RECOMMENDATION

That Council endorse option 1 of the staging options and proceed to the next stage of the Port Macquarie Aquatic Facility project through to development application submission.

Executive Summary

At the Ordinary Council meeting held on 20 October 2022, Council resolved as follows:

12.04 PORT MACQUARIE AQUATIC FACILITY

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility report
2. Note that a further report will be presented to Council in February 2023 outlining staging options and impacts to the Business Case
3. Provide an information update to the community on the progress on this project and the next stages.

This report is provided in response to resolution (2) above.

Discussion

A preliminary assessment of staged costs has been completed for the current layout as detailed in the business case report presented to the September 2022 Council meeting. This has determined that it would cost in the order of \$70-\$80million to complete stage 1 of the facility. This assumes that stage 1 includes the outdoor 50m pool, indoor 25m pool, indoor program pool, gym, café, reception, and parking. It is noted that as the 25m pool is located within the main building structure, and the gym is in on the upper storey, it is not practical to remove these items from stage 1 which contributes to the high cost.

The project team has been working with the project consultant, COOP Studios to prepare a new staged layout (Attachment 1) with an updated costs assessment with the objective of substantially reducing the cost of the facility (particularly in stage 1) and allowing for flexible staging options, whilst also seeking to incorporate the key facility elements that were established during consultation phase.

This process has also included the following;

- Completion of flood and stormwater modelling and preparation of a Flood Impact Assessment. This will quantify flood impacts from the development and enable the project team to balance flood mitigation works with developing a more ideal layout.
- Benchmarking against other recent aquatic facility projects, particularly those in regional areas of NSW and SE QLD. This in particular will be key to ensuring we are delivering a facility that meets the needs of our regional community, compared to a highly metropolitan community.
- Determining a compromise between affordability, functionality, quality, and architectural embellishment.

Stage inclusions

Stage 1	<ul style="list-style-type: none"> • 50m outdoor pool (10 lanes with swim wall) • 25m pool (6 lane), with no diving, and potentially no roof/structure if funding does not allow (however roof/structure should be considered for future stage) • 20m indoor program/LTS pool with moveable floor (it is noted that the temperate will be a compromise for these dual usages) • Reception with kiosk attached • Dry fitness component/gym (inclusion will be confirmed by councillors at next approval node) • Associate infrastructure such as admin building, reception, plant rooms, servicing • Full parking for ultimate facility • Associated landscaping
Stage 2 and beyond	<ul style="list-style-type: none"> • Splash pad • Leisure pool • Slide • Roof for 50m pool • Roof/structure for 25m pool (if inadequate funding in stage 1)

Staging Options

Note the following options have been developed to show high level placements of the facilities. Final positioning and sizes will be refined through detailed design layout.

Option 1

Pros:

- 50m pool and slides in prominent location on Gordon Street, good visibility entices patrons to the facility
- Good access to 50m pool for events and carnivals
- Generous open space around 50m pool for events and recreation
- Good connectivity/proximity between outdoor and indoor pools
- Central change rooms hub close to all facilities
- Dry fitness location is easily staged and easily expandable
- Pool plant access remote from public facility entry.

Cons:

- Pool plant access off Gordon Street may require off-street turning capacity

Option 2

Pros:

- 50m pool positioned away from other outdoor leisure pools which may be beneficial for large events and carnivals
- Pool plant access from car park is better able to accommodate turning circle/turning capacity for larger vehicles.

Cons:

- Limited open space around 50m pool for events and recreation
- Upper floor dry fitness provision likely to be costly and difficult to stage
- Plant room access adjacent to public facility entry.

Updated Cost Estimates

An updated cost estimate (Attachment 3) was prepared for the two staging options by MBM on behalf of COOP and Council in order to rationalise the costs of the staging options compared to potential available construction budgets.

	Stage 1	Stage 2
Option 1	\$45,000,000	\$20,000,000
Option 2	\$50,000,000	\$30,000,000

The brief was to develop staging options within achievable budgets pending Council's ability to resource funding. Expected constraints were \$10 million for stage 1 and \$40M for a fully funded facility.

Option 1 - Findings \$45,000,000 including contingency

Option 2 - Findings \$50,000,000 including contingency

Flood Modelling

Northrop Consulting Engineers on behalf of COOP Studio have prepared preliminary flood modelling of both staging options to determine the impact of the proposed options on flood behaviour and adjoining properties (see Attachment 2).

Should the flooding impacts be unacceptable then this could impact the design and feasibility of developing the facility on this site.

Preparation of this modelling was considered using current industry guidelines, the Australian Rainfall and Runoff procedures and the NSW Floodplain Development Manual.

Preliminary modelling showed the subject site, as expected, is inundated by flooding from both overland flow from the local upstream catchment to the north (generally flowing north-east to south-west from Gordon Street), and Wrights Creek (flowing along the southern and western boundaries).

Both staging options have conservatively assumed that both the buildings and pool decks will be excluded from conveying flood water and overland flow. The results are summarised below. The PMHC Flood Policy 2018 is the relevant policy whereby new development must assess the flooding impacts on other properties.

Option 1

Figure A9 shows flood impacts from the local 1% AEP (1 in 100 chance per year exceedance) event which shows an impact of up to 560mm to the east and 58mm on Gordon Street.

Figure A10 shows impacts from Wrights Creek flooding in the 1% AEP (1 in 100 chance per year exceedance), which shows an impact of less than 10mm.

Option 2

Figure B9 shows flood impacts from the local 1% AEP (1 in 100 chance per year exceedance) event which shows an impact of up to 400mm to the east and 35mm on Gordon Street.

Figure B10 shows impacts from Wrights Creek flooding in the 1% AEP (1 in 100 chance per year exceedance), which shows an impact of less than 10mm.

Both staging options will require mitigation options to reduce flood impacts. This is generally limited to the local flooding events where flows are lower.

The preliminary findings and opinion of Northrop Consulting Engineers is that there are options to provide minor amendments to the layout and integration of stormwater inlet and pipe infrastructure to reduce impacts to acceptable levels. These will be explored in the concept design phase through Development Application preparation.

Options

Council may choose to seek further information or resolve in some other manner.

Community Engagement and Internal Consultation

The Recreation, Property, Buildings and other Projects Steering Group reviewed the two proposed staging options with the group endorsing Option 1 as the preferred

plan to proceed with preliminary design subject to concurrence of the community group.

The community group provided feedback that Option 1 is the preferred option.

Planning and Policy Implications

There are a range of planning implications associated with this project, which will be assessed through the development application process. The project will be assessed as a State Significant Infrastructure project by the Joint Regional Planning Panel. Ultimately, the facility will be subject to the statutory approvals process in accordance with the Environmental Planning and Assessment Act 1979.

It is also noted that Council have obligations under the Office of Local Government Capital Expenditure Guidelines. Much of the work done to date has been completed with these guidelines in mind, but it is noted that council is yet to complete a capital expenditure review. Following this, and prior to construction, Council is required to report to the Office of Local Government, and then report quarterly until completion.

Financial and Economic Implications




Council has allocated a funding commitment to undertake the Demand Analysis, Options Assessment, Concept Design, Business Case and prepare the Development Application.

The costs to construct, operate, and maintain the facility will be significant and are currently substantially unfunded. A funding strategy needs to be considered to support the development of this facility. Consideration will also need to be given to including funds in the draft 2023/2024 budget.

External funding will be a key element in funding the construction of the facility, however this is unlikely to substantially fund the project given the high estimated capital cost. Recent experience from other councils in Australia who have sought state and federal funding for proposed pool and aquatic facility projects indicate that it will be difficult to secure more than \$10-15M in combined state and federal grant funding for the project. This reiterates the need for all funding avenues to be explored to ensure the success of the project.

Council will need to consider the costs detailed in the business case report and how these impact Council's long term financial plan. This is considered to be the major constraint and risk item that will affect the project going forward.

Attachments

1.  Staging Options
2.  Staging Options - Flood Impacts
3.  Options Cost Estimate

Item: 11.05

Subject: COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the progress of Council's COVID-19 Recovery and Stimulus Projects as detailed in the report.**
- 2. Note that future updates will be provided via the Grant Applications Biannual Report at the August and February Ordinary Council Meetings.**

Executive Summary

This report provides an update on the COVID-19 Recovery and Stimulus Projects which have been funded by Council and the Federal Government.

The projects focus on a range of economic, social and cultural recovery initiatives to support and stimulate in those areas most impacted by COVID-19. Projects are funded and delivered in the 2020-2021 through to the 2023-2024 financial years from the following streams:

\$1,492,870 was allocated under the Council COVID-19 Relief Reserve Fund to help future-proof the community and support recovery. This included the funded priorities of Council's COVID-19 Recovery Working Group which was active from April-July 2020; and

- Funding has been allocated in four rounds under the Australian Government's Local Roads & Community Infrastructure (LRCI) program.
 - Phase 1: \$1,826,618 (completed)
 - Phase 2: \$3,439,640 (completed)
 - Phase 3: \$3,653,236 (current)
 - Phase 4: \$ unknown (funding nominations open 1 July 2023)

Discussion

At the 16 February 2022 Ordinary Council Meeting, it was resolved as follows:

Item 13.01 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

That Council:

- Note the progress of Council's COVID-19 Recovery and Stimulus Projects as detailed in the report.
- Note a further update report will be provided at the February 2023 Council Meeting.

With 27 of the 28 COVID-19 Relief Reserve projects completed, and all Phase 1 and Phase 2 projects completed it is noted that future reporting will be included in the *Grant Applications Biannual Report* that is presented at the August and February Ordinary Council meetings.

Council COVID-19 Relief Reserve Funded Projects

Attachment 1 provides an overview of progress, with 27 of the 28 of the Council-funded projects completed. The final project *Public Spaces Interpretation Policy and Guidelines* is 90% completed and expected to be finalised in April 2023. Due to efficiencies there has been a \$100k underspend of the \$1,492,870 budget.

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

Completed project highlights include:

- Development of a Laurieton Main Street Master Plan (\$100,000);
- Free public Wi-Fi installed in Laurieton and Wauchope CBDs (\$40,000);
- Wauchope Rotary Youth Hall external repaint (\$40,000); and
- Laurieton new multi-courts netball and basketball (\$115,000).

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

The Australian Government has funded 40 projects in our LGA under this scheme with the aim to boost economic and social recovery. Refer to Attachment 2 for a status report on all 40 projects.

The LRCI Program is a temporary, targeted stimulus measure responding to the serious, ongoing economic impacts of COVID-19. This program extension aims to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Recently completed projects include:

- North Shore road rehabilitation (\$960,000);
- Rainbow Beach Bonny Hills installation of outdoor exercise gym (\$59,640);
- Laurieton Sports Complex Vince Inmon, upgrade toilet amenities, construct linking footpath and storage for sporting groups (\$150,000);
- Log Wharf Telegraph Point construction of new toilet block (\$200,000);

Australian Government Local Roads and Community Infrastructure (LRCI) Phase 4

The Morrison Australian Government had advised that Council would receive a fourth funding allocation of \$1,826,618 on 1 July 2023, with construction completion due by 30 June 2024. However, after the federal election, the Albanese Australian Government advised that the Phase 4 funding allocations will now be determined by a formula.

It is understood that the Government will be drafting the Phase 4 Guidelines and Grant Agreements over the coming months. Nominations for Phase 4 will then open in July 2023 with a funding outcome expected in September 2023. We anticipate that the \$1,826,618 allocation will remain the same, noting that Dr David Gillespie MP, the Federal Member for Lyne, announced as an election commitment during the 2022 Federal election campaign that \$735,000 of the funding would be allocated to the Beach to Beach footpath at Dunbogan, however this is unconfirmed at this stage.

Options

This report is presented for notation only.

Community Engagement and Internal Consultation

Staff delivering projects were consulted in finalising the COVID-19 Recovery and Stimulus Projects Report at Attachment 1 and 2.

Planning and Policy Implications

The current Local Roads and Community Infrastructure funded projects are included in the 2022-2023 Operational Plan. Due to the timing of the fourth round (nominations open July 2023, anticipated funding announcement in September 2023) there will need to be consideration as to whether or not to include the nominated projects in the 2023/2024 Operational Plan after its adoption in June.

Financial and Economic Implications

The current \$3.6M Local Roads and Community Infrastructure Phase 3 funding provides a valuable injection of funds for our local community and economy to support us on the road to recovery. The Phase 4 allocation for 2023/2024 is yet to be determined by the Australian Government.

It is recognised that some projects will attract on-going maintenance costs and renewal, as Council assumes the responsibilities as the asset owner.

Attachments

1.  Attachment 1 - COVID Relief Reserve Fund
2.  Attachment 2 - LRCI Local Roads & Community Infrastructure

Item: 11.06

Subject: RECREATION ACTION PLAN - POST EXHIBITION

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the Recreation Action Plan 2023-2028 for implementation**
- 2. Thank submitters and advise them of the outcome of Council's consideration**
- 3. Proceed to establish a Port Macquarie - Hastings Sports Council to be comprised of sporting groups stakeholders from across the Local Government Area**
- 4. Provide a further report to Council in March 2023 with respect to a draft Terms of Reference for this group for Council's consideration and endorsement before calling for memberships**

Executive Summary

At the Ordinary Council meeting held on 8 December 2022, Council resolved as follows:

That Council:

- 1. Note the information contained in the report**
- 2. Note that a further report detailing the establishment of a Sporting Infrastructure and Priorities Working Group will be presented to the February 2023 Ordinary Council meeting as resolved by Council in October 2022**

This report is providing information on the community engagement on the Recreation Action plan as well as the proposal for the establishment of a Sporting Council.

Discussion

Recreation Action Plan - Public Exhibition

At the Ordinary Council Meeting held on 20 October 2022, Council resolved to place the draft Recreation Action Plan 2023-2028 on public exhibition.

The plan was subsequently placed on public exhibition from 24 October 2022 to 20 November 2022.

The public exhibition period is now complete with the outcomes of the exhibition process discussed below. There is an Engagement Summary Report provided for this exhibition (Attachment 1).

There were a total of 239 visits to Council's Have Your Say engagement website page during the exhibition period.

A total of 10 Have Your Say submissions were received for the draft Plan with 102 downloads of the draft Plan. The feedback received included;

- Requests for additional footpaths to be added to plan
- Implement cycling infrastructure as per Bike Plan
- Coastal Walk to Tacking Point Lighthouse to be completed
- Construct Ocean baths at Oxley Beach
- Improve surfaces of sports fields to reduce closures - underground drainage, reshaping etc.
- Shared pathway needed along Koala Street, particularly to get to Wayne Richards Park.
- Additional seats and BBQ provided a Lake Cathie Foreshore
- BBQ and picnic area at Crestwood Park Recreation Precinct
- Against the Town Beach Amphitheatre

Four formal/written submissions were received via email. Feedback received in these submissions included:

- Resolving the anti-social behaviour occurring in Bellbowrie Reserve, Port Macquarie by changing the use of the reserve from a bike track to a dog exercise area.
- Allocation of land to West Port Macquarie Tennis Club for the expansion of their tennis courts.
- Supportive of accessibility ramp at Lighthouse Beach. Request that multiple outdoor showers be installed and an access path to the Lifeguard tower.
- Community engagement to be undertaken on all 'immediate term period' projects, particularly in regards to any upgrades to Bellbowrie Reserve.

Overall, it is clear that the community appreciate and value our open spaces and recreational facilities. The draft Recreation Action Plan 2023-2028 was well-received, and feedback was constructive for additional inclusions. Active transport links formed the majority of feedback and are currently being considered as part of the Pedestrian Access Mobility Plan, the review of the 2015 Bike Plan and ongoing master planning such as the Town Beach Masterplan. Further actions or priorities may be included in the annual review of the Recreation Action Plan following the review and development of these planning documents.

No amendments were made to the draft Plan following the exhibition period. A copy of the Recreation Action Plan 2023-2028 is included as Attachment 2.

Proposed Establishment of Sporting Infrastructure and Priorities Working Group

In investigating the option of developing a Sporting Infrastructure and Priorities Working Group, Council staff first undertook a review of such groups operating within other NSW Local Government Areas. The following Councils have established some form of sport and recreation advisory group;

Council	Title	Comments
Armidale Regional Council	Sports Council	The Sports Council is the central point of communication between Council and sporting clubs/organisations, aiming to align the strategic plans of local sporting clubs and the community with the development of Council owned/managed infrastructure. There is a fee charged for membership of the Sports Council (\$64 organisations, \$18.50 individuals).
Blacktown City Council	Sport and Recreation Advisory Committee	The purpose of the Sport and Recreation Advisory Committee is to provide strategic advice for the development of sport facilities and programs throughout the city.
City of Ryde	Sport, Recreation and Leisure Working Group	Role of the working group is to advise Council on all matters relating to cycling, sport, and recreation in the City of Ryde.
Kempsey Shire Council	South West Rocks Sport and Recreation Association	South West Rocks Sport and Recreation Association represents the sport and recreation groups of South West Rocks. The group works towards building new and upgrading current facilities in South West Rocks.
MidCoast Council	Sport and Recreation Reference Group Note: Group under review by Council	Role of the reference group is to provide strategic advice to Council on the planning, development and delivery of sport and recreational services in the MidCoast Council local government area.
North Sydney Council	Sport & Recreation Reference Group	This Reference Group assists Council to provide sporting and recreational facilities. Reference group meetings are open to the public. Reports are prepared and voted on.
Parks Shire Council	Sport and Recreation Advisory Committee	EOI advertised in November 2022 for the following; <ul style="list-style-type: none"> • Access and Inclusion Advisory Committee • Community, Liveability and Culture Advisory Committee • Economy, Innovation and Investment Advisory Committee • Sport and Recreation Advisory Committee • Tourism, Destination and Major Events Advisory Committee

		The outcome yet to be presented to council.
Port Stephens	Sport Council	<p>There are 4 sports councils in Port Stephens. These sports councils:</p> <ul style="list-style-type: none"> • assist with strategic planning; • provide education and training to members; • provide a mechanism for community consultation/advice; • promote sport and recreation; • organisation of Sports Development Levy setting and facility bookings; • facility development planning; and • prioritisation and funding of improvements.
Wollongong City Council	Sports and Facilities Reference Group	The Reference Group advises Council about sport in the city. This includes identifying priorities for improving sports facilities, planning new facilities and attracting major sporting events to Wollongong.

In reviewing the terms of reference documents, group charters and committee/group memberships of the above groups, it was clear the focus of most groups was the growth and development of organised sport and the provision of facilities to support this.

To determine the level of interest in a working group, Council staff advertised an Expression of Interest. The advertisement was placed in the Sport Community Newsletter on 20 December 2022 and on social media and LinkedIn on 16 January 2023, expressions of interest were open until 26 January 2023. A total of 20 EOI's were received from the following;

- Nine (9) x General interest community members
- NSW Touch Association
- Port Macquarie Little Athletics Centre
- Port Macquarie Junior Rugby Union Club
- Port Makos Touch
- Port Pirates Rugby Union Club
- Hastings Valley Vikings Rugby Union
- Port Macquarie Rugby Union Club
- Iona Sports Club
- Football Mid North Coast
- NSW Office of Sport
- Hastings District Cricket Community
- Hastings River District Junior Cricket Association (HRDJCA)
- Group 3 Referees Association / Hastings Cricket and Umpires Scorers Association

- Port Macquarie Basketball Association
- Port Macquarie Hastings Hockey Association
- One Councillor

From the EOI process and recent engagement through the review of the Recreation Action Plan it acknowledged that there is a clear desire for people/groups to be a part of an advisory group that can assist Council in planning for future sporting infrastructure and opportunities. It also became apparent from our research that the role of such a group could assist Council in a number of other areas in recreation planning and delivery and that any such group should focus on organised sports rather than all recreation assets such as parks and other passive recreation areas and stakeholders at this stage.

After consideration it is recommended that Council establish a Sports Council that would work with Council staff to provide input into numerous sporting related topics including (but not limited to);

- Consideration of a user pays model for our Sporting Fields and facilities
- Fees and charges
- Allocations of sporting fields
- Asset maintenance
- Area management
- Planning for and prioritising future infrastructure
- Responding to changing needs of existing and new or emerging sports

The group would operate in accordance with a Terms of Reference endorsed by Council.

This report recommends that Council proceed with the establishment of a Port Macquarie-Hastings Sports Council and that a Terms of Reference be developed for further consideration and endorsement of Council.

Options

In respect of the Recreation Action Plan, Council has the option not to adopt the draft Recreation Action Plan 2023-2028 and seek further amendments to the Plan.

With regard to the proposed Sports Council, Council could seek additional options for the Sporting Council or some other group or determine not to proceed with the establishment of the group.

Planning and Policy Implications

The Recreation Action Plan determines the priorities for the planned recreation work for Council. It also assists in sharing Community priorities for active transports including pathways, cycleways and better access to our facilities.

A Sports Council could assist with determining new planning and policy direction in respect of Sporting facilities.

Financial and Economic Implications

Projects identified within the 2023-2028 Recreation Action Plan for delivery in 2022-2023 were included within the adopted 2022-2023 Operational Plan.

Projects identified for delivery from 2023-2024 onward are subject to priority review and budget endorsement through subsequent Operational Plan development, they have been identified in the 10-year Works Program.

The planning and delivery of high-quality recreational and sporting assets is expected to provide a positive economic impact for the Port Macquarie-Hastings LGA by contributing to the area being a great place to live.

The establishment of a Sports Council will require staff resources to manage and provide secretariat support to the meetings with preparation of agendas and reports, attendance at meetings, minutes, etc. The anticipated financial implications will be outlined in the March meeting to Council with the draft Terms of Reference for Council's consideration.

Attachments

1.  Engagement Summary Report
2.  Recreation Action Plan 2023-2028

Item: 11.07

**Subject: DRAFT CHARTER PORT MACQUARIE HASTINGS SPORTING
FUND SUB COMMITTEE**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the updated Charter for the Port Macquarie Hastings Sporting Fund noting the change of committee name and membership.**
- 2. Update Council's sporting fund grant and scholarship guidelines and website in accordance with the revised Charter.**

DISCUSSION

At the 8 December 2022 Ordinary Council meeting

ITEM 11.01 RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING NOVEMBER 2022

Council resolved as follows:

That Council:

1. Adopt the name "Port Macquarie-Hastings Sporting Fund Sub-Committee" in preference to the "Mayor's Sporting Fund Sub-Committee".
2. Endorse the Sub-Committee recommendation that Scott Hodgson receive \$250 for representation in State Rugby.
3. Endorse the Sub-Committee recommendation that Flynn Daly receive \$750 for representation in Australian All Schools Track and Field Championships in Adelaide in December 2022.
4. Accept the resignations of members Sue Reid and Jo-Anne Border.
5. Note the eight (8) applications received for membership to the Sub-Committee and appoint the following applicants:
 - Cathy Walsh
 - Clayton Pickworth
 - Troy Highlands
 - David Barnes
 - Claudia Buckby
 - Simon Thresher
 - Ben Ismay
 - Belinda Gaunt

6. Review the Charter at the next Meeting and update it to reflect the amended membership.

In respect of resolutions 1, 2 and 5 the sub-committee Charter has been updated (Attachment 1). Council is asked to note Claudia Buckby's name was misspelt in the December 2022 Council report and that returning members Nik Lipovac and Richard McGovern are 'community' representatives and not 'business' as previously advised. The associated amendments have been made in the attached Draft Charter and the current sub-committee member appointments are provided below for reference.

Community and Business Representatives

1. Nik Lipovac (community)
2. Richard McGovern (community)
3. Ben Ismay (community)
4. Simon Thresher (community)
5. David Barnes (community)
6. Cathy Walsh (community)
7. Troy Highlands (community)
8. Sarah Thompson (business)
9. Claudia Buckby (business)
10. Clayton Pickworth (business)
11. Belinda Gaunt (business)

Councillors and staff

1. Mayor Peta Pinson (Chairperson)
2. Deputy Mayor Councillor Adam Roberts (Councillor/alternate Chairperson)
3. Director Community, Planning and Environment (responsible Directorate)
4. Group Manager Community
5. Community Inclusion Officer (secretariat service).

Attachments

1.  DRAFT - Charter - Port Macquarie Hastings Sporting Fund

Item: 11.08

Subject: COMMUNITY INCLUSION PLAN - PROGRESS REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.6 Support a range of inclusive community activities and programs.

RECOMMENDATION

That Council:

- 1. Note the progress report, October to December 2022 for the Community Inclusion Plan 2022 - 2025.**
- 2. Endorse a change of reporting frequency on the Community Inclusion Plan from quarterly to annually.**

Executive Summary

The Community Inclusion Plan 2022 - 2025 (CIP) was developed to ensure we have a clear guide which allows us to provide holistic support to create a liveable community that is inclusive, diverse, connected and thriving.

At the 16 June 2022 Ordinary Council Meeting it was resolved that:

That Council:

- 1. Adopt the Community Inclusion Plan 2022 - 2025.**
- 2. Acknowledge the residents who took time to submit their feedback in relation to the draft Community Inclusion Plan and advise them of the outcome of Council's determination.**
- 3. Note that a clear annual Community Inclusion Action Plan will be developed with specific tasks and clear measures which address each of the actions outlined, and reported on to council quarterly."**

This report provides the first progress report for the new CIP for Council's information in accordance with item 3 of the June resolution.

Discussion

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

The CIP sets out our objectives, and proposed plan of action to help develop a socially just, resilient, connected, inclusive, liveable and engaged community - a community that respects the rights of all people and encourages self-determination and equity.

All actions outlined in the CIP come under the below 5 categories.



A connected community

DIAP Guideline Focus Area: Liveable Communities



An accepting Community

DIAP Guideline Focus Area: Attitudes and Behaviours



A liveable community

DIAP Guideline Focus Area: Liveable Communities



A resilient community

DIAP Guideline Focus Area: Systems and Processes



A community leader

DIAP Guideline Focus Area: Employment

An overview of what programs, activities and events have been delivered between October - December 2022 have been summaries in the Community Inclusion Plan Report Card see Attachment 1.

Due to the fluctuation in timing of programs, activities and the deliverables within the CIP, tied to key dates and needs of our community, it is recommended that we change the approach from reporting quarterly and deliver an annual report of all outcomes for the Financial year of all community inclusion outcomes. This is in line with the reporting requirements for the Disability Inclusion Action Plan (DIAP) which forms part of the CIP.

The Community Inclusion team will keep Councillors up to date on what activities they are delivering throughout the community by including activities in the monthly Councillor Newsletter and also send calendar invites of information purposes through the Governance calendar.

Options

Council may accept to note the progress report provided or choose to seek additional information.

Community Engagement and Internal Consultation

There was no consultation required for this report.

Planning and Policy Implications

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

Financial and Economic Implications

The actions with the in the Community Inclusion Plan are funded through the Community Inclusion budget adopted in June 2022 and utilising grant funding were appropriate from our Community Recovery Officers programs.

Attachments

1.  Community Inclusion Plan Quarterly Update

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 13.01

**Subject: NOTICE OF MOTION - SOUTHERN BREAKWALL PROJECT PORT
MACQUARIE**

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

RECOMMENDATION

That Council:

- 1. Note the correspondence from the Acting Chief Executive Officer to the Premier of NSW, the Hon Dominic Perrottet MP, dated 24 November 2022, regarding the Southern Port Macquarie Breakwall Project.**
- 2. Note the response on behalf of the Premier from Mr Mark Taylor MP, Parliamentary Secretary for Infrastructure and Cities, Transport and Roads, dated 18 January 2023 regarding the Southern Port Macquarie Breakwall Project.**

Comments by Mayor

At the Ordinary Council Meeting held on 17 November 2022, Council resolved as follows in relation to

Item 14.07 - Port Macquarie Southern Breakwall:



That Council:

1. Note the information provided in this report.
2. Request the Chief Executive Officer, write to the Hon Premier of New South Wales, Dominic Perrottet, advising of Councils significant concerns in relation to the Port Macquarie Southern Breakwall project, due to the need for further information and to address significant concerns expressed by the community, and request the NSW Government:
 - a. undertake a thorough independent review of the community engagement process and the engineering and arborist reports
 - b. comprehensively address in writing, the numerous questions raised by the Port Macquarie Hastings community, that have been previously provided to the State Member for Port Macquarie, Leslie Williams.
 - c. Request Transport for NSW to urgently provide to council the high resolution multi-beam hydro survey and point cloud-drone survey which was used to produce cross sectional 3d model of the southern breakwall.

In accordance with the above resolution, the Acting Chief Executive Officer wrote to Premier Perrottet via letter dated 24 November 2022 - a copy of the letter is attached for information.

Council has now received a response on behalf of the Premier from Mr Mark Taylor MP, Parliamentary Secretary for Infrastructure and Cities, Transport and Roads via letter dated 18 January 2023 - a copy of the letter is attached for information.

Attachments

1.  Correspondence - Southern Breakwall Project Port Macquarie - Acting CEO Watkins to NSW Premier 2022 11 24
2.  Response - Southern Breakwall Project Port Macquarie - Mark Taylor MP to Acting CEO - 2023 01 18

Item: 13.02

Subject: UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BIENNIAL REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the status of site specific Planning Proposal requests described in this report.**
- 2. Note the NSW Government Planning Reform Action Plan and “Local Environmental Plan (LEP) Making Guideline September 2022”, and Council’s performance responsibilities in respect of processing changes to zoning and planning controls (eg Planning Proposals).**
- 3. Council notify proponents and landowners of its intent to receive further separate individual assessment reports in March 2023 in respect of Planning Proposals that have not progressed from Stage 1, recommending that they be considered based on the information at hand.**
- 4. Note that proponents may submit a new application via the NSW Planning Portal, when all required information is available.**

Executive Summary

The purpose of this report is to provide Council with information on the status of the eight site specific Planning Proposal (PP) requests, including 2 progressed PPs, withdrawal of one PP, discontinuation of one PP, return of one PP, and no substantial change in three long standing requests.

The report also provides information on new guidelines for making Local Environmental Plans (LEPs) as part of the NSW Government’s wide ranging reform of the NSW Planning System. This includes initiatives to support the reduction of planning proposal assessment timeframes and streamline processes.

The report is the latest in Council’s schedule of cyclical update reports (biannual) on Site Specific requests to amend the legislated planning controls (Planning Proposals) on private land. All requests in this category are landowner initiated and all seek uplift in, or changes to zoning and related planning controls and or development standards.

Council previously considered the status of site specific planning proposal requests at the Ordinary Council meeting on 16 June 2022 - Item 14.02 and resolved:

That Council:

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

There are three requests which have not been progressed in the period since June 2022, all of which remain at Stage 1 Pre-Lodgement/LEP amendment of the LEP Making Process under the new “*Local Environmental Plan Making Guideline September 2022*” introduced as part of the government reform agenda.

All proposals in this category predate the new guidelines and there are a range of reasons why the requests have remained at Stage 1, including the need for specialist studies and reports from the proponent justifying the proposal and demonstrating strategic planning merit, and or compliance with the new guideline prior to progressing to Stage 2 of the process. All are also limited by capacity issues at Council’s Wastewater Treatment Plants as outlined in the report to Council in August 2022 (Item 14.04).

Having regard to the long running nature of these requests and relevant issues, as well as their current Status at Stage 1 only of the LEP Making Process, this report recommends that Council notify the proponents of its intent to submit the individual PP requests in separate assessment report/s to the Ordinary Council in March 2023, to be determined on the basis of the information at hand.

Proponent’s may initiate new proposals in the NSW Planning Portal when all information requirements can be satisfied and sewer capacity and servicing issues are resolved.

Background

Council at its meeting on 16 June 2022, considered a report on the status of eight site specific PP requests (Item 14.02) and resolved:

That Council:

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

In addition, at the Ordinary Meeting of Council held on 18 August 2022 (Item 14.04), Council considered a report outlining treatment capacity issues/limitations at the LGA’s five largest Wastewater Treatment Plants (WwTPs), namely:

- Port Macquarie
- Kew/Kendall
- Wauchope
- Lake Cathie/Bonny Hills
- Camden Haven

The report noted the operating status and original design capacity of Council’s Major WwTPs and detailed the findings of a specialist report prepared by the NSW Government’s Public Works Advisory group titled “Sewerage Scheme Load Analysis

and Forecasts Report (August 2020) for Port Macquarie-Hastings Council". The NSW Public Works report reviewed the capacity and operating performance of each of the main sewerage schemes (baselining to 2019 with projections out to 2050), finding in summary that:

- Port Macquarie WwTP is currently operating at or over its original design treatment capacity both hydraulically and biologically. The original design capacity of the plant is 52,000 equivalent persons (EP) with an estimated 55,000EP currently going to the plant.
- Kew / Kendall WwTP is currently at or over its original design treatment capacity, both hydraulically and biologically. The original design capacity of the plant is 1720EP with an estimated 2800EP currently going to the plant.
- Wauchope WwTP is currently at or over its biologic load treatment capacity, however it is still within its hydraulic inflow capacity. The original design capacity of this plant is 8000 EP with an estimated 8700EP currently going to the plant.
- Lake Cathie / Bonny Hills WwTP is currently within its design treatment capacity of 9000EP. Based on projections with current zoned land, the plant is predicted to be at capacity (9000EP) by 2034.
- Camden Haven WwTP is currently within its design treatment capacity of 15,000EP and this is not predicted to be exceeded prior to 2050 based on projections with current zoned land.

After considering the report, Council subsequently resolved as follows:

That Council:

1. Note the capacity issues of the Port Macquarie-Hastings Sewerage Schemes, as outlined in this report.
2. Note that a Process Capacity Review and Optimisation Study for the Port Macquarie Wastewater Treatment Plant has been commissioned.
3. Continue to implement Council's strategic planning program, including
 - a) Complete the higher order strategies that will be used to complement and inform the Blueprint;
 - b) Continue to progress the strategic land use planning actions identified in the Urban Growth Management Strategy – Background and Next Steps
 - c) Continue to progress the 33 Housing Actions, Economic Development Actions and Making It Happen Actions included in the Urban Growth Management Strategy.
 - d) Continue to progress those Planning Proposals reported to Council in Item 14.02 Update On Site Specific Planning Proposal Requests – Biannual Report at the Ordinary Council meeting 16 June 2022;
4. Not proceed past Stage 6 Finalisation Stage of the Planning Proposal process for any existing or new Planning Proposals that will increase the loading to the Port Macquarie, Kew / Kendall and Wauchope Wastewater Treatment Plants until such time as all design work is complete and approvals are in place for the respective upgrades.
5. Request the Chief Executive Officer to investigate additional resources to support Council's strategic planning team in Implementation of the strategic planning program outlined above.
6. Request the Chief Executive Officer to provide a report to Council in November 2022 regarding Council's approach to Planning Proposal Assessment in response to the issues identified above and include in the report, details regarding the following;

- a) How much vacant residential land can be developed under the current zoning(s)
 - b) Based on current (and past) growth, when is this projected to be exhausted
 - c) Reaffirm the trigger points at which rezoning applications could proceed
7. Request the Chief Executive Officer to provide a further report to Council regarding Council's approach to finalising Planning Proposals in the Port Macquarie/Thrumster Sewerage Scheme catchment once the outcomes identified in 2 (above) are known.

This report outlined the significant capacity issues affecting the LGA and these limitations have a very direct impact on the timing of any PP which proposes to rezone additional land that would have an impact on the capacity of the WwTP's. The timing of upgrades to the WwTP's also creates issues for Council in meeting its performance obligations in respect of Planning Proposals under the State Governments Reform Agenda, whereby Council will not be able to hold rezoning requests (PPs) at Stage 6 Finalisation Stage as resolved by Council. This is detailed further below. Accordingly, separate reports are proposed to be provided to Council in March to determine these outstanding PP's based on the information at hand.

Discussion

Planning Reform Action Plan, Local Environmental Plan (LEP) Making Guidelines, and Monitoring of Council Performance

In December 2021, the NSW State Government released new Local Plan Making Guidelines (updated 2022) to support the delivery of an improved planning system, and as part of the State's Planning Reform Action Plan.

The Planning Reform Action Plan is a program of initiatives to unlock productivity in NSW via improvements to the NSW planning system. This includes initiatives to support the reduction of PP assessment timeframes, streamline processes, and reform of the planning system to help unlock productivity in NSW and leave a legacy of great places for our community.

Key new practices intended to streamline and strengthen the quality and assessment of PPs include:

- Planning Proposal categories specified,
- Setting key milestones (stages) in the LEP making process (Stage 1- Stage 6) and;
- Implementation of benchmark timeframes for each stage of the process.

A key objective is to improve the quality of PPs and ensure that all required information is provided upfront to ensure benchmark timeframes are able to be achieved.

The reform for PPs and making of Local Environmental Plans (LEPs) builds on already implemented and wide ranging reforms to the Planning system including:

- Updates to the NSW Planning Portal to improve notifications, tracking, and active management of planning proposals
- Revised Ministerial delegations

- Improved planning proposal assessment reduction targets by 97 days.
- Improvements to map only LEP amendments.
- Revised Ministerial delegations to assist in broadening decision making
- Applying a 'risk based approach' to planning assessment and decision making
- Internal Departmental process changes to standardise and make procedures more efficient.

The majority of the reforms have been designed and implemented with the intent of streamlining the process and fostering opportunities for additional housing across NSW.

The key milestone stages and benchmark timeframes in the LEP Making Process are now as follows:

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway Determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition and Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (DPE Target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

The PPs included in this report that have not progressed past Stage 1 exceed the above benchmark timeframes.

Importantly, the NSW Department of Planning and Environment (DPE) has committed to monitoring the LEP making process and individual council performance in respect of the process as part of implementing planning reforms. The aim being to reduce assessment times, and make it easier to invest in NSW. The Department has a target of achieving a 33% reduction in average planning proposal assessment timeframes measured from referral of a planning proposal for Gateway to finalisation (publication of the amending instrument on the NSW legislation website).

In view of the new LEP Making Guideline, Benchmark timeframes, and to avoid negative Council performance indicators, this report recommends that those PPs that have not progressed since June 2022 be reported to Council in March 2023 for determination by Council based on the information at hand.

With this approach proponents will be notified of Council's intent, and advised that new proposals may be initiated in the NSW Planning Portal when all information requirements can be satisfied.

Status of Site Specific PPs - February 2023

Since the June 2022 Council report progress has been made in the following PP's:

- The PP2011-9.3 (Blackwood Street Extension) has been forwarded to the DPE for finalisation following public exhibition and a submissions report presented to the 8 December 2022 Ordinary Meeting of Council;
- The Mumford Street PP (PP2014-11.1) is expected to be finalised in the coming week following public exhibition and a submission report presented to the 8 December 2022 Ordinary Meeting of Council for finalisation;

One PP has been withdrawn:

- The PP2020-4.1 (Cnr John Oxley and Major Innes Drive/s to allow a Service Station and fast food outlet), and

One PP has been discontinued:

- The PP2019 - 2.1 (Le Clos Planning Proposal) has been discontinued by the Secretary Department of Planning and Environment following a report to Council at the 18 August 2022 Ordinary Council meeting.

Below in Table 1 is an update on all of the Site Specific PP requests reported in June 2022.

Table 1: Status of Site Specific PP Requests (June 2022)

Item No	PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2022	Status February 2023
1.	PP2011-9.3 <i>"Blackwood Street Extension PP"</i> Lodged: 2011 The Proponent wrote to Council. 29/01/21 Council received an amended PP	Part Lot 499 DP1258597 Ruins Way Port Macquarie	Rezone land from RU1 Primary Production to Part R1 General Residential and Part C2 Environmental Conservation.	Yes Stage 1 and 2.	Gateway Determination received on 15/12/21, public exhibition in May/June 2022.	<u>With DPE for finalisation and drafting of LEP instrument as of 6 January 2022.</u> <u>noting:</u> KPOM and other outstanding information received late November 2022, and Final assessment report to Ordinary Council Meeting held on 8 December 2022.
2.	PP2014-10.1 <i>"Mumford Street PP"</i> DA2021-257 Lodged: 16/02/18	No 11 and 33 Mumford Street Port Macquarie	Rezone land from R1 General Residential and Part E2 Environmental Conservation to Business Zone.	Yes Stage 1	Gateway Determination received and amended information required prior to exhibition.	<u>With DPE for final map checking and legal drafting of amending instrument as of 4 January 2022.</u> Completion target - early February 2022.



Item No	PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2022	Status February 2023
3.	PP2017-3.1 Lodged: 21/12/18	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close Sancrox	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes.	Yes Stage 1	Ecological issues with Koala habitat.	<u>Not advanced since 2017 lodgement, and captured by Council's resolution of 18 August 2022 to not proceed with current PPs past Stage 6 Finalisation Stage.</u> Recommend separate report in March 2023 to discontinue, based on inadequate infrastructure, insufficient information to demonstrate strategic merit and justify conversion of rural zoned land at this time having regard for Ministerial Directions and State Environmental Planning Policies. Proponent to initiate new proposal in the NSW Planning Portal when all information requirements can be satisfied.
4.	PP2019-2.1 "Le Clos Sancrox PP" Lodged: 11/12/19	Lots 1-52 DP 776681 Sancrox	Rezone land from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.	Yes Stage 1	PP publicly exhibited for a period of 50 days from 24/11/21-12/01/22. Formal consultation with public authorities / organisations completed.	<u>PP discontinued - by the Minister for Planning and Homes under Section 3.35 of the EP&A Act 1979, and Amended Gateway 19 September 2022. Refer Attachment 3.</u>
5.	PP2020-3.1 "HEP PP" Lodged: 25/05/20	8 Highfields Circuit 3-5 Kulai Place and 9-11 Kingfisher Road Port Macquarie	Mixed-use health and education precinct Rezone land from Part R1 General Residential and Part R2 Low Density Residential to B4 Mixed Use and associated	Yes Stage 1	No change to status. Subject to further progression of Council initiated health and education precinct strategic planning investigations	<u>Not advanced since June 2022.</u> <u>The property has been sold and the developer relocated interstate.</u> Recommend separate report in March 2023 to discontinue, based on no sewer treatment capacity,

Item No	PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2022	Status February 2023
			changes to building height and FSR.			insufficient information to demonstrate strategic merit and justification having regard for Ministerial Directions and State Environmental Planning Policies. Proponent to initiate new proposal in the NSW Planning Portal when all information requirements can be satisfied.
6.	PP2020-4.1 DA2020-851.1 - Lodged: 19/10/20	Lot 1 DP 250402 Lot 2 DP 234501 No 4 Major Innes Road (corner Oxley Drive) Port Macquarie	Proposed Service Station and Drive through take away Rezone land from R1 General Residential to B4 Mixed Use and retain current R1 building height and FSR	Yes Stage 1	Discussions with Proponent in relation to issues associated with land acquisition, road widening, traffic, bushfire, ecological and State agency concerns are being undertaken.	Withdrawn by proponent January 2023.
7.	PP2021-4.1 Lodged: 5/08/2021	Lot 11 DP 1226839 Seaside Drive Lake Cathie (Rainbow Beach)	Rezone land from B4 Mixed Use to R1 General Residential	Yes Stage 1	New - No information received since meeting with Proponent 061021. Issues with Part 3A modification currently with DPE, impacting progress of this PP. Follow up report to be provided to Council.	No change. Recommend separate report in March 2023 to discontinue, based on insufficient information demonstrating strategic merit, and justifying a change in planning controls having regard for Ministerial Directions and State Environmental Planning Policies. Proponent to initiate new proposal in the NSW Planning Portal when all information requirements can be satisfied.
8.	PP2022-2.1 Lodged: 21/04/22	Lot 6 DP 594793, Lots 6 and 7 DP 594792 1175 and 1191 Ocean	Rezone land from RU1 Primary Production to part SP2 Infrastructure (school) and	Yes Stage 1	Issues with sewer capacity to service future development. Follow up report to be	No change. Recommend separate report in March 2023 to discontinue, based on inadequate infrastructure,

Item No	PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2022	Status February 2023
		Drive Bonny Hills	part C2 Environmental Conservation to enable an education establishment,		provided to Council.	insufficient information demonstrating strategic merit and justifying conversion of rural zoned land having regard for Ministerial Directions and State Environmental Planning Policies. Proponent to initiate new proposal in the NSW Planning Portal when all information requirements can be satisfied.

Council has received individual reports on Planning Proposals 1 and 2 above at key stages, and endorsed completion and finalisation in December 2022.

Options

The update on the site specific PPs is for information only. Further reports in relation to the three PPs which have not progressed will be presented to Council in March 2023.

Community Engagement and Internal Consultation

Depending upon the stage of the PP, consultation may have been undertaken between Council staff, proponents, State agencies and the public.

Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), DPE's Local Environmental Plan Making Guideline (which came into effect 15 December 2021) and Council's adopted Community Participation Plan (2019) will occur where a PP is supported by Council and a Gateway determination is received.

Planning and Policy Implications

Council's consideration and assessment of requests for PPs is governed by the EP&A Act, Environmental Planning and Assessment Regulations, various state policies, DPE guidelines (Local Environmental Plan Making Guideline September 2022) and Council Policy.

As of 15 December 2021, all PPs must be prepared having regard to the LEP Making Guideline. All key stakeholders in the LEP making process, including council, proponents, the community, independent planning panels, and the Department are

required to ensure alignment with the changes in the rezoning process and that the key actions and directions are undertaken in accordance with the new Guideline.

Strategic merit is now defined under the LEP Making Guideline. All PPs are expected to align with the NSW strategic planning framework, and closely align with terminology in the EP&A Act.

Section 2 of the LEP Making Guideline details the form, structure and technical requirements to prepare and submit a planning proposal. This information is freely available on the NSW Department of Planning and Environment Website. All planning proposals are to be submitted via the Planning Portal at

<https://www.planningportal.nsw.gov.au/ppr>

PPs will be categorised in a Gateway Determination if granted. Categories are Basic, Standard, Complex and Principal LEP:

Basic – relates to minor LEP amendments generally for administrative, housekeeping, and minor matters of local significance - 46 weeks.

Standard – relates to site-specific LEP amendments seeking a change in planning controls that are consistent with the existing strategic planning framework and reclassification proposals - 70 weeks.

Complex – relates more extensive LEP amendments that may also not be wholly consistent with the existing strategic planning framework and/or are types of LEP amendments not defined as Basic or Standard types of proposals - 88 weeks.

Principal LEP – these comprise comprehensive LEP amendments progressed by council and/or a proposal that seeks to implement multiple housekeeping amendments - 88 weeks.

Under the new guidelines, Council may decide not support a proponent-initiated planning proposal and not submit to the Department for Gateway determination. In the event that Council does not indicate support for the proposal or has failed to indicate its support within 90 or 115 calendar days (depending on the planning proposal category), then a proponent has the opportunity to submit a rezoning review application to the Department that requests an independent planning panel to evaluate and make a recommendation to the Minister on whether a proposal should progress to Gateway determination.

It is noted that a proponents 90-day review period for the PPs reviewed in this report, has lapsed.

Financial and Economic Implications

Council fees consistent with current adopted Fees and Charges (Stage 1 and Stage 2 fees) will apply to each of the PP requests to amend the LEP.

Attachments

Nil

Item: 13.03

**Subject: WAIVER OF WATER SUPPLY DEVELOPMENT CHARGES FOR
GUULABAA TOURISM PRECINCT**

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council waive the water headworks' charges, totalling \$28,550.10, associated with connection to Council's water supply network for the Guulabaa Tourism Precinct.

Executive Summary

The Guulabaa Tourism Precinct is currently under construction on Guulabaa Way, off Burrawan Forest Drive at the corner of the Oxley Highway. The precinct will house a new Koala Hospital, Local Aboriginal Art Gallery and café, and the WildNets Activity Centre, which is currently operational.

Guulabaa is a significant new ecotourism development for the Hastings region which will create growth in regional tourism. Forestry Corporation of NSW have received government funding to construct the development which will be largely free to the public. The WildNets Activity Centre will operate a commercial business with entry fees.

As the site has not previously been occupied, Council Developer Charges apply for the provision of a water service to the site, calculated at \$28,550.10, in accordance with Council's Water Supply Policy 2021.

Waiving these fees will allow the government funding to be fully utilised for the design, construction, and operation of these services.

While these fees do contribute to the funding of public water infrastructure, waiving of these fees would see Council further contributing to the success of this facility and the services it will provide to the greater community.

Discussion

The Guulabaa Tourism Precinct is owned by the Forestry Corporation of NSW, who have been provided funding for construction of this development. Forestry Corporation of NSW will be providing significant in-kind services to the upkeep of the precinct.

The development will have strong ties to the Bunyah Local Aboriginal Land Council, providing jobs on country for Aboriginal youth, Koala Conservation Australia, opening the first wild koala breeding program in the world and WildNets Activity Centre, who are contributing 50% of their profits to the Koala Conservation.

This facility will fill a gap for local families, visitors and educational institutions, providing insight and education on both traditional and modern-day ways of caring for the land and wildlife, while having fun. There is already high demand from local schools and independent educational companies to book their institution in for tours and educational seminars.

Forestry Corporation of NSW has noted that despite having allowed similar tourism developments on a number of their sites in other Local Government Areas, they have not previously been required to pay headworks charges. This would provide another positive mechanism for Council to work collaboratively with Forestry Corporation of NSW.

All properties are required to pay water supply headworks chargers when they are connected to Council's water supply network as outlined in Council's Water Supply Policy 2021 and associated Water Supply Tariff and Billing Procedure. The calculation of the chargers applicable are outlined in Council's Developer Servicing Plan, 2014.

Options

Council has the options to:

1. Adopt the recommendation as presented;
2. Waive the developer charges relating to the uses required by not-for-profit organisations, but charge fees for the commercial/retail use (WildNets Activity Centre, being \$8,593.30, 30% of the total); or
3. Charge all applicable developer charges for the provision of water supply services or a combination thereof.

Community Engagement and Internal Consultation

Internal consultation has occurred with:

- Chief Executive Officer
- Director Community Utilities
- Director Community Planning and Environment
- Director Business & Performance
- Group Manager Utilities Planning and Design
- Group Manager Development Services

Planning and Policy Implications

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

Financial and Economic Implications

The Developer Charges are calculated at \$28,550.10.

While these fees do contribute to the funding of public water infrastructure, waiving of these fees would see Council further contributing to the success of this facility and the services it will provide to the greater community, therefore having a broader economic value for the region.

Attachments

Nil

Item: 13.04

**Subject: CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL -
10 - 20 TUFFINS LANE, PORT MACQUARIE (TUFFINS LANE
SPORTS PRECINCT)**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council classify Lot 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 at 10 - 20 Tuffins Lane, Port Macquarie, as Operational Land.

Executive Summary

This report recommends that Council classify land recently acquired by Council at 10 - 20 Tuffins Lane, Port Macquarie (Tuffins Lane Sports Precinct), as Operational Land in accordance with the local government Act.

Discussion

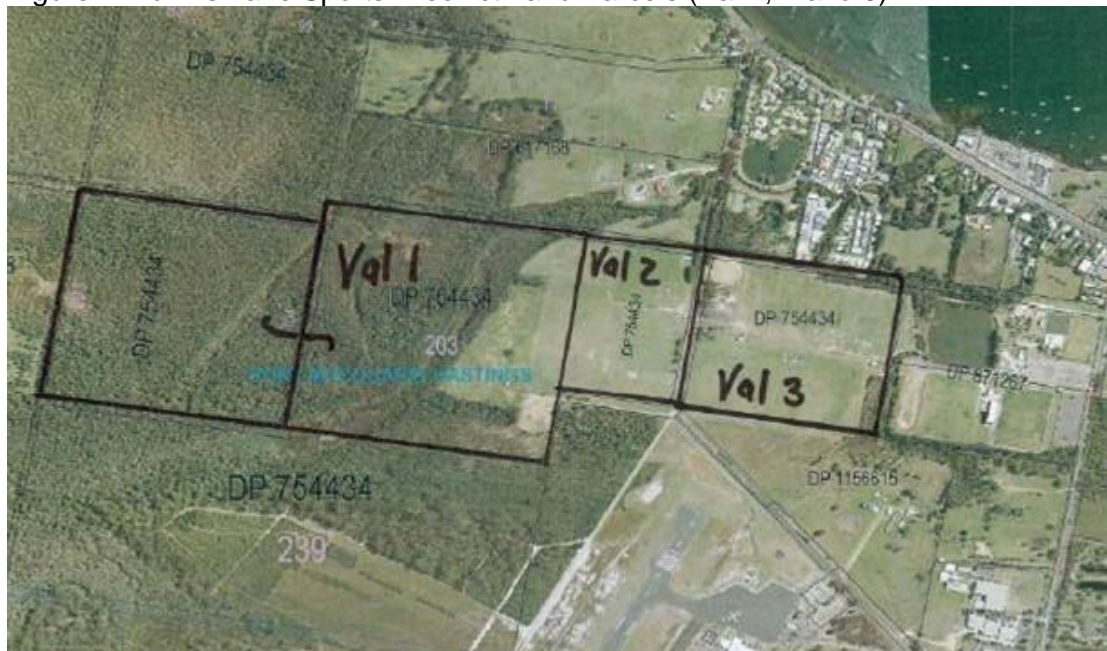
At the Ordinary Council meeting held on 8 December 2022, Council resolved as below, to purchase land associated with the Tuffins Lane Sports Precinct, and to commence the process of classifying the land as Operational Land.

14.03 PURCHASE OF TUFFINS LANE SPORTS PRECINCT LAND, PORT MACQUARIE

That Council:

1. In accordance with the Council resolution of 20 October 2022 to purchase the land as described as follows, pay the amount of \$1,512,500 (including GST) to the owner of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, associated with the Tuffins Lane Sports Precinct, Port Macquarie.
2. As required, pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 as "operational land" by placing on public exhibition the proposed resolution "It is intended to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 (land situated at 10 - 20 Tuffins Lane, Port Macquarie) as operational land" from 9 December 2022 for a minimum period of 28 days and allowing for the Christmas holiday period.

Figure 1: Tuffins Lane Sports Precinct Land Parcels (Val 1, 2 and 3)



Options

Council is required to classify land in accordance with the *Local Government Act 1993*. There are 2 classifications available for public land - "community" and "operational". An "operational" classification is considered appropriate for these parcels of land to facilitate the functions of Council.

Community Engagement and Internal Consultation

A Public Notice regarding the proposed land classification was exhibited on Council's website from 9 December 2022 to 20 January 2023.

At the conclusion of the exhibition period, no submissions on the proposed land classification were received.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 13.05

**Subject: CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL -
KENDALL ROAD, KENDALL.**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council classify Lot 1 Deposited Plan 1288625, 40 Kendall Road, Kendall as operational land.

Executive Summary

This report recommends that Council adopt a classification of land shortly to be acquired by Council being land situated on Kendall Road at Kendall.

Discussion

Council at its Ordinary Meeting of 17 November 2022 considered a report on the acquisition of land on Kendall Road at Kendall. Council resolved:

14.05 LAND ACQUISITION - KENDALL ROAD, KENDALL

That Council:

1. Pay compensation in the amount of \$30,000 (GST Exclusive) to the owner of Lot 7 Deposited Plan 1115744, T K Hockey, for the acquisition of that part of Lot 7 Deposited Plan 1115744 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 1288625.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal (property conveyancing) expenses reasonably incurred arising from the land acquisition.
3. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 1288625 as 'operational land' by placing on public exhibition for a minimum period of 28 days the proposed resolution "It is intended to classify Lot 1 Deposited Plan 1288625, land situated at 40 Kendall Road, Kendall as operational land."
4. That a further report be tabled at a future Ordinary Council Meeting detailing any submissions received during the exhibition period.

Options

This report deals with a statutory obligation of Council.

Community Engagement and Internal Consultation

Council is advised that the intention to classify the land, as detailed in Resolution 3, has been placed on public exhibition.

At the conclusion of the exhibition period, nil submissions or enquiries were received. As per Recommendation 4, the matter of the proposed land classification can now be reported to Council.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Plan Showing Land to be Classified

Item: 13.06

Subject: WORKS DEPOT RENEWAL PROJECT

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

RECOMMENDATION

That Council note the information in the report regarding the future of Council depots and the progress on the project to renew this important infrastructure.

Executive Summary

Council has sought an update on progress of the depots review and renewal. Council has three primary locations where depots exist, being Port Macquarie, Wauchope and Laurieton. This report outlines the planning activities undertaken to date and the forward plans to progress with the delivery of new depot or renewal of existing depot infrastructure for Council operations.

Discussion

At the Ordinary Meeting of Council on 16 June 2022, a report with regard to the future of Council depots was considered. This followed a request via a Notice of Motion to the Ordinary Meeting of Council on 21 April 2022 that a report be provided as to the future plans for the relocation of the Port Macquarie Depot.

The June 2022 report to Council focussed on the Port Macquarie Depot and outlined the need to relocate from the existing Koala Street site to provide for the future expansion of Wayne Richards Park, the poor condition of the depot infrastructure, initial options for relocation and that a project team had been established. At that meeting Council resolved:

That Council note:

1. The information contained in the report regarding the future of Council Depots.
2. A future report on the progress of the Depots Review will be presented to the October 2022 Ordinary Council meeting.

This report is for the purpose of satisfying part 2 of this resolution.

The depot project plans to relocate the existing depot on Koala Street to an alternative site in Port Macquarie and to renew the depot facilities at Wauchope in Commerce Street. Laurieton Depot also requires relocation and a new depot, based on the condition of the asset and being located on Crown land, however planning for this site is not a part of the current depot project. This shall be a separate project requiring delivery going forward. Community Utilities staff are planned to remain being based from the Sewer and Water Operations Centre on Ocean Drive, however

do have material storage needs that will be considered as part of the current depot project.

A Project Management Plan (PMP) has been developed and is nearing finalisation to guide the delivery of the project. In accordance with the Project Management Framework, this Plan articulates the aim, scope, project team, schedule, funding requirements, risk, procurement needs and engagement plans for the project.

Within the previous report to Council, key principles were outlined as having been established by the project team. Via further project planning undertaken through the PMP development, the key objective of the project to provide fit for purpose depot facilities has been confirmed, and establishes an aim to achieve the following success criteria through the project delivery:

- Needs of our operational staff are met
- Efficient delivery of services is supported
- Modern standards are met
- Future operational needs and technology advances are provided for
- Land is made available for the future expansion of Wayne Richards Park via the existing depot site
- Operational needs during construction staging are accommodated
- Tenant expectations are managed through communication and planning
- Community impacts during construction and operation of the new facilities are managed
- Collaborative working relationship within the Steering Group and with depot users is maintained
- Undercover storage availability
- Security of premises
- Incorporation of sustainability in design principles
- Development cost control
- Incorporation of technology to drive efficiency, standards and safety of operations

Key progress since previous reporting to Council has related to determination of depot tenant area needs and site selection. Area determination has been based on consideration of circulation and shared space needs by depot tenants, and consultation with each of the tenants to consider existing and future depot area needs. This information is important to progress to the selection of preferred site/s and will inform the design phase.

At Wauchope, depot provisions will continue to be provided on existing Council owned land at 1 and 3 Commerce Street, Depot Road and a hardstand storage site at the bottom end of Commerce Street. The planned project would involve renewal or refurbishment of existing facilities, and potential expansion onto the 1 Commerce Street lot if required.

For the provision of new depot facilities in Port Macquarie, the following sites have been identified:

- 70 Kingfisher Road (Waste Transfer Station site)
- 85 Koala Street (recently purchased lot opposite existing depot)
- 15 John Fraser Place
- 27 John Fraser Place (Pound site)
- McLaren Drive
- 921 Hastings River Drive (former Pacific Highway upgrade contractor site compound)

Other sites were also identified, however were not considered any further due to better land uses or other opportunities existing on the land, or due to environmental and flooding constraints.

A preliminary multi-criteria assessment has been undertaken and shall be finalised in the near future to confirm the preferred site/s to provide depot facilities in Port Macquarie. The assessment factors in access, location, rationalisation opportunity, land use and environmental planning constraints and development cost. Arising from the work completed to date, the 85 Koala Street location is expected to be preferred for the main depot base subject to land use planning advice, however supplementary sites are anticipated to be needed primarily for material storage needs including the 70 Kingfisher Road, 15 John Fraser Place and 921 Hastings River Drive locations.

Rezoning of the 85 Koala Street lot is expected to be required as the current zoning is RU1 and a depot land use is prohibited under that zoning. The existing zoning of the lot requires review irrespective of the depot project as the RU1 zoning is unsuited to the location. Informing studies, including assessments of contamination and flora/fauna, are anticipated to commence in the near future to progress the rezoning process. The informing studies will also confirm the suitability or otherwise of the location.

Once the site selection process is completed, the project will progress into the design and investigation phase. Concept and detailed design stages shall be undertaken as part of this phase. Relevant investigations of the selected sites shall be undertaken where required to inform the design. Detailed cost estimates shall also be undertaken in parallel with the design stages. A consultant is anticipated to be engaged for this phase.

Completion of the design and investigation phase would see the project progress into the procurement and construction phases. Construction of required depot facilities in Port Macquarie followed by Wauchope is the current planned sequence, assuming planning approval and the required funding allocation can occur.

Whilst the depot project is progressing, existing depots shall have required maintenance and any identified safety issues addressed via the depot maintenance budget. No significant improvements would occur to any facilities that are to become redundant or renewed.

Options

The report is provided as an information update on the progress of the project. Periodic updates on progress will be provided to Council as relevant, or as key milestones are achieved.

Community Engagement and Internal Consultation

A Steering Group is in place for oversight of the depot planning project. This comprises key tenants of the depots, relevant Group Managers and members of Executive. Engagement of operational staff will be a key component of the project as design elements commence.

Planning and Policy Implications

Aside from land use planning related matters that will be considered as the project progresses, there are no planning and policy implications in relation to this report.

Financial and Economic Implications

Provisions for the planning phase of the depot project are included within the current 2022/23 Operational Plan and further allocation is planned for the 2023/24 Operational Plan. The cost of construction also requires inclusion within the Long Term Financial Plan (LTFP), with allocations currently forecast for the 2024/25 - 2026/27 financial years to deliver the necessary components of the depot project. Affordability and potential staging needs shall be a key consideration as the LTFP matures.

An initial estimate for the project costs shall be undertaken in the near future using construction industry standard rates. As design work progresses this shall be further refined.

Attachments

Nil

Item: 13.07

**Subject: LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY
UPDATE REPORT**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

RECOMMENDATION

That Council note the progress of natural resource management projects / initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and progression of the Coastal Management Program.

Executive Summary

Council is currently involved in a number of projects involved in the management of the Lake Cathie/Lake Innes/Cathie Creek waterway (referred herein as Lake Cathie) and its surrounds. This report addresses Item 7 of the Council resolution from Extraordinary Council Meeting held on 13 January 2022 which requests a monthly update report. This report provides an update on Lake Cathie/Lake Innes/Cathie Creek waterway natural resource management projects/initiatives and the progression of the Coastal Management Program (CMP) that have occurred since the report was presented to the December 2022 Ordinary Council Meeting.

Works currently being undertaken and outlined in this report include:

1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek
2. Illaroo Road Emergency Coastal Erosion Works
3. Bundella Avenue Asbestos Remediation Works
4. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project
5. Dredging Lower Cathie Creek
6. Coastal Recreational User Needs Analysis
7. Review of the Opening Strategy
8. Invasive Weed Management
9. Development of other CMP Chapters

Discussion

The following provides an overview of the progress since the last monthly report detailing Council projects and initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterway, as well as other projects and initiatives related to the development of the CMP.

1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek

Royal HaskoningDHV continue to undertake monthly water quality sampling to assist in the models development. Royal HaskoningDHV have focused on the calibration of the hydrodynamic model to water levels, currents and discharge measured during the field campaign (April and June 2022). Because the entrance has not closed since the commencement of fieldwork, Royal HaskoningDHV needed to survey the water level stations to convert water depth measurements to water levels for model calibration purposes. This work was done late last year while routine monitoring was undertaken.

In January Royal HaskoningDHV have been focusing on flood validation, entrance breakout validation and waves.

2. Illaroo Road Emergency Coastal Erosion Works

After discussions with DPE staff following an unsuccessful grant application, Council staff submitted an updated application on 21 October 2022 under the Significant Open Coast Hazard grant stream of the Coast and Estuary Grants to construct coastal protection works around Council's existing stormwater assets off Illaroo Road. The application was for \$106,250, which requires an equal contribution from Council. Minister for Local Government Wendy Tuckerman MP announced on the 1 December 2022 that Councils grant application was successful.

Council proposes to replace the existing southern stormwater headwall and rehabilitate approximately 20m of the surrounding dune profile using rock bag protection tied into intact sections of coffee rock. Rock bags would be placed ~0.5m into the sand and extend to a height of approximately 2.5m. Subject to approval from DPE Crown Lands, marine sand would then be taken from the beach below the Mean High Water mark nearby the rock wall to backfill the rehabilitated area and allow revegetation. Bluecoast Consulting Engineers have been engaged to develop a detailed design for the emergency works.

A Review of Environmental Factors (REF) for the proposed emergency works has been completed by Council staff and an application for a Short Term Crown Land Licence was submitted to DPE Crown Land on 20 January 2023 to use marine sands for dune nourishment around the rock bags. It is estimated that the works will commence in February 2023, subject to approval from DPE -Crown Lands and favourable weather and tidal conditions. It is estimated the works will take approximately two weeks to complete and will be completed by Council's infrastructure delivery team.

3. Bundella Avenue Asbestos Remediation Works

Council staff have been informed that DPE Crown Lands have secured \$125,000 (ex GST) towards remediating the embankment along eastern end of Bundella Avenue, Lake Cathie. This area has been previously identified as containing dumped building waste, including asbestos containing material. Works would involve removing potentially contaminated material and replacing it with clean material and native vegetation. Council funds previously assigned to the Illaroo Road Stormwater Redirection Project which included the asbestos removal scope will be used to complete the remedial

works. Current project costings and an Asbestos Management Plan are being developed to manage the works. It is estimated that the works will commence mid-2023.

4. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project

NSW Soil Conservation Services (SCS) are continuing to finalise their report into the recovery of the Lake Innes, Lake Cathie and Cathie Creek waterway following the 2019/2020 bushfire/drought event. Delays from a subcontractor have resulted in the delay of the final report. A final report is now expected in early 2023. Aquatic Science and Management are continuing to develop water quality management plans as a component of this grant. These plans are expected to be completed early 2023.

5. Dredging Lower Cathie Creek

From the 14 December 2022 to the 27 January 2023, Council sought Tenders from appropriately qualified and experienced Contractor for the provision of the dredging of lower Cathie Creek and beach nourishment of a 410m portion of Lighthouse Beach, adjacent to Illaroo Road, Lake Cathie. To maximise potential respondents, the tender also included maintenance dredging of canals at the Settlement Shores Estate in Port Macquarie.

The tender evaluation team will review the tender responses in February 2023. It must be noted that dredging of lower Cathie Creek can only commence once the lake entrance has closed.

6. Coastal Recreational User Needs Analysis

As mentioned in the previous update, Council was awarded \$66,666 under the NSW Government 2021-22 Coast and Estuary Grants Program – Planning Stream to undertake a LGA wide Coastal Recreational User Needs Analysis. The outcomes of the project will be used to develop the CMP. Council staff have approached a number of consultancies with a request for quote to undertake the works. Council received responses from three consultancies. Otium Planning Group were the preferred respondent and have been engaged to undertake the analysis.

The Coastal Recreational User Needs Analysis will:

- Assess the recreational user groups and activities undertaken in the coastal zone of the LGA.
- Review the assets that support both land-based and water-based recreational activities.
- Identify and assess key stakeholders with respect to provision or ownership of assets and/or land with recreational values.
- Identify, map and assess potential recreational opportunities within the coastal zone.

The project is expected to be completed in June 2023.

7. Review of the Lake Cathie Opening Strategy

The hydrodynamic model being developed by Royal HaskoningDHV will assess various management options for the Lake Innes/Lake Cathie/Cathie Creek waterway, including the permanent opening.

8. Invasive Weed Management

The Council's Natural Resource Management team and contractors have undertaken the following invasive weed management works around Lake Cathie over the past month including:

- Council contractors undertook targeted control of Lantana camara and other environmental weeds over 15 hectares on the foreshore of Cowarra Creek and Lake Cathie, in the Lakeside Woods area.
- Council staff commenced control of Madeira vine in the reserve adjacent to Lake Cathie Bowls Club.
- Council staff targeted Glory lily adjacent to Crown Land along Karikeree Street.
- Council staff undertook widespread weed control along the Lake Cathie entrance foreshore - from Evans Street across the bridge to Aqua Crescent, then along the foreshore around Bundella Avenue and Illaroo Road to Kywong Street. Several priority weed species were controlled including Cockspur and Common coral trees, Green cestrum, Mother-of-millions, Bitou bush, Ground asparagus, Lantana, Morning glory, Turkey rhubarb and Madeira vine.
- Council contractors undertook extensive control of weeds in littoral rainforest areas of Jonathan Dickson Reserve and Middle Rock - 12ha, targeting Ground asparagus, Lantana, Cassia, Morning glory and Buffalo grass.

9. Development of other CMP Chapters***Hastings River Estuary Bank and Riparian Assessment***

Fruition Environmental have completed the Hastings River Estuary Bank and Riparian Condition Assessment, as well as a supplementary Hastings River Estuary Riparian Revegetation Guide for land holders adjoin the Hastings River Estuary. Prior to this assessment neither bank erosion nor riparian vegetation condition had been comprehensively mapped for the Hastings River Estuary. In total almost 240km estuary bank were surveyed. This covered the Hastings, Maria, and Wilson River estuaries, Limeburners Creek and numerous small tributary estuary systems.

The field investigations showed that just under 5% of surveyed estuary banks were considered to have high to extreme erosion, meaning that the rate and scale of erosion was considered significantly accelerated. A further 18.8% were considered to be eroding at a rate beyond what could be considered a natural rate of channel change. Extreme erosion is concentrated in the Hastings River between Wauchope and Rawdon Island, and the Maria River particularly around the area known as The Hatch. These are areas where agricultural development is concentrated, bank materials are susceptible to

erosion, and wave erosion and current scour are particularly active on outside bends.

A high proportion of high erosion severity erosion also occurs in the upper reaches of the Wilson River and Hastings River estuaries, which reflects flood damage from recent floods and historical trends.

Riparian Vegetation Condition was assessed using a multi-metric index of riparian condition which considered vegetation width, continuity, structure, diversity and weed presence/cover. Approximately half the banks surveyed had riparian vegetation in good to very good condition. The assessment showed that reaches with poor and very poor riparian vegetation condition are concentrated in the Hastings River estuary trunk stream and areas around Rawdon Island. This can be explained by the extensive and long-term utilisation of the floodplain for agriculture and a clear correlation between agricultural development and riparian vegetation clearing.

An analysis of erosion rates in the estuary was undertaken as part of the assessment using a digital elevation model (DEM) to compare 2012 to 2022 LiDAR derived DEMs at twenty sites of observed high to extreme erosion to quantify erosion volume over the observation period. Using this methodology, it was estimated that 5,565 tonnes (3479m³) of suspended sediment and 8,348 tonnes (or 5,218m³) of bed load sediment is inputted annually from the 55 mapped high to extreme erosion sites in the study area.

The report outlines a priority system for determining future action and investment. Of the 891 reaches field surveyed, 40 were included in the pool of priority reaches for action and management using the above system. The report includes concept designs demonstrating hybrid works remediation options for five sites identified in the priority lists. The data captured in this report will inform future management actions under the Coastal Management Program (CMP).

Hydrographic Dilution Study Kooloonbung Creek

The University of NSW (UNSW) have been engaged to investigate the potential impacts of sewage overflows on oyster leases in the lower Hastings River estuary. Presently, there is limited quantitative data available to support decision makers determining the spatial extent and transport pathways of sewage following overflow events. This project aims to develop a calibrated numerical model of the Hastings River estuary to simulate a range of possible sewage overflow scenarios. The outcomes of this modelling will act as a key input to a decision support tool, allowing NSW Food Authority to make more informed decisions about harvest area closures following future overflow events.

UNSW are currently finalising their study. The final report is expected to be presented to council staff in February 2023.

Options

This information is provided for notation purposes only.

Community Engagement and Internal Consultation

This information is provided for information purposes.

Community consultation has been undertaken in some of the abovementioned projects, as mentioned in the discussion section of this report

Planning and Policy Implications

There are no planning and policy implications in relation to this report. However, the outcomes of the various investigations and activities referenced in this report will guide the content of the Coastal Management Program.

Financial and Economic Implications

Funding currently allocated to active projects outlined in this report is detailed below.

Project	Grant Funding (\$)	Council Contribution (\$)	Total Estimated Project Cost (\$)
Lake Cathie / Lake Innes / Cathie Creek			
Hydrodynamic Model	300,000	150,000	450,000
Bushfire Affected Coastal Waterways Program	265,000	30,000	295,000
Dredging Lower Cathie Creek	235,000	235,000	470,000
Illaroo Road Emergency Coastal Erosion Works	106,250	106,250	212,500
Bundella Avenue Asbestos Remediation Project	125,000	125,000	250,000
SUB TOTAL	1,031,250	646,250	1,677,500
Hastings River Estuary			
Hastings River Estuary Bank and Riparian Assessment	109,954 (DPE: 76,954, DPI- Fisheries: 33,000)	38,477	148,431
Hydrographic Dilution Study Kooloonbung Creek	70,001	35,000	105,001
SUB TOTAL	179,955	73,477	253,432
Open Coast			
Coastal Recreational User Needs Analysis (LGA wide)	66,666	33,333	99,999
SUB TOTAL	66,666	33,333	99,999
TOTAL	1,277,871	753,060	2,030,931

Current Active Grant Applications

On 23 January 2023, Council staff submitted a grant application under the NSW Coastal and Estuary Grants Program planning stream to undertake a Coastal Hazard Assessment and Coastal Vulnerability Area (CVA) Mapping for the Port Macquarie

Hastings Coastal zone. Staff applied for \$216,667 under the grant, with the provision of contributing an additional \$108,333 towards the project (total project budget of \$325,000).

The coastal hazard assessment will investigate coastal hazards, including:

- Beach Erosion
- Shoreline Recession
- Coastal Lake or Watercourse Entrance Stability
- Coastal Inundation
- Coastal Cliff or Slope Instability
- Tidal Inundation
- Erosion and inundation of Foreshores caused by tidal waters and the actions of waves including the interaction of those with catchment floodwaters

The outcome of this hazard assessment will be used in the development of the CVA mapping component of the project.

The Coastal Hazard Assessment and subsequent CVA mapping are key outputs of Stage 2 of the Coastal Management Program (CMP), in compliance with the Coastal Management Act 2016 (CM Act), NSW Coastal Management Manual and the State Environmental Planning Policy (Resilience and Hazards) 2021. The purpose of this project is to improve our understanding of current and potential impacts associated with coastal processes along the PMHC LGA open coastline. The assessment will inform future planning proposals and guide the development actions to be incorporated into the CMP.

On 11 January 2023, Council staff also submitted a grant application under the NSW Coastal and Estuary Grants Program planning stream to replicate the successful Bank and Riparian Condition Assessment project for the Camden Haven Estuary. Staff applied for \$66,667 under the grant, with Council contributing \$33,333 if successful (total project budget of \$100,000).

Attachments

Nil

Item: 13.08

**Subject: POLICY REVIEW - AMENDED LIQUID TRADE WASTE POLICY
WITH DEPARTMENT PLANNING & ENVIRONMENT CHANGES -
POST PUBLIC EXHIBITION**

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.4 Develop and implement annual maintenance and preventative works program for sewerage assets.

RECOMMENDATION

That Council adopt the Liquid Trade Waste Policy.

Executive Summary

This report seeks Council consideration to adopt the liquid Trade Waste Policy following endorsement from the Department of Planning and Environment and community consultation.

At the Ordinary Council Meeting held on 16 February 2022, Council resolved to place the draft amended Liquid Trade Waste Policy (attached) on public exhibition for 28 days.

The Draft Liquid Trade Waste Policy was subsequently placed on public exhibition from 23 February 2022 to 22 March 2022.

There were no submissions received during the public exhibition process.

After the public exhibition period, the draft Policy was sent to the Department Planning and Environment who requested some minor changes be made and advised that the amended Policy needed to again go on public exhibition for a minimum of four weeks.

The updated Draft Policy was subsequently put on public exhibition for comment from 16 November 2022 to 14 December 2022 and again, no submissions were received during the public exhibition process.

Final Department of Planning and Environment concurrence of the draft policy was received on 22 December 2022.

Discussion

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

09.28 POLICY REVIEW - LIQUID TRADE WASTE POLICY*BLOCK RESOLVED: Maltman/Intemann*

That Council:

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

The Liquid Trade Waste Policy was reviewed with the following amendments:

- The detailed management information and application pathways (the remainder of the previous policy) have been incorporated into a new 'Liquid Trade Waste Management Procedure'
- Minor amendments have been made in line with the update of the NSW Department of Planning, Industry and Environment's Liquid Trade Waste Management Guidelines, 2021. These include slight definition changes, altered and specified categorisation criteria, and reviewed substance acceptance limits
- Note that since the 2021 Council realignment, the structure of Community Utilities Group continues to develop, and pending resources, there is anticipated to be further changes to this procedure which will not change the scope or objectives of the policy (e.g. to move to an online approval process).

Following the public exhibition period, the updated Draft Liquid Trade Waste Policy was submitted to the Department of Planning and Environment (DPE) for their concurrence.

The DPE requested that the following minor amendments be made to the Policy to reflect recent updates made to the NSW Liquid Trade Waste Guidelines:

- Removal of analytical method references for contaminant testing
- Part 3 has been restructured, with some sections pulled out to appendices (e.g. NSW Framework for regulation of sewerage and trade waste)
- Approval process has been broken down
- Addition of Surfboard manufacturing to assumed concurrence activities
- Further specification added to charging categories to provide clarity
- Addition of 'deemed to be approved' activities with specified pre-treatment
- Updated glossary
- Addition of non-residential sewerage charge information (not a new charge, but previously was only included with sewer information, not incorporated into Trade Waste)

The DPE also advised that the updated Draft Liquid Trade Waste Policy needed to go on public exhibition again for a minimum of four weeks to allow the public to provide feedback on their changes.

The Draft Policy was placed on public exhibition from 16 November 2022 to 14 December 2022 and no submissions were received.

Final Department of Planning and Environment concurrence of the draft policy was received on 22 December 2022, as per the attached letter.

Options

Council has the option to resolve as recommended or to not adopt the Policy identified in this report.

Community Engagement and Internal Consultation

Internal Consultation was undertaken with the following staff:

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

The Draft Liquid Trade Waste Policy was available for public comment from 23 February 2022 to 22 March 2022 and no submissions were received.

Eleven (11) people visited the page on 'Have Your Say' and two (2) people downloaded the documents for viewing.

The amended Draft Liquid Trade Waste Policy with the amendments from DPE was available for public comment from 16 November 2022 to 14 December 2022 and no submissions were received.

Sixty-seven (67) people visited the page on 'Have Your Say' and eight (8) people downloaded the documents for viewing.



Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Draft Liquid Trade Waste Policy with DPE Amendments November 2022
2.  Letter - DPE Consent to PMHC Trade Waste Policy 22 December 2022

Item: 13.09

Subject: DRAFT PARKING POLICY AND MANAGEMENT PLAN 2023 FOR PUBLIC EXHIBITION

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council:

- 1. Place the Draft Parking Policy and Draft Parking Management Plan 2023 on public exhibition for a period of not less than 28 days.**
- 2. Receive a further report detailing the submissions received from the public during the exhibition period at the May 2023 Ordinary Council Meeting.**

Executive Summary

The draft Parking Policy and draft Parking Management Plan (PMP) 2023 replaces the previous 2011 Parking Policy & Strategy. The new policy and plan are needed due to significant changes to Port Macquarie-Hastings' population, key policy changes at Federal, State and Local Government level, and the increased emphasis on addressing the present and future parking demands of the region.

Background

The draft Parking Policy and draft Parking Management Plan (PMP) 2023 was developed through an extensive study process by external consultants to ensure the Council is achieving the best parking and accessibility outcomes for the LGA.

The process involved data collection through community engagement and literature reviews to inform both the current and future parking needs for the region. The deliverables from the consultant engagement were:

- Establishing the current situation
- Community & stakeholder engagement and reporting
- Future parking demand study
- Draft Policy and Parking Management Plan

The findings of the study have shown that the priority location for intervention is the Port Macquarie CBD to improve parking demand issues. Currently parking in this area is reaching a point of saturation where demand is equal to or exceeds the supply. Actions to rectify this need along with additional mitigation actions to prevent similar situations in future in the wider LGA are listed in the report.

The purpose of the Parking Policy is as an overarching strategic policy document to guide parking management in the LGA now and into the future and supports Council

in achieving its statutory obligations with respect to traffic regulation and parking enforcement. The Policy has been updated in parallel with the Parking Management Plan development.

Discussion

The draft Regional Integrated Transport Strategy (RITS) 2022-2042, which was presented to Council at the December 2022 Ordinary Council Meeting, aims to:

- Address challenges in the existing transport network within the Port Macquarie Hastings LGA;
- Address forecast growth in the LGA and the transport needs of the community, businesses, and visitors; and
- Guide actions for improvement of transport infrastructure, services, policy, and behaviour.

The updated draft Parking Policy and draft Parking Management Plan 2023 will be a tool that will help deliver tangible on ground solutions and projects from the RITS objectives.

The Parking Management Plan 2023 is broken into 6 chapters. Each chapter has a theme, a set of objectives and a set of actions. All actions are listed over a time horizon of short, medium, long term and ongoing.

The six themes are:

1. Kerbside and Parking Management:

This refers to how we manage our streets and parking spaces to provide appropriate levels of access and turnover to support our places whether that be for visitors and customers to businesses in our centres or in high-demand areas such as our beaches, foreshores, and surrounding schools.

2. Asset Management and Investment:

Parking spaces are assets and as such have a value and varying costs. Council is therefore seeking to be financially sensible and sustainable in its approach to management of parking assets and investments.

3. Local and Place-Based Parking Plans

Acknowledging that we can't provide a 'one-size-fits-all' approach to how we manage parking, tailored localised action plans are needed.

4. Development Parking

Ensuring development provides parking outcomes that holistically meet developments needs without significantly impacting surrounding streets, accommodates for flexible changes to land use over time and does not discourage alternative forms of transport in the future.

5. Technology and Data

This underpins our ability to support the parking experience for users, such as when determining your parking options, and assists in our management of parking.

6. Communication and Change Management

This is key to keeping our community informed. Well communicated parking decisions will increase community understanding and the need for change in parking management for areas.

The Parking Management Plan includes a dedicated Implementation Plan. This outlines actions to be undertaken by Council over short-term (2022-25), medium-term (2026-30), and long-term (2031-40) timeframes.

The key actions coming out of the implementation plan in the short term include:

- Develop Place-Based Parking Plans (PPPs) to tailor parking management and improvements to suit the needs of individual locations.
- Investigate opportunities to establish Park and Ride schemes through use of existing fringe parking areas to intercept trips and manage traffic demand to key centres such as Port Macquarie.
- Adopt a guideline for parking management interventions where parking controls are introduced when parking regularly exceeds 85% of supply.

Port Macquarie CBD

Due to parking availability in the Port Macquarie CBD currently reaching a point of saturation where demand is equal to or exceeds supply, the guideline for parking management interventions was investigated as part of the work to develop the Parking Management Plan. Given this situation, development of a PPP as referenced above for this location is a priority action.

As part of the PPP development, one of the possibilities to be explored as an intervention is paid parking. Paid parking schemes work on a sliding scale of thresholds. When thresholds are met, new interventions are put in place. The first intervention established is the application of time limits which delivers limited outcomes for parking availability and turnover. When parking turnover is not achieved at the rate required, such as what is occurring in the Port Macquarie CBD and predicted to be more prevalent into the future, triggers the need for the next level of parking interventions which may include:

1. Paid parking
2. Additional supply of parking spots
3. Technology to improve parking experience

All three options are outlined in the Parking Management Plan and will be further explored as a PPP is developed. In summary, paid parking follows the concept of a user pays system where the cost of service is paid by the user. Additional parking spots are a feasible alternative, though the cost will be borne by the general rate base and not a user pays system, unless new spots are provided for under the paid parking scheme. A third intervention, which is supplementary to option 1 and 2, is to improve technology so that users are more aware of available car spots and their

locations. This intervention relies heavily on user interface and will only be as successful as the user makes it. This intervention is also effective at improving congestion.

Options

Council has the following options in relation to consideration of this report:

1. Adopt the recommendations contained within this report.
2. Request further information or amendment in relation to the draft Parking Policy 2023 and draft Parking Management Plan (PMP) 2023 prior to exhibition.
3. Resolve in some other manner.

Community Engagement and Internal Consultation

Internal Consultation

Internal stakeholder groups as listed below were informed and had an opportunity to provide feedback for the working papers. Information gained from the consultation was used in finalising the draft documents.

- Compliance and Regulatory services
- Strategy and Economic development
- Transport and Roads Engineering
- Development and Environmental
- Stormwater engineering
- Governance

External Consultation

The project utilised Leisa Prowse Consulting to manage the community consultation aspects of the project. The purpose of the consultation was to understand the issues and challenges with parking, locations with good and bad parking experiences, and ideas for future parking locations across the LGA. This included a community survey, an online engagement page on Council's 'Have Your Say' website and PARK(ing) pop-up events in Laurieton, North Haven, Wauchope and Port Macquarie.

The 'Have Your Say' web page included:

- Online survey
- Online interactive map
- Online ideas wall
- Frequently asked questions
- Information about an online workshop
- Information about in-person engagement opportunities

Deliverables achieved during the engagement period from 5 April 2022 to 8 May 2022 were as follows:

- 68 online surveys responses were received
- 91 pins and comments were dropped on the interactive map

- 130 community members engaged with the team at the PARK(ing) pop-up events
- 10 contributions, one comment and 14 'votes' were added to the online ideas wall

Input captured through the engagement process has provided the project team with a deeper understanding of community ideas, insights, and observations about localised and broader issues related to parking across the LGA. Feedback from the engagement activities was collated and analysed to help determine key themes. This analysis indicated:

- Community members perceive that parking could be better managed across the LGA, particularly in Port Macquarie.
- Community members suggest that their preferred solution is for more car parking supply to be provided.
- Community members would prefer an improvement in public and active transport infrastructure to support alternative transport options.

Other prevalent themes determined through analysis of feedback indicates that community members and stakeholders who participated in the engagement process are:

- Concerned about road condition (e.g., pavement, unpaved car parks, potholes etc.)
- Concerned about parking design (e.g., spaces too small for Ute's and RVs, car parks in the median, requirement to park rear to kerb)
- Concerns about accessibility (e.g., people with limited mobility cannot walk too far, Accessibility parks, pram parks).

These community members and stakeholders suggested that potential solutions could be achieved through parking management (such as, paid parking, timed parking, council inspectors, Council working with business owners).

The engagement process has supported the development of the Parking Management Plan and will support the development of the PPPs as that phase commences.

Exhibition period

The proposed public exhibition of the draft Parking Policy and draft Parking Management Plan (PMP) 2023 will include the following:

- Advertising of the exhibition period via notices, including via Council's social media channels.
- Updated project website and have your say page.
- Updated Parking FAQ for the have your say page

Responses will be reviewed and any updates to the draft Parking Policy and draft Parking Management Plan (PMP) 2023 will be reported to a future council meeting.



Planning and Policy Implications

There are no immediate policy implications in relation to this report. Adoption of the Parking Policy 2023 will be subject to Council approval after a community exhibition process, review of any comments and appropriate updates.

Financial and Economic Implications

There are no immediate financial or economic implications in relation to this report. Any future works that may be undertaken based on recommendations in the final Parking Management Plan will be subject to stand-alone Council approvals via budget allocation in annual Operational Plans. Achievement of the key actions within the outlined timeframes in the plan will therefore be reliant on timely budget allocation.

Attachments

1.  Draft PMHC Parking Policy 2023
2.  Draft PMHC Parking Management Plan

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**

Item 14.01 Supply of Electricity Contracts

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

- 2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.**
- 3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.**