



Ordinary Council

Business Paper

date of meeting: Thursday 16 March 2023

location: Wauchope Country Club (Auditorium
Function Room)
24 King Street, Wauchope

time: 3:00pm

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 March 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 16 February 2023 be confirmed.

PRESENT

Members:

Mayor Peta Pinson (Mayor)
Councillor Adam Roberts
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 3:01pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil

03 LOCAL GOVERNMENT PRAYER

Pastor David Pym, from the Port Macquarie Baptist Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Sheppard/Roberts

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

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

06 DISCLOSURES OF INTEREST

Councillor Sheppard declared a Non-Pecuniary, Less than Significant interest in Item 11.04 Port Macquarie Aquatic Facility. The reason being a 2021 Local Government Election Campaign running mate, is a convener of the Port Macquarie-Hastings Aquatic Facility Committee. Councillor Sheppard does not maintain a personal friendship and the campaign took place over twelve (12) months ago. Councillor Sheppard 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.

Councillor Maltman declared a Non-Pecuniary, Less than Significant interest in Item 13.07 Lake Cathie Natural Resource Management Monthly Update. 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 MINUTES

Nil.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Roberts/Sheppard

That Council determine that the attachments to Item Numbers 10.04 and 10.06 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Griffiths/Lipovac

That Items 10.02, 10.03, 10.05, 10.06, 10.07, 10.09, 10.10, 10.12, 10.13, 10.16, 11.03, 11.05, 11.06, 11.07, 13.02, 13.03, 13.05, 13.06, 13.08, and 13.09 be considered as a block resolution.

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

RESOLVED: Griffiths/Roberts

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 24 NOVEMBER 2022 TO 1 FEBRUARY 2023

BLOCK RESOLVED: Griffiths/Roberts

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

10.03 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Griffiths/Roberts

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

10.05 LEGAL FEES

BLOCK RESOLVED: Griffiths/Roberts

That Council note the information in the Legal Fees report.

10.06 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2022

BLOCK RESOLVED: Griffiths/Roberts

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

10.07 MONTHLY BUDGET REVIEW - JANUARY 2023

BLOCK RESOLVED: Griffiths/Roberts

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.

10.09 INVESTMENTS - DECEMBER 2022

BLOCK RESOLVED: Griffiths/Roberts

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

10.10 INVESTMENTS - JANUARY 2023

BLOCK RESOLVED: Griffiths/Roberts

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

10.12 GRANT APPLICATIONS BIENNIAL REPORT

BLOCK RESOLVED: Griffiths/Roberts

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

10.13 CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

BLOCK RESOLVED: Griffiths/Roberts

That Council note the information provided in the Contracts Register.

10.16 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

BLOCK RESOLVED: Griffiths/Roberts

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.
-

11.03 MANAGEMENT OF PUBLIC SPACES POLICY

BLOCK RESOLVED: Griffiths/Roberts

That Council note the information contained within this report.

11.05 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE

BLOCK RESOLVED: Griffiths/Roberts

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.

11.06 RECREATION ACTION PLAN - POST EXHIBITION

BLOCK RESOLVED: Griffiths/Roberts

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

11.07 DRAFT CHARTER PORT MACQUARIE HASTINGS SPORTING FUND SUB COMMITTEE

BLOCK RESOLVED: Griffiths/Roberts

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.

13.02 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BIENNIAL REPORT

BLOCK RESOLVED: Griffiths/Roberts

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.
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13.03 WAIVER OF WATER SUPPLY DEVELOPMENT CHARGES FOR GUULABAA TOURISM PRECINCT

BLOCK RESOLVED: Griffiths/Roberts

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.

13.05 CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL - KENDALL ROAD, KENDALL.

BLOCK RESOLVED: Griffiths/Roberts

That Council classify Lot 1 Deposited Plan 1288625, 40 Kendall Road, Kendall as operational land.

13.06 WORKS DEPOT RENEWAL PROJECT

BLOCK RESOLVED: Griffiths/Roberts

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.

**13.08 POLICY REVIEW - AMENDED LIQUID TRADE WASTE POLICY WITH
DEPARTMENT PLANNING & ENVIRONMENT CHANGES - POST
PUBLIC EXHIBITION**

BLOCK RESOLVED: Griffiths/Roberts

That Council adopt the Liquid Trade Waste Policy.

**13.09 DRAFT PARKING POLICY AND MANAGEMENT PLAN 2023 FOR
PUBLIC EXHIBITION**

BLOCK RESOLVED: Griffiths/Roberts

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.

**10.01 NOTICE OF MOTION - OFFICE OF DEPUTY MAYOR - AMEND
RESOLUTION OF COUNCIL**

RESOLVED: Lipovac/Edwards

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.

CARRIED: 5/4

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

The Chief Executive Officer, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Adam Roberts, nominated by Mayor Peta Pinson, Councillors Danielle Maltman and Josh Slade and accepted by Councillor Roberts.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Rachel Sheppard, nominated by Councillors Nik Lipovac and Lauren Edwards and accepted by Councillor Sheppard.

The Returning Officer then called for a show of hands in favour of Councillor Roberts for Deputy Mayor.

The Returning Officer then called for a show of hands in favour of Councillor Sheppard for Deputy Mayor.

The Returning Officer declared Councillor Rachel Sheppard elected to the Office of Deputy Mayor for the ensuing 12 months.

The Chief Executive Officer congratulated Councillor Sheppard on her election to the Office of Deputy Mayor.

Item 10.02 Mayoral Discretionary Fund Allocations - 24 November 2022 to 1 February 2023, has been addressed previously within the meeting.

Item 10.03 Status of Reports From Council Resolutions, has been addressed previously within the meeting.

10.04 2024 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Roberts/Intemann

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.

CARRIED: 9/0

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

AGAINST: Nil

Item 10.05 Legal Fees, has been addressed previously within the meeting.

Item 10.06 Quarterly Budget Review Statement - December 2022, has been addressed previously within the meeting.

Item 10.07 Monthly Budget Review - January 2023, has been addressed previously within the meeting.

10.08 TEMPORARY WASTE FEE WAIVER - 3 FEBRUARY 2023 STORM

RESOLVED: Pinson/Roberts

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.
6. Congratulate the Chief Executive Officer, Dr Clare Allen, for her leadership in the fee waiver of storm waste disposal and also thank our staff for their efforts in the clean-up of the storm affected areas of Port Macquarie.

CARRIED: 9/0

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

AGAINST: Nil

Item 10.09 Investments - December 2022, has been addressed previously within the meeting.

Item 10.10 Investments - January 2023, has been addressed previously within the meeting.

10.11 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2020 - 2022 ACTIONS

RESOLVED: Sheppard/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

Item 10.12 Grant Applications Biennial Report, has been addressed previously within the meeting.

Item 10.13 Contracts Awarded under Delegation by the Chief Executive Officer, has been addressed previously within the meeting.

**10.14 2022-2026 DELIVERY PROGRAM AND 2022-2023 OPERATIONAL PLAN
- SIX MONTH PROGRESS REPORT JULY TO DECEMBER 2022**

RESOLVED: Sheppard/Griffiths

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

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

10.15 LOCAL STRATEGIC PLANNING STATEMENT - ANNUAL UPDATE

RESOLVED: Sheppard/Intemann

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).

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

Item 10.16 Development Activity And Assessment System Performance, has been addressed previously within the meeting.

11.01 FERRY OPERATIONS

RESOLVED: Intemann/Lipovac

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 to Transport for NSW with regard to transfer of ferry management to NSW or a financial contribution from the NSW Government for ferry operations, to reduce the financial burden of the service on the General Fund of Council as most ferry operations across NSW are fully funded and managed by the NSW Government.

CARRIED: 9/0

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

AGAINST: Nil

11.02 PORT MACQUARIE-HASTINGS TREE MANAGEMENT

RESOLVED: Pinson/Roberts

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.

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

Item 11.03 Management of Public Spaces Policy, has been addressed previously within the meeting.

11.04 PORT MACQUARIE AQUATIC FACILITY

Councillor Sheppard declared a Non-Pecuniary, Less than Significant interest in this item. The reason being a 2021 Local Government Election Campaign running mate, is a convener of the Port Macquarie-Hastings Aquatic Facility Committee. Councillor Sheppard does not maintain a personal friendship and the campaign took place over twelve (12) months ago. Councillor Sheppard 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 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.

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

Item 11.05 COVID-19 Recovery and Stimulus Projects Update, has been addressed previously within the meeting.

Item 11.06 Recreation Action Plan - Post Exhibition, has been addressed previously within the meeting.

Item 11.07 Draft Charter Port Macquarie Hastings Sporting Fund Sub Committee, has been addressed previously within the meeting.

11.08 COMMUNITY INCLUSION PLAN - PROGRESS REPORT

RESOLVED: Intemann/ Griffiths

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 six (6) monthly, with the next report August 2023.

CARRIED: 9/0

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

AGAINST: Nil

13.01 NOTICE OF MOTION - SOUTHERN BREAKWALL PROJECT PORT MACQUARIE

RESOLVED: Pinson/Roberts

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.
3. Request the Chief Executive Officer to write to Mr Mark Taylor MP, Parliamentary Secretary for Infrastructure and Cities, Transport and Roads, requesting an explanation regarding the basis for the Transport for NSW determination that the proposed Port Macquarie Southern Breakwall Project does not require development consent pursuant to Part 4 of the Environmental Planning and Assessment Act, 1979 and confirm what the proposed works have been defined as in determining the relevant approval pathway under the Act and relevant Environmental Planning Instruments.

CARRIED: 8/1

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

AGAINST: Griffiths

Item 13.02 Update on Site Specific Planning Proposal Requests - Biannual Report, has been addressed previously within the meeting.

Item 13.03 Waiver of water supply development charges for Guulabaa Tourism Precinct, has been addressed previously within the meeting.

13.04 CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL - 10 - 20 TUFFINS LANE, PORT MACQUARIE (TUFFINS LANE SPORTS PRECINCT)

RESOLVED: Pinson/Roberts

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.

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

Item 13.05 Classification of Land to be Acquired by Council - Kendall Road, Kendall, has been addressed previously within the meeting.

Item 13.06 Works Depot Renewal Project, has been addressed previously within the meeting.

13.07 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

Councillor Maltman declared a Non-Pecuniary, Less than Significant interest in this item. 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: Intemann/Maltman

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

Item 13.08 Policy Review - Amended Liquid Trade Waste Policy with Department Planning & Environment Changes - Post Public Exhibition, has been addressed previously within the meeting.

Item 13.09 Draft Parking Policy and Management Plan 2023 for Public Exhibition, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Lipovac/Slade

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

Item 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.

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

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

14.01 SUPPLY OF ELECTRICITY CONTRACTS

RESOLVED: Roberts/Lipovac

That Council note the report and maintain the confidentiality of the considerations in respect to the supply of electricity contracts.

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

RESOLVED: Sheppard/Edwards

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

The meeting closed at 4:40pm

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 07.01

**Subject: MAYORAL MINUTE - CHIEF EXECUTIVE OFFICER'S
PERFORMANCE REVIEW PANEL**

Mayor, Peta Pinson

RECOMMENDATION

That Council:

- 1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 1 February 2023 to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.**
- 2. Note that Councillor Sharon Griffiths is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.**
- 3. Delegate to the Chief Executive Officer's Performance Review Panel the process of performance management, including discussions about performance, reporting and performance reviews for the period ending 1 February 2023.**

Discussion

The Director General of the Division of Local Government issued Guidelines in July 2011 for the Appointment and Oversight of General Managers. It is noted that this applies to Council's Chief Executive Officer. The Guidelines recommend that the Chief Executive Officer's Performance Review Panel comprise the Mayor, the Deputy Mayor, a Councillor nominated by Council and a Councillor nominated by the Chief Executive Officer.

The Guidelines further provide that the whole process of performance management be delegated to the Chief Executive Officer's Performance Review Panel including the conduct of performance reviews, reporting the findings and recommendations of those reviews to Council and the development of the performance agreement.

The Standard Contract for General Managers requires that the performance of the General Manager (Chief Executive Officer) must be formally reviewed at least annually. Councillors not on the Chief Executive Officer's Performance Review Panel can contribute to the process by providing feedback to the Mayor or other panel members on the Chief Executive Officer's performance.

The role of the review panel includes:

- Conducting performance reviews
- Reporting the findings and recommendations of reviews to the Council, and
- Development of the performance agreement

Attachments

Nil

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.

Discussion

There are no confidential attachments to the reports for the Ordinary Council Meeting.

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: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 FEBRUARY TO 2 MARCH 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 2 February to 2 March 2023 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 2 February to 2 March 2023 inclusive.

Discussion

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

Mayor's Choice Award at the Bonny Hills Art Prize	\$250.00
Donation of Glasshouse Vouchers for Fundraiser for Shelby & Leilani Grainger - Australian Indigenous Oz Tag Team Selection	\$250.00
Total allocation	\$500.00

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: 10.02**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

MARCH 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
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

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: Council's 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
Recreation Action Plan	20/10/2022 Item 12.07	Recreation working group to be established. Report to be considered at March 2023 Ordinary Council meeting titled Port Macquarie-Hastings Sports Council.	DCPE	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
Materials Recovery Facility and Recycling Processing Options	08/12/2022 Item 14.05		DCU	Future	Apr-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	Apr-23
Prioritisation of Sporting Infrastructure Projects Outcome following discussions with Federal and State members	21/07/2022 Item 12.05	Discussions to take place with Federal and State members prior to report to Council	DCPE	Oct-22 Nov-22 Feb-23 Mar-23	Apr-23
Rawdon Island Bridge - Final Milestone Report	21/07/2022 Item 14.03	Further report to Council in accordance with milestone events	DCI	Upon Milestones	Apr-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	Apr-23

APRIL 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Tacking Point Surf Life Saving Club	17/11/2022 Item 12.04	Awaiting information from Crown Land	DCPE	Feb-23 Mar-23	Apr-23
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
Temporary Waste Fee Waiver - 3 February 2023 Storm	16/02/2023 Item 10.08	A further report to be tabled April 23 detailing the full extent of costs waived	DCU		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
Draft Parking Policy and Management Plan	16/02/2022 Item 13.09	A further report be brought to Council detailing submissions received from Public following exhibition	DCI		May-23
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

JUNE 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
JULY 2023 REPORTS					
AUGUST 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Ferry Operations	16/02/2023 Item 11.01	A future report to Council upon conclusion of the trial period of two-person operating hours	DCI		Aug-23
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2023 Item 12.06	Consultation with industry to take place. Report to Council following Public Exhibition. Item 10.15 Feb meeting addressed this item	DCPE	Oct-2021 Mar-2022 Jun-2022 Nov-2022 March-2023	Aug-23
Kempsey Shire Council at Cairncross Landfill - Details of Waste Accepted During 2022-2023	18/08/2022 Item 16.05		DCU		Aug-23

SEPTEMBER 2023 REPORTS					
OCTOBER 2023 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft MR538 and MR600 Corridor Strategy - Following public exhibition	19/05/2022 Item 14.04		DCI		Oct-23
Future Reports					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/2016 Item 12.01	A report on the viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits	DCPE	Future Report	2024 (estimate)
Election of Deputy Mayor	16/02/2023 Item 10.01	Term of the Office of Deputy Mayor to be a period of (12) twelve months.	CEO		Feb-24
Environmental Land Rezoning - Council owned land	08/12/2016 Item 13.10	A report to Council following public exhibition	DCPE		TBA
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
Future Reports					



Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/2016 Item 6.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA
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

Future Reports					
Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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)	Mar-23	Due to sequence of meeting



CYCLIC REPORTS					
Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Lake Cathie Natural Resource Management update (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	Biannual	Feb Aug		
Operational Plan – Quarterly Progress	DBP	Quarterly	May Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Biannual Report (16/02/23 - Item 11.05 (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		
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		

CYCLIC REPORTS					
Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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 April 2023 following consultation with Councillors
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		

CYCLIC REPORTS					
Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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: 10.03

Subject: INVESTMENTS AND LOANS - FEBRUARY 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 and Loans Report for the month of February 2023.

Executive Summary

- Council's investment portfolio has met compliance requirements and investment income has exceeded budget.
- Total investment portfolio performance for the financial year to date was marginally below benchmarks 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 however returned 1.78% p.a., outperforming bank bills by 0.03%.
- For now, the RBA continues to signal that it expects to increase interest rates with at least 2 to 3 additional 25 basis point increases over the months ahead.
- Outstanding loan balances are at relatively low levels which provides the opportunity to leverage borrowings to invest in capital works moving forward.
- The loans portfolio is currently attracting average rates lower than new investments, meaning that Council is currently experiencing a positive net exposure to interest rates.

Discussion

The purpose of this report is to provide details of Council's investment and loan portfolios and to certify that all investment funds have been made in accordance with section 625 of the *Local Government Act 1993*.

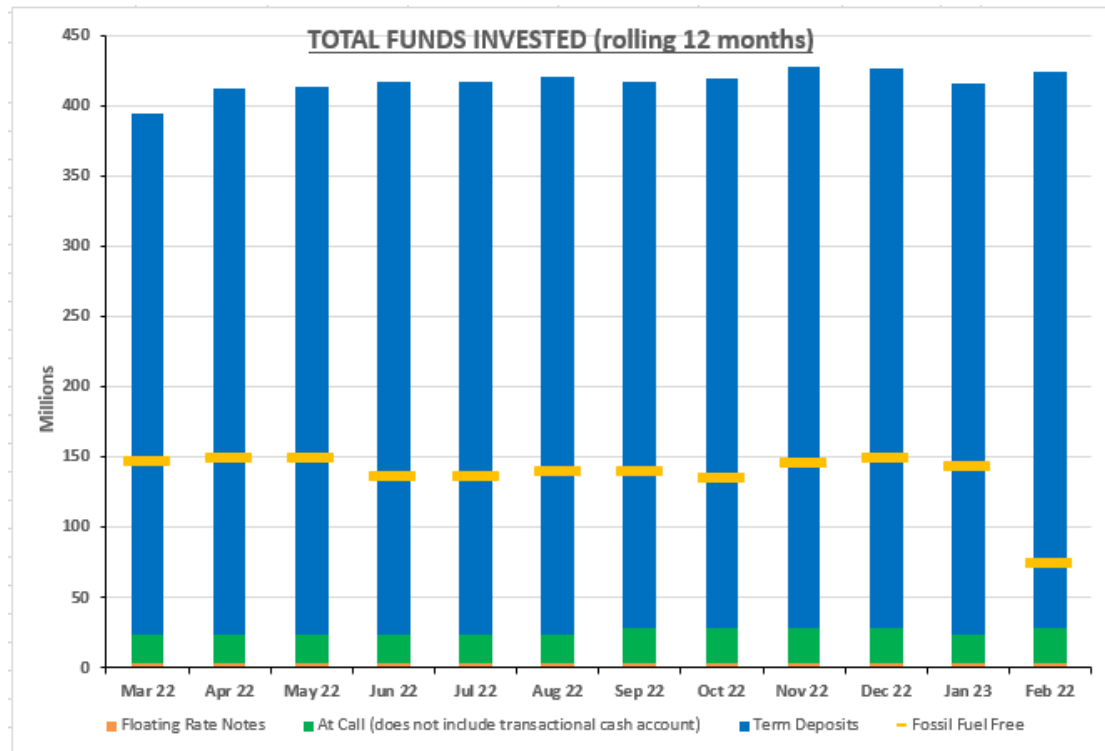
Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. Attachments 1 and 2 prepared by Imperium Markets provides detailed information on the performance of Council's investment portfolio for the period.

Investment Portfolio

As at 28 February 2023, the investments held by Council totalled \$424,633,650. This was \$8.6m higher than 31 January 2023 due to maturities at the end of February not reinvested until March. Investment activity during the month was as follows:

Activity	Amount	Institution	Rate	Term	Funds Fossil Fuel
Matured	5,000,000	ME Bank	0.90%	1yr	Yes
Matured	2,500,000	ING	1.60%	3yr	Yes
Matured	5,000,000	ME Bank	0.90%	1yr	Yes
Total Matured	12,500,000				
Invested	5,067,772	Westpac	3.35%	On demand	Yes
Invested	5,000,000	Westpac	4.85%	2yr	Yes
Invested	5,000,000	ING	4.94%	2yr	Yes
Invested	3,000,000	ING	5.09%	2yr	Yes
Invested	3,000,000	NAB	5.00%	1yr	Yes
Total New Investments	21,067,772				
Net Investment Movements	8,567,772				

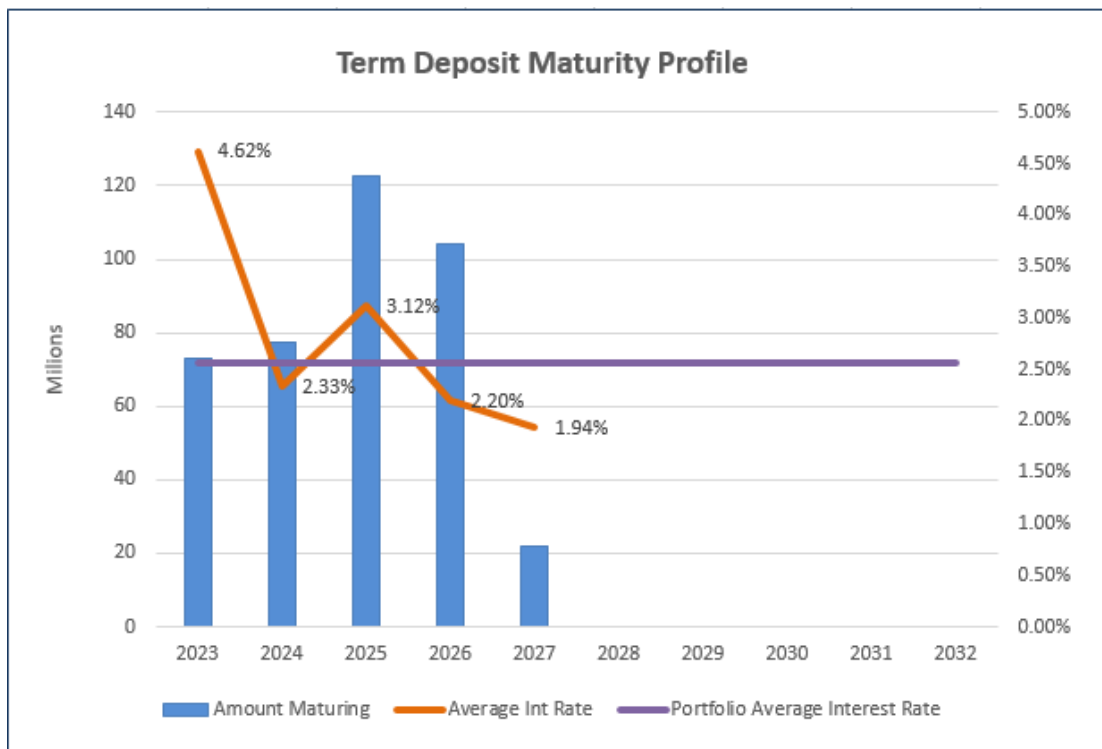
The following graph shows total investments by type on a rolling 12-month basis:



The maturity profile of the investment portfolio, (excluding the cash management account which is at call) is illustrated below and shows that maturities are well balanced across the next 5-year horizon.

The average interest rate of those 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 the average interest rate of maturities falls. This reflects the declining interest rates of the last two years, noting that Council protected the portfolio against even lower interest rates 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.



Council's total investment portfolio is attributed to the following funds:

Fund	Balance (\$)	Notes
General Fund	183,620,083	1
Waste Fund	24,632,998	2
Water Fund	148,023,044	2
Sewer Fund	68,357,525	2
Total	424,633,650	

Whilst the current level of investments remains high, these largely relate to funds which have legal restrictions, (for example Water and Sewer), where funds cannot be spent on general operations or works, or for funds held for specific purposes. These funds will be spent depending on the required timing of future works and the totals will fluctuate depending on the status of individual projects.

(1) The General Fund reserves include the following:

- Approximately \$65m are development contributions that must be expended in relation to adopted plans to fund growth related infrastructure. They cannot be spent on existing infrastructure or on projects not listed in the relevant plans.
- At 30 June 2022, \$61m were grants for specific projects which will be spent over the coming year, including Ocean Drive (\$31m) and Maria River (\$11m).
- Remaining reserves are fully allocated to range of projects including Ocean Drive (\$10m), additional Parks and Tree Maintenance (\$3m) and various airport projects (\$7m). They are also allocated to fund operational needs of Council, such as replacing Plant and Equipment, with approximately \$8m also held for security bonds which will be returned to suppliers on completion of works.

(2) The majority of the portfolio is held in the Water, Sewer and Waste Funds which require significant capital investment. Projects often occur cyclically, with a combination of reserves and borrowings used to fund the large infrastructure needs. The funds are fully allocated to projects over the coming years including:

- Cowarra Water Treatment / Filtration Plant = \$125m of reserves funding
- Thrumster Sewerage Treatment Plant = \$19m of reserves funding
- Kew STP Upgrade = \$31m of reserves funding
- Kew and Bonny Hills Reservoirs = \$11m of reserves funding

The following is a summary of Council's exposure to financial institutions that fund fossil fuels:

Financial institutions funding fossil fuels	Purchases since 01/07/22 (\$)	Purchases since 01/07/22 (%)	Amount invested at 28/02/23 (\$)	Amount invested at 28/02/23 (%)
Yes	47,020,000	65%	350,633,650	83%
No	25,000,000	35%	74,000,000	17%
	72,020,000		424,633,650	

Further commentary on fossil fuel investments is provided by Imperium Markets in the attached Monthly Investment Report (Attachment 1).

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.

Interest on Investments

The following table shows the interest returns as at 28 February 2023 and the portfolio performance against benchmark (bank bill Index).

Item	Performance
Interest for the Month (\$)	733,862
Interest YTD (\$)	5,705,193
% of Annual Budget Rec'd	110%
Portfolio Performance YTD Annualised (%)	1.92%
AusBond Bank Bill Index YTD Annualised (%)	2.54%
Performance Compared to Bank Bill Index (%)	-0.62%

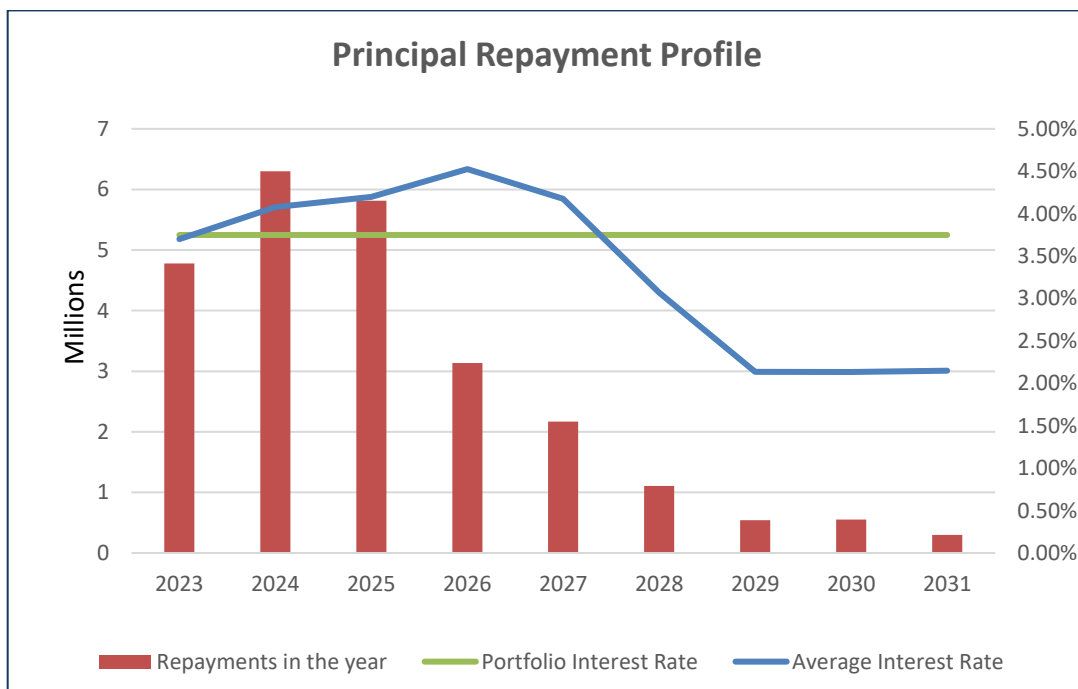
As noted above, although the total portfolio performance for the financial year to date was marginally below benchmarks due to the unexpected aggressive rate hikes undertaken by the RBA, this 'underperformance' is expected to be temporary only.

Loan Portfolio

Below are details of Council's current loan balances and interest expense for the month, noting that all loans are currently at fixed rates of interest:

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month
General	77,289,755	22,765,034	4.00%	70,285
Sewer	24,530,000	1,353,051	2.99%	3,103
Waste	1,500,000	584,207	3.44%	1,542
Total	103,319,755	24,702,292		74,930

The maturity profile of the loans portfolio is shown below. It details when the outstanding loan balances will be paid down and the average interest rate payable that has been attributable to those loans.



Summary - Net Position Investments and Loans

Interest Analysis for the Month	
Investment Interest Income	733,862
Loan Interest Expense	(74,930)
Net Interest Income for the Month	658,932
Investments vs Borrowings	
Total Investment Balance	424,633,650
Total Loan Balance	(24,702,292)
Net Position	399,931,358

As interest rates rise, Council is able to invest funds at higher rates, currently locking in rates in the vicinity of 5%. With the loans portfolio attracting average rates lower than this, Council is experiencing a positive net exposure to interest rates. It is noted however that pressure is likely to be put on this position moving forward as future loans are expected to attract higher rates.

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 exceeded 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 0.62% below the benchmark (1.92% against 2.54%) and year to date income is 110% of the total annual budget.

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 2012* and Council's Investment Policy.

Nicole Spencer
Responsible Accounting Officer

Attachments

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

Item: 10.04

Subject: MONTHLY BUDGET REVIEW - FEBRUARY 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 "February 2023 Adjustments" section of the Monthly Budget Review – February 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 February 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 February 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
February Review	Balanced	\$0
Forecast Budget Position for 30 June 2023	Surplus	\$27,041

** No report in December due to no Council meeting*

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.

February 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 "February 2023 Budget Review".

Grants and Contributions totalling \$2,510k were recognised during the month of February. These include funding received for the Fixing Local Roads Pothole Repair project (\$240k), the Hastings District Bulk Water Supply project (\$450k), Footpath Repairs in the LGA (\$1,000k), Sporting Infrastructure Upgrades (\$635k) and Stuart Park Lighting Upgrade (\$100k).

Funds were returned to Reserve during the month for finalisation of the Airport Terminal Sewer Rising Main project (\$120k).

Budget Variance Requests were approved by Executive during the month for the Heat Pump Replacement at the Glasshouse (\$431k), the Hastings River Flood Study (\$98k) and Camden Haven Flood Study project (\$30k).

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

It is noted that review of monthly progress to budget is currently indicating a potential release of surplus funds. There is likely to be significant additional revenue brought to account in relation to investment income (due largely to increasing interest rates) and rates income due to growth in the region, as well as some savings identified across the business. Estimates in relation to potential adjustments are currently being finalised and these will be brought to account in the next monthly review.

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	8,971	103,837	2,510	106,347
Other Operating Receipts	6,084		31	6,115		6,115
Expenses from continuing operations						
Employee Costs	(57,410)		(123)	(57,533)		(57,533)
Materials and Contracts	(53,468)	(1,198)	(5,856)	(60,522)	(133)	(60,655)
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	2,862	77,852	2,377	80,229
Restricted Asset Movements						
Transfer from Restricted Assets	80,376	11,643	11,556	103,575	311	103,886
Transfer to Restricted Assets	(51,104)		(88)	(51,192)		(51,192)
Net Revenues (Used in)/Provided by in Restricted Assets	29,272	11,643	11,468	52,383	311	52,694
Property, Plant and Equipment Movements						
Purchase of Assets	(137,628)	(16,833)	(14,303)	(168,764)	(2,688)	(171,452)
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)	(14,303)	(176,764)	(2,688)	(179,452)
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 28 February 2023 this position is changed to a budget surplus of \$27,041 and this position is considered acceptable”.

Attachments

1.  February 2023 Budget Review

Item: 10.05

Subject: OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

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 relating to the Tendering Local Preference Policy.

Executive Summary

This report details the results of the Tendering Local Preference Policy adopted by Council in October 2018 (following a 12-month pilot period) and provides information relating to the application of the Policy on Council's tendering activities.

The Policy has been introduced to support local businesses and encourage local economic business activity for the benefit of the Port Macquarie-Hastings community. This Policy complements Council's integrated strategy to support local business.

Discussion

At the ordinary meeting of Council held 17 March 2022, the Council resolved to:

11.20 NOTICE OF MOTION - TENDERING LOCAL PREFERENCE POLICY

That Council:

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

This report relates to item 3 of the resolution.

For the purpose of clarity, Council's Tendering Local Preference Policy has defined "Notional Offset", as a five percentage (5%) discount, capped to an upper limit of \$25,000, to the pricing submitted by local suppliers to be used in the evaluation process. Council is also concerned to ensure that the application of this Policy does not have an adverse effect on competition and does not cause Council to breach its obligations under the *Competition and Consumer Act 2010*.

In the last 12 months, this Policy has been applied to 60 (67%) of open tendering activities with an estimated value of >\$250k. Of this 60 tendering activities, 55 open tendering activities have concluded, with 19 contracts being awarded to local suppliers. The application of this Policy's notional offset has had no influence on the decision or outcomes of any these 55 tendering activities.

For the purpose of transparency, there has been 28 instances where this Policy has not been applied, either due to the tendering requirements not being applicable under s. 55(3)(a), (c), (i) or (e) of the Local Government Act or concerns regarding adverse effect on competition. In some instances, to support local business local content, consideration was given to how suppliers intended to create local and/or social benefits to the Port Macquarie-Hastings Local Government Area.

With reference to item 2 of the resolution of March 2022, a briefing to Councillors will be conducted as part of Procurement Policy Framework project.

Planning and Policy Implications

This policy will be reviewed as part of the Procurement Policy Framework project.

Attachments

Nil

Item: 10.06

**Subject: CLASSIFICATION OF COUNCIL LAND - MAIZE PARKWAY
THRUMSTER**

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:

- 1. Pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 70 DP 1274051 Maize Parkway Thrumster as operational land by placing on public exhibition for a minimum of 28 days with the proposed resolution, "It is intended to classify Lot 70 DP 1274051 Maize Parkway Thrumster as operational land".**
- 2. Note that a further report will be tabled at a future Council meeting detailing any submissions received during the exhibition period.**

Executive Summary

This lot was created as part of an approved subdivision (DA2014/801). The consent required that this land be dedicated to Council following the completion of the installation of a sewer pumping station. The property was transferred into Council ownership on 25 January 2023 and is now required to be classified under s34 of the *Local Government Act 1993*.

Discussion

Council owned land occupied by Sewer Fund installations is classified as operational land in accordance with the use of the land. This report seeks to proceed to undertake the formal process to classify the land commencing with the public exhibition of the proposed classification.

Options

There is an option to classify the property as either community land or operational land, however it is Council's practice to classify Sewer Fund land containing sewer infrastructure as operational.

Community Engagement and Internal Consultation

Following certification that the sewer pump station was fully operational, the Community Utilities Division requested that the property transfer into Council ownership be completed.

This transfer necessitates the need to now classify the land in accordance with Section 34 of the Local Government Act 1993 which requires that the proposed classification be placed on public exhibition for a period of not less than 28 days.


Planning and Policy Implications

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

Financial and Economic Implications

The property was transferred by PM Land Pty Ltd on 25 January 2023 at no cost to Council.

Attachments

1.  Sewer Pumping Station TH4 - Lot 70 Maize Parkway Thrumster

Item: 10.07

**Subject: T-21-51 SUPPLY OF URBAN AND CIVIL PIPES, FITTINGS,
FIXTURES AND ASSOCIATED PRODUCTS AND SERVICES**

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:

- 1. In accordance with section 178(1) of the *Local Government (General) Regulation 2021*, decline to accept any tenders submitted for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services, for categories 3 - 11, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts in relation to the subject matter of the tender.**
- 2. Pursuant to section 178(4)(a) and (b) of the *Local Government (General) Regulation 2021* decline to invite fresh tenders for the reasons that the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a superior outcome.**
- 3. Note the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services for categories 3 - 11 following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.**
- 4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-51 Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services.**

Executive Summary

The purpose of this report is to advise Council of a recent Request for Tender for the Supply of Urban and Civil Pipes, Fittings, Fixtures and Associated Products and Services and recommend that Council decline to accept any tenders and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

The subject matter includes:

- Category 3 - Polyethylene Pipes
- Category 4 - Polyethylene Fittings
- Category 5 - Polypropylene Pipes and Fittings
- Category 6 - Copper Pipes and Brass Fittings
- Category 7 - Metering, Backflow devices and Flowmeters
- Category 8 - Stainless Steel Repair Bands and Clamps

- Category 9 - Reinforced Concrete Manholes and Components
- Category 10 - Reinforced Concrete Pipes, Culverts and Headwalls
- Category 11 - Reinforced Concrete Pits and Structures

Discussion

Background and Context

Urban and civil pipes, fixtures, fittings and associated products are required for daily construction, maintenance and emergency repair of water and sewer assets within Council's Operational and Development Plans. Council's spend estimate for these categories over the next five years is approximately \$13.3m.

Since 2019 the Council has been procuring these items from various companies on the Local Government Procurement's panel arrangement LGP908-3 until 31 August 2021 when the contract expired. This was in accordance with Council's resolution of Item 15.04 at its Ordinary Council meeting held 21 August 2019. The panel contract for Pipes, Pipe Relining, Pumps, Water Meters, Pre-cast Concrete Products and Associated Fittings, Products and Services (LGP908-3) was retired on the 31 August 2021 and replaced by Industrial, Construction, Electrical, Domestic, Urban and Civil Consumables, General Hardware & Materials (NPN116-2).

NPN116-2 commenced on the 1 August 2021 and includes the supply of Urban and Civil pipes, fittings and fixtures including water pumps and meters. However, this new contract only has a choice of two of our previous suppliers and only a possibility of three more, if they service this region. Additionally, there are a number of items that do not appear within this new contract e.g. water meters and pipes and fittings used by water and sewer. On this basis, it was considered that Port-Macquarie Hastings Council undertake its own sourcing activity and release a Request for Tender to the market.

Procurement

In accordance with the provisions of the *Local Government Act 1993*, a public procurement process has been conducted to identify suitably qualified and experienced suppliers to deliver and supply urban and civil pipes, fixtures, fittings and associated products.

An open public tender process was undertaken to identify the preferred tenderers to deliver the materials/goods, in accordance with Council's requirements and Council's procurement policy. The Request for Tender consisted of 11 categories.

Prior to the procurement process commencing, a procurement and evaluation plan was developed to establish a suitable procurement pathway, mandatory participation requirements, evaluation criteria and weighting assessments for Council's approach to market and establishing the evaluation panel. This included an early market engagement whereby a group of known suppliers were consulted on global supply chain issues and provided clear indication of their inability to commit to pricing schedules greater than 15 to 90 days.

Council received eight tenders of which three were deemed to be non-compliant. Two had not completed any of the tender schedules and a third submitted incomplete tender schedules, therefore five tenders progressed to stage 2 of the evaluation process.

Category 1 - Ductile and polyvinyl chloride pipe, rings and wrap and Category 2 - Ductile iron fittings & valves received three and five tenders respectively and the evaluation panel have recommended three tenderers for each category. This award process will be exercised using the Chief Executive Officer's existing delegation to the General Manager.

The remaining categories received one or two incomplete submissions only as not all line items received offers. The evaluation panel concluded to recommend declining any of the tenders for Categories 3 to 11 based on an insufficient number of tenderers to fulfil the requirements of the Request for Tender. It is recommended to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts.

Expected Outcomes

A successful outcome for Council is establishing a panel arrangement consisting of a sufficient number of reliable suppliers for the provision of quality materials/goods required by Council to deliver the daily construction, maintenance and emergency repair of water and sewer assets within Council's operational and development Plans.

Interest and Probity Statement

Enquiries have been made throughout all stages of the procurement with relevant members of staff, ensuring that disclosable interests arising through the process have been raised. No member of the evaluation panel has a pecuniary or non-pecuniary interest in the tenders or contract.

The evaluation has fully complied with the *Tendering Guidelines for NSW Local Government 2009*, the agreed procurement and evaluation plan and the Conditions of Tendering. No potential tenderer had access to the final specification prior to its release. All advice, written or verbal, provided to a tenderers clarifying any aspect of the tender documentation was also provided to all other tenderers.

No tenderer was provided any advantage over other tenderers, and all were treated fairly and equally during the tendering process. Information provided by tenderers which has been deemed confidential, has been protected, and will not be disclosed

Options

Council's options when considering tenders is limited to the *Local Government (General) Regulation 2021* - Clause 178(1), in that Council must either -

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
- (b) decline to accept any of the tenders.

Should Council decline to accept the recommendation, Council must do one of the following by resolution. Council must, in accordance with clause 178(3) of the *Local Government (General) Regulation 2021*:

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Should Council decline to accept the recommendation of entering into negotiations for the supply of urban and civil pipes, fittings, fixtures and associated products and services, there is a risk to the daily construction, maintenance and emergency repair of water and sewer assets within Councils' Operational and Development Plans.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this RFT:

- Director Community Utilities
- Group Manager Procurement
- Water and Sewer Investigations Engineer
- Water Construction Coordinator
- Project Manager Infrastructure Division, and
- Contracts Manager.

Planning and Policy Implications

The procurement process was undertaken in accordance with the *Local Government (General) Regulation 2021* and Council's Procurement Policy and related Tendering Procedures.

Financial and Economic Implications

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

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: NOTICE OF MOTION OF ALTERATION - PORT MACQUARIE-
HASTINGS SPORTING FUND MEETING DATE CHANGE REQUEST**

In accordance with Clause 17.6 of Council's Code of Meeting Practice, Councillors Lipovac, Sheppard and Intemann have given notice of their intention to move the following motion to alter the motion of item 11.07 Draft Charter Port Macquarie Hastings Sporting Fund Sub Committee adopted at the 16 February 2023 Ordinary Meeting of Council:

RECOMMENDATION**That Council:**

1. **Adopt the updated Charter for the Port Macquarie Hastings Sporting Fund noting the change of committee name, membership and that section 5 Timetable of Meetings be amended to read "Meetings will be held monthly at a date and time as determined by the Committee except for December and January (unless required). A Meeting also may be held if required for a specific purpose."**
2. **Update Council's sporting fund grant and scholarship guidelines and website in accordance with the revised Charter.**

Attachments

Nil

Item: 11.02

Subject: TUFFINS LANE SPORTING PRECINCT - COMMENCEMENT OF DESIGN WORKS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information provided in this report**
- 2. Consider including funding for the detailed design works to the value of \$200,000 in the draft 2023-2024 Operational Plan and budget with the approvals and construction budget requirements to be considered as part of the development of the draft 2024-2025 Operation Plan and budget**

Executive Summary

This report responds to the 20 October 2022 Ordinary Council Meeting resolution regarding the Tuffins Lane Sporting Precinct and specifically, the purchase of this land and the subsequent upgrades of the land to meet future needs of the site.

Specifically, at the October 2022 Council resolved as follows:

That Council:

- 1. Note the information provided in this report.*
- 2. Authorise the Chief Executive Officer to proceed with the purchase of the Tuffins Lane sports precinct land based on the vendor's specified value as detailed in the report being the maximum figure.*
- 3. Maintain the confidentiality of the documents and considerations with regard to this matter.*

The purchase of the Tuffins Sports facility was completed in December 2022 and the land then resolved to be classified as operational land in accordance with the Local Government Act at the Ordinary Meeting February 2023.

The site has a number of environmental constraints and is largely impacted by wet weather events due to the lack of drainage. To ensure the facility is fit for use for both the local user groups and future events, there are an extensive number of actions required to be undertaken prior to any works being able to be undertaken on the site.

To improve usability of the precinct for more sustainable sports use during wet weather, staff have assessed the approval pathway and factors involved in improving field drainage. Initial assessment indicates a Development Application (DA) and Environment Impact Statement (EIS) would be required at a minimum.

A detailed design for the proposed drainage system would be required to facilitate these approvals. This would be the first step in the process prior to any drainage works of system installations.

Discussion**BACKGROUND TO THE PRECINCT**

The precinct known as Tuffins Lane supports local sporting needs including touch football, cricket, and oztag in summer; football in winter; school games and events.

The availability of this facility also delivers more than \$13M per annum to our local economy as a result of Council's hosting arrangements for major events (primarily the NSW Senior and formerly the, Junior State Cup touch football). This economic impact is calculated based on number of visitors' length of stay and estimated spend. Like all major events, the majority of this spend is in the tourism, hospitality and event services sectors, but it has a multiplier effect across our economy via greater employment and money in the pay packets for local workers who spend across more diverse industries and a broader region.

The precinct's location adjacent to the Port Macquarie Airport means there are a number of constraints relating to Civil Aviation Safety Authority (CASA) regulations regarding safety and emergency requirements. The site is also located on a floodplain and is constrained environmentally. Flooding is well known to impact play on the Tuffins sporting fields in times of heavy rain and king tides however, over the 30 plus years of hosting the NSW Senior State Cup, this has resulted in the cancellation of only one event - primarily as this competition is held in early December which is normally the drier time of the year. The impact on the Junior State Cup in February (hosted since 2013) has been far greater noting this is one of our wettest months of the year (rain has impacted four of the last eight events).

A sports field drainage specialist was initially engaged by Council to consider and provide preliminary advice on the Tuffins sporting fields. This advice recommended that the best drainage solution (for the playing fields) is the construction of slit drains, with water to be pumped into the nearby creek. The design of the slit drainage system is intended to have minimum impact on the grass surface and offer the best outcome in terms of usability, subject to receipt of the relevant environmental approvals. However, even as the most effective system, it should be noted that it could still only cope with up to 75mm of rain per day, so like many of Council's other sporting fields, the fields would still be subject to closures in wet weather.

In addition, there is limited/restricted power supply at the Tuffins Lane Sporting Fields (currently services the touch 'tower' building, 2 x sewer pump stations and 2 x kiosks). It is anticipated that any increase in load (for a drainage pump system or field lighting for instance) would require an upgrade in supply to the precinct and associated switchboards.

CURRENT SITUATION

With the Council's recent purchase of the site many stakeholders have advocated for an immediate investment in a system to improve drainage for the Tuffins fields. However, this is a complex issue noting the low-lying nature of the fields (and high ground water levels) and associated environmental lands and constraints.

Flood events that are less than 1 in 5-year (or 20% probability in any one year) are likely to cause flooding, and king tides and storm surges will exacerbate this. Previous attempts to drain low lying land in this area and surrounding the Hastings River has historically resulted in unintended consequences such as exposing Acid Sulphate Soils. The Precinct is classified as Acid Sulphate Soils - Class 2 in accordance with the PMHC LEP 2011 and this increases the risk that dewatering would release acid compounds into the neighbouring waters/wetlands which could result in significant environmental impacts that Council would be liable for. Further detailed assessment in this regard and the preparation of an acid sulphate soils management plan for the proposed works in accordance with the Acid Sulphate Soils Manual would be required for any earthworks or development in this area.

To improve the field there will be an extensive process and this will include the following steps:

1. The first step will be to undertake a Request for Tender (RFT) to engage a consultant to undertake the detailed design for drainage solution would. The estimated timeline for this process is approximately 3-6-months and at a cost estimated at \$200,000.
2. A detailed environmental assessment (EIS) would be required due to the works resulting in discharge of additional water to the coastal wetland in the creek and the physical works themselves being done in a proximity area. This was originally estimated to be in the order of \$150,000, however through recent further investigation this and a DA would be required, the timeline estimated to be 9-12 months for the EIS requirements and approval for the DA/EIS, with the costs expected in the vicinity of \$500,000.
3. The next step in the process once the detailed design, EIS and DA are completed would be the procurement of the construction works. At this stage the estimated works for Drainage and Electrical would be in the vicinity of \$2,000,000, noting that the original estimate was \$250,000 for electrical upgrade and \$1M for drainage works, however with recent escalation costs on the majority of our recreation projects the figure has been reviewed. Due to the size and value of the of the project, Council would also need to call for tenders and this would be another 3-6-month timeframe. This could be reduced if a design and construct tender was called in the beginning, however this cannot be determined until the environmental factors have been addressed.
4. Construction of the project. The time to do the works would include but not be limited to de-watering of the site, layout of and install drainage, underground services, install electrical infrastructure and re-turfing. This would also require a period of reestablishment. This would need to be determined by the contractor but as a comparison, Rainbow Beach Sporting Fields took 3 weeks to install, however Tuffins is approximately double the size of the Rainbow Beach fields so the construction timeframe and field down time could be approximately 12 weeks. Down time for field use Construction plus Recovery time would be approximately 6 weeks (largely influenced by weather) this would suggest the field would be out of use for 18 weeks in total.
5. Time to complete projects from start to handover is up to 2yrs. It is unlikely that we would commence works on site until late-2024 based on the required procurement timeline, design and approvals. This too could be subject to budget prioritisation of this project in upcoming 2023-2024 and 2024-2025 budgets.

This report recommends that a budget for detailed design be considered for inclusion in the draft 2023-2024 Operation Plan and budget. There would also need to be consideration for the additional elements of the scope of this project to be considered in future budgets.

Options

Council may choose to

1. Determine to move ahead with the detailed design of drainage on the Tuffins Lane site and consider prioritisation of the inclusion of \$200,000 in the draft 2023-2024 budget or
2. Request the Chief Executive Officer provide further information regarding the requirements of the project or
3. Resolve in some other fashion

This report recommends option 1

Community Engagement and Internal Consultation

Internal consultation has commenced with:

- Director Community, Planning and Environment
- Recreation and Facilities Manager
- Group Manager Community
- Group Manager Development Assessment
- Facilities Coordinator
- Parks and Recreation Operations Team

Planning and Policy Implications

Installation of drainage as discussed in the report would require development approval and other associated assessments (eg environmental impact statement, hydrology study, acid sulphate management plan, etc). These would require additional budget allocations as part of the drainage works project, should it proceed beyond design.

Financial and Economic Implications

The financial implications of this report will depend on Council's decision. As noted, the potential installation of field drainage or other site development (eg electrical upgrades) would require considerable investment. The anticipated investment is likely to total in excess of \$3.15M.

Total project costs are still in an estimate phase however based on previous projects and experience they are anticipated to be in the order of:

• Detailed Design of Drainage and Electrical Works	\$200,000
• EIS + Studies/DA and Approvals	\$500,000
• Construction of Drainage and Electricals	\$2,000,000
• Project Management Costs	\$150,000
• Contingency	\$300,000
Total Cost	\$3,150,000

In addition, ongoing site management costs were originally estimated to be \$100,000 per annum based on current maintenance levels only, this will require review with future budgets depending on the adopted maintenance levels of the precinct now that it is a Council owned site.

Attachments

Nil

Item: 11.03**Subject: RECOMMENDED ITEMS FROM THE 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 note the 2 February 2023 recommendations of the Port Macquarie Hastings Sporting Fund Sub-Committee and:

- 1. Accept for payment expenses associated with the Bowls Day and that Council receive a post event report at the April 2023 Council meeting.**
- 2. Accept the quote of \$300 from Oxley Signs for engraving of winners on the Sporting Fund Shield.**
- 3. Approve expenditure of \$100 for purchase of a gift for past serving committee members Jo-Anne Boarder and Sue Reid.**
- 4. Increase the Wayne Richards Sporting Scholarship from \$4,000 to \$5,000 per annum effective for the September 2023 application round.**

DISCUSSION

Minutes of the Port Macquarie Hastings Sporting Fund sub-committee meeting held on 2 February 2023 are included as Attachment 1. This report relates to the committee recommendations Items 7, 8, 10 and 11 in the attached minutes regarding expenditure of funds.

In accordance with the Charter, the committee requires a resolution of Council to expend Port Macquarie Hastings Sporting Fund income. Expenses associated with the March 2023 Bowls Day; ticketing and food and beverage, and the engraving of the Sports Fund Shield, are reported to Council for approval. All quotes and invoices have been submitted to committee meetings in accordance with Council's procurement guidelines.

The sub-committee requests Council's endorsement to purchase a small gift from the Fund to the value of \$100 for outgoing committee members Jo-Anne Boarder and Sue Reid.

The Wayne Richards Sporting Scholarship established in 1999, is a Council funded scholarship that helps local young sporting stars attend elite level sporting competitions. The committee noted the increased cost of living, registration and travel costs associated with out of area competitions and recommended that Council consider increasing the scholarship from \$4,000 to \$5,000 per annum effective for the September 2023 application round.

Attachments

1.  Minutes - Sporting Fund 02 02 2023

Item: 11.04

Subject: PORT MACQUARIE-HASTINGS SPORTS COUNCIL

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 endorse the draft Terms of Reference for the Port Macquarie-Hastings Sports Council.

Executive Summary

At the Ordinary Council meeting held on 16 February 2023, Council resolved as follows:

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*

This report is provided in response to resolution (4) above.

Discussion

At the Ordinary Council Meeting held on 16 February 2023, Council resolved to proceed with the establishment of a Sports Council with memberships to be called following endorsement of the *Port Macquarie-Hastings Sports Council Terms of Reference (TOR)*. A draft TOR is now included here as Attachment 1.

The objectives of the Port Macquarie Hastings Sports Council will be to:

- Assist in the development, review and monitoring of the Recreation Action Plan 2023-2028 which assists Council in the identification for sport and sporting infrastructure.
- Consider the cumulative effects of Council's decisions on identification of priorities for sport and sporting infrastructure;

- Provide advice to Council on strategic projects and Council policies related to, or that may impact on the implementation of the Recreation Action Plan 2023-2028;
- Initiate increased communication between the sporting community and Port Macquarie Hastings Council to ensure that all existing and future needs and requirements of sport are identified and considered;
- Work with Council to ensure that sporting and recreation facilities are provided and maintained to an acceptable standard;
- Raise funds and source grants which will assist in furthering the objectives of the Sports Council; and
- Provide input to the setting and review of fees and charges for sporting fields and recreation facilities.

The Port Macquarie Hastings Sports Council will not consider:

- Sport and recreation program development.
- Sports club development and capacity building.
- Day-to-day operational management of facilities including sport facility allocations.

The draft Terms of Reference is attached to this report as Attachment 1.

Options

Council has the option to seek additional options for the Sports Council or some other group or determine not to proceed with the establishment of the group.

Community Engagement and Internal Consultation

Following endorsement of the draft Terms of Reference, an Expression of Interest will be advertised calling for memberships for the Port Macquarie Hastings Sports Council.

Planning and Policy Implications

The Sports Council will assist with determining new planning and policy direction in respect of sporting facilities.

Financial and Economic Implications

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

Attachments

1.  Draft Port Macquarie Hastings Sports Council Terms of Reference

Item: 11.05

**Subject: DRAFT POLICY - COMMUNITY LEASING AND LICENSING POLICY
- POST PUBLIC EXHIBITION**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the submissions received during the public exhibition period and thank those who made submissions for their input and advise them of the outcome of Council's consideration of this matter**
- 2. Adopt the Community Leasing and Licensing Policy**

Executive Summary

At the Ordinary Council meeting held 8 December 2022 Council resolved to place the draft Community Leasing and Licensing Policy (Attachment 1) on exhibition.

The Policy was placed on exhibition from 13 December 2022 to 28 February 2023. Eight (8) submissions were received. The submissions received did not give rise to the need for amendment of the draft Policy as exhibited.

This report recommends that the Policy now be adopted.

Discussion

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

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.*

The Policy provides a framework to ensure that Council has a transparent, equitable, consistent and thorough approach to the leasing and licensing of Council owned and Council managed Crown Land properties for community use, whilst maximising the benefit to the community.

Council aims to maximise the occupation and use of community facilities, noting the increasing demand for premises for use by community groups. Council encourages tenancies to be shared between groups wherever possible. Groups are encouraged to be inclusive and to provide a range of services to the community, whilst meeting their obligations under the relevant legislation.

Many community groups are comprised of volunteers, are not for profit and provide physical, cultural, social and intellectual services to the public. The Policy provides criteria for assessing applications for the leasing and licensing of community facilities and for determining the appropriate rent, fees, and responsibilities, whilst also providing for transparency on terms and greater equity between similar types of tenancies.

The public exhibition is now complete and with the outcomes of the exhibition process discussed below. The submissions received did not give rise to the need for amendments to the draft Policy as exhibited.

Options

Council has the option to adopt the policy or request to request amendments to the Policy. This report recommends that the Policy be adopted.

Community Engagement and Internal Consultation

Community Engagement

The draft Policy was placed on public exhibition on Council's Have Your Say website on 13 December 2022 for a period of 77 days. The community groups occupying buildings on Council owned or Council managed Crown land that are on existing agreements with Council and those community groups that are yet to be brought onto agreements, were notified of the policy exhibition by email or letter on 14 December 2022 and a reminder email was sent on 18 January 2023.

A total of eight (8) submissions were received and these are included in the Have Your Say summary report in Attachment 2 and summarised below

The draft Policy on Council's website had 307 webpage visits and there were 196 document downloads.

Submission	Comment
1. Hastings Community FM Radio Association Inc	We hope that the fact that we have had this lease for many years, have made a great improvement to the property and maintenance regularly but most importantly that we are a not for profit Community organisation, all this should be taken into consideration when making any changes or increasing rental of the property as not all organisations should be put in the one category without consideration.

	Response/ Comment:	Community group on existing Licence. No fee increases are proposed with this Policy review.
Submission		Comment
2.	Hastings River Greyhound Racing Club	Accept draft policy
	Response/ Comment:	Community group to be brought onto a new agreement with Council.
Submission		Comment
3.	Peter Briscoe	My concern is related to council's responsibilities in relation to the issue of licensing for the use of crown land to hold an EVENT on said crown land. The main issue is the policing of noise generation when amplification of sound ie. voice or music in particular is involved. The council guidelines tell us " it will ensure the proposed arrangements will utilise the site in a manner that delivers maximum benefits to the LOCAL Community.
	Response/ Comment:	This comment is related to events which are not covered by this Policy
Submission		Comment
4.	Hastings Neighbourhood Services	Both the Policy and Procedure is clear and fair. It appears to ensure that community spaces are shared, reasonably priced and that all possible user applicants have equal access to fair application process. This will hopefully address long term community space monopoly and inconsistent earning capacity arrangements that currently exist for some community groups in favour of others. For example, some groups have long term leases at pepper corn rent and can charge other groups to access the facilities, keeping the funds for their own purposes, whilst other

		<p>Lease holders pay rent and must remit all hire fees directly to council. The latter being a more transparent process for Council owned community access facilities.</p> <p>Implementing a consistent, predictable application process with clear assessment criteria for all, is an important initiative for council to take and one which I whole heartedly endorse.</p> <p>I understand that not all organisations, facility needs and financial positions, are the same. The policy has effectively covered the need for Council to maintain the prerogative (with clear parameters) to make consideration of these variations. Thus enabling council to choose to support organisations or groups with varied leasing agreements in order to meet community needs and service gaps.</p>
	Response/ Comment:	Community group on existing Licence. No fee increases are proposed with this Policy review.
Submission		Comment
5.	Tacking Point Surf Club	It would be devastating to our club if we were to be charged any more rent than our current lease agreement. Currently we rely heavily on fundraising and membership to keep our club afloat. Our volunteers put in many hours keeping Lighthouse Beach safe for locals and visitors thus performing a service for the PMHC at no cost.
	Response/ Comment:	Community group on existing Licence. No fee increases are proposed with this Policy review.
Submission		Comment
6.	Lake Cathie Tennis Club	We are a not for profit organisation run by volunteers that manage and maintain a community facility for the use of community members. We have limited funds which are collected through membership fees and court hire. The suggested fees sent to us by

		Council via email in November will impact our financial ability to successfully manage the courts. This is facility is run at very little cost to Council, who pay for rates only. We have concerns that Council has requested us to pay these fees and sign an agreement. What obligation will we be under in the future and what is the benefit, if any to our club and community?
	Response/ Comment:	This not for profit community group is to be brought onto a Licence as the Club occupies Council owned land. Noting that the Club have been managing and maintaining the property and that court hire fees are used by the Club to maintain the property, no Council fees will be applied in the new Licence.
Submission		Comment
7.	Mid North Coast Maritime Museum	<p>We are in agreement with the stated policy and leasing procedures and would add the following;</p> <p>1) EOI - where more than one application is received for a property and a decision is made by the Group Manager the reasons for the selection of a particular applicant should be published.</p> <p>2) Shared use - the MNCMM supports this and any lease agreement should have a section that allows this to be included.</p> <p>3) Hire fees - in the case of MNCMM these are critical in meeting the operational costs of the 3 sites eg: the revenue from hire fees nearly offsets only the annual insurance costs</p> <p>4) Maintenance and Repairs - the MNCMM has 4 x Heritage building (3 at William St & Pilot Boat Shed) which require considerable maintenance due to the age/construction of each building. These costs are not met with the current revenue receives. The MNCMM relies on grant funding, which has not been awarded to date. A quote for the repairs/painting to one only building is attached.</p> <p>5) Lease - due to the Heritage significant status the MNCMM would be requesting a long-term lease for the</p>

		William St & Pilot Boat Shed sites - 10 + 10 year. Also, worth noting that the MNCMM is awaiting direction from Crown Lands re: appointing PMHC as manager on their behalf.
	Response/ Comment:	Community group on Crown managed Crown land under Lease to Council and Sub Lease to the not for profit community group. Council has applied to be appointed Crown Land Manager of this Crown Reserve to enable a direct agreement with the group. No fee increases are proposed with this Policy review.
Submission		Comment
8.	Wauchope Community Arts Council	<p>On behalf of the Wauchope Community Arts Council committee I am writing to acknowledge receipt of the Draft Leasing and Licencing Policy and Procedures documents issued in December 2022.</p> <p>We are a volunteer based not-for-profit incorporated association and have been managing the Council owned Hall in Bain Park for over twenty years.</p> <p>The hall is used regularly for a wide range of affordable cultural activities but especially for performances by local, national and international music artists, as well as community choirs, disability groups, and fundraisers, or community workshops.</p> <p>Some of this period of management has been under a S355 agreement which was reviewed annually by Council staff, but not since 2019.</p> <p>We wish to continue in our role of Arts Hall management and would welcome the opportunity to review the type of agreement and conditions of occupation we have with Council's representatives when the Draft policy is ready for implementation.</p> <p>I appreciate the time given by the Property and Leasing Coordinator, who listened to my concerns about changes that might be detrimental to our operation and explained the reasoning</p>

		behind the Council need to create the Policies and Procedures to be followed by the assessments.
	Response/ Comment:	Not for profit community group to be brought onto a Licence. Future operation of the s355 Committee will be reviewed when discussing the terms of the Licence.

Internal Consultation

Director Community, Planning and Environment
Group Manager Community



Planning and Policy Implications

This Policy is a new Policy. 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.  Draft Community Leasing and Licensing Policy
2.  Draft Community Leasing and Licensing - Have Your Say Summary Report

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: NOTICE OF MOTION - RATE FREEZE 2023-2024

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

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2023-2024 financial year that freezes the Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate, at the 2022-2023 level.**
- 2. Request the Chief Executive Officer model the impact of freezing Ordinary and Special Rates at the 2022-2023 levels for the period 1 July 2023 to 30 June 2025 inclusive and that a report is returned to the April 2023 Ordinary Council meeting that addresses how the financial impact of the rate freeze might be mitigated.**

Comments by Councillor Roberts

As part of the 2021 Local Government Elections for the Port Macquarie Hastings Council, Mayor Peta Pinson took a number of key priority items to the community including a return to core services, a focus on delivery key and critical infrastructure in water, sewer and roads in particular.

A core promise, if elected with a majority was also to deliver an economic recovery strategy aimed at financially assisting the Local Government Area, in particular, our ratepayers and businesses following the preceding years of drought, floods, bushfires and the pandemic.

In the afore mentioned 2021 elections, Mayor Pinson was elected with a significant majority as popular mayor and her whole 'Team Pinson' consisting of Adam Roberts, Sharon Griffiths, Danielle Maltman and Josh Slade was elected.

It is very fair to say, that the Mayor's vision and well-articulated plans were adopted by the community, given the results of the election.

A particular element of the economic recovery strategy was to freeze general rates for the full elected term, which was, at the time just under 3 years.

This Rate Freeze plan was intended to aid ratepayers and to also place pressure on the Council organization to look inward for cost savings and to become more efficient in every aspect of what we do.

The Rates Freeze was also aimed at forcing the organization to live within its means, particularly given the ballooning cash reserves which had grown year on year over the last decade.

Promises made before an election, should be kept.

Not only should they be kept, but they should be fought for, in the face of push back or opposition.

Attachments

Nil

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 - NSW FORESTRY CORPORATION AND
NATIONAL PARKS AND WILDLIFE - CEASE LOGGING**

Councillor Edwards has given notice of her intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Advocate to the NSW Forestry Corporation and National Parks and Wildlife Service to permanently cease all logging in Compartments 41 and 43 of the Bulga State Forest within the upper catchment of the Hastings River, and add the compartments to the Biriwal Bulga National Park.**
- 2. Advocate to the NSW Government to develop a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable hardwood plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector and ensure a reliable supply of high value native hardwood timber products into the future by;**

Writing to the relevant State Members:

- 1) Member for Myall Lakes**
- 2) Member for Port Macquarie**
- 3) Member for Oxley**

Writing to the Ministers and Shadow Ministers:

- 1) Minister for Energy,**
- 2) Minister for Finance and Employee Relations,**
- 3) Minister for Agriculture,**
- 4) Minister for Environment and Heritage and**
- 5) Minister for Natural Resources.**
- 3. Notes the resolution of item 10.1 at the 8 February 2023 MidCoast Council Ordinary Council Meeting, as the minutes of that meeting recorded, provided in the attachments**

Comments by Councillor Edwards

Early in 2023 the Forestry Corporation of NSW commenced logging in the Bulga State Forest close to the Ellenborough Falls and in the upper catchment of the Hastings River. Two sections of high value, 30-year-old forest with scattered much older trees now have become habitat for threatened native species including koalas, glossy black cockatoos, greater gliders, and other small mammals affected by burning of adjacent forest areas in the 2019 bushfires. The two compartments were the only ones not burnt in the Bulga State Forest. Council's policies on Climate, Biodiversity and protecting koala habitat requires action to protect this important resource which also provides carbon capture and water storage at the top of the Hastings River catchment.

A recent scientific study conducted for the Tree Project has demonstrated that native forest logging in NSW produces carbon dioxide emissions equivalent to those from 840,000 internal combustion vehicles. The State Government's 2050 net zero emissions goal will be impossible to achieve if native forest logging in addition to land clearing continues in their current manner.

It is crucial that these critical resources are nurtured and preserved in perpetuity. At its 8 February 2023 ordinary council meeting, our neighbours to the south, MidCoast Council unanimously resolved in support of a motion just like this and we can demonstrate to them that they have support from us here in the Port Macquarie-Hastings Local Government Area.

Attachments

1.  Mid Coast Council 8 February 2023 Ordinary Meeting Minutes

Item: 13.02

**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 February 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 the CMP

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 progress the development of the hydrodynamic component of the updated model. The coastal model was successfully calibrated to the field measurements for two separate periods (a tide-only condition and a period that included rainfall/catchment runoff). The coastal model development and calibration report for the project is currently being written to document the development and calibration of the flow model, flood and entrance breakout validation. Two rounds of water quality monitoring remain, with the program due to finish up in late March/early April 2023, making up the 12 proposed events after starting in early April 2022. This will also round out the 12 months of water level monitoring.

Work on the water quality modelling component of the work will commence on the completion of the hydrodynamic component of the model. The overall project, including the scenario modelling and assessment is expected to be completed by December 2023.

2. Illaroo Road Emergency Coastal Erosion Works

Council staff propose 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. Approximately 50 four tonne rock bags would be placed ~0.5m into the sand and extend to a height of approximately 2.5m. Marine sand taken from the beach below the Mean High Water mark nearby the rock wall will be used to backfill the rehabilitated area and allow revegetation.

Bluecoast Consulting Engineers provided Council with the detailed design for the coastal protection portion of the works in late February 2023. A stormwater engineer has been engaged to undertake the stormwater portion of the detailed design with this component of works expected to be completed in early March 2023. The Crown Lands licence application to use marine sands is also expected to be issued to Council in March. It is estimated that the works will commence following the issue of the licence, subject to favourable weather and tidal conditions. It is also estimated the works will take Council's Infrastructure team approximately two weeks to complete. Surrounding residents will be notified of the works once a commencement date has been established.

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 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.

Soil Conservation Services (SCS) provided Council with a quote in late February to complete the environmental and safety management plans required for class 1 asbestos removals works and undertake remedial works. Council staff are

currently in consultation with DPE Crown Lands regarding the quote received from SCS.

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 by the end of April 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 in the coming months.

5. Dredging Lower Cathie Creek

From 14 December 2022 to 27 January 2023, Council sought tenders from appropriately qualified and experienced Contractors 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 have selected the T-22-60 Part A: Dredging of Lower Cathie Creek and Beach Nourishment successful tenderer; Dredging Solutions Pty Ltd. They have demonstrated previous experience successfully dredging Lake Cathie and providing sand nourishment to the beach protecting Illaroo Road, and their response provided value for money for the community.

Staff will work with Dredging Solutions to ensure dredging can commence as quickly as conditions allow. It must be noted that dredging of lower Cathie Creek can only commence once the lake entrance has closed and there is a waterbody deep enough for the dredge to commence its operation. Although the entrance closed for several days in mid-February after cyclonic easterly swell, the entrance remains open at the time of preparing this report.

6. Coastal Recreational User Needs Analysis

Otium Planning Group are currently undertaking a LGA wide Coastal Recreational User Needs Analysis on behalf of Council. The outcomes of the project will be used to develop the CMP. The consultant has been gathering background information to guide the analysis. Part of this information gathering has been working with the consultancy Neighbourlytics to undertake a 'deep dive analysis' of digital data to understand community behaviours and lifestyle values at Lake Cathie. This will help the project see beyond demographics and understand what ties people to the area: where people go, what they do, and what they care about.

As mentioned in last month's update, 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:

- Drone assisted Bitou Bush control in the foreshore dunes north of the Lake between the entrance of Cathie Creek and the Beach 4WD access point near Dirah Street.
- Groundsel bush control in the Lakeside area west of the bridge.

9. Development of the CMP

The process to write a CMP is prescriptive so that it provides consistency across NSW. Each CMP follows a five-stage program that is outlined in the NSW Coastal Management Manual.

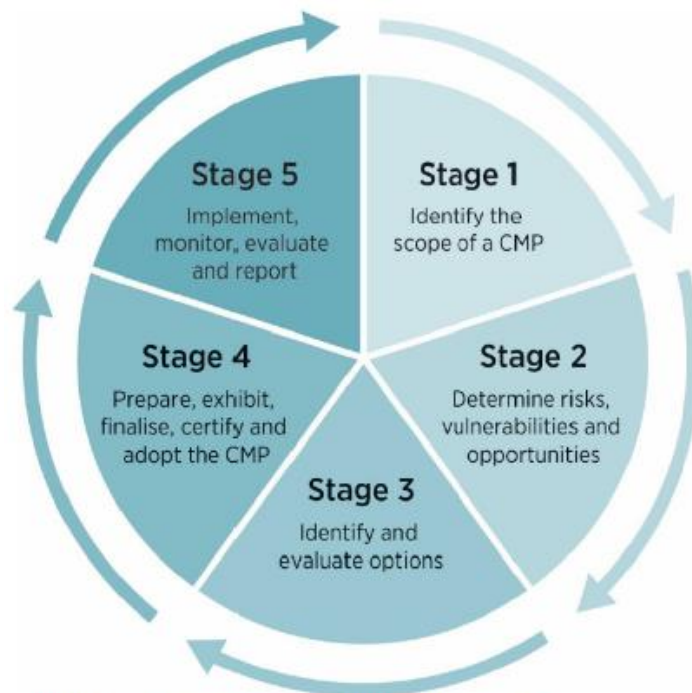


Figure 1: Stages in preparing and implementing a CMP

Staff completed the Stage 1 Scoping study in May 2021. The purpose of the scoping study was to identify how the entire coastal zone across the Local Government Area is currently managed and to consider if further investigations or changes to management actions are required. Staff are currently working on Stage 2. Stage 2 - 5 are divided into four 'chapters' based on geographic areas, to better manage localised issues. The four chapters are:

1. Lake Cathie/Lake Innes & Bonny Hills Estuary & Coastline - incorporating the open coastline from the 4 x 4 access track adjacent to Dirah Street, Lake Cathie to the southern side of Grants Head at Bonny Hills (referred to as the Lake Cathie/Bonny Hills chapter for simplicity).
2. Hastings River Estuary
3. Camden Haven River Estuary
4. Port Macquarie-Hastings Open Coastline

An indicative timeframe of the progression of the CMP is presented below in Table 1

Current Progress	CMP Stage	Expected Completion			
		Lake Cathie / Bonny Hills	Hastings River	Camden Haven	Open Coastline
✓	Stage 1	Complete			
➡	Stage 2	2021-2024	2022 - 2024	2023 - 2024	2023 - 2024
	Stage 3 - 4	2023 - 2024	2023 - 2024	2025	2025
	Stage 5	2024 +	2025 +	2026 +	2026 +

Table 1: Indicative Timeframes

Staff are currently progressing with Stage 2 of the CMP development across the four chapters. Stage 2 of the CMP process involves undertaking detailed studies that will help PMHC to identify, analyse and evaluate risks, vulnerabilities and opportunities in the study area. The studies conducted during Stage 2 are to provide information to support decision-making in the later stages of the CMP planning process.

The status of Stage 2 projects is presented below in Table 2. Note the project commencement dates are subject to change due to variabilities in the assessment times of grant applications for these projects.

	Project	Status	Estimated Completion Date
Lake Cathie / Bonny Hills	Illaroo Road Coastal Hazard Protection Options Review and Co Design	Complete	2022
	Hydrodynamic Model of Lake Innes / Lake Cathie / Cathie Creek	Progressing	December 2023
	Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project	Progressing	June 2023
	Lake Cathie Entrance Strategy	Commence Mid 2023	FY23/24
	Water Quality Improvement Strategy	FY23/24	FY23/24
Hastings River	Bank and Riparian Condition Assessment	Complete	2022
	Hydro Hydrographic Dilution Study Kooloonbung Creek	Progressing	Final Draft Received
	Assessment of Estuarine Flood / Inundation Hazard	FY23/24	FY23/24
	Water Quality Improvement Strategy	FY23/24	FY23/24
Camden Haven	Bank and Riparian Condition Assessment	FY23/24	FY23/24
	Assessment of Estuarine Flood / inundation Hazard	FY23/24	FY23/24
	Water Quality Improvement Strategy	FY23/24	FY23/24
Open Coastline	Coastal Recreational User Needs Analysis (LGA wide)	Progressing	FY23/24
	Coastal Hazard Assessment and Coastal Vulnerability Mapping	FY23/24	FY23/24
	Sea Country Action Plan	Mid 2023	FY23/24

Table 2: Status of Stage 2 Projects

The following provides an overview of the progress since the last monthly report of projects and initiatives for CMP chapters other than those mentioned above for the Lake Cathie/Bonnie Hills chapter.

***CMP Project Update for Projects Outside of Lake Cathie -
Hydrographic Dilution Study Kooloonbung Creek***

The University of NSW (UNSW) were 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.

Staff from UNSW presented the draft findings of the report to Council staff and representatives from the NSW Food Authority and NSW DPE in February 2023. The presentation showed how different overflow types of overflow events impacted the various oyster harvest areas within the Hastings River. Council and DPE have provided feedback to UNSW for the finalisation of their report. The final report is expected to be completed by April 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			
Hydrographic Dilution Study Kooloonbung Creek	70,001	35,000	105,001
SUB TOTAL	70,001	35,000	105,001
Open Coast			
Coastal Recreational User Needs Analysis (LGA wide)	66,666	33,333	99,999
SUB TOTAL	66,666	33,333	99,999
TOTAL	1,167,917	714,583	1,882,500

Table 3: Current Project Budgets

Current Active Grant Applications

As reported in last month's update, 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).

Council is awaiting the outcome of this funding application.

Also reported in last month's update, on 11 January 2023, Council staff 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).

Council is awaiting the outcome of this funding application.

Attachments

Nil

Item: 13.03

**Subject: LONG TERM ENERGY STRATEGY - RENEWABLE ENERGY
FEASIBILITY**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.7.1 Promote renewable energy outcomes within Council.

RECOMMENDATION

That Council note the report that provides an update on renewable energy projects feasibility and progress.

Executive Summary

Council has requested a report on suitable Council land and asset sites that could accommodate renewable energy projects such as mid-scale solar and/or community battery projects. This is a complex question and the process to determine specifically which council sites are suited requires comprehensive assessment of a range of constraints. It is a task that would take dedicated resourcing, time and prioritisation to create a list of sites to report. Over 30 Council owned sites have been identified that may have the required land area available. As such, this initial report rather informs Council of the high level assessment that has been undertaken regarding feasibility of renewable energy for Council sites.

Although mid-scale PV may be an option worth further investigation, the information available to Council to date indicates that small scale systems (up to 100 kW) are the most feasible option. The focus for these small scale systems should be on our highest energy usage facilities, which are paying higher costs for energy from the grid.

This report provides an update on renewable energy projects feasibility in response to Council's request from the October 2022 Ordinary Council meeting.

Discussion

At the December 2022 Ordinary meeting of Council it was resolved in item 12.03:

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.

This is a complex request and the process to determine specifically which Council sites are suited requires comprehensive assessment of a range of constraints. It is a task that would take dedicated resourcing, time and prioritisation to create a list of sites to report. Over 30 Council owned sites have been identified that may have the required land area available. As such, this initial report rather informs Council of the high level assessment that has been undertaken regarding feasibility of renewable energy for Council sites.

Energy Usage / Renewable Options

Council currently uses around 22 Gigawatts (GW) a year which could potentially be provided by either six 2.5 Megawatt (MW) wind turbines or a 13 MW mid-scale photovoltaic (PV) development, or a combination of these systems.

The land size required to produce each MW can vary, however current efficiency systems can use as little as half a hectare to accommodate the PV panels, with associated infrastructure such as access paths potentially doubling the amount of land required. Contracted firming power arrangements would also still be needed to ensure sufficient energy was supplied from the grid to offset the variable and intermittent nature of renewable electricity generation.

Council's energy demands have been professionally assessed in the past as being best suited for wind power generation however wind turbines are currently not as viable within our area compared to less expensive PV systems. Wind turbines are more suited inland where wind strength and reliability are better. It should be noted that rather than installing wind turbines or PVs, Council could potentially contract renewable energy from elsewhere via a Power Purchase Agreement (PPA) to source up to 100% renewable energy supply for the organisation. All of these options require more detailed consideration.

Land availability

Council owns many land parcels sufficiently sized to potentially fit a mid-scale solar photovoltaic (PV) system, with 31 sites ranging from one to 80 hectares however there may be site constraints that need to be assessed such as existing uses, licence requirements, etc. There are also 42 council managed Crown Land areas that are over a hectare, however most are not appropriate to consider or allow PV development.

Mid-Scale Vs Small-Scale PV

Mid-scale solar systems range from 100 kilowatt (KW) to 30 MW, whereas systems below 100 kW are referred to as small-scale. Council currently has 14 small-scale systems ranging from 3 kW to 99.9 kW in size. These small scale systems were installed on Council building roof tops between 2013 and 2022.

The business case for renewable energy projects would currently be most favourable for installation of small scale systems of less than 100 kW, behind the meter, at sites on the Large Sites electricity contract.

This is due to Council's new electricity contracts which commenced at the start of this year which have significantly reduced energy costs at Small Sites (using under 100,000kWh/pa) and significantly increased costs at Large Sites (using over 100,000kWh/pa). Reducing the energy required to be sourced from the grid at these large, more expensive sites will therefore be financially beneficial. Existing PV systems on Large Sites could also be assessed for potential upgrade with higher producing panels or expansion to larger generation capacity. Council's energy supplier has confirmed there are no contractual restrictions or financial consequences for Council installing more behind-the-meter PV at existing sites. Battery energy storage has not been considered financially feasible to date, however this can also be included in PV business case development when assessing Large Sites on higher tariffs.

All council sites that use power and have good access to sunlight could be assessed for their PV renewable energy development potential. As a bottom up approach, this process would take considerable time and resourcing to undertake. There are currently 27 large contract sites and almost a hundred small contract sites, with different site specific issues that need to be considered individually to assess their potential suitability for developing a renewable energy project. Some powered sites are also adjacent to land Council owns or manages which may be suitable for placing renewable energy generation. Site specific considerations can include land tenure, site conditions, environmental constraints, planning restrictions, energy requirements, available space, electrical restrictions, network capacity, electricity tariff and more.

There is merit in taking a bottom up approach to create a prioritised list of sites suitable for renewable energy projects as suggested, however it is quicker to take a top down approach to find the highest energy using sites. These sites provide the greatest cost savings and environmental savings making them ideal to develop first, particularly if considering the more feasible small scale systems.

We have already assessed council's highest energy using sites that would most benefit from renewable energy developments, however they are all classed at behind-the-meter PV systems under 100kW and many have additional constraints that need to be considered.

Highest usage facilities

- 7 sites identified for site by site analysis
 - 6 highest usage sites
 - Airport that has plan to expand its solar installation

NMI	Site	2019 (kWh)	2020 (kWh)	2021 (kWh - extrapolated)
NFFFNRK118	Port Macquarie STP	2,919,603	3,036,972	2,983,866
NFFFNRKK45	Port dam Pump Station	1,929,040	2,001,627	1,851,867
4001129921	Koree island #2 Pump Station	1,064,304	4,617,282	1,428,117
4001178109	Glasshouse	1,103,245	837,346	895,558
4001211617	Bonny Hills STP	660,047	775,057	852,547
4001229844	Dunbogan STP	699,378	806,460	844,169
4407034140	Airport	406,033	419,733	388,366

PV systems above 100 kW are considered mid-scale PV. 100% Renewables developed Council's 2017 adopted Long Term Energy Strategy and recently advised that mid-scale PV may not yet be feasible as it cannot yet be used to offset power use at other site locations where it is needed. Instead, at best it would feed into the grid at our currently low feed in tariff rate of 4 cents/kWh if the network provider and retailer allow it. The financial benefits are maximised when the power generated can all be used on site and the amount fed into the grid is minimised. Due to the large number of roof top solar PV connected to our region's grid the feed in tariffs are becoming lower or retailers are not offering them at all.

To progress investigations into mid-scale solar we have sought advice from mid-scale PV providers who work in our region to find out what they understand may be possible into the future. They are working with business partners to seek ways in which Council would be able to potentially create a virtual energy network that could enable mid-scale PV to offset use at other energy using sites. We have also engaged specialist consultancy Presync via the NSW Government Sustainability Advantage program to independently assess Council land we own or manage for the greatest potential for mid-scale PV, battery storage and community battery business case development. Community batteries can have various meanings to different parties, and in this case is likely battery energy storage which can harvest surplus renewables from the community for Council's use, or vice versa depending on the specific location's issues and attributes. Assessment of the potential for a community battery in 2021 with community group Energy Forever and Essential Energy did not result in favourable feasibility at the time, however new Federal Government support may now improve the feasibility for community battery development.

Options

1. Note the information provided
2. Council may request further investigation and/or reports

Community Engagement and Internal Consultation

Asset owners within Council were consulted in relation to existing and potential renewable energy sites.

Planning and Policy Implications

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

Financial and Economic Implications

Funding is not currently available for installation of mid-scale or small scale PV systems that would significantly offset Council's energy usage.

Attachments

Nil

Item: 13.04

**Subject: PP2022-2.1 PLANNING PROPOSAL ASSESSMENT REPORT -
PROPOSED CATHOLIC HIGH SCHOOL - LOT 6 DP 594793, LOTS 6
AND 7 DP 594792, 1175 AND 1191 OCEAN DRIVE BONNY HILLS
OWNER: TRUSTEES OF THE ROMAN CATHOLIC CHURCH
DIOCESE OF LISMORE
APPLICANT: KING AND CAMPBELL**

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 negotiations between Council staff and the Proponent and landowners to achieve a supportable development outcome on Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills.**
- 2. Agree to accede to the proponents request to provide additional information to support a draft Planning Proposal.**
- 3. Note that a further report will be tabled at a meeting of Council later in 2023, addressing the additional information submitted by the Proponent and determining whether Council will prepare a Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979* for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills, to rezone the subject land from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation to enable an educational establishment.**

Executive Summary

This report considers a Planning Proposal request to rezone land at Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills (subject site) and details the outcomes of a staff assessment of the request.

The Proponent for the Planning Proposal is King and Campbell. The Owner is The Trustee of the Roman Catholic Church Diocese of Lismore.

The Planning Proposal will enable the subject site to be rezoned from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to enable the land to be development as an educational establishment (high school).

At its Ordinary meeting of 16 February 2023, Council considered the Biannual Report on the Status of Site Specific Planning Proposal Requests. Specifically, this report stated the following in relation to this Planning Proposal:

“No change. Recommend separate report in March 2023 to discontinue, based on inadequate infrastructure, insufficient information demonstrating strategic merit, and justifying conversion of rural 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.”

At this meeting, Council resolved as follows:

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.*

Staff have since met with the proponent and requested that they submit additional information in relation to ecological and traffic matters. The Proponent is currently preparing their response.

The NSW Department of Planning and Environment (DPE) released new Local Plan Making Guidelines (Guideline) in December 2021 and updated in September 2022 to support the delivery of an improved planning system and part of the State’s Planning Reform Action Plan. A key aim of this Guideline is to reduce the overall processing times for planning proposals. The notion is that Councils should determine whether they have enough information to make a recommendation to Council. In this instance the proponent has provided sufficient information for staff to determine that the planning proposal does not sufficiently address planning and environmental legislation, Council’s Development Control Plan (DCP), or the outstanding issues discussed in this report, for Council to not progress the planning proposal to the Department seeking a Gateway Determination.

This report therefore recommends that Council agree to the Proponent’s request to provide additional information to prepare a draft Planning Proposal for the subject land for the reasons outlined in the report recommendation.

Background

Subject Site

The subject site, which comprises three allotments, has an area of approximately 13ha and is zoned rural (RU1 Primary Production), with an existing dwelling on two of the allotments.

The land is legally described as Lot 6 DP 594793, Lots 6 and 7 DP 594792, and known as 1175 and 1191 Ocean Drive Bonny Hills (refer to Figure 1) and has frontage to Ocean Drive and Bonny View Drive.

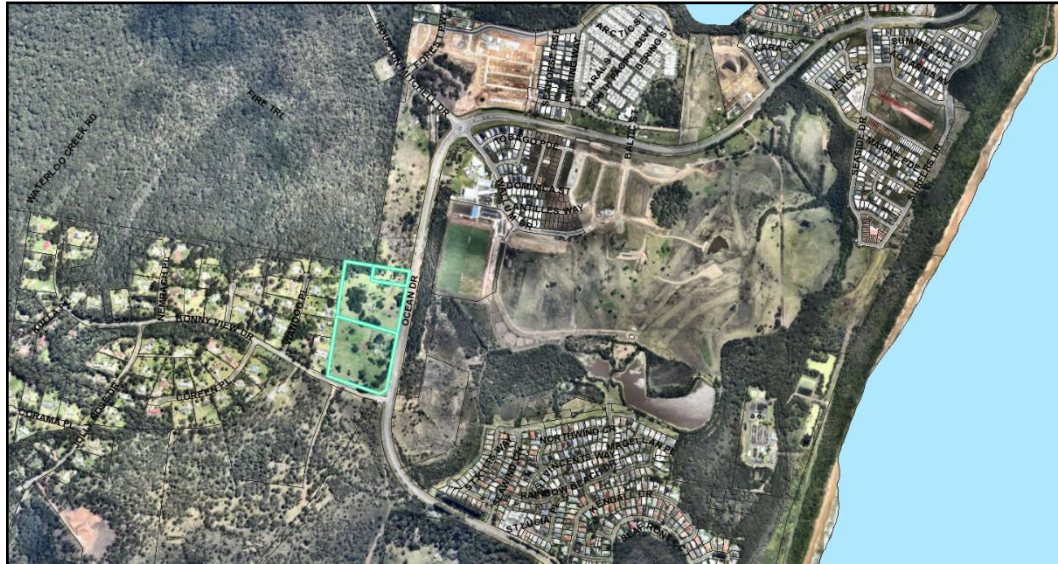


Figure 1: Locality Plan

The site adjoins R5 Large Lot Residential zoned land to the east; C1 National Parks and Nature Reserves and C2 Environmental Conservation zoned land to the north; RU1 Primary Production zoned land to the south; and C2 Environmental Conservation and R1 General Residential zoned land to the east.

The subject land is located immediately south of Queens Lake State Conservation Area (National Park); immediately south of the environmental management lands associated with the Houston Mitchell Drive Employment Lands; immediately south-west of Lake Cathie Primary School; and immediately west of the Rainbow Beach Sporting Fields Precinct.

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

The subject site contains an area of high environmental value vegetation located in the north western corner, which is associated with a Biodiversity Stewardship Agreement. This area is connected to the National Park on the land to the north.

The subject land has been identified as being burdened by a number of constraints including acid sulphate soils, bushfire prone land (Category 1 (forest) and Category 3 (grassland) vegetation and associated buffers), and the subject site has been identified as containing potential Koala habitat. In addition, the subject land is adjacent to land identified within a Koala Plan of Management.

Discussion

Proponent's Planning Proposal request

The Planning Proposal request seeks to amend the LEP by:

- Rezoning the subject land from RU1 Primary Production to:
 - Part SP2 Infrastructure (School); and
 - Part C2 Environmental Conservation

Figure 2 below indicates the existing and proposed zoning concept for the subject land and Figure 3 indicates the proposed school layout.

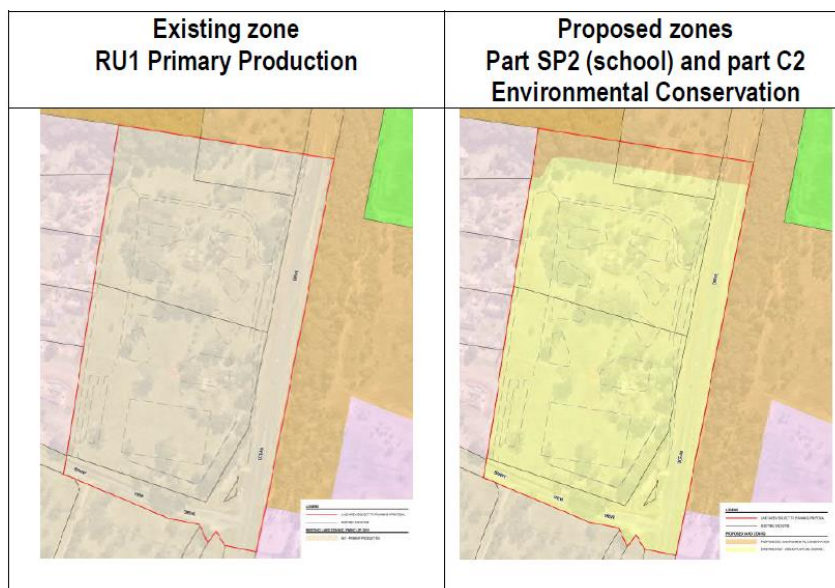


Figure 2: Existing and proposed zoning



Figure 3: Proposed school layout

Planning Proposal Assessment

Council, as the Planning Proposal Authority under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) is responsible for assessing and preparing Planning Proposals which seek to amend the LEP. The progression of the Planning Proposal for the subject land is reliant on Council's assessment and determination of the strategic and site specific merit of the Planning Proposal, consistent with state and local government guidelines.

The Proponent's Planning Proposal application was lodged on the Planning Portal on 25 February 2022 and is informed by DPEs Guideline and Council's Planning Proposal Policy (2019) (Policy).

The DPE Guideline establishes assessment criteria to assist in determining the strategic merit and justification for a Planning Proposal application.

It is considered that the Planning Proposal has strategic merit and site-specific merit as follows:

- Action 17 of the UGMS identifies the subject site for investigation for either a light industrial use or a school use.
- The preparation and completion of a Planning Proposal for the subject land is the only mechanism to achieve a change to existing planning controls to permit an educational establishment within the appropriate urban zone in accordance with Chapter 3 of SEPP (Transport and Infrastructure) 2021.
- The proposal will contribute to employment during construction and upon establishment as a high school.
- The proposal can be serviced by water and sewer.
- The proposal has demonstrated justification for consistency with the relevant SEPPs.
- The proposed development includes sporting fields, an indoor multi-purpose centre and a performing arts centre that could potentially be used by the public.
- The bushfire report proposes a shelter in place strategy to be used to manage life safety rather than evacuation. It is proposed that the multi-purpose centre and admin building, being on the southern part of the site, could be used as evacuation centres for the school's students and staff as well as community members.
- The proposal will provide a social service (education) that is in close proximity to existing residential precincts. The school will create 125 full-time teaching and support staff jobs. In addition, the proposed high school will reduce the travelling time of students and teachers.
- The bushfire report submitted to support the proposal identifies appropriate bushfire attack levels, these are mapped based on the proposed development footprint and demonstrate the buffer required between the vegetation and proposed development.

Key Issues

An assessment of the Planning Proposal has identified the following issues of which the Proponent has been informed:

1. Ecological

- Proposed offset KFT planting

The future school site (SP2) contains 60 Tallowwoods and Swamp Mahogany (Koala food trees (KFT)) that will be removed as part of any future development application.

Council requires the proposed trees to be replaced at a ratio of 2:1 (total of 120 trees). The proposed C2 zoned land is not considered an adequate area to plant these replacement trees. The proposed use of an adjacent lot is not supported as it already contains regenerating native trees and vegetation consistent with the plant community type for that location.

To address this issue, the proposed C2 zoned land will need to be increased in area to cater for the removal of 60 Koala food trees at a ratio of at least 2:1, at the required spacing.

- Proposed nest box installation

The Biodiversity Development Assessment Report (BDAR) provides details about the numbers, types and maintenance of nest boxes but does not include details of their proposed installation locations if the Planning Proposal were to be supported.

The proposed C2 zoned land will need to be increased in area to accommodate the additional nest boxes.

- There is concern regarding the number of nest boxes that would have to be added to a relatively small area to accommodate for the potential loss of hollow bearing trees on-site.

Details are required as to where these nest boxes are to be located and the ecological outcomes of these installations.

- Indirect impacts to Koalas

The proposed development has the potential to increase the number of vehicular movements on Ocean Drive. This increase in vehicular movements has the potential to increase the risk of Koala road strike within the Bonny Hills area.

The installation of a roundabout may help to calm traffic, however, the indirect impacts on Koalas and the increased risk of road strike has not been fully considered or adequately addressed.

Amended plans are required detailing what measures are proposed to reduce the likelihood of Koala road strike as a result of increased vehicular movements associated with the proposed school.

- Coastal Swamp Sclerophyll Forest

The BDAR is to be amended to be consistent with advice received from the NSW Scientific Committee in relation to Endangered Ecological Community (EEC) Swamp Sclerophyll Forest on Coastal Floodplains.

- Data required to be supplied with BDAR
The report maps as per BAM 2020, are to be provided as individual digital shape files.

2. Pedestrian Bridge

- Design

Details are required as to whether or not other options of pedestrian movements to the site were considered eg signalised lights and an underpass, and why they were discounted.

A concept design of the pedestrian bridge is also required including urban design elements that reflect the existing urban and/or natural environments, to create a bridge that contributes to the built and natural environment or the area.

In addition, details are required of:

- a. The whole of life cycle cost of the bridge including maintenance and capital renewal; and
- b. Who will own/maintain the bridge, and if the owner is the Diocese, how it will be managed to ensure the safety of all users and minimise use during non-school periods.

Options

Council's options are to:

1. Resolve not to proceed with the lodgement and assessment of additional information or tabling of a Council report to determine if Council shall prepare a Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*. The Proponent and the DPE would be notified of Council's decision not to support preparation of the Planning Proposal. This would trigger an option for the Proponent to apply for a Rezoning Review with the DPE; or
2. Resolve to support the lodgement and assessment of additional information and tabling of a Council report to determine if Council shall prepare a Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*.

Option 1 is not recommended as it is considered that the additional information requested can be addressed to ease the concerns raised and provide a Planning Proposal that can be supported to the next step, as the proposal is considered to have strategic and site specific merit.

Option 2 is recommended as the additional information is considered to be of a nature that can be addressed to address the concerns raised and provide a Planning Proposal that can be supported to the next step, as the proposal is considered to have strategic and site specific merit.

Community Engagement and Internal Consultation

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

Planning and Policy Implications

The DPE Guideline for Planning Proposals and LEPs emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

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

The Guidelines are supported at the local level by Council's *Planning Proposal Policy* (2019), which provides at Section 3.6 b) that proposals will generally not be supported by Council where they do not promote the orderly and efficient provision of infrastructure such as water, sewer and road infrastructure, and involve the development of areas of high environmental value.

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

Financial and Economic Implications

A Stage 1 rezoning fee has been paid consistent with *Council's Fees and Charges*.

As the Planning Proposal request is only in the early stages, significant resources have not been expended. Further resource demand will come from assessment of the additional information when submitted, review and reassessment of revisions to the Planning Proposal, staff-proponent negotiations, and reporting requirements. These resources are available within existing budget allocations.

Attachments

Nil

Item: 13.05

Subject: PP2020-3.1 - PLANNING PROPOSAL ASSESSMENT REPORT -
PROPOSED HEALTH AND EDUCATION PRECINCT - 8
HIGHFIELDS CIRCUIT, 3 AND 5 KULAI PLACE AND 9 AND 11
KINGFISHER ROAD PORT MACQUARIE
OWNER: HIGHFIELDS DEVELOPMENT PTY LTD
APPLICANT: SHELLSHEAR YOUNG PTY LTD

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Not support the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone Lot 180 DP 1197447, Lot 37 DP 1191701, and Lots 1, 2, 7 and 8 DP 262597, 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road Port Macquarie from R1 General Residential and R2 Low Density Residential to B4 Mixed Use and increase the height of buildings and floor space ratio provisions for the following reasons:
 - a) The proposed development resulting from the Planning Proposal is premature from an infrastructure servicing perspective:
 - i) The Port Macquarie Sewer Treatment Plant, is operating over its design capacity and therefore Council cannot approve the rezoning of any further land that would increase the sewerage loading to the treatment plant.
 - ii) The Oxley Highway / John Oxley Drive / Wrights Road intersection, is failing and needs to be upgraded by Transport for NSW.
 - b) The proposed development resulting from the Planning Proposal does not facilitate the orderly development of the subject land as the proposal seeks to implement in isolation only part of the Health and Education Precinct, of which the masterplan has not been finalised, due to the outstanding infrastructure servicing indicated in (a)(i) and (ii) above.
 - c) Under Section 3.6 (b) of Council's Planning Proposal Policy (2019), the Planning Proposal does not promote the orderly and efficient provision of essential services, notably sewer and water infrastructure.
2. For the reasons outlined in 1 above, not refer the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Acknowledge that the subject land is identified as part of the wider Health and Education Precinct within the North Coast Regional Plan 2041 and

the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 and invite the Proponent/owners to submit a new Planning Proposal application, which addresses the matters raised in this report, at a time when the sewer servicing is available to the site and details of the Oxley Highway / John Oxley Drive / Wrights Road intersection upgrades have been provided by Transport for NSW.

Executive Summary

This report considers a request to prepare a Planning Proposal to enable the rezoning of Lot 180 DP 1197447, Lot 37 DP 1191701, and Lots 1, 2, 7 and 8 DP 262597, 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road Port Macquarie (subject site) from R1 General Residential and R2 Low Density Residential to B4 Mixed Use and increase the height of buildings and floor space ratio provisions under the Port Macquarie-Hastings LEP 2011 (LEP).

This rezoning would ultimately enable part of the identified Health and Education Precinct within the Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2017-2036 to be developed for a mix of health, medical, education and residential accommodation uses.

The request was prepared by Shellshear Young Pty Ltd on behalf of the landowner, Highfields Development Pty Ltd.

At its Ordinary meeting of 16 February 2023, Council considered the Biannual Report on the Status of Site Specific Planning Proposal Requests. Specifically, this report stated the following in relation to this Planning Proposal:

“Not advanced since June 2022. The property has been sold and the developer relocated interstate. Recommend separate report in March 2023 to discontinue based on no sewer treatment capacity, 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”.

At this meeting, Council resolved as follows:

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.*

The Proponent has not provided any additional information with regards to this Planning Proposal since December 2021. Since this time there has also been a change in ownership of the land.

The new owner of the subject site is now understood to be the Alceon Group. It should be noted that the proponent of the Planning Proposal remains as Shellshear Young Pty Ltd on behalf of the previous landowner, Highfields Development Pty Ltd.

Council have been informed by Consultant King and Campbell Pty Ltd that they will be representing the new owner of the site who have a new vision for the site. Alceon Group have a revised and significantly different proposal, which has not been provided to Council. Council staff have offered to meet with the Alceon Group in February and March 2023. That meeting had not been scheduled at the time of this report. Council awaits availability of the landholders for a meeting.

The fees for the Planning Proposal were paid by Highfields Development Pty Ltd. It is recommended in this report that the proposed development resulting from the Planning Proposal does not facilitate the orderly development of the subject land as the proposal seeks to implement in isolation only part of the Health and Education Precinct, of which the masterplan has not been finalised, due to the outstanding infrastructure and servicing of the development. It is recommended that the Planning Proposal not be referred to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979. The Transport for NSW announcement of the upgrade of Wrights Road, Oxley Highway, John Oxley Drive intersection is critical and essential information to consider the impact on development for the precinct and the infrastructure and servicing plan.

Council staff acknowledge that the subject land is identified as part of the wider Health and Education Precinct within the North Coast Regional Plan 2041 and the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036. However, with the change in ownership and concepts for the site it would be prudent not to proceed with the current proposal and to invite the new landowners to submit a new Planning Proposal application, which addresses the matters raised in this report, at a time when the sewer servicing is available to the site and details of the Oxley Highway / John Oxley Drive / Wrights Road intersection upgrades have been provided by Transport for NSW.

The NSW Department of Planning and Environment (DPE) released new Local Plan Making Guidelines (Guideline) in December 2021 and updated in September 2022 to support the delivery of an improved planning system and part of the State's Planning Reform Action Plan. A key aim of this Guideline is to reduce the overall processing times for planning proposals. The notion is that Council staff should determine whether they have enough information to make a recommendation to Council. In this instance the proponent has provided sufficient information for staff to determine that the planning proposal does not sufficiently address planning and environmental legislation, Council's Development Control Plan (DCP), or the outstanding issues discussed in this report, for Council to not progress the planning proposal to the Department seeking a Gateway Determination.

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

Background

Subject site

The subject site is commonly known as 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road Port Macquarie and legally described as Lot 180 DP 1197447, Lot 37 DP 1191701, and Lots 1, 2, 7 and 8 DP 262597.

The site subject to this application is currently developed and contains several dwellings and vegetation.

The subject site is currently zoned part R1 General Residential and part R2 Low Density Residential under the LEP.

Figure 1 below indicates the existing development on the subject land.



Figure 1 - The subject site

Health and Education Precinct Masterplan

The Health and Education Precinct (HEP) Masterplan is a Council initiated masterplan (refer to Figure 2).

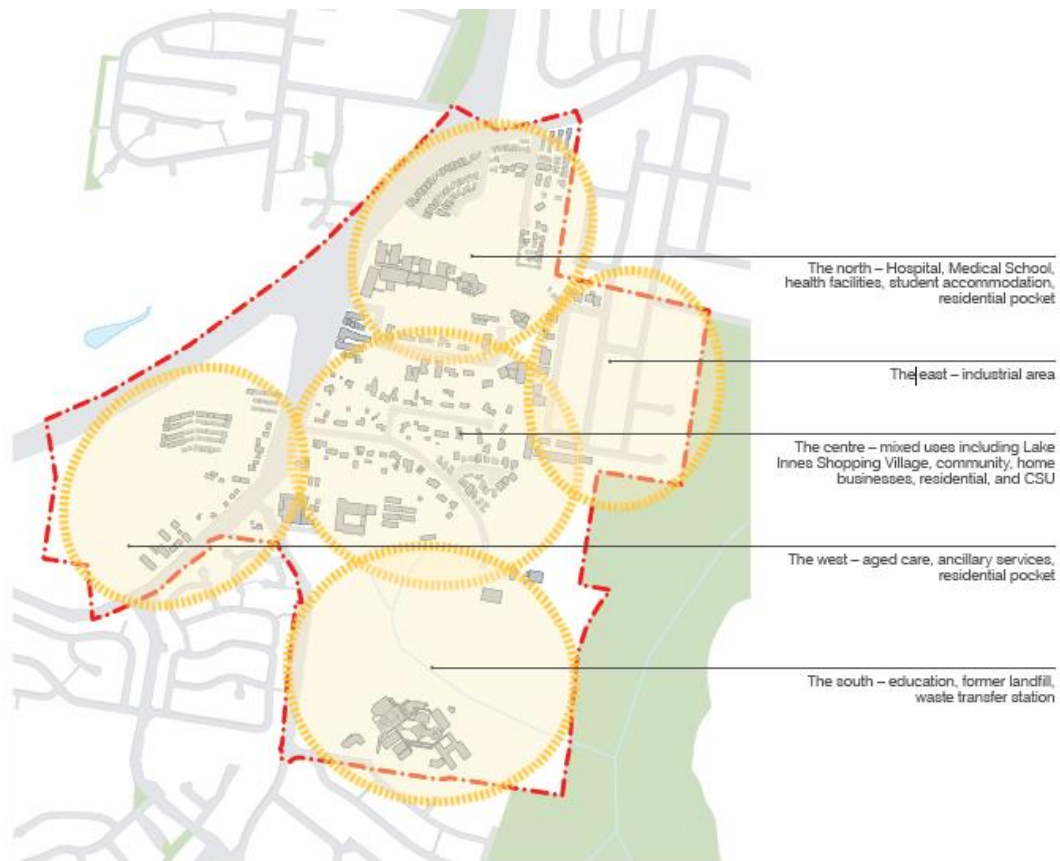


Figure 2 - HEP Masterplan Area

The aim of the Masterplan is to transform the precinct into to a centre of excellence for education, training and health. The precinct will help position Port Macquarie as an increasingly competitive destination for university students, health care professionals and the broader community. The key to success is encouraging appropriate development that will support and foster a range of learning models and health-related services within an accessible, high amenity, attractive public realm.

Planning for the future of the HEP is part of Council's wider vision for a thriving regional city and a strategic focus in Council's Urban Growth Management Strategy (the UGMS). The growth of the health and education sectors presents an opportunity to increase the number of young people in the community, provide economic diversification, increase labour force participation and build on Port Macquarie's growing status as a regional city.

An overview of the status of Council's current health and education precinct strategic planning investigations is as follows:

- The 'first phase' of draft strategic planning investigations (incorporating ecology, heritage and contaminated land investigations) has been completed and the results of these studies communicated with relevant State Government agencies.
- The 'second phase' of strategic planning investigations incorporating the development of a draft employment lands review (assessing the potential economic implications of the proposed land uses as outlined within the HEP Master Plan) has been completed.

- Scoping for the 'third phase' of strategic planning investigations (likely to incorporate a strategic bush fire study, transport assessment and urban design review / development control plan preparation) has commenced.

The delivery of this third phase is reliant on the progression of:

- the construction of the new Thrumster Waste Water Treatment Plant; and
- the Oxley Highway / Wrights Road intersection investigations outcomes being announced by Transport for NSW.

The Port Macquarie-Hastings Waste Water Treatment Plant is currently operating at, or over its original design treatment capacity, both hydraulically and biologically. Council staff identified in its report to Council of 18 August 2022 that the current planning for the new Thrumster Waste Water Treatment Plant is March 2028.

Council needs to develop an infrastructure servicing plan for the precinct, that will cater for all the anticipated future development prior to rezoning the land.

Prior to committing to that work Council requires some level of certainty from Transport for NSW in relation to upgrades to the Oxley Highway and particularly the Wrights Road intersection. Council needs to understand what works are being proposed and the timeframe for those works to determine the impact upon the HEP Masterplan area.

Planning Proposal Chronology

Below is a summary of the correspondence in relation to this PP since the application was lodged:

The following is a summary of key points in relation to application:

- 17/04/20 - Application lodged. Not a complete application and not considered to be lodged.
- 08/05/20 - Request for additional information.
- 25/05/20 - Additional information submitted.
- 15/06/20 - Various internal referrals requested.
- 28/07/20 - State Significant Development SDD-10392 lodged 27/08/20.
- 28/07/20 - Assessment Officer identified several issues with the amended information including traffic, planning provisions (Floor Space Ratio & Height of Building), Voluntary Planning Agreement and or infrastructure contributions. Applicant requested to submit additional information.
- 03/08/20 - Applicant lodged additional information.
- Aug-Oct 2020 - Various requests for information, updates and lodgement of additional information.
- 22/04/21 - Meeting held with Council staff, applicant / consultant, TfNSW and DPE to discuss transport and traffic issues.
- 24/08/21 - Council advised receiver auction in relation to the subject site is proceeding. Applicant indicated that they would provide an email with formal withdrawal of application upon successful auction. Council did not receive an email from the applicant to withdraw the proposal after the sale of the property. The

- subject land changed ownership on 06/10/21 from Highfields Development Pty Ltd to Alceon Group No. 81 Pty Ltd.
- 30/08/21 - The CEO advised the applicant of the following:

I have been made aware of your request for a meeting with myself and Leslie Williams MP and various others, however I must advise that based on the information at hand and the previous conversations with Council staff members, Council's position remains that until there is clear and detailed development scheduling of the Wrights Road intersection upgrade works, no further consideration of the proposed Health and Education Precinct (HEP) or individual planning proposals within that footprint is able to proceed to the next step in the plan making process.

Guy, as I am sure you are aware, a planning proposal application must provide enough information for a council to determine whether there is merit in the proposed amendment to the LEP proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment or putting it another way the level of justification for a planning proposal should be proportionate to the impact the planning proposal will have. In the case of the Port Macquarie HEP we are planning a very complex strategic precinct of Port Macquarie that will have significant impacts which require resolution, such as traffic, transport and other infrastructure, before proceeding to the next stage of the plan making process to provide certainty for the future development decisions for this precinct beyond just your site.

I understand that the importance of the scheduling of the Wrights Road intersection upgrade, being one of the major issues for the development of the precinct, has been discussed with you on numerous occasions and that this was again discussed with you as recently as Friday 27 August, just prior to Council's Joint Transport Planning Advisory Group, where Transport for NSW staff were present. This TfNSW staff confirmed at this meeting again, that a position on the Wrights Road upgrade works was still some time off, and the preferred treatment had yet to be determined. TfNSW staff also confirmed that any of the options being considered would not allow for the potential development yield Council initially indicated for the overall HEP development, which is a significant issue.

As the situation has not changed, we will be declining the invitation to attend the requested meeting this Wednesday 1 September.

Further, due to the uncertainty on timing, and the previous indication that the planning proposal on your land holdings would be withdrawn, staff have commenced preparation of a report for Council to consider your planning proposal based on the information at hand for the October Ordinary meeting of Council.

- 12/11/21 - The applicant was advised of the details of Council's Ordinary Council Meeting resolution on 03/11/21 in relation to the Site Specific

Planning Proposal Report which indicated that the Planning Proposal has remained at the assessment / negotiation stage for over 12 months and has not progressed to the next stage in the planning process. This letter also requested the following:

- *If you wish to still proceed, or withdraw the application;*
 - *If you wish to proceed, please provide a timetable to Council staff for submission of all the required information and/or studies. This timetable will be reviewed and you will be advised in writing if it is satisfactory. This will enable staff to undertake a full assessment of the planning proposal;*
 - *If the required information is not received in the time advised by the proponent, a date will be identified for the matter to be reported to Council with the information as submitted, and you will be advised.*
- 01/12/21 - Applicant confirmed that they wished to proceed with application. However, the Applicant has not provided any additional information or correspondence since that date.
 - 06/10/21 - Highfields Development Pty Ltd (Guy Hingston) sold subject site to Alceon Group No.81 Pty Ltd.

Discussion

Proponents Planning Proposal Request

This Planning Proposal request seeks to amend the LEP as follows:

- to rezone the subject site from R1 General Residential and R2 Low Density Residential to B4 Mixed Use and amend the Land Zoning (LZN) map;
- increase the maximum height of building (HOB) from 8.5m to 22m and amend the HOB map;
- remove the floor space ratio (FSR) of 0.68:1 for the subject site to be consistent with the B4 Mixed Use zone and to amend the FSR map; and
- introduce its application to Lot 180 DP 1197447, Lot 37 DP 1191701, and Lots 1, 2, 7 and 8 DP 262597, 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road Port Macquarie.

Figure 2 below indicates the existing zoning.

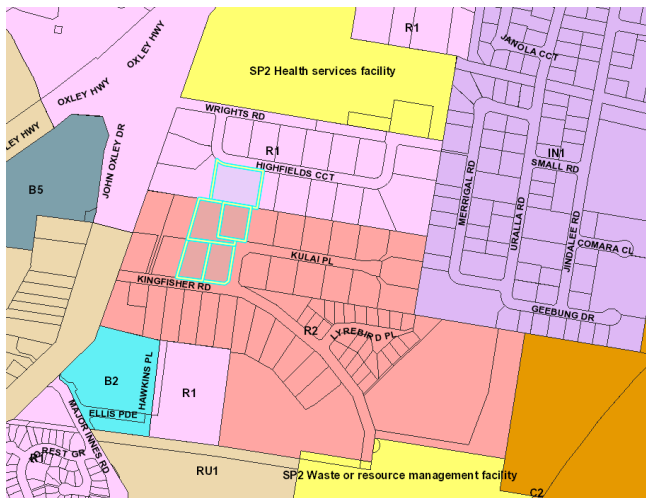


Figure 2 - Existing and proposed zone concepts

The proposed amendments to the LEP are intended to facilitate the development of:

- a central pedestrian spine comprising a public 30m x 200m pedestrian and cycle thoroughfare connecting Highfields Circuit, Kulai Place and Kingfisher Road.
- 6 x predominantly 7-storey buildings including:
 - 2 x health and medical facility buildings at 8 Highfields Circuit,
 - 1 x accommodation and 1 x education building at 9 and 11 Kingfisher Road; and
 - 1 x education and 1 x accommodation building at 3 and 5 Kulai Place.
- Approximately 58,080m² of gross floor area incorporating:
 - Approximately 19,470m² of combined health services gross floor area (GFA);
 - Approximately 19,480m² of education GFA;
 - Approximately 16,440m² of accommodation GFA; and
 - Approximately 2,690m² of commercial floor area.
- 2 levels of basement parking providing over 700 car parking spaces.
- Vehicular access from Highfields Circuit, Kulai Place and Kingfisher Road.
- Open space and landscaping.

Planning Proposal Assessment

Council, as the Planning Proposal Authority under the *Environmental Planning and Assessment Act 1979* (EP&A Act) is responsible for assessing and preparing Planning Proposals which seek to amend the LEP. Consistent with state and local government guidelines, the progression of the Planning Proposal for the subject land

is reliant on Council's assessment and determination of the strategic and site specific merit of the Planning Proposal.

The following assessment is based on the Proponent's revised proposal submitted on 20 October 2020 and is informed by the Department's new Guideline and Council's Planning Proposal Policy (2019).

The Guideline establishes Assessment Criteria to assist in determining the strategic merit and justification for a Planning Proposal applications. An assessment of the Planning Proposal against these criteria is provided in Table 1 below:

Section A - Need for the Planning Proposal	
Question	Comment
1. <i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	Yes. The Planning Proposal is the result of an endorsed strategic study, being the HEP Masterplan.
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	Yes. Preparation and completion of a Planning Proposal for the subject land is the only mechanism to achieve a change to existing planning controls, until the HEP masterplan has been adopted and the LEP amended.
Section B - Relationship to the strategic planning framework	
Question	Comment
3. <i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	Yes. The applicable regional plan is the <i>North Coast Regional Plan 2036</i> . A key action of the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 (the UGMS) is to plan for a new Health and Education Precinct. The proposal will contribute to the delivery of mixed use zoned land in a location which will support the HEP masterplan.
4. <i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i>	Partly. <u>Local Strategic Planning Statement</u> The Planning Proposal is not specifically identified in Council's Local Strategic Planning Statement - Shaping Our Future 2040 (LSPS). However, the proposed amendments in the Planning Proposal are generally consistent with the intent behind Council's LSPS. A brief summary assessment of the proposed zone layout, against relevant Strategic Planning Principles of the LSPS is discussed further within the report. However, the proposal is inconsistent with LSPS Planning Priority 19 - Plan, priorities and deliver integrated infrastructure, specifically the Key

	<p>Principle to Align infrastructure delivery with land use planning. In the LSPS, Council's infrastructure includes essential services infrastructure; transport and movement infrastructure, social infrastructure and green infrastructure. The LSPS recognises that effective, efficient and sustainable development is dependent on the delivery of required local infrastructure in a timely and cost effective manner.</p> <p>As the land is unable to be serviced by sewer or water at this time, the rezoning of this land is premature. In addition, details of the upgrade of the Oxley Highway and Wrights Road intersection are required from Transport for NSW to assist with the development potential of the HEP.</p> <p><u>Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2017 -2036</u></p> <p>The UGMS provides the strategic framework for residential, rural residential, retail, industrial and tourism development in the Port Macquarie-Hastings Local Government Area. It seeks to achieve the community vision of "A sustainable high quality of life for all". The UGMS identifies suitable land to accommodate population growth by recognising and protecting high value environmental areas, avoiding conflict with known extractive resources, and avoiding areas that are subject to environmental hazards.</p> <p>The UGMS outlines the early vision for the HEP which will provide opportunities for the expansion of the Base Hospital and CSU; provide a mix of associated business uses and support services; housing; vibrant public spaces; safe and efficient connections; public transport; new infrastructure and protection of local environmental values.</p> <p>The proposal will facilitate future development (accommodation, retail uses and pedestrian spine) at the heart of the HEP which is consistent with the aims of the UGMS.</p>
5. <i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	No other applicable State and regional studies or strategies have been identified as applying to the proposal.
6. <i>Is the planning proposal consistent with applicable SEPPs?</i>	<p>Yes.</p> <p>The proposal is consistent with the relevant State Environmental Planning Policies (SEPP):</p>

	See Attachment 1 for complete SEPP assessment.
7. <i>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</i>	<p>No.</p> <p>The proposal is inconsistent with the following Ministerial Directions:</p> <p>1.1 Implementation of Regional Plans</p> <p>3.1 Conservation Zones</p> <p>6.1 Residential Zones</p> <p>Refer to Attachment 2 for the complete section 9.1 Ministerial Directions assessment.</p>
Section C - Environmental, Social, Economic Impact	
Question	Comment
8. <i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</i>	<p>Yes.</p> <p>No endangered ecological communities have been identified as occurring within the subject site. Habitat values of the site are limited by the extent of historical clearing and subsequent development into a large lot subdivision. The proposal includes removal of vegetation on the subject site. Connectivity values will be retained and foraging potential for the Koala increased in the medium to long term.</p>
9. <i>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</i>	<p>Yes.</p> <p><u>Bushfire Hazard</u></p> <p>1. Refer to s.9.1 Direction No. 4.3 - Planning for Bushfire Protection within Attachment 2.</p> <p>2.</p> <p>3. <u>Impacts on neighbouring properties</u></p> <p>4. The following impacts have been identified:</p> <ul style="list-style-type: none"> • Solar access; • Privacy; • Visual privacy of existing and future development; • Visual impacts; • Built form transition and character (existing and future); • Traffic and parking;
10. <i>Has the planning proposal adequately addressed any social and economic effects?</i>	<p>Partly.</p> <p>The Planning Proposal relates to a site that is located adjacent to an existing industrial area set well away from adjoining residences and is consistent with Council's long term growth strategies. The Planning Proposal will make a positive contribution to the economy without resulting in any adverse social impacts associated with noise, water quality, air quality and traffic.</p>



	<p>Inadequate sewer and water infrastructure will have an economic impact on Council and a social impact on the community.</p> <p>In addition, details of the upgrade of the Oxley Highway and Wrights Road intersection are required from Transport for NSW to assist with the development potential of the HEP.</p>
Section D - Infrastructure	
Question	Comment
11. <i>Is there adequate public infrastructure for the planning proposal?</i>	<p>No.</p> <p>The Port Macquarie Sewer Treatment plant, which currently services the Thrumster area, is operating over its design capacity.</p> <p>The Oxley Highway and Wrights Road intersection is failing. Council is waiting for intersection upgrade design requirements from Transport for NSW to inform this development and if there will be any additional capacity and what that will be for the future mixed use development.</p> <p>Electricity and telecommunications infrastructure may need to be upgraded due to the increase in anticipated future uses.</p>
Section E - State and Commonwealth Interests	
Question	Comment
12. <i>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</i>	Public authorities and government authorities would normally be consulted following receipt of a Gateway determination, if the Planning Proposal is supported.

Table 1: Assessment Criteria of the Guideline

Ecological Assessment

Council's Ecologist has assessed the proposal and has identified the following issues:

- LEP and DCP requirements not addressed

The DCP indicates that Blackbutts are an 'other browse species' listed in Table 1: Koala Feed Trees (KFT) in the Port Macquarie Hastings DCP (2013). If one of these KFTs is removed, it is to be replaced at a ratio of 2:1 where there is no Koala Plan of Management.

There are 100 planted tubestock KFTs (Swamp Mahogany and Tallowwood) in the footprint of the HEP area (Lot 1 and 2, DP262597).

Potential removal of KFTs (both mature trees present within the road reserve, current yards and planted tubestock) and the requirement for offsetting is one of the predominant ecological constraints to future development of the site. It is likely that to facilitate the future development of the site, protection measures will need to be implemented to preserve individual/pockets of mature vegetation, mostly aligned along the road reserve, to facilitate corridors for movement and retention of food trees. Road reserve is not the ideal location for koala food trees, however if they can be retained in this location, and traffic calming / speed restrictions implemented, any potential current use may be on-going.

- Additional ecological assessment required

Further ecological investigations are required to determine the presence and significance of any use of the subject site as well as the broader footprint of the HEP investigation area by the Squirrel Glider. A BDAR needs to be undertaken as this will guide the ecological survey required and identify any biodiversity values.

Infrastructure Servicing

- Sewer

Port Macquarie is serviced by a conventional gravity sewerage reticulation system with 84 sewage pumping stations (SPS) located throughout the town, and approximately 343 kilometres of pipelines.

Based on recent in-flow data for the treatment plant, it has been assessed that the plant is catering for approximately 55,000 equivalent persons (EP) being at least 3,000 EP over its design capacity.

Council is currently planning for additional sewerage treatment capacity at Thrumster. It is intended that several SPS's will be redirected to the new Thrumster STP to bring the loading on the Port Macquarie STP under its design capacity. Until such time as Council has entered into a construction contract with a definitive timeframe for delivery of the required upgrades, staff cannot recommend to progress this Planning Proposal.

Oxley Highway and Wrights Road Intersection

At this time, Transport for NSW have not provided any details of the future planned upgrade or nominated or committed funding to the Oxley Highway / John Oxley Drive / Wrights Road intersection.

Therefore, both Council and the Proponent are unable to undertake any modelling to determine the impact on the likely ultimate intersection configuration on any future development in proximity to this intersection.

It is anticipated that any road infrastructure upgrades to the Oxley Highway / John Oxley Drive / Wrights Road shall increase the performance of the John Oxley Drive / Kingfisher Road intersection given the reduction in queuing between intersections.

Due to the level of uncertainty from Transport for NSW in relation to upgrades to the Oxley Highway and particularly Wrights Road intersection, Council is unable to

commit to the work required for the infrastructure servicing plan for the greater HEP masterplan area. Without this work it is difficult to measure the requirements for the proposal and the greater HEP masterplan area.

The details of any future upgrade to the intersection may have an impact on the yield for the proposal and the HEP masterplan area. Should the outcome of the Oxley Highway upgrade not support the maximum yield of the HEP Masterplan then reductions to yield must to be managed strategically and equitably for all landholders and to ensure the holistic best urban planning outcome for the precinct. In this regard the strategic planning and infrastructure plan should be completed prior to assessment of site specific planning proposals in the masterplan area.

Council needs to understand what works are being proposed and the timeframe for those works to determine the impact upon this proposal and the HEP Masterplan area.

Until Transport for NSW has provided details on the upgrade works for the Oxley Highway and particularly the Wrights Road intersection, staff cannot recommend to progress of this Planning Proposal.

Change of ownership

The subject land changed ownership on 6 October 2021 from Highfields Development Pty Ltd to Alceon Group No. 81 Pty Ltd.

On 1 December 2021 the Applicant Shellshear Young Pty Ltd advised Council that they wished to proceed with the application. Unfortunately, Council has not received any correspondence or additional information from the Applicant since that time.

Highfields Development Pty Ltd indicated to Council staff that upon sale of the site the Planning Proposal would be withdrawn. Council did not receive that withdrawal.

It is recommended that the application be discontinued as no correspondence has been forthcoming from the Application for over 12 months.

Options

Council's options are:

1. Resolve not to prepare a Planning Proposal for the reasons outlined in this report. The Proponent and DPE would be notified of Council's decision not to support preparation of the Planning Proposal. This would trigger an option of the Proponent to apply for a Rezoning Review with the Department of Planning and Environment; or
2. Resolve to proceed to prepare a Planning Proposal supporting the Proponent's request. There is a risk that the current planning Proposal may be refused by the State Government if planning, infrastructure and environmental issues are not satisfactorily addressed.

Option 1 is the recommendation of this report as adequate infrastructure and services are not in place to support a rezoning at this time; the HEP masterplan has not been finalised; and there is no immediate pressure for additional health and educational services at this time. These issues are not considered acceptable for the

preparation of a Planning Proposal, having regard to the statutory requirements for preparing and amending a local environmental plan.

Option 2 would necessitate submission of the full statutory requirements for preparing Planning Proposals and LEPs. As discussed in this report, the proposal is not considered to have strategic and site specific merit, in its current state, to progress for a Gateway determination.

Community Engagement and Internal Consultation

Internal consultations were undertaken in relation to the following matters:

- Traffic
- Ecology

Relevant staff comments have been included in the Discussion section of the report.

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

Planning and Policy Implications

The Guideline for Planning Proposals and LEPs emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

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



The Guidelines are supported at the local level by Council's *Planning Proposal Policy* (2019), which provides at Section 3.6 b) that proposals will generally not be supported by Council where they do not promote the orderly and efficient provision of infrastructure such as water, sewer and road infrastructure, and involve the development of areas of high environmental value.

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

Financial and Economic Implications

A Stage 1 rezoning fee of \$15,600 was paid 20 April 2020 consistent with *Council's Fees and Charges*. Resources expended to date including review and assessment of the planning proposal, staff-proponent discussions, site visits and reporting requirements since 2020 has significantly exceeded the fee paid.

Attachments

1.  SEPPs Compliance Table
2.  Section 9.2 Ministerial Directions Compliance Table

Item: 13.06

Subject: DA2022 - 821.1 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 30, DP 18159, NO. 977 OCEAN DRIVE, BONNY HILLS

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.

Applicant: Davy and Watt Pty Ltd
Owner: A W & R S Jones
Estimated Cost: \$483,000
Parcel no: 15384

RECOMMENDATION

That DA2022 - 821.1 for alterations and additions to dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 30, DP 18159, No. 977 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) and clause 4.4 (floor space ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The proposal was considered by Council's Development Assessment Panel (DAP) on 15 February 2023, a copy of the assessment report is included as Attachment 1. The DAP resolved as follows:

"That the Development Assessment Panel recommend to Council that DA2022 - 821.1 for alterations and additions to dwelling including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 30, DP 18159, No. 977 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions."

The proposed floor space ratio variation is greater than a 10% deviation from the development standard and is therefore required to be considered by Council.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions as outlined in Attachment 2.

Discussion

This report considers a development application for alterations and additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) and clause 4.4 (floor space ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following consideration by the DAP in February 2023 (Attachment 1) this report recommends that the development application be approved subject to the attached conditions as outlined in Attachment 2.

Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, one (1) submission was received. The submission has been addressed in the DAP report included as Attachment 1.

The assessment report and recommended conditions of consent have been prepared with internal consultation.

Financial and Economic Implications

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

Attachments

1.  DA2022 - 821.1 DAP Report 2023 02 15
2.  DA2022 - 821.1 Recommended Conditions

Item: 13.07

Subject: INTEGRATED TRANSPORT PLAN UPDATE

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 note the information provided in the Integrated Transport Plan update.

Executive Summary

The purpose of this report is to provide an update on the progress of the development of the Integrated Transport Plan (ITP). Council continues to work closely with Transport for NSW (TfNSW) in the joint development of the ITP.

The ITP will confirm the desired vision for transport in the Port Macquarie-Hastings region, in alignment with existing draft strategies such as the Regional Integrated Transport Strategy (RITS) and historical Council resolutions. The ITP will work to identify the necessary infrastructure, services and policy interventions that will be required to achieve the vision at a local level and will provide guidance around funding programs to ensure implementation and success of the plan.

Discussion

At the 18 August 2022 Ordinary Council meeting, it was resolved:

14.05 INTEGRATED TRANSPORT NETWORK PLAN NETWORK UPDATE

That Council:

1. *Note the progress of the draft Joint Integrated Transport Network Plan*
2. *Note the proposed title change to Integrated Transport Plan*
3. *Request the Chief Executive Officer provide a report to Council in accordance with milestone events associated with progress on the Integrated Transport Plan.*

This report is to provide an update to item 3 of the above resolution.

Current tasks being delivered as part of the ITP development (including progress and future actions) are listed in Table 1 below. Table 2 details those works which have been identified for commencement in the next quarter.

Table 1 - Summary of current ITP tasks and actions

Tasks	Update on progress	Work to be done in future
Finalisation of the ITP project documents and governance, including the project plan, engagement plan and risk assessment.	Completed and endorsed.	Monitor and review as required.
Setting vision, objectives, and targets of the ITP.	The vision, objectives and targets of the ITP are being drafted.	Finalise vision, objectives and targets.
Alignment to key strategies	A review of transport strategies is underway to identify and review Council and TfNSW strategies and plans to ensure the ITP aligns to all key documents. This includes identification of additional actions that may need to be addressed within the ITP.	Review is to be completed and ensure the ITP is aligned to key documents. The Draft Regional Integrated Transport Strategy (RITS) is now on exhibition and is awaiting endorsement of the strategy to enable confirmation of alignment with the ITP actions. Any further actions identified not within those strategies will also be examined and used to inform the ITP.
Modelling and data to inform future transport solutions	The TfNSW Oxley Highway Corridor Strategy project team has re-engaged with Council, with the project currently updating the modelling which will directly support the development of the ITP and a preferred solution for that corridor.	Complete modelling to inform future transport solutions regarding the Oxley Highway and Health and Education Precinct (HEP) areas as a priority focus. Other locations across the LGA will also require modelling to consider priorities and actions for future transport solutions.
	Council and TfNSW have developed an initial set of	The TfNSW and ITP team will be meeting with NSW

<p>Identification and investigation of possible future transport links.¹</p> <p><i>HEP area has been identified as priority area due to a separate resolution of Council, (additional priority areas will be explore as outlined in future table below).</i></p>	<p>agreed alternate access points to the HEP area.</p>	<p>Health early March 2023, to work through the options of transport links connecting the HEP to Lake Rd Industrial estate¹.</p> <p>Other locations across the LGA will also require consideration of priorities and actions for future transport solutions.</p>
	<p>Initial sequencing for the opening of the proposed HEP links with consideration of expected traffic requirements and nearby network upgrades are under consideration.</p>	<p>Full journey assessment and modelled impacts through the industrial estate network.</p>
		<p>Desktop analysis of the constructability.</p>
		<p>Transport modes able to be catered for within each link.</p>

Footnote 1 - Alternative access to the HEP area and upgrades to Lake Road is the subject of a separate resolution of Council at the December 2022 Ordinary Council Meeting (OCM). As part of the resolution, a separate report to the April 2023 OCM, and accompanying briefing, will be provided to Council examining the HEP area investigations in greater detail.

Table 2 - Table of future identified actions to be undertaken in Quarter 4

Future action	Responsibility	Desired Outcome
Conduct a Transport Services Review of public transport services (buses) - utilising TfNSW Transport Services Planning guidelines	Council and TfNSW	A review of current public transport services and strategies with joint agreement on future actions building on recommendations and strategies from the 16 Regional Cities Services Improvement Program for regional bus services.
Walking and cycling gap analysis - assessment of how to connect land uses at a network level	Council	A clear and coordinated plan of walking and cycling outcomes and actions that Council and TfNSW can implement.
Undertake an analysis to identify and review all opportunities and constraints at priority areas throughout the LGA, and addressing the challenges identified in the strategy review.	Council and TfNSW	A clear review of current opportunities, constraints and barriers, including but not limited to, physical (land), policy, funding and planning and development matters.

		<p>The aim is to identify and document collaborative and innovative solutions for multi-faceted issues.</p> <p>An example is examining new links incorporated into future development.</p>
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Options

The update is provided for noting. Council may request additional information.

Community Engagement and Internal Consultation

The ITP Stakeholder Engagement Plan is a jointly developed plan between Council and TfNSW. The identified key stakeholders include government agencies, key groups of business and education facilities, as well as the wider community.

The key internal stakeholders from both TfNSW and PMHC form the memberships of the ITP Working Group and the ITP Steering Group.

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: 13.08**Subject: ANNUAL WATER QUALITY REPORT 2021 - 2022****Presented by: Community Utilities, Jeffery Sharp**

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council note the information contained within this report regarding the quality performance of drinking and recycled water supplied to the community.

Executive Summary

Port Macquarie-Hastings Council manages five (5) water supply systems, Port Macquarie-Camden Haven, Wauchope, Comboyne, Telegraph Point and Long Flat areas, which supply potable water to the majority of residents. Council also manages the Port Macquarie Recycled Water Supply system, supplying recycled water to open spaces, sporting facilities and some businesses within Port Macquarie.

To manage the quality and safety of the supplied water Council has in place a Drinking Water Management System and a Recycled Water Management System. The systems are based on the NSW Guidelines for Drinking Water Management Systems and NSW Guidance for Recycled Water Management to ensure they meet the requirements of Public Health Act 2010 and Public Health Regulation 2012. The NSW Drinking Water Guidelines are based on the Framework for Management of Drinking Water Quality, as outlined in the Australian Drinking Water Guidelines 2011 (ADWG), with the NSW Recycled Water Guidelines being based off the Australian Guidelines for Water Recycling 2006.

Council works closely with the Northern NSW Public Health District Environmental Health Officers to ensure high quality and safe drinking water to our community. A part of this collaboration is an annual review workshop and a detailed quality performance report.

The report has been prepared to address the guideline requirements for continuous evaluation and review of Council's Water Management Systems and provides an annual review of the performance of its water supply systems, for the reporting period 1 July 2021 to 30 June 2022.

The annual review report for both the drinking water systems and Port Macquarie Recycled Water system are attached for information with operational staff's names having been redacted.

Overall, based on the testing and reporting, Council supplied good quality and safe water to the community during the reporting period.

Discussion

Water quality performance is monitored through operational and laboratory testing. Exceptions in drinking water quality are measured as performance against the Australian Drinking Water Guideline (ADWG) limits and Critical Control Points (CCP), as listed in the management system, for each supply system that are based on the ADWG limits and outlined in the report.

The table below summarises the water quality performance for all drinking water supplies systems Council manage:

Supply System	Volume of Water Supplied (ML) and the percentage it accounts for in the entire council supply system	CCP Exceedances	ADWG Exceedances
Port Macquarie - Camden Haven	5164 (81%)	5	14
Wauchope	1115 (18%)	5	2
Comboyne	13.7 (0.22%)	0	0
Long Flat	7.9 (0.12%)	0	0
Telegraph Point	23.9 (0.38%)	0	1

The majority of ADWG exceedances in the Port Macquarie-Camden Haven system were due to high pH, with the others being the detection of Total Coliforms. The exceedances in the Wauchope and Telegraph point systems were again due to the detection of Total Coliforms and one slightly low recording of chlorine.

It should be noted that no guideline value has been set for total coliforms in drinking water in the ADWG. However, it is used as an indicator and based on recommendations from NSW Health a nil detected value has been set for the Port Macquarie Hastings Systems. This allows any detection or increased concentrations to be investigated as Total Coliforms likely indicate bacteria growth in the system.

The CCP exceedances for the Port Macquarie-Camden Haven system were due to high turbidity readings. The CCP exceedances for the Wauchope system were due to three low fluoride level readings and two low residual chlorine readings. It should be noted that the fluoride levels for the Port Macquarie-Camden Haven system were consistently low throughout the reporting period (below the critical limit minimum threshold of 0.9mg/L). There are various factors that impact the fluoride levels, with the most significant being open storage within the Port Macquarie-Camden Haven system and the influence of rainfall on them.

There are no specific guidelines which specifies the recycled water quality in the reticulation network like there is under the ADWG for drinking water. However, Council has implemented the following targets:

Summary of Recycled Water Quality Targets for reticulation

Parameter	Specifically	Targets
Bacteria	E. coli	<1 per 100 mL
	Total Coliforms	<1 per 100 mL
Indicator for Cryptosporidium	Clostridial Spores	<1 per 100 mL
Turbidity	NTU	<2 NTU
Acidity/Alkalinity	pH	6.5 – 8.5
Disinfection	Free Chlorine	Between 0.2 – 0.5 mg/L at point of use (in reticulation)

Based on these quality targets, Council recorded 12 exceedances, excluding pH issues outlined below, with the majority being turbidity exceedances and low free chlorine levels recorded.

It should be noted that there were numerous pH exceedances of the recycled water. There were 349 samples taken for pH analysis from the reservoir and reticulation network. Out of the 349 samples taken there were 165 exceedances, with 120 (70%) of these having a pH result greater than 8.5 and 45 (30%) of these having a pH result less than 6.5. This equates to almost 50% of all samples exceeding the acceptable limits.

The calcite filter at the recycled water treatment plant was not operational from July 2021 to February 2022. This was due to problems with the performance of the calcite filter media. Break through of the calcite occurred which impacted the turbidity of the water. Replacement of the media occurred in February 2022, once an alternative supplier was sourced. Since installation of the new media, the system had been performing well, improving the pH control in the reticulated recycled water.

The majority of the exceedances occurred prior to the calcite filter becoming operational.

Another key aspect of water quality performance monitoring is customer feedback. For the drinking water supply systems Council received 254 complaints as outlined in the below table within the reporting period.

Supply System	Dirty	Air or Cloudy	Taste & Odour	Illness	Leaks	Loss of supply	Other	Annual Total
Port Macquarie /Camden Haven	137	2	5	2	11	29	52	238
Wauchope	4	0	0	0	3	1	7	15
Comboyne	1	0	0	0	0	0	0	1
Telegraph Point	0	0	0	0	0	0	0	0
Long Flat	0	0	0	0	0	0	0	0
Total	142	2	5	2	14	30	59	254

Council experienced a total of 142 complaints for dirty water during the reporting period which accounts for majority of the complaints. Investigations were carried out

for every complaint. Out of all the complaints for dirty water, around 75% were due to reasons unknown and the issue seems to resolve itself after a period of flushing of the mains. Around 15% were due to scheduled maintenance issues following the mains cleaning program and 8% were due to internal plumbing issues.

Most of the dirty water and taste and odour complaints were from the Port Macquarie/Camden Haven supply system which is an unfiltered supply. The unfiltered water at times will exceed best practice of 2 NTU for turbidity and the ADWG guidelines of 5 NTU. Sediment can accumulate over time in the reticulation system and this is managed by regular flushing, mains cleaning and our annual ice pigging program.

The construction and commissioning of the bulk water filtration water treatment plant at Cowarra Dam, which is on schedule to be completed in 2027, will result in the Port Macquarie/Camden Haven supply becoming a filtered supply. This will significantly improve the quality of water supplied and mitigate the build-up of sediment in the mains over time.

There were no complaints recorded during the reporting period for the Port Macquarie Recycled Water Supply system.

Detailed quality performance information for the drinking water supply systems and the Port Macquarie Recycled Water system for the 2021-2022 reporting period is included in the attached reports.

Overall Council supplied safe and high quality drinking water.

Options

This report is for information and noting. Council may resolve to request more information as required.

Community Engagement and Internal Consultation

No specific community engagement or internal consultation was undertaken regarding this report.

Council staff held a workshop discussion with NSW Health, North Coast Public Health District staff on the draft water quality reports prior to their finalisation.



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.  Drinking Water Management System Annual Report 2021 - 2022 Final
2.  Recycled Water Management System Annual Report 2021 - 2022 Final

Item: 13.09

**Subject: STATUS OF STORMWATER DRAINAGE SYSTEM SERVICING
ILLAROO ROAD, LAKE CATHIE AND SURROUNDS**

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

4.1.5 Work towards planning, investigation, design, construction of stormwater assets.

RECOMMENDATION

That Council note the identified stormwater issues in the immediate areas surrounding Illaroo Road, Lake Cathie, including but not limited to Aqua Crescent and Kywong Street.

Executive Summary

As part of a resolution relating to the Illaroo Road stormwater redirection project during the ordinary Council meeting (OCM) held on 28 April, 2022, it was resolved that Council:

Request the Chief Executive Officer to provide a report to a future meeting of Council on the stormwater issues in the immediate areas surrounding Illaroo Road, including but not limited to Aqua Crescent and Kywong Street.

This report identifies five specific known stormwater 'hotspots':

1. Chepana Street (Northern end),
2. Kalang Street (Eastern end),
3. 1629-1645 Ocean Drive, Lake Cathie
4. Intersection of Ocean Drive / Orana Street / Kywong Street.
5. Ocean Drive frontages of 53-25 Chepana Street.

The status of stormwater infrastructure at each hotspot is also outlined, including:

- a) Issues
- b) Stormwater inundation problems
- c) Scale of solutions required
- d) Status

The report notes that the identified hotspots and associated rectification works are not listed within the current Operational Plan or Delivery Program for priority action and any future works or investigations will require future funding to be sought and/or reallocation from other priority works.

Background

At the Ordinary Council Meeting on 28 April 2022, Port Macquarie - Hastings Council resolved the following:

**09.01 ILLAROO ROAD STORMWATER REDIRECTION PROJECT
COMMUNITY ENGAGEMENT**

That Council:

1. *Note the findings of the Illaroo Road Stormwater Redirection Project Engagement and that the issue of the Illaroo Road Stormwater Redirection Project was also raised at the Illaroo Road Coastal Hazard Protection Options Review and Co Design Project Community Engagement session held on 27 April 2022.*
2. *Note the revised cost estimates undertaken in late 2021 for the Illaroo Stormwater Redirection Project amounts to \$1,929,000 if this project is to proceed.*
3. *Request the Chief Executive Officer to submit a request for variation to NSW Department of Planning and Environment (DPE) to fund the shortfall in the current funding allocation under the Coastal and Estuary Implementation Grant.*
4. *Address the long-term erosion around the two stormwater outlets off Illaroo Road as a component of the Illaroo Road Coastal Hazard Protection Options Review and Co Design.*
5. *Address the short-term erosion hazard around the southern stormwater outlet off Illaroo Road by using dredged material from lower Cathie Creek to nourish the shoreline around the outlet utilising the existing approved dredging Development Application.*
6. *Undertake emergency works around the existing stormwater outlet should engineering advice determine if there is any imminent risk to Illaroo Road.*
7. *Proceed to undertake the Asbestos Remediation Works to the extent that addresses immediate risk and within the available budget of \$121,554 as noted in the report.*
8. *Agree to waive the waste disposal fees (excluding the waste levy) associated with Asbestos Removal on the Illaroo Road embankment.*
9. *Request the Chief Executive Officer to provide a report to a future meeting of Council on the stormwater issues in the immediate areas surrounding Illaroo Road, including but not limited to Aqua Crescent and Kywong Street.*

This report addresses item 9 of that prior resolution.

Existing stormwater infrastructure

The stormwater drainage system servicing the immediate area around Illaroo Road, including but not limited to Aqua Crescent and Kywong Street, is shown in figure 1 below:

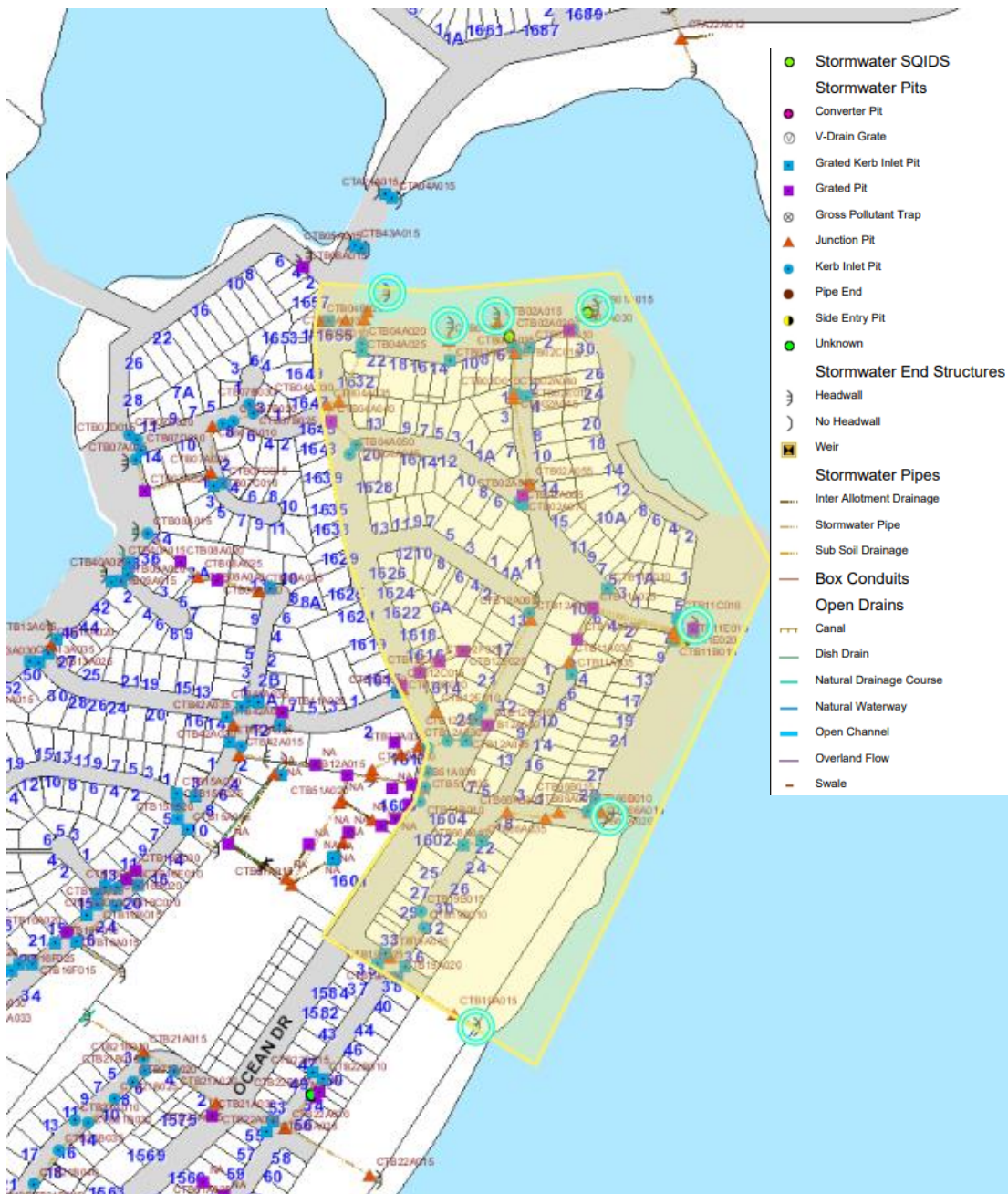


Figure 1 - Location Plan

In prior Council reports concerning coastal erosion along Illaroo Road and surrounds, the locations of the seven stormwater outlets servicing this area that drain urban stormwater runoff directly to either Lake Cathie or to the Ocean are highlighted by blue circles in Figure 1.

The stormwater drainage system and infrastructure within the area shown above is typically aged in nature, being generally constructed between the late 1940s and 1970s. Given the changes in development standards and land use intensity that have occurred over time, this aged local drainage system is likely to be under capacity when compared to current best practice and standards, however Council does not have a current local network model to confirm the extent of this deficiency and the related risks.

There are several known locations in the investigation area where the capacity of the local drainage system is deficient and results in overland flooding to adjoining private property and road reserves. This is discussed further in the “Known stormwater hotspots” section below.

In addition to the identified drainage issues, there may also be a lack of capacity within the piped drainage system. Many of the streets within the investigation area are currently not serviced by kerb and gutter, meaning that stormwater runoff from road reserve areas is at risk of entering private property in an uncontrolled manner.

Figure 2 below shows the locations of kerb and guttering in the investigations area (blue lines represent the location of concrete kerb and guttering) and areas lacking such infrastructure.



Figure 2 - Extent of Kerb and Gutter within investigation area (dark blue lines)
Known stormwater hotspots

The stormwater drainage system servicing the immediate area around Illaroo Road, including but not limited to Aqua Crescent and Kywong Street, contains five known stormwater hotspots or problem areas.

A hotspot is defined as an area that has an identified deficiency in the provision of stormwater drainage infrastructure, and generally results in an unacceptable level of inundation or risk to an adjoining private property or road reserve area.

Table 1 (below) and associated Figure 3 (below) detail the specifics and locations of each hotspot within the study area:



Figure 3 - Hotspot Location Plan

Table 1 - Hotspot Characteristics and Status

ID	Location	Cause	Effect	Solution
1	Northern end of Chepana Street	Existing stormwater drainage system is undersized. No formalised overland flow path is available.	During extreme rainfall or in the event of system blockage the stormwater runs overland through private property to Illaroo Road via properties fronting Chepana Street, Kalang Street and Illaroo Road.	Upgrade of existing stormwater infrastructure between the northern end of Chepana Street and the outlet at Illaroo Road is required. Catchment analysis and detailed design required. STATUS: These works have been identified in Council's register of pending stormwater capital works for future prioritisation of funding. No funding is currently available.
2	Eastern end of Kalang Street	Lack of kerb and guttering along the southern side of Kalang Street.	During moderate to extreme rainfall, stormwater runs unconstrained from the road edge into private yards and garages of properties within Kalang Street near Illaroo Road.	Construction of kerb and gutter along southern side of Kalang Street. STATUS: There is no current budget for kerb and gutter construction projects. These works have been identified and a preliminary cost estimated within in Council's register of pending stormwater capital works for future prioritisation of funding. No funding is currently available.
3	1629-1645 Ocean Drive, Lake Cathie	Lack of kerb and guttering and piped drainage infrastructure along western side of Ocean Drive.	Stormwater runoff from Ocean Drive, in addition to overflows from Parry Street, flow unconstrained into private yards, dwellings and garages of properties within Ocean Drive and Banjora Place. Flows from Ocean Drive also cause scour and	Provision of kerb and gutter and upgraded local piped drainage system is required. STATUS: A concept upgrade plan has been prepared and costed however these works have been listed in Council's pending stormwater capital

			<p>sedimentation on private driveways.</p> <p>Compounding the above impacts, the impacted properties are located below Ocean Drive and have no formal point of piped stormwater connection for surface and roof area runoff.</p> <p>Uncontrolled runoff from Ocean Drive, combined with a lack of private drainage leads to overland flooding issues impacting properties further to the west fronting Banjora Place.</p>	<p>works program for future prioritisation of funding.</p> <p>No funding is currently available.</p> <p>Works should ultimately be coordinated to be undertaken in conjunction with the larger scale upgrade of Ocean Drive through Lake Cathie, which has been identified as a medium term (2026-2030) priority within the Council's Draft MR538 MR600 Corridor Strategy.</p>
4	Intersection of Ocean Drive / Orana Street / Kywong Street.	<p>Lack of kerb and guttering and no drainage infrastructure at this intersection.</p> <p>Topography is very flat.</p>	Large volumes of ponding surface water during and following rainfall.	<p>Intersection upgrade is required. In this regard, the construction of kerb and guttering, plus new piped drainage system has been designed to be implemented as part of a future Ocean Drive upgrade project.</p> <p>STATUS: These works have been identified in Council's pending stormwater capital works program for future prioritisation of funding and within the Council's Long Term Financial Plan. No funding is currently available.</p> <p>Works should ultimately be coordinated to be undertaken in conjunction with the larger scale upgrade of Ocean Drive through Lake Cathie, which has been identified as a medium term (2026-2030) priority within the Council's Draft MR538 MR600 Corridor Strategy.</p>
5	Ocean Drive frontages of 53-25	No kerb and guttering or piped drainage infrastructure.	Large volumes of ponding surface water along the Ocean Drive	Upgrade of Ocean Drive kerb and drainage infrastructure required. In this regard, a design

	Chepana Street, Lake Cathie	Location serviced by a grassed swale with minimal grade and no defined outlets.	verge during and following rainfall. Extreme rainfall events result in water spilling into both Ocean Drive and the rear yards of adjoining residential properties.	including kerb and guttering, newly formalised and re-graded swale drains, plus an extended piped drainage system has been designed to be implemented as part of a future Ocean Drive upgrade project STATUS: These works have been identified in Council's pending stormwater capital works program for future prioritisation of funding and within the Councils Long Term Financial Plan. No funding is currently available. Works should ultimately be coordinated to be undertaken in conjunction with the larger scale upgrade of Ocean Drive through Lake Cathie, which has been identified as a medium term (2026-2030) priority within the Council's Draft MR538 MR600 Corridor Strategy.
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Discussion

As noted above, a range of stormwater hotspots are currently recognised within the investigation area. The identified issues generally occur because of a lack of formal stormwater infrastructure, including, pits, pipes and kerb and guttering and result in inundation and periodic damage to adjoining private property and road reserve areas.

Council's Community Infrastructure Division currently has identified a quantum of works to address known stormwater 'hotspot' issues valued at approximately \$47 million across our Local Government Area (LGA). These include new or upgrade requirements to improve stormwater assets and capacity requirements rather than simply renewal of existing assets.

The prioritisation and risk assessment of these issues range in severity from significant high hazards that occur at high velocities and create overland flash flooding risks to residences and educational facilities, through to low risk requests for kerb and gutter installations to prevent sodden verge areas and footpaths.

The current backlog of works contains some 135 items spread throughout all urban areas of the Local Government Area.

These unfunded works are currently documented within a register of pending capital works/investigations, where they are risk assessed and prioritised by the Community Infrastructure Planning and Design Unit for funding consideration within each year's Operational Plan.

At present, the identified hotspots and works within the Lake Cathie investigation area are not assessed as a short-term priority for action and are therefore anticipated to remain unfunded in the medium to long term.

Hotspots 3, 4 and 5 may strategically be addressed as part of a larger scale upgrade of Ocean Drive, Lake Cathie. This is on the basis that any short-term stormwater upgrades would likely be made redundant by the ultimate Ocean Drive Upgrade when it occurs. The Integrated Transport Plan will provide guidance on when these larger road works may occur.

Next Steps

The Community Infrastructure Planning and Design Unit is currently undertaking a project in partnership with Community Utilities Planning Unit to collate, review and consistently reprioritise and reassess all stormwater and sewer related hotspots across the Local Government Area on a catchment basis.

This Stormwater and Sewer Urban Catchment Management Plan project is anticipated to result in the preparation of an upgraded works prioritisation risk assessment and matrix and resultant works/investigation prioritisation schedule to enable the holistic assessment, prioritisation, funding, design and ultimately remediation of stormwater and sewer hotspots across the LGA.

This project is currently on track for completion by the end of the current financial year and will be presented to the Council separately following finalisation.

Regarding the previously proposed upgrade and diversion of stormwater runoff from Illaroo Road, north into the entrance of Lake Cathie as was discussed in the Council Meeting agenda item from 28 April 2022 that led to this report, those works have subsequently been parked for future consideration as part of a wider investigation into of coastal erosion and pollution within the ongoing Coastal Management Planning process being coordinated by the Council's Natural Resources Division.

Given the range of local catchment related stormwater issues identified above, should any future works be proposed to divert, reconstruct, or upgrade stormwater pits, pipelines and outlets servicing Illaroo Road and surrounds, they would need to be designed in coordination with the Community Infrastructure Division who would coordinate a detailed catchment analysis in conjunction with any future works. Doing so will ensure that any reconstructed/diverted stormwater infrastructure was sized having regard for the medium to long term future upgrades discussed in the body of this report above, thereby futureproofing any coastal protection works.

Planning and Policy Implications

This report is for information only. There are no planning and policy implications

Financial and Economic Implications

This report is for information only. There are no financial and economic implications.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**

**Item 14.01 T-22-60 Part B: Settlement Shores Canal Maintenance
Dredging**

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 14.02 T-22-88 Fixing Country Bridges - 5 major Bridges -
Contractor Works Package**

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.**