

# Ordinary Council

## Business Paper

**date of meeting:** Thursday 18 July 2024

**location:** Laurieton United Service Club  
2 Seymour Street Laurieton

**time:** 10:00am

<b>Community Vision</b>	A sustainable high quality of life for all
<b>Community Mission</b>	Building the future together People Place Health Education Technology
<b>Council's Corporate Values</b>	<ul style="list-style-type: none"> <li>★ Sustainability</li> <li>★ Excellence in Service Delivery</li> <li>★ Consultation and Communication</li> <li>★ Openness and Accountability</li> <li>★ Community Advocacy</li> </ul>
<b>Community Themes</b>	<ul style="list-style-type: none"> <li>★ Leadership and Governance</li> <li>★ Your Community Life</li> <li>★ Your Business and Industry</li> <li>★ Your Natural and Built Environment</li> </ul>

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 18 July 2024

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

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"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."

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

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**RECOMMENDATION**

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

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

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

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**Item: 04****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 20 June 2024 be confirmed.

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**PRESENT**

**Members:**

Mayor Peta Pinson  
Councillor Lauren Edwards  
Councillor Lisa Intemann  
Councillor Nik Lipovac  
Councillor Danielle Maltman  
Councillor Adam Roberts  
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)  
Legal Counsel (Anthea Gilmore)  
Governance Officer (Tania Ellis)

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The meeting opened at 10.00am

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

The Mayor acknowledged the recent birth of Councillor Slade's son.

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**02 REMOTE ATTENDANCE AT MEETING**

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Nil

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**03 LOCAL GOVERNMENT PRAYER**

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Captain Rebecca Gott from the Salvation Army Church, Port Macquarie delivered the Local Government Prayer.

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**04 APOLOGIES**

Nil.

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**05 CONFIRMATION OF MINUTES**

*RESOLVED: Roberts/Slade*

**That the Minutes of the Ordinary Council Meeting held on 16 May 2024 be confirmed.**

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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**06 DISCLOSURES OF INTEREST**

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.09 Lake Cathie Natural Resource Management Monthly Update Report. 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.

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**07 MAYORAL MINUTES**

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**07.01 CORRESPONDENCE FROM THE OFFICE OF LOCAL GOVERNMENT**

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**MOTION**

*MOVED: Pinson*

That Council note the information contained in the correspondence from Mr Brett Whitworth, Deputy Secretary, Office of Local Government.

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**AMENDMENT**

*MOVED: Sheppard/Edwards*

That Council:

1. Note the information contained in the correspondence from Mr Brett Whitworth, Deputy Secretary, Office of Local Government.
2. Note that this includes an expression of concern regarding a recent decision made by Council to set the 2024-2025 rate increase to 0.0% and outlining the rationale for these concerns.

*EQUAL: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

*LOST*

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Pinson*

**That Council note the information contained in the correspondence from Mr Brett Whitworth, Deputy Secretary, office of Local Government.**

*CARRIED: 7/1*

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

*AGAINST: Intemann*

The Chairperson tabled the correspondence from Mr Brett Whitworth, Deputy Secretary, Office of Local Government.

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

Nil

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**09 ITEMS TO BE DEALT WITH BY EXCEPTION**

*RESOLVED: Lipovac/Slade*

**That Items 10.01, 10.02, 10.06, 10.11, 10.12, 11.01, 11.04, 12.01, 12.02, 13.01, 13.04, 13.06, 13.07, and 13.10 be considered as a block resolution.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

*RESOLVED: Sheppard/Maltman*



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

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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**10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 MAY TO 5 JUNE 2024**

*BLOCK RESOLVED: Sheppard/Maltman*

**That Council note the Mayoral Discretionary Fund allocations for the period 2 May to 5 June 2024.**

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**10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

*BLOCK RESOLVED: Sheppard/Maltman*

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

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**10.06 2024-2025 COUNCILLOR AND MAYORAL FEES**

*BLOCK RESOLVED: Sheppard/Maltman*

**That, in relation to Councillor remuneration for the 2024-2025 financial year, Council:**

- 1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2024 to be \$27,050.**
- 2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2024 to be \$93,850 (this amount includes the fee payable to a Councillor).**
- 3. Make superannuation contribution payments for Councillors, in addition to the annual fees, with the amount of the payment to be the amount the Council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the Councillors were employees of the Council.**
- 4. Note that individual Councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments.**

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### 10.11 MONTHLY BUDGET REVIEW - MAY 2024

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

- 1. Adopt the adjustments in the May 2024 Adjustments section of the Monthly Budget Review – May 2024 report and associated attachment.**
  - 2. Amend the 2023-2024 Operational Plan to include all budget adjustments approved in this report.**
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### 10.12 INVESTMENTS AND LOANS - MAY 2024

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council note the Investment and Loans Report for May 2024.**

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### 11.01 RECOMMENDED ITEMS FROM THE MAY 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council endorse the Port Macquarie-Hastings Sporting Fund Sub-Committee recommendations as follows:**

- 1. Payment of \$1,000 to Tobias Toohey to attend the Australian U18's National Hockey Championships in The Gold Coast on July 3 - 11 2024.**
  - 2. Delegate authority to the Chief Executive Officer to approve any compliant recommendations from the Port Macquarie-Hastings Sporting Fund Sub-Committee for funding requests between 16 August 2024 and 16 October 2024, inclusive, due to the upcoming Local Government Elections.**
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#### **11.04 PLACES TO PLAY PLAN - POST EXHIBITION**

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

- 1. Adopt the Places to Play Plan, Play Spaces Plan**
  - 2. Note the information contained within the Places to Play Plan Community Engagement Report - March 2024**
  - 3. Thank submitters and advise them of the outcome of Council's consideration.**
  - 4. Note that further sub plans of the Places to Play Plan will be reported to Council for consideration in 2024-2025.**
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#### **12.01 DESTINATION MANAGEMENT PLAN ANNUAL REPORT**

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council note the annual progress report on implementation of the 2020-2024 Port Macquarie Hastings Destination Management Plan (DMP).**

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#### **12.02 CLASSIFICATION OF COUNCIL LAND - 99 WILLIAM STREET, PORT MACQUARIE**

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council Pursuant to Section 34 of the Local Government Act 1993, classify Lot 1 DP 1012667, 99 William Street, Port Macquarie as operational land.**

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#### **13.01 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS BI-ANNUAL REPORT**

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

- 1. Note the status of site specific Planning Proposal requests detailed in this report; and**
  - 2. Receive a further update report in December 2024 regarding the progress of site specific Planning Proposal requests.**
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### 13.04 LAND ACQUISITION - COWAL CREEK ROAD BELLANGRY

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

1. Pay compensation in the amount of \$5,000 (GST exclusive) to the owners of Lot 96 DP 754406, RJ and CH Wallace, for the acquisition of that part of Lot 96 DP 754406 more particularly described as Lots 1, 2 and 3 in plan of acquisition DP 1301477.
  2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing costs.
  3. Pursuant to Section 10 of the Roads Act 1993, dedicate lots 1, 2 and 3 DP 1301477 as Public Road.
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### 13.06 DRAFT PORT MACQUARIE-HASTINGS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2024

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

1. Note the Information in the Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024 Report.
  2. Endorse the draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024 to be placed on public exhibition for a minimum of 28 days in accordance with legislative requirements and Council's Community Participation Plan.
  3. Receive a report back to Council following the public exhibition.
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### 13.07 ESSENTIAL ENERGY EV STREETLIGHT CHARGER TRIAL - CLARENCE STREET, PORT MACQUARIE

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

1. Note the information contained in the report regarding the EV Streetlight Charger trial in Clarence Street, Port Macquarie, being undertaken by Essential Energy.
  2. Support further longer term trials or permanent provision of EV charging infrastructure at this location should Essential Energy fund or receive funding for the provision of the charging infrastructure.
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### **13.10 REQUEST TO CONTINUE ACCEPTANCE OF KEMPSEY SHIRE COUNCIL WASTE AT CAIRNCROSS LANDFILL**

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*BLOCK RESOLVED: Sheppard/Maltman*

**That Council:**

- 1. Note the request to continue to support Kempsey Shire Council's Waste management activities given the issues they are having with their landfill expansion project.**
- 2. Continue to accept kerbside municipal general waste from Kempsey Shire Council at the Cairncross Landfill until 31 December 2024.**
- 3. Continue to accept transfer station waste from Kempsey Shire Council at the Cairncross Landfill until 31 December 2024.**
- 4. Note the additional volume of waste will have minimal impact on landfill capacity at the Cairncross site over this extended period.**
- 5. Charge Kempsey Shire Council the adopted Waste Fees and Charges applicable for the disposal of all municipal waste at the Cairncross Landfill from 1 August to 31 December 2024.**
- 6. Request Kempsey Shire Council direct their waste contractors to use the Blackman's Point Interchange to access Cairncross to reduce the impact on local traffic.**
- 7. Note the intention to continue working collaboratively with Kempsey Shire Council to develop and implement effective waste management strategies that benefit the region.**
- 8. Note that a report will be tabled at the completion of this arrangement with Kempsey Shire Council, detailing the waste accepted from Kempsey Shire Council at the Cairncross Landfill and resultant impacts.**

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### **10.03 NOTICE OF MOTION - KEY TERMINOLOGY IN COUNCIL DECISION MAKING**

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*RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Request the Chief Executive Officer to provide to the newly Elected Council, during induction, information that details key terminology for use in reports, recommendations, and resolutions of Council.**
- 2. Note that the above information request includes detail of the scope of Council discussion, direction and/or decision-making, that is undertaken in forums other than open Council meetings, for example, Councillor briefings and workshops.**

*CARRIED: 7/1*

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

*AGAINST: Maltman*

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#### 10.04 NOTICE OF MOTION - DRAFT BUDGET DEVELOPMENT POLICY

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*RESOLVED: Edwards/Intemann*

**That Council Request the Chief Executive Officer develop a Draft Budget Development Policy to present to Council for consideration in the new term and before the March 2025 Ordinary Council meeting.**

*CARRIED: 7/1*  
*FOR: Edwards, Intemann, Lipovac, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Maltman*

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#### 10.05 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

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*RESOLVED: Roberts/Lipovac*

**That Council note the Disclosure of Interest return for the following positions.**

- 1. Community Planning and Environment - Environment and Sustainability Manager**
- 2. Business and Performance - Group Manager Procurement**
- 3. Community Planning and Environment - Senior Strategy Officer**

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

The Chairperson tabled the disclosures of returns of the Designated Person listed above.

Item 10.06 2024-2025 Councillor and Mayoral Fees, has been addressed previously within the meeting.

Councillor Edwards left the meeting, the time being 11:18am.

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#### 10.07 PETITION - OPPOSITION TO PROPOSED SPORTING FACILITY FEES

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*RESOLVED: Roberts/Slade*

**That Council:**

- 1. Note the petition received by Hastings Baseball Incorporated requesting Council to stop the introduction of usage fees for sporting fields and recreation facilities.**
- 2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

- 
3. Note the staff recommendation as stated in Item 10.09 (2024-2025 Operational Plan) 'Approve the removal of Sporting facility usage fees across all options put forward in the Draft Operational Plan for 2024-2025, based upon community feedback, with further consideration as part of the 2025-2026 Integrated Planning and Reporting process.'
  4. Through the Chief Executive Officer, present to a future Ordinary Meeting of Council, utilising the input of the Port Macquarie-Hastings Council Sports Council, a Draft Sporting Facilities Usage Fees 'Model' and associated engagement plan, prior to inclusion in any future Operational Plan or Budget process.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Edwards returned to the meeting, the time being 11:22am.

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#### **10.08 IMPROVEMENT PLAN 2022-2026 - GENERAL FUND OPERATING PERFORMANCE**

RESOLVED: Intemann/Lipovac

That Council:

1. Note the update on initiatives within the Improvement Plan 2022-2026 which represents Council's plan to continually drive efficiency, productivity, and improved service delivery.
2. Note the continuing outlook for a negative General Fund Operating Performance Ratio over the decade to 2033-2034 based on the Draft 2024-2025 Operational Plan.
3. Note the Risk Appetite Statement adopted by Council states that ongoing failure to meet key financial performance ratios without adequate resolution planning will not be tolerated.

CARRIED: 8/0

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

AGAINST: Nil

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#### **10.09 2024-2025 OPERATIONAL PLAN - RESULTS OF PUBLIC EXHIBITION**

**MOTION**

MOVED: Pinson/Roberts

That Council:

1. Note the submissions received by Council during the public exhibition period as contained in the Draft Operational Plan 2024-2025 Community Engagement Report.



2. Advise those who made a submission in relation to the 2024-2025 Operational Plan, Fees and Charges, Revenue Policy, and Rating Map of Council's determination in this matter.
3. Approve the amendments to the exhibited 2024-2025 Operational Plan as detailed in this report.
4. Note the 2024-2025 budget position arising from 2024-2025 Operational Plan, Fees and Charges, Revenue Policy, and Rating Maps under both presented options is a balanced budget and, that update reports will be submitted to Council monthly during the financial year.
5. Approve minor amendments to the draft Operational Plan documents to correct minor clarifications and typographical errors.
6. Approve total borrowings of:
 

- Gordon Street Upgrade	180,710
- Hastings River Drive - Upgrade	250,000
- John Oxley Drive - Upgrade	500,000
- Kindee Bridge - Critical Maintenance	1,000,000
- Lake Road - Upgrade	750,000
- Lorne Road Upgrade	3,600,000
- North Brother Catchment flood mitigation measures	150,000
- Ocean Drive	41,500,000
- Rehabilitation of High Priority Bridges	1,000,000
- Thrumster WWTP Scheme	8,600,000
- West Port (Buller Street) Flood mitigation works	1,829,000
7. Approve the removal of Sporting facility usage fees across all options put forward in the Draft Operational Plan for 2024-2025, based upon community feedback, with further consideration as part of the 2025-2026 Integrated Planning and Reporting process.
8. Include in the 2024-2025 Operational Plan a 0.00% Rate Peg and remove the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate without redistribution.
9. Publish, on Council's website, a copy of the Integrated Planning and Reporting suite of documents including the 2024-2025 Operational Plan in accordance with the NSW Office of Local Government Integrated Planning and Reporting Guidelines for Local Government in NSW.
10. That the mitigation measures do not include a reduction in community grants.

#### **AMENDMENT**

*MOVED: Sheppard/Edwards*

That Council defer this item to an Extraordinary Council meeting to be held prior to 30 June 2024 to consider the scenario of the 2024-2025 Operational Plan including a 4.6% Rate Peg, retaining the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate and to reallocate the TCMP loan repayment funds to the strategic risk reserve.

*EQUAL: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

*LOST*

**THE AMENDMENT ON BEING PUT WAS LOST**



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## PROCEDURAL MOTION

*MOVED: Sheppard/Edwards*

That the Ordinary Council Meeting be adjourned for 5 minutes.

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

Further debate continued on the item.

## PROCEDURAL MOTION

*MOVED: Sheppard/Intemann*

That the Ordinary Council Meeting be adjourned for 5 minutes.

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

## AMENDMENT

*MOVED: Sheppard/Intemann*

That Council defer this item to an Extraordinary Council meeting to be held prior to 30 June 2024 to consider the scenario of the 2024-2025 Operational Plan

1. Including a 0.0% Rate Peg.
2. Setting the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate at 0.0% without redistribution.
3. Offsetting the short fall in revenue arising from the 0.0% rate peg, while eliminating the need for all publicly exhibited proposed financial mitigations except corporate overheads, through the following measures:
  - a. Redirecting all funds previously allocated for the TCMP loan repayment to this purpose, being approximately \$1.3million.
  - b. That the balance be offset by general fund reserves and to reallocate the TCMP loan repayment funds to the strategic risk reserve.

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

## THE AMENDMENT ON BEING PUT WAS LOST

## AMENDMENT

*MOVED: Sheppard/Lipovac*

That Council defer this item to an Extraordinary Council meeting to be held prior to 30 June 2024 to consider the scenario of the 2024-2025 Operational Plan

1. Including a 0.0% Rate Peg.
2. Setting the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate at 0.0% without redistribution.

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

**THE AMENDMENT ON BEING PUT WAS LOST**

**PROCEDURAL MOTION**

*MOVED: Sheppard/Edwards*

That the Ordinary Council Meeting be adjourned for 5 minutes.

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

**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Pinson/Roberts*

**That Council:**

1. Note the submissions received by Council during the public exhibition period as contained in the Draft Operational Plan 2024-2025 Community Engagement Report.
2. Advise those who made a submission in relation to the 2024-2025 Operational Plan, Fees and Charges, Revenue Policy, and Rating Map of Council's determination in this matter.
3. Approve the amendments to the exhibited 2024-2025 Operational Plan as detailed in this report.
4. Note the 2024-2025 budget position arising from 2024-2025 Operational Plan, Fees and Charges, Revenue Policy, and Rating Maps under both presented options is a balanced budget and, that update reports will be submitted to Council monthly during the financial year.
5. Approve minor amendments to the draft Operational Plan documents to correct minor clarifications and typographical errors.
6. Approve total borrowings of:
 

- Gordon Street Upgrade	180,710
- Hastings River Drive - Upgrade	250,000
- John Oxley Drive - Upgrade	500,000
- Kindee Bridge - Critical Maintenance	1,000,000
- Lake Road - Upgrade	750,000
- Lorne Road Upgrade	3,600,000
- North Brother Catchment flood mitigation measures	150,000
- Ocean Drive	41,500,000
- Rehabilitation of High Priority Bridges	1,000,000
- Thrumster WWTP Scheme	8,600,000

- **West Port (Buller Street) Flood mitigation works**  
**1,829,000**
- 7. **Approve the removal of Sporting facility usage fees across all options put forward in the Draft Operational Plan for 2024-2025, based upon community feedback, with further consideration as part of the 2025-2026 Integrated Planning and Reporting process.**
- 8. **Include in the 2024-2025 Operational Plan a 0.00% Rate Peg and remove the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate without redistribution.**
- 9. **Publish, on Council's website, a copy of the Integrated Planning and Reporting suite of documents including the 2024-2025 Operational Plan in accordance with the NSW Office of Local Government Integrated Planning and Reporting Guidelines for Local Government in NSW.**
- 10. **That the mitigation measures do not include a reduction in community grants.**

*EQUAL: 4/4*  
*FOR: Maltman, Pinson, Roberts and Slade*  
*AGAINST: Edwards, Intemann, Lipovac and Sheppard*  
*CASTING VOTE: For*  
*CARRIED*

#### **PROCEDURAL MOTION**

*MOVED: Pinson/Roberts*

That the Ordinary Council Meeting be adjourned for 10 minutes.

*CARRIED: 7/1*  
*FOR: Edwards, Intemann, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Lipovac*

The meeting adjourned at 1.20pm

The meeting recommenced at 1.38pm

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#### **10.10 MAKING OF RATES AND CHARGES - ADOPTION OF 2024-2025 FEES, CHARGES AND RATING MAPS**

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##### **MOTION**

*MOVED: Roberts/Pinson*

That Council:

1. Note that this recommendation is based upon the current Council decision regarding the preparation of the Draft Operational Plan for 2024-2025 with a 0.0% rate peg and the Town Centre Master Plan component of the Port Macquarie CBD Business Rate being abolished without redistribution.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.16373 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA

categorised as “Residential Defined Urban Centres”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.59%.

3. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.15369 cents) in the dollar with a Base Amount of \$556.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Residential Other”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.93%.
4. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.14536 cents) in the dollar with a Base Amount of \$707.70 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Farmland”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 32.32%.
5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2024-2024 of (1.14475 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Business Port Macquarie CBD”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 8.13%.
6. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.37513 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Business Defined Urban Centres”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.17%.
7. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.30477 cents) in the dollar with a Base Amount of \$556.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Business Other”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.76%.
8. Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2024-2025 of (0.04232 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.
9. Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2024-2025 of (0.09135 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.
10. Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2024-2025 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:

Size of water meter connection	Charge for 2024-2025
20 mm including vacant properties and equivalent tenants	\$190.00
25 mm	\$297.00
32 mm	\$486.00
40 mm	\$760.00
50 mm	\$1,188.00
80 mm	\$3,040.00

100 mm	\$4,750.00
150 mm	\$10,688.00
200 mm	\$19,000.00
Equivalent Tenants	\$190.00
Fire service - 32mm	\$243.00
Fire service - 40mm	\$380.00
Fire service – 50 mm	\$594.00
Fire service – 80 mm	\$1,520.00
Fire service – 100 mm	\$2,375.00
Fire service – 150 mm	\$5,344.00
Fire service – 200 mm	\$9,500.00
Tier 1 usage charges – per kilolitre	\$3.98
Tier 2 usage charges – per kilolitre	\$7.96

11. Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2024-2025 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2024-2025 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:

Service	Charge for 2024-2025
Available or Connected (excluding churches and halls)	\$1,028.50
Pump Out (Pressure Sewer)	\$998.50
Unconnected (S548a)	\$660.20
Non-rateable (other than churches & halls S555)	\$819.00
Non-rateable (churches & halls S555)	\$660.20
Non-rateable (Other S556)	\$1,028.50
Usage Charge - per kilolitre	\$1.52

12. Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2024-2025 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:

System	Charge for 2024-2025
Low risk system	\$44.00
Medium risk system	\$87.00
High risk system	\$125.00
Small commercial	\$250.00
Large commercial	\$311.00

13. Make an Annual Charge for Recycled Water Availability, pursuant to Section 501 of the Local Government Act, for 2024-2025 on urban area business/commercial/council facilities where a recycled water service is provided. Make a usage charge for recycled water usage, pursuant to Section 502 of the Local Government Act, for 2024-2025 where a recycled water service is provided, including on residential properties. The recycled water annual charges are based on meter size:

Recycled Metre size - Business/Commercial/Council Facilities only	Charge for 2024-2025
20 mm	\$95.00
25 mm	\$148.50
32 mm	\$243.00
40 mm	\$380.00
50 mm	\$594.00
80 mm	\$1,520.00
100 mm	\$2,375.00
150 mm	\$5,344.00
200 mm	\$9,500.00
Tier 1 usage charges - per kilolitre	\$1.84
Tier 2 usage charges - per kilolitre	\$3.67

Domestic Dual Reticulation Systems - Residential properties to be serviced by dual scheme (i.e., Two meters per property)	Charge for 2024-2025
Tier 1 usage charges - per kilolitre	\$2.94
Tier 2 usage charges - per kilolitre	\$5.87

14. Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2024-2025 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:

Service	Charge for 2024-2025
Business – 0m <sup>2</sup> to 350m <sup>2</sup>	\$25.00
Business – 351m <sup>2</sup> to 700m <sup>2</sup>	\$50.00
Business – 701m <sup>2</sup> to 1,000m <sup>2</sup>	\$75.00
Business – 1,001m <sup>2</sup> to 1,400m <sup>2</sup>	\$100.00
Business – 1,401m <sup>2</sup> to 1,750m <sup>2</sup>	\$125.00
Business – 1,751m <sup>2</sup> to 2,100m <sup>2</sup>	\$150.00
Business – 2,101m <sup>2</sup> to 2,450m <sup>2</sup>	\$175.00
Business – 2,451m <sup>2</sup> to 2,800m <sup>2</sup>	\$200.00
Business – 2,801m <sup>2</sup> to 3,200m <sup>2</sup>	\$225.00
Business – 3,201m <sup>2</sup> to 3,500m <sup>2</sup>	\$250.00



Business – 3,501m2 to 3,850m2	\$275.00
Business – 3,851m2 to 4,200m2	\$300.00
Business – 4,201m2 to 4,600m2	\$325.00
Business – 4,601m2 to 4,900m2	\$350.00
Business – 4,901m2 to 5,200m2	\$375.00
Business – 5,201m2 to 5,600m2	\$400.00
Business – 5,601m2 to 5,950m2	\$425.00
Business – 5,951m2 to 6,300m2	\$450.00
Business – 6,301m2 to 6,600m2	\$475.00
Business > 6,600m2	\$500.00
Business - Strata	\$12.50
Residential	\$25.00
Residential - Strata	\$12.50

15. Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2024-2025, on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2024-2025
Standard service – 240 litre fortnightly general waste	\$553.63
Minimiser service – 140 litre fortnightly general waste	\$485.55
Excess service – 240 litre weekly general waste	\$818.17
On application only special weekly service – 140 litre weekly general waste	\$684.22
Special Half Weekly Service (140 Litre Weekly General Waste) - (Shared) Multi-unit dwellings only	\$372.81
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$271.23
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$438.66
Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$304.72
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$161.85
Availability charge on vacant land	\$89.30
Additional recycling service – 240 litre fortnightly	\$85.95
Additional organics service – 240 litre weekly	\$111.62
Additional weekly garbage service – 240 litre general waste	\$423.04
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$321.47
Minimum waste charge – single dwellings	\$485.54

16. Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2024-2025 on all rateable land, categorised as Business, to which a waste service is (or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2024-2025
Commercial weekly service – 140 litre general waste	\$684.22
Commercial excess service – 240 litre weekly general waste	\$818.17
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$372.81
Commercial half excess service – 240 litre weekly general waste (shared)	\$438.66
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Commercial availability charge on vacant land	\$89.30
Commercial additional recycling service – 240 litre fortnightly	\$85.95
Commercial additional organics service – 240 litre weekly	\$111.62
Commercial additional weekly garbage service – 240 litre general waste	\$423.04
Commercial additional weekly garbage service – 140 litre General Waste	\$321.47
Waste management access charge	\$35.71

17. Approve minor amendments to the draft documents to correct minor clarifications and typographical errors.
18. Note the amendments to the exhibited 2024-2025 Fees and Charges, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
19. Adopt the 2024-2025 Fees and Charges, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
20. Amend the 2024-2025 Fees and Charges to reflect statutory fees set by State and Federal Government agencies.
21. Set the interest rate on overdue rates and charges at 9.0% from 1 July 2024 to 30 June 2025 in accordance with the Office of Local Government directive.

## AMENDMENT

*MOVED: Lipovac/Intemann*

That Council:

- Note that this recommendation is based upon the current Council decision regarding the preparation of the Draft Operational Plan for 2024-2025 with a 0.0% rate peg and the Town Centre Master Plan component of the Port Macquarie CBD Business Rate being abolished without redistribution.
- Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.16373 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA



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Business - Strata	\$12.50
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Commercial additional weekly garbage service – 140 litre General Waste	\$321.47
Waste management access charge	\$35.71

17. Approve minor amendments to the draft documents to correct minor clarifications and typographical errors.
18. Note the amendments to the exhibited 2024-2025 Fees and Charges, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
19. Adopt the 2024-2025 Fees and Charges including amending Ferry Services Resident Weekly Ticket - Cars/Utilities Ferry Pass to \$15 including GST, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
20. Amend the 2024-2025 Fees and Charges to reflect statutory fees set by State and Federal Government agencies.
21. Set the interest rate on overdue rates and charges at 9.0% from 1 July 2024 to 30 June 2025 in accordance with the Office of Local Government directive.

LOST: 3/5

FOR: Edwards, Intemann and Lipovac

AGAINST: Maltman, Pinson, Roberts, Sheppard and Slade

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

RESOLVED: Roberts/Pinson

**That Council:**



1. **Note that this recommendation is based upon the current Council decision regarding the preparation of the Draft Operational Plan for 2024-2025 with a 0.0% rate peg and the Town Centre Master Plan component of the Port Macquarie CBD Business Rate being abolished without redistribution.**
2. **Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.16373 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Residential Defined Urban Centres”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.59%.**
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6. **Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.37513 cents) in the dollar with a Base Amount of \$656.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Business Defined Urban Centres”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.17%.**
7. **Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2024-2025 of (0.30477 cents) in the dollar with a Base Amount of \$556.10 for all rateable land in the Port Macquarie-Hastings LGA categorised as “Business Other”. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.76%.**
8. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2024-2025 of (0.04232 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.**
9. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2024-2025 of (0.09135 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.**
10. **Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2024-2025 on all rateable land, to which a water**

service is (or able to be) provided. The Water Annual Charge will be based on water meter size:

Size of water meter connection	Charge for 2024-2025
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25 mm	\$297.00
32 mm	\$486.00
40 mm	\$760.00
50 mm	\$1,188.00
80 mm	\$3,040.00
100 mm	\$4,750.00
150 mm	\$10,688.00
200 mm	\$19,000.00
Equivalent Tenants	\$190.00
Fire service - 32mm	\$243.00
Fire service - 40mm	\$380.00
Fire service – 50 mm	\$594.00
Fire service – 80 mm	\$1,520.00
Fire service – 100 mm	\$2,375.00
Fire service – 150 mm	\$5,344.00
Fire service – 200 mm	\$9,500.00
Tier 1 usage charges – per kilolitre	\$3.98
Tier 2 usage charges – per kilolitre	\$7.96

11. Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2024-2025 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2024-2025 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:

Service	Charge for 2024-2025
Available or Connected (excluding churches and halls)	\$1,028.50
Pump Out (Pressure Sewer)	\$998.50
Unconnected (S548a)	\$660.20
Non-rateable (other than churches & halls S555)	\$819.00
Non-rateable (churches & halls S555)	\$660.20
Non-rateable (Other S556)	\$1,028.50
Usage Charge - per kilolitre	\$1.52

12. **Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2024-2025 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:**

System	Charge for 2024-2025
Low risk system	\$44.00
Medium risk system	\$87.00
High risk system	\$125.00
Small commercial	\$250.00
Large commercial	\$311.00

13. **Make an Annual Charge for Recycled Water Availability, pursuant to Section 501 of the Local Government Act, for 2024-2025 on urban area business/ commercial/council facilities where a recycled water service is provided. Make a usage charge for recycled water usage, pursuant to Section 502 of the Local Government Act, for 2024-2025 where a recycled water service is provided, including on residential properties. The recycled water annual charges are based on meter size:**

Recycled Metre size - Business/Commercial/Council Facilities only	Charge for 2024-2025
20 mm	\$95.00
25 mm	\$148.50
32 mm	\$243.00
40 mm	\$380.00
50 mm	\$594.00
80 mm	\$1,520.00
100 mm	\$2,375.00
150 mm	\$5,344.00
200 mm	\$9,500.00
Tier 1 usage charges - per kilolitre	\$1.84
Tier 2 usage charges - per kilolitre	\$3.67

Domestic Dual Reticulation Systems - Residential properties to be serviced by dual scheme (i.e., Two meters per property)	Charge for 2024-2025
Tier 1 usage charges - per kilolitre	\$2.94
Tier 2 usage charges - per kilolitre	\$5.87

14. **Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2024-2025 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:**

Service	Charge for 2024-2025
Business – 0m2 to 350m2	\$25.00



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

15. Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2024-2025 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2024-2025
Standard service – 240 litre fortnightly general waste	\$553.63
Minimiser service – 140 litre fortnightly general waste	\$485.55
Excess service – 240 litre weekly general waste	\$818.17
On application only special weekly service – 140 litre weekly general waste	\$684.22
Special Half Weekly Service (140 Litre Weekly General Waste) - (Shared) Multi-unit dwellings only	\$372.81
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$271.23
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$438.66

Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$304.72
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$161.85
Availability charge on vacant land	\$89.30
Additional recycling service – 240 litre fortnightly	\$85.95
Additional organics service – 240 litre weekly	\$111.62
Additional weekly garbage service – 240 litre general waste	\$423.04
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$321.47
Minimum waste charge – single dwellings	\$485.54

16. Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2024-2025 on all rateable land, categorised as Business, to which a waste service is (or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2024-2025
Commercial weekly service – 140 litre general waste	\$684.22
Commercial excess service – 240 litre weekly general waste	\$818.17
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$372.81
Commercial half excess service – 240 litre weekly general waste (shared)	\$438.66
Commercial availability charge on land not receiving full charge	\$89.30
Commercial availability charge on vacant land	\$89.30
Commercial additional recycling service – 240 litre fortnightly	\$85.95
Commercial additional organics service – 240 litre weekly	\$111.62
Commercial additional weekly garbage service – 240 litre general waste	\$423.04
Commercial additional weekly garbage service – 140 litre General Waste	\$321.47
Waste management access charge	\$35.71

17. Approve minor amendments to the draft documents to correct minor clarifications and typographical errors.
18. Note the amendments to the exhibited 2024-2025 Fees and Charges, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
19. Adopt the 2024-2025 Fees and Charges, 2024-2025 Revenue Policy - Option 1, and Rating Maps as attached.
20. Amend the 2024-2025 Fees and Charges to reflect statutory fees set by State and Federal Government agencies.

- 
- 21. Set the interest rate on overdue rates and charges at 9.0% from 1 July 2024 to 30 June 2025 in accordance with the Office of Local Government directive.**

*CARRIED: 6/2*  
*FOR: Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Edwards and Intemann*

Item 10.11 Monthly Budget Review - May 2024, has been addressed previously within the meeting.

Item 10.12 Investments and Loans - May 2024, has been addressed previously within the meeting.

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### **10.13 BLUEPRINT FOR GENERATIONAL EQUITY ACTIVITY REPORT**

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*RESOLVED: Roberts/Pinson*

**That Council note the information provided in this activity update report.**

*CARRIED: 6/2*  
*FOR: Edwards, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Intemann and Lipovac*

Item 11.01 Recommended Items from the May 2024 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

Councillor Edwards left the meeting, the time being 2:05pm.

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### **11.02 TUFFINS LANE FIELD DRAINAGE INVESTIGATION**

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*RESOLVED: Roberts/Maltman*

**That Council note the information contained in this report.**

*CARRIED: 7/0*  
*FOR: Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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### **11.03 POLICY REVIEW - MANAGEMENT OF PUBLIC SPACES**

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*RESOLVED: Maltman/Pinson*

**That Council:**

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1. **Endorse the draft Management of Public Spaces Policy for the purpose of public exhibition for a period of not less than 28 days.**
  2. **Request the Chief Executive Officer to amend the Outdoor Dining and Trading Procedure to permit applications to be made for the inclusion of Council approved retractable blinds in association with footpath dining applications.**
  3. **Request the Chief Executive Officer to amend the procedure to remove the requirement for the payment of a bond in association with minor activities unlikely to cause damage on public land.**
  4. **Note that a further report will be tabled at the August 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.**

CARRIED: 7/0

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

AGAINST: Nil

Item 11.04 Places to Play Plan - Post Exhibition, has been addressed previously within the meeting.

Item 12.01 Destination Management Plan Annual Report, has been addressed previously within the meeting.

Item 12.02 Classification of Council Land - 99 William Street, Port Macquarie, has been addressed previously within the meeting.

Item 13.01 Update on Site Specific Planning Proposal Requests Bi-annual Report, has been addressed previously within the meeting.

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### **13.02 POLICY REVIEW - DEVELOPMENT CONTRIBUTIONS ASSESSMENT REPORT - POST EXHIBITION REPORT**

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RESOLVED: *Pinson/Roberts*

**That Council defer consideration of the Development Contributions Administration Policy, pending the outcome of the engagement on the draft Development Servicing Plan, scheduled to be presented to Council in July 2024, for endorsement to commence public exhibition.**

CARRIED: 7/0

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

AGAINST: Nil

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### 13.03 PLANNING AND LAND USE DISCUSSION PAPER

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*RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Endorse the Local Strategic Planning Statement Discussion Paper for the purposes of public exhibition and place the Discussion Paper on public exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be presented to Council, following the public exhibition period, detailing the submissions received and any recommended changes to the Discussion Paper for consideration by Council following the 2024 Council election.**

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 13.04 Land Acquisition - Cowal Creek Road Bellangry, has been addressed previously within the meeting.

Councillor Sheppard left the meeting, the time being 2:20pm.

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### 13.05 DEMOGRAPHIC AND POPULATION GROWTH SCENARIOS

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*RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Note the three (3) population growth scenarios included in the report.**
- 2. Endorse the Population Forecast Model for all Strategic Planning and Reporting that forecasts a population of 115,302 in 2046.**
- 3. Note for clarification, that the above Population Forecast Model, forecasts 24,000 net increase in population between 2021-2041, and 28,000 net increase in population between 2041-2046.**
- 4. Note that the above Population Forecast Model, is forecast from the latest and most detailed Australian Bureau of Statistics Data, and was a remodelled forecast completed in 2024, providing the highest confidence level of the three (3) growth scenarios included in the report.**
- 5. Note that an education and communication program will be developed to promote the availability of, and assist with understanding the Forecasts and Demographics Model, and explain how to maximise the use of the data by the community.**

*CARRIED: 6/0*

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

*AGAINST: Nil*

Item 13.06 Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024, has been addressed previously within the meeting.

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Item 13.07 Essential Energy EV Streetlight Charger Trial - Clarence Street, Port Macquarie, has been addressed previously within the meeting.

Councillor Sheppard returned to the meeting, the time being 2:21pm.

Councillor Edwards returned to the meeting, the time being 2:23pm.

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### **13.08 INTEGRATED TRANSPORT PLAN - PUBLIC EXHIBITION**

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*RESOLVED: Pinson/Roberts*

**That Council:**

- 1. Note the information in this report regarding the process of developing the draft Integrated Transport Plan.**
- 2. Note that through the partnership approach with Transport for NSW to develop the draft Integrated Transport Plan, the document has received Ministerial approval from the NSW Government for co-branding.**
- 3. Endorse the co-branded draft Integrated Transport Plan to be placed on public exhibition for a period of not less than 28 days.**
- 4. Note that a further report will be provided to Council at the August 2024 Meeting outlining the submissions received during the exhibition period.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.09 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY REPORT**

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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 did not influence her decision making in the matter.

*MOVED: Intemann/Maltman*

**That Council:**

- 1. Note the progress of natural resource management projects/initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and the progress of the Coastal Management Program.**
  - 2. Note that the Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek has now been finalised.**
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*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

Item 13.10 Request to Continue Acceptance of Kempsey Shire Council Waste at Cairncross Landfill, has been addressed previously within the meeting.

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### **13.11 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY - POST EXHIBITION**

*RESOLVED: Intemann/Edwards*

**That Council:**

- 1. Note the Information in the Integrated Water Cycle Management Strategy Community Engagement Report**
- 2. Note that no significant amendments were made to the draft strategy as a result of the feedback received**
- 3. Thank the community for their feedback**
- 4. Adopt the Integrated Water Cycle Management Strategy**

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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### **CONFIDENTIAL SESSION**

*RESOLVED: Lipovac/Roberts*

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 Request for Endorsement to Progress with Detailed Planning on the Strategic Property Priority List

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 Enterprise Resource Planning - Annual Licensing

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial



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information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 14.03 Easement Acquisition and Compensation - Googik Track Extension with Charles Sturt University

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

Item 14.04 2024.026 Tacking Point Lighthouse Construction of Accessible Walkway

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

Item 14.05 2024.029 Beechwood Road Upgrade Stage 6 Including Steels Bridge Design and Environmental Approval

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, 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: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

*RESOLVED: Maltman/Lipovac*

**That the Council meeting be closed to the public for the consideration of confidential items for the reason as listed in the reports.**

*CARRIED: 8/0*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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#### 14.01 REQUEST FOR ENDORSEMENT TO PROGRESS WITH DETAILED PLANNING ON THE STRATEGIC PROPERTY PRIORITY LIST

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*RESOLVED: Roberts/Slade*

**That Council**

- 1. Endorse the Strategic Property Priority Action List.**
- 2. Support high-level actions from the Priority Action List to ensure appropriate planning, budgeting, resourcing, and detailed work programs can be progressed to deliver strategic property objectives in 2024-2025.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### 14.02 ENTERPRISE RESOURCE PLANNING - ANNUAL LICENSING

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*RESOLVED: Roberts/Intemann*

**That Council:**

- 1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the licencing and support agreements for the Authority Enterprise Resource Planning system with Civica Pty Limited.**
- 2. Renew the current agreements with Civica Pty Limited for licences and support for the Authority Enterprise Resource Planning system on an annual basis for three years, at an approximate annual cost of \$500,000 (excluding GST), commencing 1 July 2024 and expiring 30 June 2027, with the option to undertake annual renewals for a further five years at Council's discretion.**
- 3. Maintain the confidentiality of the consideration in respect of the Enterprise Resource Planning system procurement matter outlined in this report.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **14.03 EASEMENT ACQUISITION AND COMPENSATION - GOOGIK TRACK EXTENSION WITH CHARLES STURT UNIVERSITY**

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*RESOLVED: Edwards/Lipovac*

**That Council:**

- 1. Pay compensation in the amount of \$74,900 (GST exclusive) to the owner of the Easement part Lot 1, DP 1256579 in plan of acquisition.**
- 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal (property conveyancing) expenses reasonably incurred arising from the easement acquisition.**
- 3. As agreed in the Creation of Easement Agreement and 88B instrument for part Lot 1, DP 1256579, that Council construct the Googik Heritage Track Extension, and deliver on terms agreed to in 88B instrument.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **14.04 2024.026 TACKING POINT LIGHTHOUSE CONSTRUCTION OF ACCESSIBLE WALKWAY**

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*RESOLVED: Roberts/Maltman*

**That Council:**

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2024.026 Tacking Point Lighthouse Construction of Accessible Walkway 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 contract.**
- 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 satisfactory result.**
- 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for 2024.026 Tacking Point Lighthouse Construction of Accessible Walkway 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 2024.026 Tacking Point Lighthouse Construction of Accessible Walkway.**

*CARRIED: 7/1*

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

*AGAINST: Intemann*

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**14.05 2024.029 BEECHWOOD ROAD UPGRADE STAGE 6 INCLUDING  
STEELS BRIDGE DESIGN AND ENVIRONMENTAL APPROVAL**

*RESOLVED: Lipovac/Slade*

**That Council:**

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2024.029 - Beechwood Road Upgrade Stage 6 - Design and Environmental Approvals, 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 contract.**
- 2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders since the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a satisfactory result.**
- 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for 2024.029 - Beechwood Road Upgrade Stage 6 - Design and Environmental Approvals 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 2024.029 - Beechwood Road Upgrade Stage 6 - Design and Environmental Approvals.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

*RESOLVED: Roberts/Maltman*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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

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The meeting closed at 2.48pm

.....  
Peta Pinson  
Mayor

UNCONFIRMED

**Item: 06**  
**Subject: DISCLOSURES OF INTEREST**

**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

*(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.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</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.

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<sup>1</sup> 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.

<sup>2</sup> 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 - RECOGNITION OF THE LATE LEONARD  
RAYMOND COOPER OAM**

**Mayor, Peta Pinson**

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### **RECOMMENDATION**

#### **That Council:**

- 1. Formally recognise the contribution to the local community of the late Alderman and Mayor, Leonard Raymond Cooper, OAM.**
- 2. Hold a Minute's silence in memory of Mr Cooper.**

#### **Discussion**

On 19 June 2024, former Alderman and Mayor of Hastings Municipal Council, Leonard Raymond Cooper OAM, affectionately known as Ray, peacefully passed away aged 97.

Ray and his wife, Joyce moved the family to Wauchope in 1972 when he was appointed as Station Master.

First elected as an Alderman in 1983 to the then Hastings Municipal Council, he was elected Mayor by his fellow Aldermen in September 1992 and held the position until his retirement from Council in 1995.

Ray served for many years of the Board of the Wauchope Hospital, Board of Oxley Electricity/North Power, the Hastings Macleay/Hastings Health Service Board and was highly involved in the Scouting movement, eventually becoming the District Commissioner of Scouting on the Tweed and in the Hastings.

A dedicated and passionate member of the Wauchope Historical Society, Ray served as the President, Vice President and Publicity Officer for many years and also wrote a number of booklets, including "A Short History of Wauchope - Volume 2". Ray was also involved in the Mid North Coast Maritime Museum where he also served as President and co-wrote the book "Sinking of the Wollongbar II" in 2010.

Ray was awarded an OAM in 1991 for services to the community through his involvement with many community organisations and Clubs and he was a very worthy recipient.

I attended Ray's funeral on 28 June 2024 at St Matthews Anglican Church, Wauchope and spoke briefly on behalf of Council and the local community.

We honoured and celebrated the life of a humble man who did not spend his life looking for any recognition, but rather quietly and with consistency, dedicated himself to his community, his family and his friends.

We thanked Ray for his service and leadership and although his life ended at the remarkable age of 97, his memory will live on through the wonderful legacies and achievements he left behind.

Council flags were lowered to half mast on the day of his funeral in a mark of respect to the former Mayor and our formal condolences are extended to Ray's son Mark, Grandchildren, Great Grandchildren, extended family and friends.

**Attachments**

Nil

**Item: 07.02**

**Subject: MAYORAL MINUTE - CORRESPONDENCE FROM MINISTER FOR  
PLANNING & PUBLIC SPACES - UPDATED MINISTERIAL  
STATEMENT OF EXPECTATIONS ORDER**

**Mayor, Peta Pinson**

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### **RECOMMENDATION**

**That Council note the updated Ministerial Statement of Expectations Order from the Minister for Planning & Public Spaces, the Hon Paul Scully MP, dated 3 July 2024.**

#### **Discussion**

I recently received correspondence dated 3 July 2024 from the Minister for Planning and Public Spaces, the Hon Paul Scully MP, advising of an updated Ministerial Statement of Expectations Order.

The updated Order relates to the NSW Government's action to meet their commitment under the National Housing Accord to build 377,000 new well-located homes by June 2029 to help address the housing crisis.

This new Statement of Expectations sets out expectations for Council performance in the areas of development assessment, planning proposals and strategic planning.

A copy of the letter is attached for information.

#### **Attachments**

1.  Correspondence - Updated Ministerial Statement of Expectations Order - Minister for Planning & Public Spaces

**Item: 08**

**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING**

**Presented by: Chief Executive Officer, Dr Clare Allen**

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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 affective 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 - 6 JUNE TO 3 JULY 2024**

**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 6 June to 3 July 2024 inclusive.**

**Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 6 June to 3 July 2024 inclusive.

**Discussion**

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

*From 6 June to 30 June 2024:*

Nil	\$Nil
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*From 1 July 2024:*

Donation to PMQ Croquet Club for annual carnival	\$150.00
<b>Total allocation</b>	<b>\$150.00</b>

**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 2024-2025 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**

JULY 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Development Servicing Plan	20/06/2024 Item 13.02		DCU	Jul-24		
Policy Review - Planning Agreements Policy	21/03/2024 Item 13.03	Report will be provided pending legal advice.	DBP	Jun-24	Jun-24	Jul-24
General Waste Red Bin Rubbish Collection Over Summer	18/04/2024 Item 13.03	Provide a report to the July 2024 Ordinary Council Meeting a high-level overview of cost/contract implications providing a weekly bin service between Dec and Feb inclusive.	DCU	Jul-24		

JULY 2024 REPORTS Continued						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Cairncross Waste Management Facility Leachate Pre-Treatment	18/05/2023 Item 14.03	Following successful negotiations with Oleology Pty Ltd for the supply of a containerised leachate pre-treatment solution and present a further report to a future meeting of Council on completion of the works for Council's information	DCU		Feb-24 Apr-24 Jun-24	Jul-24
Post Exhibition Report: Planning Proposal PP-2022-4099 New LEP Clause 5.5 Secondary Dwellings in Rural Zones.	20/07/2023 Item 13.02	Future report to the July 2024 Ordinary Council Meeting regarding the uptake of secondary dwelling provisions in rural areas.	DCPE	Jul-24		
Extension of the Fly Neighbourly Agreement for a further 12 months.	15/06/2023 Item 12.02	A further report to Council Meeting July 2024	DBP	Jul-24		
Policy Review Procurement Policy	16/05/2024 Item 10.08	A further report detailing submissions received following public exhibition	DBP	Jul-24		

JULY 2024 REPORTS Continued						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Camden Head Lookout Reserve Proposed Master Plan and Volunteer Management	16/05/2024 Item 11.02	A further report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.	DCU	Jul-24		
Referendum to Reduce Councillor Numbers from Nine to Seven	18/04/2024 Item 10.04	Provide a report to the July 2024 Ordinary Council Meeting outlining a balanced case for and against reduction of Councillor numbers.	DBP	Jul-24		
Hastings Youth Voice	20/04/2023 Item 11.04	Appoint Members and report to Council on outcomes.	DCPE	Jun-24	Jun-24	Jul-24
AUGUST 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Integrated Transport Plan	20/06/2024 Item 13.08	A further report detailing submissions received following public exhibition	DCI	Aug-24		
Policy Review Management Of Public Spaces	20/06/2024 Item 11.03	A further report detailing submissions received following public exhibition	DCPE	Aug-24		



AUGUST 2024 REPORTS Continued						
Report	Report	Report	Report	Report	Report	Report
Draft Local Housing Strategy Update	16/11/2023 Item 13.08	Report to Ordinary Council April 2024, revised Housing Strategy, and outcomes of community engagement.	DCPE	Apr-24	Apr-24	Jun-24
Draft MR538 and MR600 Corridor Strategy - Following public exhibition	19/05/2022 Item 14.04	Alignment of the Corridor Strategy with the Integrated Transport Plan will be required The Draft Corridor Strategy shall be reviewed on completion of the Integrated Transport Plan	DCI		Feb-24	Aug-24
Policy Review Policy Framework	16/05/2024 Item 10.05	Several changes being made to the policy as a result of a Councillor workshop on 4 July 2024	DBP	Jul-24	Jul-24	Aug-24
Supply of Electricity - Regional Councils NSW Power Purchase Agreement	15/02/2024 Item 13.09	A future report to be tabled on completion of the process for Council's information	DCPE		Jun-24	The JO PPA process has been delayed with little progress to report, due to volatility of the NSW energy market throughout May 24, resulted in reluctance of energy providers providing long term pricing commitments I understand the proximity to elections, but it will be a report to be noted

<b>AUGUST 2024 REPORTS Continued</b>						
<b>Report</b>	<b>Report</b>	<b>Report</b>	<b>Report</b>	<b>Report</b>	<b>Report</b>	<b>Report</b>
Impacts and Options in Relation to the Abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate	15/02/2024 Item 10.17	Report to Council on how Council will maintain the Port Macquarie, Wauchope and Laurieton CBDs in the future	DBP			Aug-24
<b>SEPTEMBER 2024 REPORTS</b>						
<b>OCTOBER 2024 REPORTS</b>						
<b>Report</b>	<b>Date and Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Due Date from Council resolution</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Countback Election	Na	Councils must, by resolution, declare that casual vacancies occurring in the office of a Councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election	GMG	Na	Oct-24	
Election of Deputy Mayor	Na	Na	GMG		Oct-24	
Attendees at Local Government Conference	Na	Determine attendees at the annual Local Government conference	GMG		Oct-24	





NOVEMBER 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Council owned lots at North Shore: Progress of Sale	19/09/2018 Item 09.24 14/12/2023 Item 13.09	Due diligence ongoing. Options for sale of land will be prepared for Council consideration as part of the broader property review due in May.	DBP		Nov-23 Mar-24 May-24 Jul-24	Nov-24
DECEMBER 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
FEBRUARY 2025 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft Budget Development Policy	20/06/2024 Item 10.04	Draft Budget Development Policy to be presented to Council before March 2025	DBP	Prior to March 2025		
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/2018 Item 14.05	To be incorporated in strategic property portfolio review to be undertaken in 2022/2023 Reclassify the property to operational land, this is a statutory process involving a planning proposal which includes Council fees, public exhibition, submissions, a public hearing, council resolutions and Depot Planning	DCPE	Future Report	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Jun-22 Jun-23	Feb-25

		approval. It is estimated that this would take at least 6-9 months.				
<b>FEBRUARY 2026 REPORTS</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Statement of Business Ethics	16/11/2023 Item 10.20	Na	GMP	2026		
<b>DECEMBER 2026 REPORTS</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Administering 2028 Local Government Election	Na	Na	GMG	Na	Na	Dec-26
<b>JULY 2027 REPORTS</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Councillor Number for 2028 Local Government Election	Na	Na	GMG	Na	Na	Jul-27
<b>FUTURE REPORTS</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Tacking Point Lighthouse Construction of Accessible Walkway	20/06/2024 Item 14.04	Further report to be presented after contract awarded	DCPE			
Planning and Land Use Discussion Paper	20/06/2024 Item 13.03	A report to Council following Public Exhibition	DCPE	Following September Council Election		
Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024	20/06/2024 Item 13.06	A report to Council following Public Exhibition	DCPE			
Places to Play Plan	20/06/2024 Item 11.04	A further sub plans report to Council for consideration 2024-2025	DCPE			



FUTURE REPORTS Continues						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Policy Review - Wastewater Services Policy	16/05/2024 Item 13.09	Policy Review - Wastewater Services Policy	DCU	Future Report		
Living and Place Strategy and Supporting Documents	18/04/2024 Item 13.04	A report to Council following public exhibition	DCPE	Future Report		
Draft Recreation and Open Space Action Plan and Sporting Infrastructure Priorities	18/04/2024 Item 11.03	A report to Council following public exhibition	DCPE	Future Report		
Classification of Council Land - Waapangal Road Thrumster	18/04/2024 Item 13.07	A report to Council following public exhibition	DCPE	Future Report		
Biodiversity and Land Acquisition for offsets update	20/04/2023 Item 14.02	Further report presented for further consideration	DBP	Future Report		Estimated 2024
Environmental Land Rezoning - Council owned land	08/12/2022 Item 13.10	Further report to Council following public exhibition	DCPE	Future Report		
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	Future Report (Prior to development)	Dec-20 Jun-21 Oct-21 Jun-22 Dec-22	
T-22-10 Inlet Odour Management Works	21/09/2023 Item 14.02	Present a future report to Ordinary Council Meeting after contract awarded for Council's information	DCU			

CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Budget 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)		
Lake Cathie Natural Resource Management update (13/01/2022 Item 05.01)  (18/05/2023 Item 13.04) Continue with monthly reporting for the Lake Cathie Natural Resource Management Update Report, and review the frequency of reporting no later than the November 2023 Ordinary Council Meeting.	DCPE	Monthly	Every		
Recreation Action Plan – Status The cycle of Recreation plan has changed due to Recreation Action Plan being adopted in February 2023	DCPE	Annually	February		
Annual Drinking Water and Recycled Water Reports	DCI	Annually	February		
Contracts Awarded under Delegation by the Chief Executive Officer	DBP	Quarterly	Feb, Apr, Jul, Oct.		
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		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
2022-2026 Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Aug		
Grant Application Biannual Report (16/02/23 - Item 11.05) (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Major Events Grants Round 1 Round 2	DCPE	Biannual	Sept Apr		



CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Chief Executive Officer's Performance Review	CEO	Annually	Aug		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Quarterly Budget Review Statement	DBP	Quarterly	Feb, May, Nov		
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May	June	
General Fund Operating Performance	CEO	Biannual	June Dec		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
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	Jul-24	Awaiting response of study currently underway
Council Policy - Status	CEO	Annually	Jul	Aug-24	Further information required to provide updates
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		
Audit, Risk and Improvement Committee Annual Report	CEO	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Opportunity for Local Firms to do Business with Port Macquarie-Hastings Council	DBP	Annually	Oct		
Council Meeting Dates	CEO	Annually	Nov		



CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Legislative Compliance Register	CEO	Annually	Nov		
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		
Local Strategic Planning Statement - Implementation of Actions (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Nov		
Annual Financial Statements for the Year Ended 30 June 2023	DBP	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

**Attachments**

Nil



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Item: 10.03

Subject: NOTICE OF MOTION - FORMALISATION OF "ACKNOWLEDGEMENT OF COUNTRY" AT COUNCIL MEETINGS, COUNCIL EVENTS AND IN FORMAL SPEECHES

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

#### RECOMMENDATION

That Council formalise the "Acknowledgement of Country" at the Ordinary Council Meetings, Council events and in formal speeches that is read by the Mayor, Chairperson or Council representative to state the following:

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

*I also acknowledge and respect the many migrants that came to this great country and who helped to build it into the rich and diverse multicultural Australia we are today. And lastly, to our veterans both past and present, who have fought for the freedoms we enjoy today, such as the freedom of speech, freedom of choice and democratic freedoms to express our views."*

#### Comments by Mayor

*"An Acknowledgement of Country is an opportunity for anyone to show respect for Traditional Owners and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country.*

*An Acknowledgement of Country can be offered by any person and like a Welcome to Country, is given at the beginning of a meeting, speech or event.*

*There is no specific wording for an Acknowledgement of Country, just be sincere and, if possible, do some research on the Country you are acknowledging."*  
- Reconciliation Australia

The Port Macquarie-Hastings region is Birpai Country and in addition to our Aboriginal and Torres Strait Islander community, we are a diverse and multi-cultural community. As Mayor, I have been acknowledging that diversity over a long period of time at Council Meetings, formal gatherings, events and in speeches.

This Notice of Motion is brought to Council in the spirit of inclusion. In addition to paying respect to all Aboriginal and Torres Strait Islander people via the Acknowledgement of Country, an addition of acknowledging our migrants who have made a life for themselves and their families and contributed in the growth and prosperity of our country is an appropriate gesture. As is the acknowledgement of our



service men and women who have served and fought, or are still proudly serving, to protect our Australian freedoms and democracy.

To formalise this gesture is an important step in demonstrating inclusion and also a part of walking together in reconciliation with our Aboriginal and Torres Strait Islander peoples and as Mayor, I am seeking support from all Councillors to make these contemporary changes to enhance the Port Macquarie-Hastings Council "Acknowledgement of Country".

**Attachments**

Nil

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**Item: 10.04**

**Subject: CONSTITUTIONAL REFERENDUM - REDUCTION IN COUNCILLOR NUMBERS SUPPORTING INFORMATION**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

1.3.1 Provide effective leadership and equity.

### **RECOMMENDATION**

**That Council note the information contained within this report.**

#### **Executive Summary**

At the April 2024 Ordinary Council meeting, Council resolved:

*That Council:*

- 1. Through the Chief Executive Officer, provide a report to the July 2024 Ordinary Council meeting that outlines a balanced case for and against the reduction of councillor numbers through the upcoming Constitutional Referendum in conjunction with the 2024 NSW Local Government Elections.*
- 2. Request the Chief Executive Officer ensure consultation with Councillors prior to the report being finalised, seeking their input on the cases for and against.*

Councillors have been consulted with all Councillors providing feedback to form the basis of this report. I note that some of the arguments were repeated and have been consolidated into the production of this report.

#### **Discussion**

In September 2023, Council resolved to conduct a constitutional referendum at the next Local Government elections in September 2024 to consider whether to reduce the number of Councillors from nine to seven.

Council further resolved in April 2024 as follows:

*That Council:*

- 1. Through the Chief Executive Officer, provide a report to the July 2024 Ordinary Council meeting that outlines a balanced case for and against the reduction of councillor numbers through the upcoming Constitutional Referendum in conjunction with the 2024 NSW Local Government Elections.*
- 2. Request the Chief Executive Officer ensure consultation with Councillors prior to the report being finalised, seeking their input on the cases for and against.*

This report is the result of the resolution above.

Throughout April 2024 and May 2024, Councillors were invited to provide arguments both supporting and opposing the constitutional referendum question of:

*Do you favour a reduction in the number of Port Macquarie-Hastings Councillors from nine to seven, comprising the Mayor and six Councillors?*

All Councillors provided feedback which has mostly been included in the development of an information sheet as attached to this report as Attachment 1. Some arguments were duplicated, or similar in nature, which resulted in these being combined into a single comment.

This information sheet will be available on Council's website leading into the Local Government election to provide a balanced argument supporting the yes and no votes and to assist electors in responding to the constitutional referendum question.

### **Options**

Council may resolve to note this report or resolve in another way.

### **Community Engagement and Internal Consultation**

All Councillors were consulted throughout the process of developing this information sheet.

### **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.  Consitutional Referendum Information Sheet

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**Item: 10.05**

**Subject: REVISED AUDIT, RISK AND IMPROVEMENT COMMITTEE  
CHARTER**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council adopt the Audit, Risk and Improvement Committee Charter as attached to this report.**

### **Executive Summary**

The Office of Local Government has released the *Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW* that also includes a Model Terms of Reference for Audit, Risk and Improvement Committees. A draft Audit, Risk and Improvement Committee Charter has been developed based on the model terms of reference which has been endorsed by Council's Audit, Risk and Improvement Committee.

It is now presented to Council for consideration.

### **Discussion**

The Office of Local Government has released the *Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW* that also includes a Model Terms of Reference for Audit, Risk and Improvement Committees. A draft Audit, Risk and Improvement Committee Charter has been developed based on the model terms of reference.

The Guidelines require the charter to be reviewed by the Audit, Risk and Improvement Committee annually and the Council at least each term. Any changes to the Charter require Council adoption. The review determined that the model terms of reference had changed, mostly in format, from the version that Council adopted last in September 2022. The draft Charter is mostly based on the model terms of reference and any proposed changes from the model terms of reference have been indicated in red text.

This draft charter was considered by the Audit, Risk and Improvement Committee at its meeting held 28 June 2024 where the Committee endorsed the draft Charter and have referred the draft Charter to Council for consideration.

The draft Audit, Risk and Improvement Committee Charter is now presented to Council for consideration.

**Options**

Council may adopt the draft Charter as attached or make amendments to it.

**Community Engagement and Internal Consultation**

Nil

**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.  Draft Audit, Risk and Improvement Committee Charter

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**Item: 10.06**

**Subject: REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE  
MEETING HELD 28 JUNE 2024**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the report of the Audit, Risk and Improvement Committee held 28 June 2024.**

#### **Executive Summary**

In accordance with the Risk Management and Internal Audit for Local Government in NSW Guidelines, Council's Audit, Risk and Improvement Committee is required to report to Council following each ordinary meeting on the items considered and outcomes of the meeting.

It is noted that due to the sensitive nature of some items considered at this meeting, details may be excluded from this report.

#### **Discussion**

Council's Audit, Risk and Improvement Committee met on 28 June 2024. The meeting was attended by Chairperson Stephen Coates and Councillor Adam Roberts in person with other independent members Mel Jacobs and Kerry Phillips attending on-line. The meeting was also attended by Council's Chief Executive Officer, Dr Clare Allen and Director Business and Performance, Keith Hentschke together with other support staff including Governance, Legal and Internal Audit staff.

Prior to the commencement of the meeting, the Committee held an in-camera meeting with only Committee members in attendance, followed by a further in-camera meeting with Council's Chief Executive Officer.

There were 14 items considered outside of housekeeping items such as previous minutes and disclosures of interest.

All Audit, Risk and Improvement Committee meetings commence with members being informally asked to indicate if they are aware of any emerging risks that Council may wish to consider. A number of risks were informally discussed, and the committee agreed not to formally record the contents of this informal discussion.

A Cybersecurity report was provided to the Committee by the Chief Information Officer. This report was well received and outlines Council's current preparedness



and future plans to protect Council from Cybersecurity threats. An ongoing cyclic information report continues to be requested for future Committee meetings.

Council's Group Manager People, Safety and Performance provided a quarterly update on Work, Health and Safety matters. This report addressed hazard reporting, injuries (including lost time injuries) and workers compensation claims and other matters. This report also addressed important initiatives currently underway and training opportunities. It was also mentioned that Council's WHS Manager had recently left Council and recruitment was almost complete to fill the vacancy.

The Committee received a report from the Group Manager Project Delivery on the status of major projects currently underway by Council. These projects include:

- Ocean Drive Duplication
- Maria River Road
- Fixing Country Bridges
- Thrumster Wastewater Scheme
- Port Macquarie Bulk Water Treatment Plant at Cowarra (Cowarra Water Supply Scheme)
- Kew/Kendall Wastewater Scheme Diversion to Camden Haven
- Port Macquarie Aquatic Facility

Specific attention was given to the Ocean Drive Duplication Project and Maria River Road Project. It was requested that a detailed report be provided to the Committee at the next meeting on these two projects.

The Internal Audit Activity Report was presented to the Committee. It was noted that the Internal Audit on Fraud and Corruption Prevention will be presented to the Committee at the next meeting, the Contract Management Internal Audit will be delivered in 2024-2025 and that outstanding items be tabled at the Executive Group and Senior Leadership Team meetings. The Committee also noted with concern the number of improvement recommendations which were not implemented by officers in the agreed timeframes.

There was an Internal Audit on Payment of Award Allowances presented to the Committee with several recommendations being made. The internal audit report was accepted and recommendations from the audit report have been added to the outstanding audit recommendations register.

The Internal Auditor also presented a report on the Local Government 2023 Audit Office Report - Key Findings. The Audit Risk and Improvement Committee noted the report on Port Macquarie-Hastings Council's status against the Key Audit Findings in the Local Government 2023 New South Wales Auditor General Report and were satisfied with the progress of Council.

The Committee also considered the 4-Year Strategic Internal Audit Plan. This plan will provide the basis for internal audits over the next 4 years. The Committee endorsed the plan and for the period 1 July 2024 to 30 June 2028.

Several financial/operational management-based reports were provided for the consideration of the Committee including:



- 2024-2025 Operational Plan, Budget, Revenue Policy and Fees and Charges Adopted by Council
- Improvement Plan 2022-2026 - General Fund Operating Performance Council's Executive Lead Finance and Commercial Operations and the Group Manager Financial Services attended the meeting to respond to any comments or questions posed by Committee members.

Several regular legal related matters were also reported to the Committee by the Legal Counsel being:

- Material Litigation Matters Report
- Legislative Update

The legislative update report noted that there has been a recent change to legislation that requires senior staff to be employed under the Local Government Award, rather than senior staff contracts.

The Committee noted a report outlining Major Non-Compliance Exceptions and also endorsed a revised Audit, Risk and Improvement Committee Charter for the consideration of Council.

The only item of General Business was to thank officers for the quality and depth of the papers, and the information provided by officers that attended the meeting.

The next meeting will be held on 1 August 2024.

### **Options**

This report is for notation only.

### **Community Engagement and Internal Consultation**

No engagement was required or has occurred regarding this report.

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

### **Attachments**

Nil

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**Item: 10.07**

**Subject: CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information provided in the Contracts Register.**

### **Executive Summary**

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

### **Discussion**

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

### **Delegated Authority**

Under delegated authority the Chief Executive Officer may accept tenders, with the following exceptions that should be referred to Council:

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

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

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

A report is tabled on a quarterly basis providing Council with a list of Contracts that have been awarded under delegation by the Chief Executive Officer. The attached Quarterly Report - Contracts Register - is provided for information purposes.

### **Options**

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

### **Community Engagement and Internal Consultation**

#### Internal Consultation

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


### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

### **Attachments**

1.  GIPA Contracts Register - Council Meeting - July 2024

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**Item: 10.08**

**Subject: INVESTMENTS AND LOANS - JUNE 2024**

**Presented by: Business and Performance, Keith Hentschke**

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### **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 June 2024.**

#### **Executive Summary**

- Council's investment portfolio has met compliance requirements and investment income has exceeded budget.
- Investment portfolio performance for 2023-24 was marginally below benchmarks due to interest rate increases occurring sooner than originally forecasted by the Reserve Bank of Australia (RBA).
- Domestically, the market is now actually forecasting a potential rate increase in coming months in response to ongoing inflationary pressures.
- In the deposit market, over June, average deposit rates offered by major banks at the short-end (up to 12 months) rose between 8-11 basis points following the higher than expected monthly inflation figure. In the medium to longer term (2-5 years), average bids from major banks remained relatively flat, reflective of the market still forecasting rate cuts in future years.
- Over the past 12 months, the portfolio has returned 3.02% per annum (pa) which is 1.35% lower than the benchmark (AusBond Bank Bill Index).
- Current loan balances are at manageable levels with considerable future borrowings identified in the capital works program.
- 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.

Attachments 1 and 2 prepared by Arlo Advisory provide detailed information on the performance of Council’s investment portfolio for the period.

Investment Portfolio

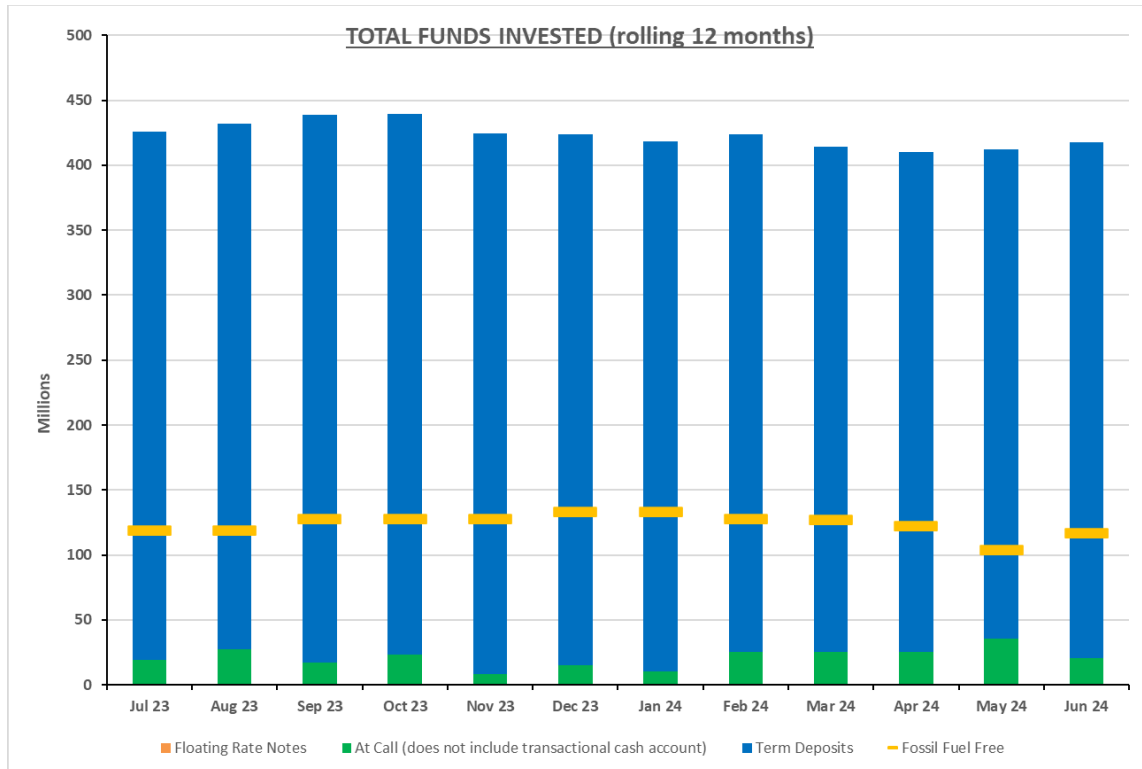
As of 30 June 2024, investments held by Council totalled \$417,446,338. Investment activity during the month was as follows:

Activity	Amount	Institution	Rate	Term	Funds Fossil Fuel
Matured	2,000,000	Aust Unity	5.61%	1yr	No
Matured	3,000,000	BOQ	1.45%	4yr	No
Matured	5,000,000	Bendigo	5.60%	1yr	No
Matured	5,000,000	NAB	5.60%	1yr	Yes
Matured	3,000,000	ING	1.25%	4yr	Yes
Matured	5,000,000	Bendigo	5.46%	1yr	No
Withdrawal	20,000,000	Westpac	4.60%	On Demand	Yes
<b>Total Matured</b>	<b>43,000,000</b>				
Deposit	5,088,957	Westpac	4.60%	On Demand	Yes
Invested	5,000,000	ING	5.31%	1yr	Yes
Invested	5,000,000	AMB	5.25%	2yr	No
Invested	5,000,000	ING	5.20%	3yr	Yes
Invested	5,000,000	ING	5.26%	4yr	Yes
Invested	5,000,000	P&N Bank	5.33%	1yr	No
Invested	5,000,000	Bank of Us	5.23%	11mths	No
Invested	5,000,000	Suncorp	5.22%	10mths	No
Invested	4,000,000	Suncorp	5.29%	1yr	No
Invested	4,000,000	Suncorp	5.29%	11mths	No
<b>Total New Investments</b>	<b>48,088,957</b>				
<b>Net Investment Movement being the difference in Principal invested at end of month &amp; excluding Investment Earnings</b>	<b>5,088,957</b>				

All investments are made in accordance with Council’s Investment Policy, including policy risk limits and performance. The policy is formulated with reference to Office of Local Government Investment Policy Guidelines.



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

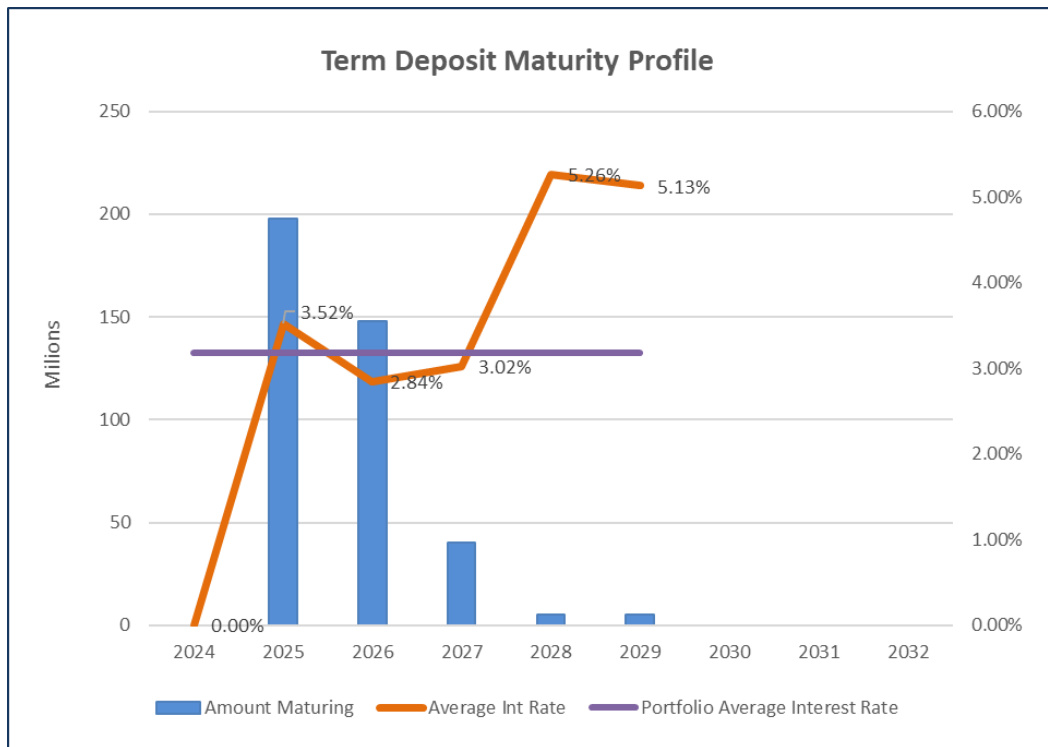


The maturity profile of the investment portfolio (excluding the cash management account which is at call) is illustrated below and shows that maturities are well balanced across the next 3 - 5 years in accordance with the investment spread outlined in the Investment Policy.

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 despite 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 maintaining average returns above industry benchmarks during the pandemic period.

Moving forward, it will be important to take advantage of higher interest rates if re-investing maturing investments, whilst also balancing with a level of risk mitigation against a potential recession environment. As shown below an investment was taken out in February 2024 over a longer term (5 years) to take advantage of an interest rate of 5.13%.



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

Fund	Balance (\$)	Notes
General Fund	161,731,235	1
Waste Fund	31,316,824	2
Water Fund	163,067,063	2
Sewer Fund	61,331,216	2
<b>Total</b>	<b>417,446,338</b>	

Whilst the current level of investments remains high, these largely relate to the restricted Water and Sewer funds or 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 includes:

- Approximately \$75.6m (circa 48% of invested General Fund funds) are development contributions (S.711) 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 2023, \$59m (circa 37% of invested General Fund Funds) were grants for specific projects to be spent in 2024 and 2025, including for Ocean Drive (\$16.6m) and Maria River (\$10.6m).
- Remaining reserves (circa 15% of invested General Fund funds) are fully allocated to a range of projects including Ocean Drive (\$10m), additional



parks maintenance (\$1m) and various airport projects. They are also allocated to fund operational needs of Council, such as replacing Plant and Equipment, with approximately \$10.5m held for security bonds which will be returned to suppliers on completion of works.

- this leaves circa \$2.8m of general fund reserves which the Council uses for core operational purposes.

(2) Much 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, but not limited to:

**Water Fund**

- Cowarra Water Treatment / Filtration Plant - \$125m of reserves funding
- Kew and Bonny Hills Reservoirs - \$11m of reserves funding

**Sewer Fund**

- Thrumster Sewerage Treatment Plant - \$19m of reserves funding
- Kew Sewer Treatment Plant Upgrade - \$35m of reserves funding

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

<b>Financial institutions funding fossil fuels</b>	<b>Purchases since 01/07/23 (\$)</b>	<b>Purchases since 01/07/23 (%)</b>	<b>Amount invested at 30/06/24 (\$)</b>	<b>Amount invested at 30/06/24 (%)</b>
Yes	55,076,760	63%	300,446,338	72%
No	32,000,000	37%	117,000,000	28%
	<b>87,076,760</b>		<b>417,446,338</b>	

Further commentary on fossil fuel investments is provided by Arlo Advisory in the attached Monthly Investment Report ([Attachment 1](#)).

When investing, Council seeks multiple quotes from a range of financial institutions across the ratings spectrum. Where a bank is not lending to the fossil fuel industry, is offering the highest rate, and complies 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 of 30 June 2024 for 2023-24 and the portfolio performance against benchmark (bank bill Index).

Item	Performance
Interest for the Month (\$)	1,178,936
Interest YTD (\$)	13,624,881
% of Annual Budget Rec'd	135%
Portfolio Performance FYTD Actual (%)	3.02%
AusBond Bank Bill Index FYTD Actual (%)	4.37%
Performance Compared to Bank Bill Index (%)	-1.35%

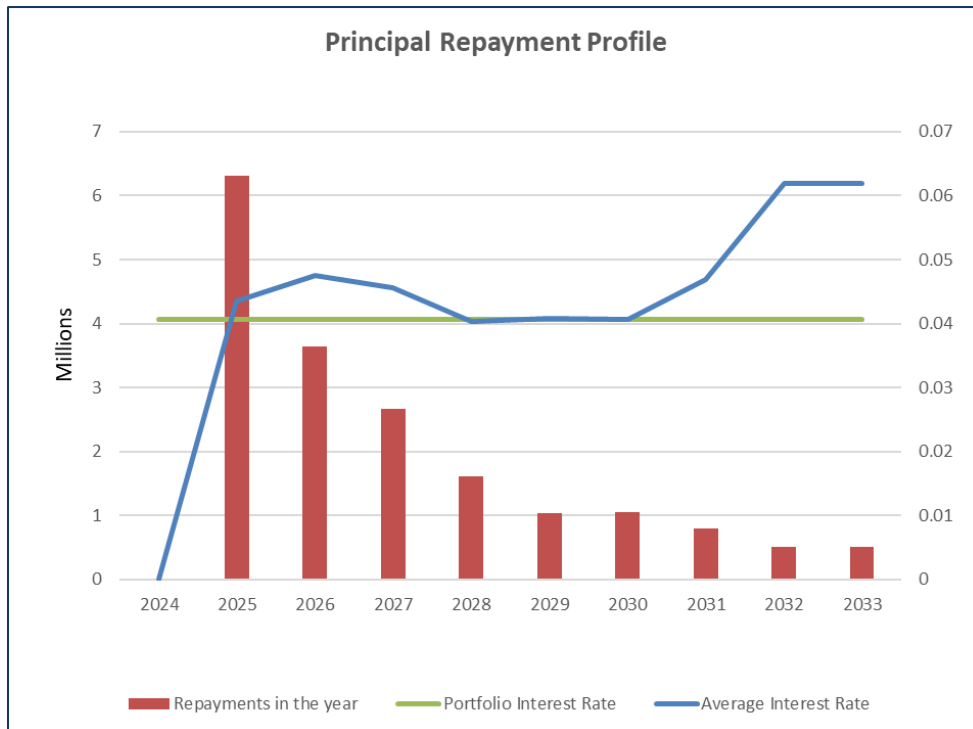
Loan Portfolio

Below are details of Council's current loan balances and interest expense for June:

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month	Remaining Repayments FYTD
General	66,144,755	17,772,573	4.55%	72,988	0
Waste	1,500,000	342,342	3.44%	1,200	0
<b>Total</b>	<b>67,644,755</b>	<b>18,114,915</b>		<b>74,188</b>	<b>0</b>

\*see Attachment 3 for detailed listing of loan repayments for 2023/2024

The maturity profile of the loans portfolio is shown below, providing details of when outstanding loan balances will be paid down, including the average interest rate payable that has been attributable to those loans. The increase in the average interest rate in the 2032 and 2033 years is a result of the two loans taken up in May 2023. Additional detail on the loan portfolio is provided in Attachment 3.



Summary - Net Position Investments and Loans

<b>Interest Analysis for the Month</b>	
Investment Interest Income	1,178,936
Loan Interest Expense	(74,188)
<b>Net Interest Income for the Month</b>	<b>1,104,748</b>
<b>Investments Vs Borrowings</b>	
Total Current Investment Balance	417,446,338
Total Current Loan Balance	(18,114,915)
<b>Net Position</b>	<b>399,331,423</b>

As interest rates rise, Council can invest funds at higher rates, currently locking in rates in the vicinity of 5.30%. With much of the loan portfolio locked in at average rates lower than this, Council is experiencing a positive net exposure to interest rates. However, pressure may 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. Returns are currently marginally below benchmark.

Council’s total investment portfolio performance for the financial year to date is 1.35% below the benchmark (3.02% against 4.37%) and year to date income is 135% 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.

Rod Archer  
Responsible Accounting Officer

**Attachments**

1.  Port Macquarie Hastings Council Investment Report - 30 June 2024
2.  Port Macquarie Hastings Council Portfolio Valuation - 30 June 2024
3.  Port Macquarie Hastings Council Loan Repayments - 2023-2024



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Item: 10.09

Subject: PAYMENT OF TOWN CENTRE MASTER PLAN LOAN FROM TOWN CENTRE MASTER PLAN RESERVE

Presented by: Business and Performance, Keith Hentschke

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council authorise payment of the Town Centre Master Plan loan from the Working Capital Reserve.**

### Executive Summary

Council at its Ordinary Meeting held 15 February 2024 considered a report entitled "Payment of Water Fund and Sewer Fund Dividend for the Year 2022-2023" at which time Council subsequently resolved as follows:

*That Council:*

- 1. Note Council has complied with sections 4.2 and 4.3 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) for council dividend payments for water supply or sewerage services and any direction under s.409(6)(b) of the Local Government Act.*
- 2. Authorise the payment of a dividend of \$961,254 to the General Fund from the surplus in Water Supply operations for 2022-2023.*
- 3. Authorise the payment of \$106,806 for tax equivalents to the General Fund from the Water Supply operations for 2022-2023.*
- 4. Authorise the payment of a dividend of \$930,015 to the General Fund from the surplus in the Sewerage Fund for 2022-2023.*
- 5. Authorise the payment of \$103,335 for tax equivalents to the General Fund from the Sewerage Fund for 2022-2023.*
- 6. Note that once the information provision requirements in section 4.4 of the Guidelines is finalised, apply the dividends as noted in Points 2,3,4 and 5, to first hold in reserve the amount required to pay out the loan associated with the Town Centre Master Plan, with any residual amount being the subject of a future report to Council before further allocation.*

In accordance with item 6 of Council's resolution, an amount of \$2,104,410 has been restricted to the Working Capital Reserve, with a component of those funds to be used to pay out the Town Centre Master Plan loan. The remaining balance has been allocated to Parks Maintenance through the adopted 2024/2025 Operational Plan.

**Discussion****Town Centre Master Plan Reserve**

Subject to year-end processing and audit, the balance of the Town Centre Master Plan Reserve is circa \$1,383,717. In the 2024/2025 Operational Plan, the forecast expenditure from this reserve is \$517,364.

**Town Centre Master Plan Loan**

The 'Loan Repayment for Financial Year 2023/2024' schedule attached to the Investments and Loans - June 2024 report to be considered under separate cover at this meeting provides that the balance of the Town Centre Master Plan loan (2017.1) sits at \$1,155,537 as of 30 June 2024. This amount is subject to final balancing, interest calculations and any early payment penalties to determine a final payout amount. These adjustments are expected to be minor.

**Working Capital Reserve**

As detailed above, the balance of \$2,104,41 representing Water Fund and Sewer Fund dividends for the 2022/2023 financial year has been restricted to the Working Capital Reserve. As per Council's resolution of 15 February 2024, it is proposed to pay out the Town Centre Master Plan loan from this balance.

**Options**

Council may resolve as per the recommendations of this report, amend as necessary and/or request that further information to be provided.

**Community Engagement and Internal Consultation**

Consultation has occurred with the Executive Leadership Team and Council through the abovementioned report.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Payment of the Town Centre Master Plan loan in accordance with Council's Resolution of 15 February 2024 has been modelled in the 2024/2025 Operational Plan and Budget. Should the loan not be settled in full, the implication will be a quicker exhaustion of the Town Centre Master Plan reserve which will potentially affect council's ability fund the current levels of maintenance.

**Attachments**

Nil



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**Item: 10.10**

**Subject: POLICY REVIEW - DRAFT PROCUREMENT POLICY - FOLLOWING PUBLIC EXHIBITION**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt the Draft Procurement Policy.**
- 2. Thank members of the public who made submissions and advise them of Council's determination in this matter.**

### **Executive Summary**

The existing Procurement Policy was last reviewed in 2019 and a comprehensive review has been undertaken to ensure compliance with regulations, organisational changes, incorporating best practices and improving overall performance.

At the 16 May 2024 Ordinary Council meeting, Council resolved to place the updated draft policy on public exhibition for no less than 28 days. The policy was subsequently placed on public exhibition from 21 May 2024 to 8 June 2024. During the exhibition period, no submissions were received from the public. However, there was 1 response received by email enquiring about the confidentiality in procurement decisions and transparency in procurement practices.

### **Discussion**

The purpose of this report is to provide Council with an overview of the public feedback comments on the Draft Procurement Policy, which was publicly exhibited in accordance with the *Local Government Act 1993*.

Council's resolution with respect to this draft policy is provided below:

#### *That Council:*

- 1. Publicly exhibit the draft Procurement Policy for a period of not less than 28 days including the addition of the Port Macquarie-Hastings Council's Code of Conduct in the Port Macquarie-Hastings Council's Policies, procedures, strategies, codes section of the draft Procurement Policy.*
- 2. Note that a further report will be tabled at the July 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.*

**Options**

That the draft Procurement Policy be:

- amended and place on further public exhibition
- adopted
- amended and adopted, or
- That the draft policy be rejected.

**Community Engagement and Internal Consultation**

Council's Executive Team endorsed the draft policy at its March 2024 Strategic Executive Team meeting to be presented to the Senior Leadership Team for consultation. Minimal feedback was received from the Senior Leadership Team.

Council considered this draft policy at its Ordinary meeting on 16 May 2024, where it resolved to place the policy on public exhibition.

The draft policy was placed on public exhibition for the required 28 days. During this time, Council's Have Your Say monthly newsletter was sent to a total of 4605 recipients with 11 users downloading the draft policy. No submissions were received from this public engagement.

The public exhibition period is now complete with the outcomes of the exhibition process discussed in the Engagement Report, which is included in [Attachment 1](#).

**Planning and Policy Implications**

Upon adoption, this will become Council's Procurement Policy and replace the current policy.

**Financial and Economic Implications**

There are no financial and economic implications concerning this report.

**Attachments**

1.  Engagement Summary Report - Draft Procurement Policy
2.  Draft Procurement Policy



# 2 Your Community Life

## What we are trying to achieve

A healthy, inclusive and vibrant community.

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 11.01**

**Subject: CAMDEN HEAD LOOKOUT MASTER PLAN ENGAGEMENT  
OUTCOMES - POST EXHIBITION REPORT**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

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

### **Recommendation**

#### **That Council:**

- 1. Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report - July 2024**
- 2. Adopt the Amended Camden Head Lookout Reserve Master Plan included in Attachment 5.**
- 3. Endorse the establishment of a Friends of Camden Head Lookout volunteer group and proceed to establish the group.**
- 4. Thank submitters and advise them of the outcome of Council's consideration.**

### **Executive Summary**

The Camden Head Lookout site has long been the subject of community concern and over many years different groups had approached Council to undertake additional embellishments or actions.

In 2023 Council undertook its first round of engagement with the community about the subject site, which is heavily constrained through tenure, zoning and environment, and a clear outcome was not achieved. Staff undertook additional work on the site and briefed Councillors on options for the site. This included developing a draft Master Plan to further engage with the community.

Commencing in April 2024 Council staff began work on the Camden Head Lookout Reserve Master Plan. The draft Master Plan (Attachment 6) was presented to Council, with the recommendation for endorsement for public exhibition. At the Ordinary Council meeting held on 16 May 2024 (Item 11.01), Council subsequently resolved as follows:

#### *That Council:*

- 1. Note the tabled petition as presented to the May 2024 Ordinary Council Meeting and the information in the report regarding previous engagement activities and responses.*
- 2. Endorse the Draft Master Plan (as attached) for the purpose of public exhibition for a period of not less than 28 days.*

3. *Include in the exhibition, for feedback, the Draft Staged Concept Design (Camden Head Masterplan) submitted by Mr Blair Maxwell as presented to Councillors at the 13 May 2024 Public Forum.*
4. *Request the Chief Executive Officer prepare detailed information regarding land tenure, zoning and environmental constraints that apply to Camden Head as detailed in the April 2024 Councillor Briefing to support the public exhibition.*
5. *Seek expressions of interest through the engagement process for community members in becoming a member of "Friends of Camden Head".*
6. *Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.*

This report outlines how those submissions have been considered and several changes that have now proposed to the Camden Head Lookout Reserve Master Plan in response to some of the feedback received. It also considers the responses to the Individual Stakeholder Proposal (Attachment 7) referenced in item 3 of the resolution.

A copy of the Engagement Report is provided attached as Attachment 1.

The report also describes the key issues highlighted during the engagement and lists works to be undertaken on the Camden Head Lookout Reserve in the coming years and recommends adoption of an amended Master Plan and endorsement for and establishment of the Friends of Camden Head Lookout Reserve volunteer group.

### **Discussion**

Public exhibition of the Endorsed Draft Camden Head Lookout Reserve Master Plan (Attachment 6) was undertaken from the 28 of May 2024 and concluded on the 1 July 2024. Council outlined a staged Master Plan, focusing on enhancements such as new picnic tables, expanded pathways, improved vegetation management, and formalised car parking areas. Feedback was also sought on an Individual Stakeholder Proposal (presented at the May Council Meeting Public Forum), which outlined stages including vegetation clearing, picnic area upgrades, pathway improvements, and additional car parks.

The Endorsed Draft Camden Head Lookout Reserve Master Plan (Attachment 6), together with the Individual Stakeholder Proposal (Attachment 7), relevant supporting documents, Council reports and other background information, were also made available on Council's Have Your Say engagement website for the duration of the public exhibition period.

Council staff were also available to discuss issues and provide clarification upon request. The community were invited to provide feedback on the future development and management of Camden Head Lookout Reserve and community involvement was encouraged, including expressions of interest to join the "Friends of Camden Head" volunteer group for ongoing maintenance and community projects. The feedback process included "draw your own plan", a survey seeking feedback on the staged Endorsed Draft Master Plan and zoning, environment and land tenure maps.

### **Submissions**

There were a total of 1100 Visits to Council's Have Your Say engagement website page during the exhibition period. A total of 118 total submissions were received, 85

via the Have your say Survey, and 30 email submissions. 17 individuals responded with of expression of interest to join the “Friends of Camden Head” volunteer group.

Other notable submissions came in the form of 2 formal letters submitted by National Parks and Wildlife Service (NPWS) (Attachment 2), and NSW Department of Climate Change, Energy, the Environment and Water (DECCEEW) (Attachment 3).

There was also petition presented by Hastings Landcare (Attachment 4) supported by 520 signatures urging the Port Macquarie-Hastings Council to adopt the Endorsed Camden Head Draft Master Plan.

There was also a petition submitted by some residents of the Port Macquarie-Hastings Council Local Government Area with 236 signatures prior to public exhibition in August 2023 addressing concerns about the management of the Camden Head Lookout in Camden Head. The petition recommended the Port Macquarie-Hastings Council to undertake the restoration of Camden Head Lookout view and picnic area, corner Camden Head Road and Bergalia Crescent, Camden Head.

It's also notable that 32 of submissions were form responses.

A copy of the Engagement Report is provided attached as Attachment 1.

#### Summary of key responses, that influenced the amended Master Plan

- Traffic and formalised parking are consistent themes throughout the submissions, with a demand for more parking spaces to accommodate the growing number of visitors to Kattang Nature Reserve and the lookout area. Stakeholders’ express concerns about current congestion and the overflow of parked cars onto nearby streets, indicating a clear desire for expanded/improved parking facilities.
- A larger number of submissions raised environmental concerns, with erosion control and protecting Biodiversity, and infill planting highlighted consistently. Stakeholders emphasised that the Council Endorsed Master Plan aims to further enhance the biodiversity values and habitat connectivity within the site by incorporating infill plantings within the reserve. It was highlighted that any significant removal of native vegetation within the existing habitat corridor will negatively impact biodiversity values of Kattang Nature Reserve.

Several submissions were concerned that the loss of native vegetation could impact on the critically endangered Swift Parrot. Several submissions also spoke to the Themeda grass, indicating there is no evidence to suggest that the Themeda grassland is a natural occurrence on the site. Instead, the presence of littoral rainforest plant community adjacent to the site, as well as remnants of this community within the site, suggests that littoral rainforest was likely the dominant vegetation type before European disturbance.

- Erosion control was raised regularly, with concern for the pathway proposed in stage one as a clear priority to slow the erosion in the area. Measures to stop Illegal motorbike and 4-wheel drive access were also strongly suggested, noting that this is a cause of erosion issues in the area. A submission also highlighted concern that clearing for a grassed area will



- create a large canopy gap, susceptible to wind shear, creating potential erosion.
- Submissions regarding the proposed pathways through bushland varied widely. Some support enhancements that facilitate access and connectivity, while others argue against such developments due to environmental impacts and potential disturbance to natural habitats. A formalised viewing platform was also noted in several submissions.
  - Several submissions support large areas of cleared land for the site, ensuring views across the headland are achieved, as well as better access for community use. Several submissions supported creating views that can be shared with the broader community by the clearing of the obstructing trees and strategically planting more attractive indigenous trees. Numerous submissions suggest the intent should be to mimic Mrs Yorks Garden at Port Macquarie.

The varying submissions relating to environmental impacts and biodiversity demonstrate the need to ensure these matters are assessed and impact determined before Council commits to further clearing.

#### Legislative environmental issues for consideration

The Master Plan was developed by staff in response to the constraints on the site, in particular the environmental, zoning and legislative constraints that apply and the desire to get works on the ground started as soon as possible.

For instance, major vegetation removal works, including those proposed by the Individual Stakeholder Proposal, would require assessment under the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This environmental pathway can take a number of different routes depending on who is undertaking the works, the nature of the works, the zoning of the land and application of various environmental considerations such as vegetation, the presence of endangered ecological communities or fauna and the provisions of various pieces of legislation such as the State Environmental Planning Policies (SEPPs) called up under the EP&A Act, and the Biodiversity Conservation Act.

Generally, works undertaken by or on behalf of a public authority are assessed as an 'activity' under Part 5 of the EP&A Act through the preparation of a Review of Environmental Factors (REF) or are minor works unlikely to result in environmental impacts which are considered 'Exempt Development' requiring no impact assessment. Works that are identified as being 'permitted without consent', 'exempt development' or 'permitted with consent' are identified in State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP T&I).

Division 12 of SEPP T&I relates to works that may be undertaken by, or on behalf of a public authority, in parks and other public reserves. Clause 2.74 of SEPP T&I identifies works relating to parks and other public reserves that are considered 'exempt development' if carried out in the 'prescribed circumstances. Of all the items identified in this clause, the only one that the proposed clearing could potentially be is 'environmental management works'. 'Environmental management works' are defined in Clause 2.3 of SEPP T&I as:

*environmental management works means—*

- (a) works for the purpose of avoiding, reducing, minimising, or managing the environmental effects of development (including effects on water, soil, air, biodiversity, traffic or amenity), and*
- (b) environmental protection works.*

The proposed clearing is not associated with the ‘environmental effects of development’, and therefore the only option is ‘environmental protection works’. These are defined as follows under the Local Environmental Plan:

*“environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.”*

If it was considered that this land was originally Themeda Grasslands, then it could potentially be construed that the vegetation clearing works were works associated with the rehabilitation of land towards its natural state however, given Council has received advice from a number of State Government Authorities stating that this is unlikely to be the case (NPWS, 2024 and DCCEE&W, 2024 (Attachment 2 and 3)), as well as other Ecological Reports previously commissioned by Council (Camden Haven Biodiversity Assessment Report by Darkheart Eco-consultancy, 2010), this is not considered an appropriate approach to justify these works. Further, clause 2.74(2) identifies the ‘prescribed circumstances’ under which works identified in Clause 2.74 must meet to be ‘exempt development’. Clause 2.74(3) states the following:

- (3) Development is exempt development under this section only if the development—
  - (a) complies with section 2.20, and
  - (b) involves no greater disturbance of native vegetation than necessary, and
  - (c) does not result in an increase in stormwater run-off or erosion.

Clause 2.20(2)(i) of SEPP T&I states:

- (2) To be exempt development, the development—
  - (i) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent,

As the proposed works would require the removal of vegetation that requires a permit or approval, and that the approvals or permits required would necessitate the need for an ecological assessment to be undertaken, and the works are not considered ‘minor works’, the proposed works could not be considered ‘exempt development’.

Clause 2.73 of SEPP T&I identifies works that are ‘permitted without development consent’ regarding parks and other public reserves. Of all the items identified in Clause 2.73(3) of SEPP T&I as ‘development permitted without consent’ the only clauses that could potentially be used are Clause 2.73(3)(a)(ii) as works associated with a ‘recreation area’ or Clause 2.73(3)(b) ‘environmental management works’

(specifically 'environmental protection works' as a form of 'environmental management works'). As outlined above, it is considered highly unlikely that the proposed works could be considered as 'environmental protection works'. The works could possibly be considered works associated with a 'recreation area'.

Parts of the Camden Head Reserve are zoned C2 Environmental Conservation under the Port Macquarie-Hastings Local Environmental Plan 2011 (PMHC LEP). Unless the proposed vegetation could be considered 'environmental protection works' or associated with the management of a 'recreation area' the works would be prohibited in the land within the C2 zone, and therefore could not be considered an 'activity' to be assessed under Part 5 of the EP&A Act and thus would be required to be assessed under Part 4 of the EP&A Act and this would require preparation of a full Development Application and associated studies possibly including an Environmental Impact Statement (EIS) for areas mapped under the SEPP (Resilience and Hazards).

Even if it was accepted that the proposed vegetation clearing was 'environmental protection works' or works associated with a 'recreation area', and therefore could be assessed under Part 5 of the EP&A Act (through preparation of an REF) the environmental assessment would require an Ecological Assessment to be prepared. Given the location of the site and sensitive environment, and fact that it is likely to contain littoral rainforest, as well as potentially other endangered ecological communities (EEC's), threatened species and habitat for threatened flora and fauna, it is highly likely that the Ecology Assessment could conclude that the proposed vegetation removal would result in significant impacts to threatened species and therefore either a Species Impact Statement (SIS) or Biodiversity Assessment Report (BDAR) would need to be prepared in accordance with Clause 7.8(4) of the Biodiversity Conservation Act 2016 (BC Act).

The outcome of a BDAR would most likely be that the impacts of the proposed clearing would need to offset in accordance with the NSW Biodiversity Offsets Scheme (BOS) - likely at a significant financial cost to Council. If a SIS was prepared instead of a BDAR, concurrence for the works would need to be obtained from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and given there is not a clear need for these works to be undertaken, and it's questionable if this land was even originally Themeda Grasslands, concurrence from DCCEEW may not be granted.

If we were to proceed to further develop the site, additional works would be required. Staff would need to undertake either a DA or an REF and appropriate Ecological Assessment, as well as either a Species Impact Statement (SIS) or Biodiversity Assessment Report (BDAR). This could be at a significant cost in the order of approximately \$150,000 or more, and the assessments could take 12-18 month. There is currently no funding for this part of the process.

Given these constraints the proposal was developed to ensure some works could commence on the site while the detailed planning and approvals for future works and funding could be secured.

#### Amendments to the Camden Head Lookout Reserve Master Plan

Based on the community engagement and the submissions received, an Amended Camden Head Lookout Reserve Master Plan (Attachment 5) has now been



developed that meets the community's desire for a more usable recreation space whilst still protecting the high value environmental areas of the site. The following amendments have been made as a result:

**Additions:**

- Viewing platform (stage 2)
- Accessible picnic table with path connection to accessible angled parking space (stage 2)
- Resting bench seat along length of trail (stage 1)
- Scope increased to include maintenance of existing stairs and boardwalk at bottom of the trail connecting to the beach (stage 1)
- Footpath connection from NPWS carpark to site (stage 4)

**Removals:**

- Trail connection to boardwalk leading to Pilot Beach carpark.

**Adjustments:**

- All picnic tables moved to stage 2
- Trail connection moved to stage 2
- Trail location updated to right hand side of grassed area, to hug the vegetation line, as defined in stage 1. Thus, resulting in additional grassed area to left of footpath.
- Trail splits into two paths; direct stepped access and meandering curved ramp section
- Locations of picnic tables slightly adjusted.
- PMHC carparking moved to stage 2 and changed from parallel to angled parking.
- All infill planting and pilot station delineation planting condensed to stage 3
- Primary piece of interpretative signage moved to other side of footpath.

The amended Master Plan proposal is included here as Attachment 5.

**Establishing a Friends of Camden Head Group**

Through the engagement 17 individuals responded with of expression of interest to join the "Friends of Camden Head" volunteer group. Based on this feedback it is recommended that Council proceed to establish the group.

This group will assist in the management and development of the site. The next steps will be to develop a Charter for the Friends and an MOU for how they can interact with the space. This will be managed through the Community Activation team.

**Next Steps**

The works for stage one can commence once the Master Plan is adopted and can be funded through the current Parks and Gardens Maintenance budgets. Some preliminary works can be undertaken now by staff and further works and maintenance to commence as soon as the Friends Group is established and can practicably be achieved.

**Options**

That Council may:

1. Adopt the Amended Camden Head Lookout Reserve Master Plan (Attachment 5) as presented, which includes changes based on feedback provided during the exhibition period, as outlined in this report; or
2. Request modifications be made to the Camden Head Lookout Reserve Master Plan or
3. Resolve in some other manner.








**Planning and Policy Implications**

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

**Financial and Economic Implications**

Should the amended Camden Head Lookout Reserve Master Plan be adopted, the first action on site would be to undertake vegetation maintenance proposed in stage 1 from the 2024/2025 Operational Budget and proceed with installation of the bench seat proposed in stage 1 to be funded via the 2024/2025 Parks Furnishing budget.

**Attachments**

1.  Engagement Report Draft Camden Head Masterplan
2.  National Parks and Wildlife Services - Letter
3.  Department of Climate Change, Energy, the Environment and Water - Letter
4.  Hastings Landcare Inc - Petition
5.  Amended Camden Head Lookout Reserve Master Plan
6.  Endorsed Camden Head Master Plan for Public Exhibition
7.  Individual Stakeholder Proposed Master Plan for inclusion in Community Engagement

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**Item: 11.02**

**Subject: LANK BAIN STAND NAMING REQUEST**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information in the report.**
- 2. Endorse the proposed naming of the stand at Lank Bain as "The Athol Lank Bain Stand" "True Blue" for the purpose of exhibition to seek community feedback on the proposed name.**
- 3. Place the naming proposal on public exhibition for a period of 28 days.**
- 4. Request the Chief Executive Officer to provide a report to the August Ordinary Council meeting to consider any submissions.**

### **Executive Summary**

Council has received a request (Attachment 1) to consider formally naming of the stand at Lank Bain Sporting Complex the "The Athol Lank Bain Stand" "True Blue" to recognise the donation of land encompassing the football fields, Greyhound Club and Horse track.

While the naming request is contrary to the Naming and Renaming of Reserves Policy, in accordance with the Policy Council may consider such a request if there are exceptional circumstances and subject to community consultation and formal resolution of Council.

This report relates only to the request to name the stand at Lank Bain and recommends that the proposal be placed on public exhibition for community feedback.

### **Discussion**

Council recently received a request following a meeting between the Mayor, Mr David Roods and Dr David Gillespie Member for Lyne, seeking that Council consider formally naming the stand at Lank Bain the "Athol Lank Bain Stand" "True Blue" Stand. The request was that they would like this recognition in place by 24 August so that it can be unveiled at the upcoming Ged Roods Cup to be hosted at the Lank Bain Sporting Complex on 25 August 2024.

In accordance with Council's Naming and Renaming of Reserves Procedure, Council no longer names reserves or community infrastructure after individuals. The naming

and renaming of reserves is a process that involves consultation with the community, local Historical Societies and Local Aboriginal Land Councils (where applicable). The selection of names must comply with the policies and guidelines of the Geographic Names Board (GNB) of NSW

In accordance with Council's Naming and Renaming of Council's Reserves Policy, all requests for the naming or renaming of reserves in the Port Macquarie-Hastings Council Local Government Area are to comply with the principles set out by the GNB of NSW and Council's Naming and Renaming of Reserves Policy and Procedure.

In accordance with the Policy applications for naming or renaming of reserves that do not comply with the GNB Principles or this Policy will not be considered, and reserve names should be drawn from the following sources, either:

- Aboriginal names associated with the locality;
- Local history themes, flora, fauna, ships etc.;
- Names reflecting NSW multicultural heritage.

The use of names of people (living and deceased) are also excluded as a source of reserve names.

Notwithstanding the above, based on the Policy, in exceptional circumstances as determined only by formal resolution of Council, the names of deceased persons, eg early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, may be used having regard to the Principles and Guidelines published by the GNB. This request is being considered under these provisions given the historical role played by Mr Athol Lank Bain in the establishment of the Lank Bain Sporting Complex.

It is recommended that Council engage with the community about the proposed naming of the stand at the Lank Bain Sporting Complex and prepare a further report with the summary of the engagement to the August Ordinary Council meeting for determination. This will allow time, if endorsed by Council, to name the stand and for a sign to be purchased and installed prior to the 24 August 2024 event.

### **Options**

Council has the option to:

1. Adopt the recommendation or
2. Determine not to accede to the request for naming and take no further action or
3. Request further information before determining the request.

This report recommends Option 1.

### **Community Engagement and Internal Consultation**

Engagement would occur through publicly exhibiting the proposal including directly notifying the sporting groups at the Lank Bain Sporting Complex.

### **Planning and Policy Implications**

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

**Financial and Economic Implications**

The cost of the sign is to be covered by the Mayor's Discretionary fund if Council supports the request.

**Attachments**

1.  Request for Naming Lank Bain Stand

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**Item: 11.03**

**Subject: HASTINGS YOUTH VOICE - END OF TERM REPORT**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects.

### **RECOMMENDATION**

**That Council note the 2023-2024 Hastings Youth Voice End of Term report.**

#### **Executive Summary**

Council resolved on 15 September 2022 to establish a youth advisory group; the Hastings Youth Voice (HYV). Following a recruitment campaign which ran from November 2022 to March 2023 at schools, TAFE and University Open Days, and advertisements to other youth groups, 15 representatives were appointed to the Hastings Youth Voice by Council resolution on 20 April 2023.

Start-up meetings were held with the appointed HYV in May and June 2023. The group set their priorities for the 2023-2024 financial year, which were:

- To deliver inclusive youth events and engagement in our focus areas.
- To become a Luminosity Youth Summit event partner in 2024.
- To bring the Australian UN Youth Ambassador to Port Macquarie.
- To attract new members.
- To undertake a youth priorities survey in 2024/2025 financial year.

In line with their Charter this report details their achievements in the 2023-2024 financial year.

#### **Discussion**

Hastings Youth Voice (HYV) meet monthly with Council's Community Development Officers to serve as a voice to local government for youth aged 12-25 years. They operate as an advisory group to staff advocating for youth projects that support Council's Community Inclusion Plan and the United Nations 17 Sustainable Development Goals. Having conversations, applying for funding and co-designing inclusive youth events and programs in their target areas.

In their 2023-2024 target areas, being mental health, inclusion, homelessness, supporting young creatives, and safe communities; HYV were instrumental in securing \$40,500 in funding from the NSW Government for free youth events. Their Youth Week program and school holiday events were attended by 853 young people and their youth precinct at ArtWalk was showcased at an event which attracted over 25,000 visitors.



For further information on the achievements of HYV in their first term Hastings Youth Voice - End of Term Report 2023-24 refer to Attachment 1.

In their focus area of amplifying a voice for regional youth, HYV asked Council to be a partner of the 2024 Luminosity Youth Summit. Through this partnership HYV were provided with a means to engage with their peers and industry leaders, and to showcase the work of the youth council and recruit for new members. Further, this partnership also resulted in them achieving their goal of bringing the Australian Youth Representative to the United Nations Gavin Choong to Port Macquarie as a keynote speaker at the 2024 Youth Summit.

The objectives for the 2024/2025 HYV term are proposed as follows.

### **1. Youth Engagement in Social Strategy Development**

Create a youth working group to participate in the development of Council's Social Strategy, ensuring that the perspectives and needs of young people are integrated into the planning and policy-making process.

### **2. Youth Participation in Local Government Committees**

Advocate for the establishment of formal positions for youth representatives on Council's committees and reference groups, such as those relating to urban planning, economic development, environment, community grants, cultural and programs.

### **3. Youth Excellence Program (grant dependant)**

Apply to the NSW Government Youth Opportunities grant to deliver a Youth Excellence Program (YEP) facilitated by the Australian School of Entrepreneurship. An employment and empowerment program providing support and guidance to youth on their entrepreneurial journey and personal development. Connecting with experienced entrepreneurs and industry professionals to grow our future workforce.

By implementing the above, HYV will play an important role in transforming young people from passive recipients of services into active, engaged citizens who contribute to the betterment of their place.

### **Options**

This report is presented for information and notation only.

### **Community Engagement and Internal Consultation**

This report is provided for information purposes.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

There are no financial implications arising from this report.

**Attachments**

1.  Hastings Youth Voice HYV - End of Term Report 23-24

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Item: 11.04

Subject: **RECOMMENDED ITEMS FROM THE JUNE 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND**

Presented by: **Community, Planning and Environment, Melissa Watkins**

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### 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 Port Macquarie-Hastings Sporting Fund Sub-Committee recommendations as follows:**

- 1. Payment of \$250.00 to Shakilyah Chatfield to attend the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.**
- 2. Payment of \$250.00 to Gemirah Fernando to attend the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.**
- 3. Payment of \$750.00 to Stephanie Dun to attend the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.**
- 4. Payment of \$750.00 to Jessica Dun to attend the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.**

### Discussion

The Port Macquarie-Hastings Sporting Fund committee met on 27 June 2024 and considered grant applications and determined the following applications have met the funding criteria. Accordingly, the Sub-Committee recommends to Council the following payments from the fund:

- Shakilyah Chatfield - \$250.00 to compete at the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.
- Gemirah Fernando - \$250.00 to compete at the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.
- Stephanie Dun - \$750.00 to compete at the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.
- Jessica Dun - \$750.00 to compete at the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.

It is noted that the submissions for Shakilyah Chatfield and Gemirah Fernando were received prior to the event taking place. The amount recommended is consistent with the amount payable for participation at a National Sporting Level under the Port Macquarie-Hastings Sporting Fund.

### Attachments

Nil

# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 12.01**

**Subject: PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - FLY NEIGHBOURLY AGREEMENT TRIAL - 12 MONTH REVIEW**

**Presented by: Business and Performance, Keith Hentschke**

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### **Alignment with Delivery Program**

3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - 12 Month Review report.**
- 2. Endorse the extension of the Fly Neighbourly Agreement for a further 12 months as an effective method of managing circuit movements at the Airport to minimise impact on the local community, with a further report to be presented at the July 2025 Ordinary Council Meeting.**

### **Executive Summary**

The Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement (the 'Fly Neighbourly Agreement' or 'FNA') provides guidance and controls for managing the impact of noise from aircraft operations on Airport neighbours and the wider Port Macquarie community. The FNA commits General Aviation operators at the Airport to reducing the impact of their operations on the surrounding community, while maintaining the safe operation of aircraft.

This report provides an update for the period from May 2023 to April 2024 on the FNA trial at the Airport, originally adopted by Council in May 2022 and extended in June 2023 for a further 12 months to June 2024.

Even though there was an overall 52% increase in aircraft movements, noise complaints have reduced significantly over the reporting period, with three complaints received in the 12-month period ending May 2024, compared with 18 received during the previous 12 months ending May 2023.

These figures demonstrate that since the adoption of the FNA, there has been a strong, ongoing commitment by local operators, particularly the flying schools, to comply with the intent of the FNA to balance noise and other impacts with the operational needs of aircraft operators.

The FNA has been very successful in managing noise issues at the airport, and staff recommend the FNA trial be extended for further 12 months to 30 June 2025.

### Discussion

At the Ordinary Council Meeting held on 15 June 2023, Council considered a 12-month report on the Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement, and resolved as follows:

#### *12.02 PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - FLY NEIGHBOURLY AGREEMENT TRIAL - 12 MONTH REVIEW*

That Council:

1. *Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - 12 Month Review report;*
2. *Endorse the extension of the Fly Neighbourly Agreement for a further 12 months as a useful method of managing circuit movements at the Airport to minimise impact on the local community, with a further report presented at the Ordinary Council Meeting to be held in July 2024.*

In accordance with Resolution 2, this report provides a 12-month review report on the FNA, from May 2023 to April 2024.

The report includes aircraft movement data, noise and other impact factors, noise complaints details, and other circuit and noise management information to support the staff recommendation to extend the FNA for a further 12 months.

### Aircraft movements

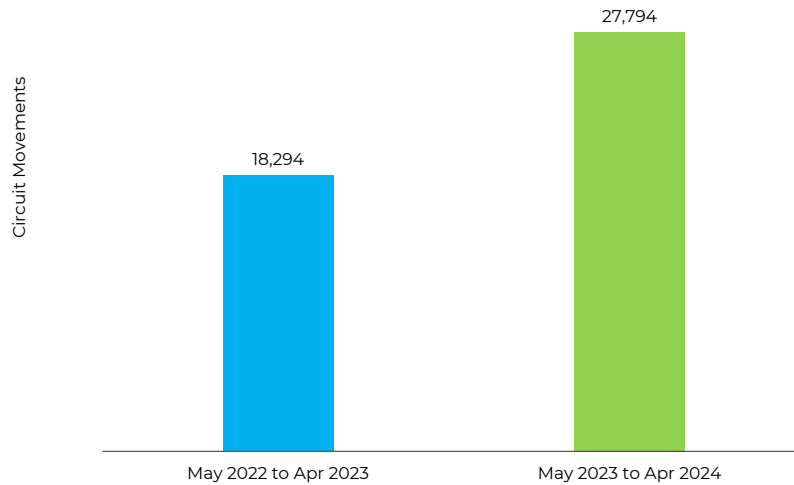
Aircraft circuit movement data within this report is provided by Avdata, a third-party service provider. The circuit movement data from May 2023 to April 2024 is compared to the prior 12 months, from May 2022 to April 2023.

The definition of a *circuit movement* comprises the following:

- **Touch and Go** - A trainee pilot on circuit training landing on the runway and immediately taking off again.
- **Stop and Go** - A trainee pilot on circuit training landing and stopping on the runway and taking off again.
- **Missed Approach** - A trainee pilot following the airport go around procedures for a hypothetical missed approach to the runway (an essential part of training); and
- **Practice Approach** - A trainee pilot practicing their approach to the runway and then re-joining the circuit without landing.

Each one of the above counts as two circuit movements. As shown in Figure 1 below, during the reporting period, a total 27,794 circuit movements were reported.

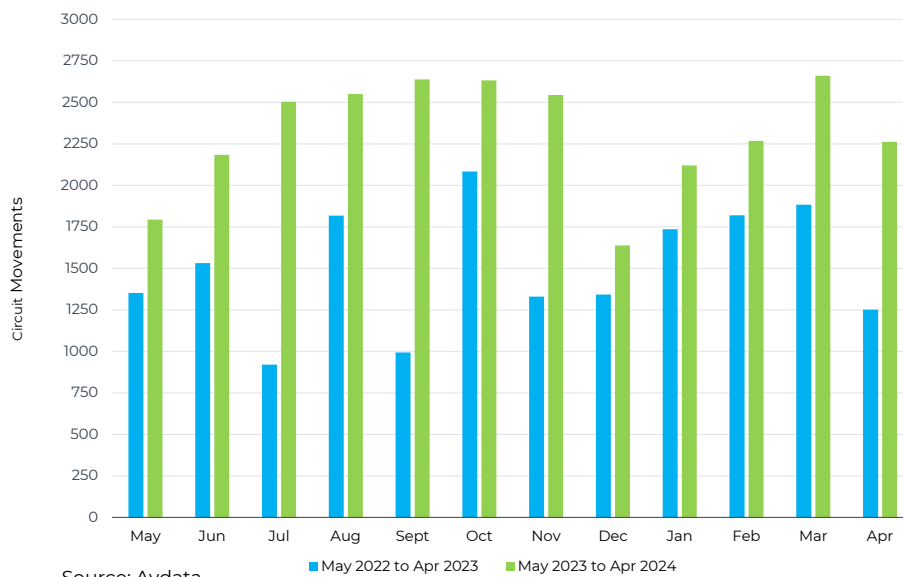
This represents an increase of 52% in overall circuit movement activity compared to 18,294 movements during the May 2022 to April 2023 period.



Source: Avdata

**Figure 1: Total Circuit Training Movements (May 2022 to Apr 2023 vs May 2023 to Apr 2024)**

Figure 2 below illustrates the monthly profile of aircraft activity at the airport. The figure highlights that during the current 12-month reporting period, circuit activity each month exceeded the prior reporting period. Three flying schools are currently operating at the airport and circuit movements during the reporting period have now returned to just under pre-COVID levels.



Source: Avdata

**Figure 2: Circuit Training Movements by Month (May 2022 to Apr 2023 vs May 2023 to Apr 2024)**

**Operating hours**

The range of operating hours for aircraft is one of the largest impact factors, and there are times of the week where aircraft movements are more likely to cause issues and to trigger noise complaints i.e. Saturday evenings, Sundays and on Public Holidays.



The data confirms a small increase in circuit movements after 6pm on Saturdays, with 20 circuits during the May 2023 to April 2024 period compared to six circuits during the prior 12 months.

However, there was a significant reduction in circuits conducted on Sundays with 622 from May 2023 to April 2024 (average 12 circuits per Sunday), compared to 1,612 from May 2022 to April 2023 (average 30 circuits per Sunday).

With regards to circuits undertaken on public holidays, there were 10 public holidays and zero circuit movements on these days from May 2023 to April 2024.

### Noise complaints

From May 2022 to 2023, only three noise complaints were received relating to general aircraft circuit activity. This is in contrast with 18 complaints from May 2022 to April 2023.

During the reporting period, airport staff have liaised with operators to reduce noise impacts, foster collaboration and encourage compliance with this voluntary agreement. The results are very positive, with a strong and sustained commitment by local operators, particularly flying schools, to comply with the intent of the FNA and the key undertakings.

### Fly Neighbourly Agreement - detailed comments on key undertakings

See Attachment 1 for full details of the Fly Neighbourly Agreement. The following comments relate to the FNA key undertakings:

#### 1. Hours of operation

One of the key measures of the trial FNA is the reduction in agreed Circuit Training Hours of Operation, being 7:00am to 10:00pm in summer (9:00pm in winter) Mondays to Fridays; 8:00am to 6:00pm on Saturdays; and no continuous circuit training to be done on Sundays and Public Holidays.

Figure 3 below highlights that 87% of circuit movements occur Monday to Friday.

Circuit training performed on Sundays has traditionally been the trigger for noise complaints received by Council.

The Agreement allows operators and students to catch up on Sundays between 8:00am and 4:00pm for lost time on other days due to weather, airspace, technical or other disruptions. Full compliance with the FNA regarding weekend circuit activity is a potential issue due to this catch-up criterion.

However, during the 2023-2024 trial period most Sunday circuits (87%) occurred between 8:00am and 4:00pm, and there were no complaints received for this activity.

In terms of public holidays, analysis of the airport traffic highlighted that over the 10 public holidays in the reporting period, there was full compliance, with no training circuits registered at the airport.



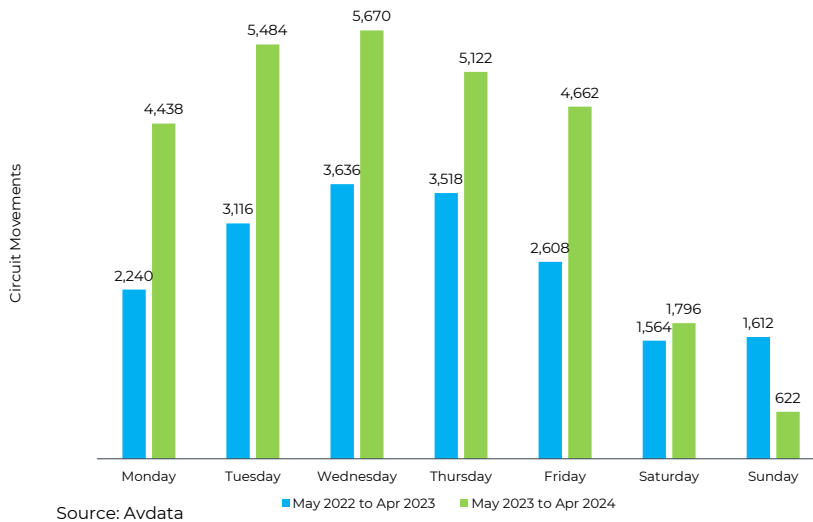


Figure 3: Circuit Training Movements by Day of the Week (May 2022 to Apr 2023 vs May 2023 to Apr 2024)

Figure 4 below illustrates the share of circuit activity by hour from 6:00am to 11:00pm. For the current reporting period, circuit training after 6pm represents about 5% of total circuit movements compared with 3% of total movements during the 2022-2023 comparison period.

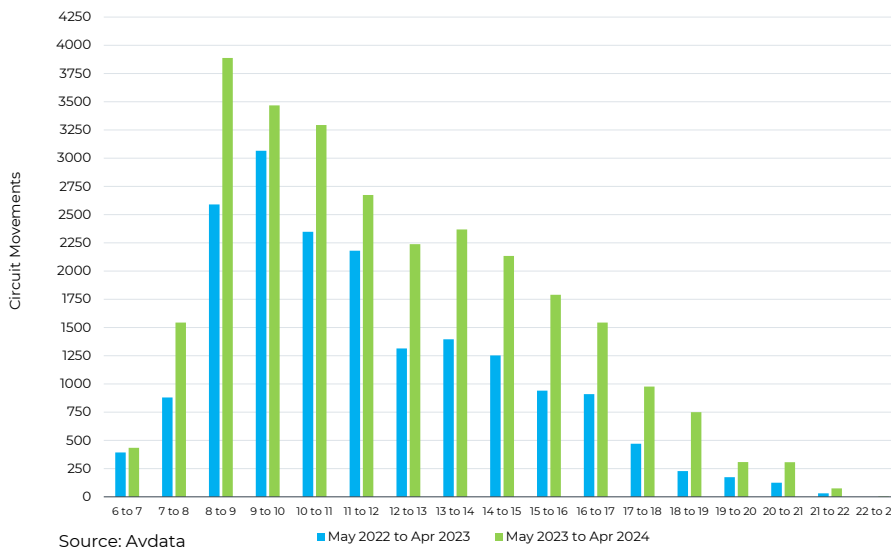


Figure 4: Circuit Training Movements by Day of the Week (May 2022 to Apr 2023 vs May 2023 to Apr 2024)

**2. Continuous circuit training - light aircraft**

The FNA allows light recreational aircraft to operate early mornings, between 6:00am and 7:00 am Monday to Friday. This time is allocated for aircraft operated by the non-commercial flying schools e.g. Hastings Flying Club.

From May 2023 to April 2024, 434 circuits were reported between 6:00am and 7:00am, compared to 396 during the same period in 2019-2020. Demonstrating the effectiveness of the FNA, total circuit numbers have increased by 52%, while activity



from 6:00am to 7:00am has increased by less than 10%, and no complaints have been received regarding this type of activity.

**3. Catching up lost time**

Some students unable to attend training during the week will request catch-up training on weekends, including on Sundays. Circuit training performed on Sundays has traditionally been the trigger for noise complaints received by Council.

There was a reduction in total Sunday circuits during the current reporting period and no complaints for Sundays.

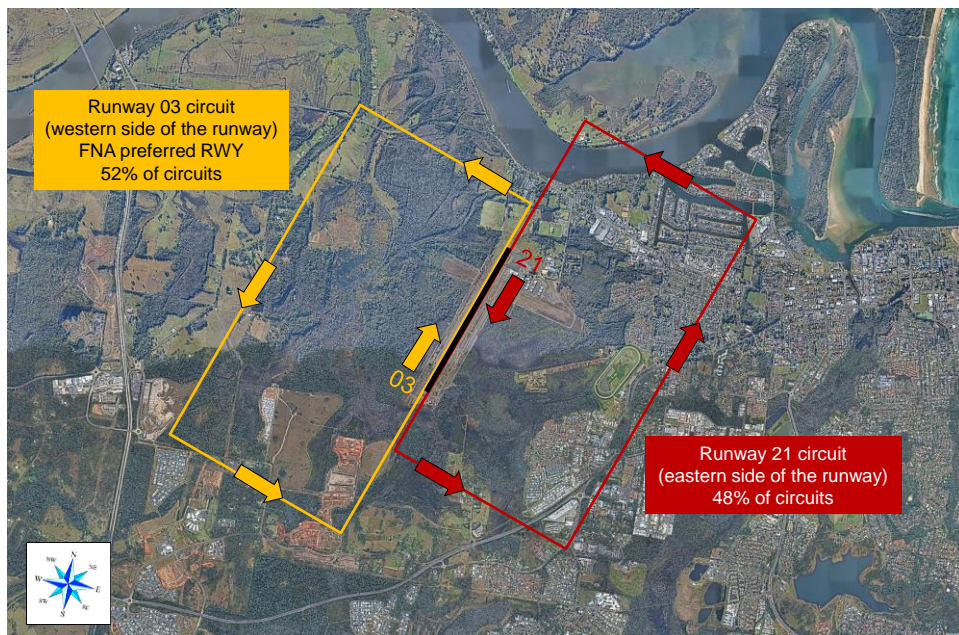
**4. Number of aircraft operating at same time**

No issues to report.

**5. Runway take-off direction**

'Runway 03' means taking off towards the Hastings River, and turning inland to the west, then looping around towards the south. This is the preferred runway direction (when wind and traffic conditions permit) and is illustrated in yellow in Figure 5 below. The other option is 'Runway 21', shown in red below.

The 2023-2024 reporting period saw 52% of circuit movements utilise the Runway 03 direction. This is an increase from the 2022-2023 reporting period where 40% of circuits used the Runway 03. The improved Runway 03 usage is at least partially attributed to the addition of the parallel taxiway development completed in March 2023, which allows light aircraft to taxi down to the start area without impacting on runway usage.



**Figure 5: Preferred circuit direction (in yellow)**

**6. Turning direction after take-off**

No issues to report.

**7. Precautionary Search and Landing**

No issues to report.

**8. Aircraft ground operations e.g. repairs**

No issues to report.

**9. Minimising low level flight over built-up areas**

The FNA requires aircraft operators to be mindful of altitude when setting operating procedures, including when to turn cross wind after take-off, and performing precautionary search and landing, to minimise low level flight over built up areas. To help monitor altitude and respond to enquiries or complaints, Council has installed Automatic Dependent Surveillance-Broadcast (ADS-B) recording equipment at the Airport that records flight paths and altitude for aircraft with an activated transponder.

No complaints were received regarding aircraft altitude during the reporting period.

**Summary of the FNA outcomes May 2023-April 2024**

In summary, the FNA has proved effective for aircraft circuit and noise impact management, with key points being:

- Circuit movements have increased back to just below pre COVID levels.
- Noise complaints have reduced from 18 to down to 3. No noise complaints received regarding Saturday or Sunday circuit activity.
- Good general adherence to the key undertakings and operating conditions set out in the FNA by the main flying schools operating at the airport.
- 100% compliance regarding circuit activity on public holidays (zero flights).
- A slight rise in circuit training being conducted after 6pm, to 5% of total activity (although still well below pre FNA levels of 19%).
- Significant increase in the usage of the preferred Runway 03 direction, from 40% to 52%, at least partially attributed to the new parallel taxiway.

**Options**

- Adopt the recommendations as tabled in the report.
- Adopt the recommendations as tabled in the report with amendments.
- Note the report and not continue with Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement.

**Community Engagement and Internal Consultation**

In conjunction with the implementation of the FNA, an aircraft noise complaint register has been established to monitor and respond to complaints received from local residents. Over the 12-month reporting period a total of 3 noise complaints from two different community members were made to Council. All of these complaints were in the first two weeks of April 2024. Details are shown below.

Date	Day	Issue
02 April 2024	Tuesday	Noise from multiple aircraft undertaking training circuits between 8:30pm and 9:20pm
03 April 2024	Wednesday	Noise from multiple aircraft undertaking training circuits from 7:50am to 5:30pm
12 April 2024	Friday	Noise and fumes from circuit traffic.


**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.  Fly Neighbourly Agreement



# 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



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**Item:** 13.01

**Subject:** POLICY REVIEW - PLANNING AGREEMENTS POLICY - POST EXHIBITION REPORT

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

### RECOMMENDATION

#### That Council:

1. **Adopt the amended Planning Agreements Policy with the recommended changes.**
2. **Delegate authority to the Director Community, Planning and Environment to make any minor amendments to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the commencement of the amended Planning Agreements Policy.**
3. **Advise the local planning and development industry of the commencement of the amended Planning Agreements Policy and publish the new Policy on Council's website.**

### Executive Summary

At the Ordinary Council Meeting held on 21 March 2024 (Item 13.03), Council resolved to place the Draft Planning Agreements Policy on public exhibition.

The Draft Policy was subsequently placed on public exhibition from 28 March 2024 to 29 April 2024 (31 days). During the exhibition period no submissions were received from the public or local planning and development industry. The Engagement Summary Report is included here as Attachment 4.

The purpose of this report is to consider any submissions received during the public exhibition of the Draft Amended Planning Agreements Policy and determine whether any amendments are required. As no submissions were received it is now recommended that Council adopt the amended Planning Agreements Policy (Attachment 2). The new Policy would commence on the date of adoption, and a copy will be published on Council's website.

### Discussion

At the Ordinary Council meeting held of 21 March 2024 (Item 13.03), Council resolved as follows:

#### *That Council:*

1. *Publicly exhibit the revised draft Planning Agreements Policy for a period of not less than 28 days.*



2. *Note that a further report will be tabled at the June 2024 meeting of Council after the public exhibition period, detailing any submissions received from the public during the exhibition period.*

Following Council’s resolution 21 March 2024, the draft Planning Agreements Policy was placed on public exhibition on Council’s Have Your Say page for a period of 31 days, from 28 March 2024 to 29 April 2024. In addition, the Development Services Newsletter was sent out on 3 April 2024 to the subscribers who are on a curated list of parties interested in Council’s development services. No submissions were received during this period. An Engagement Summary Report for the exhibition of the draft policy is provided within Attachment 4. A summary of the outcomes of the public exhibition process are discussed below:

- There were a total of 48 total visits to Council’s Have Your Say engagement website page;
- There were no survey responses; and
- The draft Planning Agreements Policy document was downloaded eight times, with the draft Planning Agreement Template and Council report being downloaded once.

During this exhibition period Council received legal advice to ensure the legality of the Policy and the template. Consequently, there have been a number of changes to the draft Policy which do not change of the overall intent of the draft Policy (Attachment 2). The draft Planning Agreement Template has been simplified to provide greater clarity and flexibility (Attachment 3).

The table below summaries the changes included:

<b>Clause Title</b>	<b>Draft Policy</b>	<b>Changes</b>
Introduction	The draft Policy explains what a PA is; the reason for a PA; why Council will not accept a PA; and what needs to be considered in accepting an offer to enter into a PA.	Additional wording to clarify what a voluntary planning agreement is.
Purpose	The purpose of the Policy has been detailed in eight dot points within the draft Policy. The draft Policy details the legislative requirements; explains what a PA can be connected to; and how a PA can be funded.	Simplification of wording
Statutory Framework	Details current legislative framework for PAs, including details on the circumstances when a PA maybe entered into. Reference is made to the North Coast Regional Plan	Addition of public purpose wording and clarification.

	and Council’s Community Strategic Plan and Local Strategic Planning Statement.	
Objective of PAs	Objectives updated. Clarifies that just because a developer wants to enter into a PA does not mean development consent will be granted if the development is unacceptable.	Additional wording in relation to public benefit; clarify Council cannot refuse a development application if a VPA is not entered into; and clarify what the VPA obligations Council cannot impose.
Mandatory Requirements of a PA	The draft Policy includes the relevant legislation detailing the mandatory requirements under the Act and Regs.	Included details of explanatory note.
Principles / Responsibilities	Updated principles in considering, negotiating and entering into a PA.	Minor amendments to principles.
Acceptability Test	Updated provisions within 2021 Practice Note.	Minor amendments to matters to consider if proposed VPA acceptable.
Types and forms of Contributions	Requirements to consider ensuring development contributions under PA are directed appropriately.	Change to title to “Types and forms of Public Benefits”, and change of wording in clause to reflect this title change.
Standard PA Template	Template provided to assist developers in preparing PA.	Simplification of wording.
Explanatory Notes	Explanatory note required under Regs. Details of what explanatory note is to detail.	Additional wording to clarify what is required to be included within explanatory note.
Planning Agreement Register	Details of legislative requirement to keep an on-line register.	Minor changes to wording.
Process	Updated process considering, negotiating and entering new PAs or amending existing PAs.	Inclusion of wording to clarify that Councillors are not to participate in negotiations. Change to wording to clarify procedure.
Credits and Refunds	Updated provisions.	Change in title wording to “Offsets”. Wording to reflect this title change.
Valuation Methodology	Updated provisions.	No change.
Recurrent Charges	Updated provisions.	No change.

Application of Section 7.11 & 7.12 of the EP&A Act	Updated provisions and legislation.	Minor change to wording to clarify that Council will not accept VPA offer if less than payment required under s7.11 or s.7.12.
Implementation Requirements	Updated provisions.	Minor changes to matters to be negotiated between Council and developer.
Probity	Details of the requirements Council is to consider, ensuring fair, transparent and uphold public confidence.	Minor changes to wording.
Council's Costs	Updated provisions of costs the developer is responsible for; requirement that additional costs may be required; and security maybe required.	Minor changes to wording.
Operation & Monitoring PAs	Updated provision to include annual monitoring report and periodical reports on compliance of obligations by developer.	Simplification of the operation and monitoring of PAs.
Modification & Discharge of Obligations	Updated provisions.	Minor changes to wording.
Assignment & Dealings by the Developer	Updated provisions and additional requirements.	Change in title wording to "Assignment, Novation and Dealings by the Developer". Minor changes to wording.
Provision of Security under a PA	Updated provisions and additional security requirements to a bank guarantee, including monetary contributions and land dedication.	Minor changes to wording.
Registration of PAs	Updated provisions.	Minor changes to wording.
Dispute Resolution	Updated provisions with reference to the planning agreement template.	Change in title wording to "Dispute Resolution and Enforcement".
Disclaimer	Details of the disclaimer requirements when Council provides advice at any stage when negotiating a PA, including the legislative requirement that the PA cannot impose	Minor changes to wording.

	an obligation on Council to grant a development consent or change to the LEP.	
Periodical Updates	Details of when the Policy is to be reviewed.	No change.
Implementation	Updated provisions.	No change.
References	Details of references.	No change.
Definitions	Updated provisions.	The definitions have been moved to the front of the draft Policy for ease of reference
Appendices	Details of the appendices, planning agreement process flow-chart; planning agreement template; and potential material public benefits.	

In summary, the changes to the Planning Agreements Policy if endorsed, will be compliant with the changes to the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, the Department of Planning, Housing and Infrastructure’s (DPHI) 2021 Practice Note and draft Practice Note for preparing planning agreements and be legally sound.

The revisions made will also ensure best practice when Council is considering, negotiating, and entering into a planning agreement with a developer to safeguard and protect the public interest and the integrity of the planning process. In addition, the Policy will include a standard template for the planning agreement and explanatory note, providing transparency and clarity on the process to be following by both the developer and Council.

The changes made to the draft Policy post exhibition focus on simplifying and clarifying the draft policy and template. The changes are minor in nature and re-exhibition is not required.

The current adopted Policy is included here as Attachment 1. The proposed draft Policy is included here as Attachment 2.

**Options**

Council has the options to:

1. Adopt the draft Planning Agreements Policy as amended; or
2. Request or make further amendments to this Policy, noting this may delay endorsement; or
3. Not support the recommendation and resolve in some other fashion.

This report recommends Option 1, endorsement of the draft Policy as amended.

**Community Engagement and Internal Consultation**





**Internal Consultation**

- Development Assessment
- Finance
- Community Infrastructure Planning and Design
- Legal and Governance
- Liveable Communities
- Natural Resources Management and
- Utilities Planning and Design

**External Consultation**

Following public exhibition of the draft Planning Agreement Policy on Council's Have Your Say webpage for a period of 31 days, no submissions were received.

Consultation was undertaken with Solicitors Norton Rose Fulbright Australia to ensure the legality and currency of the draft Policy and template.

**Planning and Policy Implications**

The draft Policy proposes changes that will become new policy subject to Council's decision on the matters raised. The proposed changes will ensure compliance with current legislation and the Voluntary Planning Agreement Practice Note issued by the DPHI in 2021, as well as taking into consideration the provisions within the Draft Local Planning Agreements Practice Note dated December 2023.

In addition, the new Policy will provide transparency to developers on the planning agreement process for both new planning agreements and amendments to existing planning agreements.



**Financial and Economic Implications**

The provisions within planning agreements are to be wholly related to the proposed development and are to meet the demands created by that development for new or augmented public infrastructure, amenities and services. The planning agreement shall clearly detail and justify these costs.

Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls or deliver infrastructure that is not related to the development.

The new Policy will provide clear and concise details on negotiating and entering planning agreements, with positive financial and economic implications, through the orderly coordination of infrastructure to serve the development, in accordance with the current legislative framework.

**Attachments**

1.  Current Planning Agreement Policy
2.  Draft Planning Agreement Policy
3.  Draft Planning Agreement Template
4.  Engagement Summary Report Draft Planning Agreement Policy

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Item: 13.02

Subject: POST EXHIBITION REPORT - SANCROX EMPLOYMENT LAND ENVIRONMENTAL LANDS AND SERVICES PLANNING AGREEMENT  
APPLICANT: KING AND CAMPBELL  
LANDOWNER: EXPRESSWAY SPARES PTY LIMITED AND JAMES JOHN DUNN AND CATHERINE BRIGETTE DUNN

Presented by: Community, Planning and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

### RECOMMENDATION

#### That Council:

1. Revoke the First Deed of Variation to the Sancrox Employment Land Environmental Lands and Services Planning Agreement entered into between Council and Expressway Spares Pty Limited and James John Dunn and Catherine Brigette Dunn on 16 January 2017.
2. Enter into and execute the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement (Attachment 2).
3. Note the post exhibition Engagement Summary Report which provides details of the two submissions and the number of persons who accessed the public exhibition material on Council's Have Your Say page.
4. Notify all persons who lodged a submission of Council's decision.

### Executive Summary

At the Ordinary Council Meeting held on 18 April 2024 (Item 13.06), Council resolved to revoke the first Deed of Variation of the Sancrox Employment Land Environmental Lands and Services Planning Agreement and enter into and execute the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement.

In accordance with the provisions of Section 205 of the *Environmental Planning and Assessment Regulation (EP&A Regulation) 2021* an explanatory note of the proposed amendment is to be exhibited along with the proposed amendment to the VPA. The explanatory note summarises the objectives, nature and effect of the proposed amendment and an assessment of the merits of the proposed amendment.

To comply with the provisions of the EP&A Regulation Council, staff re-advertised the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement, which included the amended planning agreement,



Second Deed of Variation document, and the explanatory note to the Second Deed of Variation.

The draft Planning Agreement was originally placed on public exhibition from 21 February 2024 to 20 March 2024, and then re-exhibited from 9 May 2024 to 6 June 2024, for a period of 28 days, with the Second Deed of Variation and the explanatory Note. Surrounding landowners and parties to the Planning Agreement and related Planning Agreements were directly notified.

Two submissions were received from the public during this exhibition period, one being a survey response not in support of the draft Planning Agreement and one being an email in support of the draft Planning Agreement.

The purpose of this report is to provide details on the submissions and of the activity on Council's Have Your Say page during the public exhibition of the draft Planning Agreement. An engagement summary report is provided as Attachment 3.

It is now recommended that Council continue with the revocation and replace the previous First Deed of Variation to the Sancrox Employment Land Environmental Lands and Services Planning Agreement entered into between Council and Expressway Spares Pty Limited and James John Dunn and Catherine Brigette Dunn on 16 January 2017 and endorse the revised Planning Agreement (Attachment 2), as exhibited, to enable execution by both parties.

## Background

The existing agreement (Attachment 1) relates to the delivery of water and wastewater infrastructure and the staged acquisition of offset environmental land in conjunction with an industrial subdivision at Sancrox. It was agreed that Council acquire the environmental offset land in stages due to complexities with the current property title and the need to extinguish easements over part of the environmental offset land. This existing agreement was entered into, to modify the timing for the construction of water supply work to serve the development. This existing agreement updated and replaced the Sancrox Employment Land Environmental Lands Services Planning Agreement which was entered into on 15 July 2011.

A report was presented to the Ordinary Council Meeting of 15 September 2022 (Item 14.08), in relation to the infrastructure works. The resolution from that meeting was:

*"That Council request a report to the October 2022 Ordinary Council Meeting providing further information and clarification regarding the current situation regarding administration of the VPA and relative costs, benefits and risks of each of the options outlined."*

At the Ordinary Council Meeting of 22 October 2022, a further report (Item 14.05) provided additional detail on the administration of the VPA, the costs and risks associated with the recommendation and the other considered options. The report specifically related to the three linked VPAs being the:

- Sancrox Employment Land Environmental Lands and Services Planning Agreement.

- Sancrox Employment Lands and Services McMullen Land Planning Agreement
- Fernbank Park Planning Agreement

The resolution from that meeting was:

*That Council:*

1. *In accordance with Voluntary Planning Agreement (VPA) First Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement dated 16 January 2017, delegate to the Chief Executive Officer authority to make payment to the initial developer the agreed cost of the works outlined in this report less funds collected by Council for that purpose to date as outlined in the VPA.*
2. *That release of payment will not be made until the administrative amendments to the associated VPA's are complete and agreed between the parties.*
3. *Note that the amount required to be paid to the initial developer is to be funded from Council's Water and Sewer funds."*

To enable the release of payment to the initial developer, the existing VPA required some minor amendments which in turn require public exhibition.

### Discussion

At the Ordinary Council Meeting held on 18 April 2024 (Item 13.06), Council resolved as follows:

*That Council:*

1. *Revoke the First Deed of Variation to the Sancrox Employment Land Environmental Lands and Services Planning Agreement entered into between Council and Expressway Spares Pty Limited and James John Dunn and Catherine Brigette Dunn on 16 January 2017.*
2. *Enter into and execute the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement (Attachment 2).*
3. *Note the post exhibition Engagement Summary Report which provides details of the number of persons who accessed the public exhibition material on Council's Have Your Say page.*

Upon referral to Council's solicitor to finalise drafting of the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement, it was discovered that this document as exhibited did not include a correct copy of the Second Deed of Variation document or an explanatory note to the Second Deed of Variation.

In accordance with the provisions of Section 205 of the *Environmental Planning and Assessment Regulation 2021* an explanatory note of the proposed amendment is to be exhibited along with the proposed amendment to the VPA. The explanatory note summarises the objectives, nature and effect of the proposed amendment and an assessment of the merits of the proposed amendment.

In accordance with the legislation Council staff were required to re-advertise the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement, which included the amended planning agreement,

Second Deed of Variation document and the explanatory note to the Second Deed of Variation.

The draft Planning Agreement was subsequently placed on public exhibition on Council's Have Your Say Page for a 9 May 2024 to 6 June 2024, for a period of 28 days. An Engagement Summary Report for the exhibition of the draft Planning Agreement is provided within Attachment 3. A summary of the outcomes of the public exhibition process are discussed below:

- There were a total of 90 total visits to Council's Have Your Say engagement website page. With a combined 23 downloads of the documents; and
- Two submissions were received from the public during this exhibition period;
  - One being a survey response not in support of the draft Planning Agreement; and
  - One being an email in support of the draft Planning Agreement.

Details of this feedback is provided further within this report in the Community Engagement and Internal Consultation Section.

The two submissions did not make a submission previously in the February/March exhibition period. Noting that no submissions were received in the previous February/March exhibition period.

No changes are proposed to the draft Planning Agreement in relation to the matters raised within the submissions.

The 15 February 2024 Council report (Item 13.06) included details of the proposed amendments to the draft Planning Agreement and reasons for those proposed changes. These amendments are summarised below:

- removal of the definitions and clauses in relation to the payment of water supply and sewer contributions, as this infrastructure has been constructed. Contributions to be collected through the Development Services Plan (DSP) for future development.
- changes to clearly articulate who the initial developer is and when the Council is to pay them the contribution for the construction of the water supply and sewer infrastructure.
- clarification on what infrastructure comprises water supply and sewer work and the known construction costs.

The amendments to the PA will:

- enable the release of a lump sum payment to the initial developer.
- include the agreed cost of construction of the works, not known at the time of the First Deed of Variation; and
- acknowledge that the works have been completed and the initial developer is now known.

If supported, this new agreement will revoke and replace the previous First Deed of Variation to Sancrox Employment Land Environmental Lands Services Planning Agreement entered into between Council and Expressway Spares Pty Limited and James John Dunn and Catherine Brigitte Dunn on 16 January 2017.

**Options**

Council has the options to:

1. Endorse the draft amended Second Deed of Variation to Sancrox Employment Land Environmental Lands Services Planning Agreement to enable execution between the two parties; or
2. Request further amendments to this draft amended Planning Agreement, noting this would delay endorsement; or
3. Not support the recommendation and resolve in some other fashion.

This report recommends Option 1, endorsement of the draft amended Planning Agreement to enable execution between the two parties.

**Community Engagement and Internal Consultation**

Community Engagement

Following a second public exhibition of the draft Planning Agreement on Council’s Have Your Say webpage, two submissions were received, as summarised below:

<b>Submission</b>	<b>Issue Raised</b>	<b>Council’s Response</b>
1.	I suggest Council take Option 3. Not support the recommendation and resolve in some other fashion.	Noted.
	This organisation has monopolised the Sancrox area by way of default from historic family land take over.	Council does not control land ownership or those who purchase land. This is not within the considerations of the planning agreement.
	The extent of concrete and hard stand has a direct negative effect on the natural environmental and speed of warmed stormwater into the neighbouring watercourse.	An industrial area is commonly characterised by large extents of hardstand areas which are assessed with any development application. Any issues of stormwater impacting upon neighbouring properties should be notified to Council to investigate to ascertain if a breach of a development application or other matter.
2	Supportive of the VPA.	Noted.
	Does not support the variation to the Oxley Highway Sancrox VPA.	This Council report does not include any variations to the Oxley Highway Sancrox VPA.



	<p>Wants to be sure the VPA does not increase the cost and capacity of the Oxley Highway Sancrox VPA.</p>	<p>This VPA and the Oxley Highway Sancrox VPA are two separate matters that are addressed separately in terms of sewer.</p>
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A copy of the submissions have been provided under separate cover to Councillors and the Engagement Summary is provided attached as Attachment 3.

Internal Consultation

No additional internal consultation was undertaken prior to or during the second public exhibition period.




**Planning and Policy Implications**

The amended Planning Agreement conforms with Council’s Planning Agreement Policy.

**Financial and Economic Implications**

It is anticipated that there will be positive financial and economic implications in relation to the draft amended Second Deed of Variation to Sancrox Employment Land Environmental Lands Services Planning Agreement through the orderly coordination of infrastructure to serve the development and the locality of Sancrox whilst reducing the administrative burden on Council of the existing PA’s.

**Attachments**

1.  Current Sancrox Employment Land Environmental Lands & Services (Expressway Spares) VPA Executed 160117
2.  Draft Amended Second Deed of Variation & Explanatory Note Expressway Spares Planning Agreement
3.  Engagement Summary Report - Amended Expressway Spares Planning Agreement

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**Item:** 13.03

**Subject:** URBAN GROWTH MANAGEMENT STRATEGY UPDATE

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the progress of actions from Council's Urban Growth Management Strategy as detailed within this report.**
- 2. Note the information and associated timeframes contained within this report, in relation to the proposed continued progression of actions as detailed within Council's Urban Growth Management Strategy.**

### **Executive Summary**

The Urban Growth Management Strategy 2017-2036 (UGMS) provides a framework for urban planning in the Port Macquarie-Hastings Local Government Area (LGA), with a focus on key actions in the 5-year period from 2018-2019 to 2022-2023. The UGMS was adopted by Council in June 2018 and endorsed by the former NSW Department of Planning in November 2018.

The purpose of this report is to provide a status update on the progress of the implementation of the actions as detailed within the UGMS. This report also recommends re-evaluation of some actions based on current identified opportunities, constraints, and priorities.

### **Discussion**

This report is intended to provide an annual update and demonstrate how Council has proceeded to action UGMS priorities.

#### Actions – Status Summary

The UGMS contains 33 Actions for delivery, indicatively over the life of the plan to 2036. The Actions relate to Housing, Economic Development and Making It Happen (i.e. the delivery of essential planning and services) to cater for projected population growth in the Port Macquarie-Hastings region.

A summary of the actions, their current status and the proposed delivery in 2024-2025 are provided in the table below.



**Note:** Year 1 of the Strategy is 2018-2019. As stated in the UGMS, the timeframes shown are “indicative only and will be confirmed in Council’s annual operational plans.”

<b>Housing Actions</b>				
<b>Action</b>	<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>	
1	Review Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions to promote appropriate housing choice options	1-2	Council resolved in April 2024 to place the draft Living and Place Strategy, Local Housing Delivery Plan and Affordable Housing Plan on public exhibition. These plans contained several actions regarding updating and reviewing planning controls in the LEP and DCP to improve housing diversity and delivery.	The draft Living and Place Strategy, Local Housing Delivery Plan and Affordable Housing Plan have concluded exhibition and will be reported back to Council in August 2024. If adopted, staff will commence progression of immediate actions in the 2024/2025 financial year.
2	Review planning for the Wauchope CBD and adjoining mixed use area	3-4	A review has commenced on the strategic planning framework, which will include a review of the planning controls applying to Wauchope CBD.	No works identified in the 2024/2025 Operational Plan
3	Undertake neighbourhood planning in Kendall	4-5	Complete - A Community Plan for Kendall was completed and adopted by Council dated October 2020.	Complete
4	Review LEP and DCP provisions to promote development of the Yippin Creek Urban Release Area	1-3	A Structure Plan for Yippin Creek was completed in 2017. The implementation of the Structure Plan has been delayed due to infrastructure challenges, namely, the lack of flood free access. Grant funding has been sourced for road upgrade/flood free access.	Detailed design work is planned for Beechwood Road Upgrade. The 2024/2025 Operational Plan (OP) includes recommencement of the planning proposal process to rezone land in the Yippin Creek area.
5	Investigate options for development and review LEP and DCP provisions in the West Lake Cathie Investigation Area	2-3	Council Staff will continue liaising with relevant Stakeholders as applicable in relation to this proposal.	Continue to work with stakeholders to establish scope and timing for investigation. Timing will be determined in 2024/2025.

<b>Housing Actions</b>				
<b>Action</b>	<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>	
6	Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas	1-3	Council have progressed infrastructure servicing planning for the area with a water and sewer servicing strategy due in late 2024.	Finalisation of Fernbank Creek and Sancrox Structure Plan
7	Investigate options for limited rural residential development at Telegraph Point and review LEP and DCP provisions	4-5	Council have met with stakeholders and are in ongoing discussions regarding water servicing options. Once suitable water servicing can be resolved, a planning proposal is expected.	Continue to work with landholder(s) and stakeholders to progress investigations.
8	Review LEP provisions for small lots around nominated rural villages and the merits of permitting detached dual occupancy with consent in all rural zones	4-5	In 2023 the LEP was amended to permit secondary dwellings with consent in rural zones, as per this action. A review has commenced on the strategic planning framework, including the UGMS, which will re-evaluate this action and future possibilities and consequences.	Further consideration of item will be undertaken as part of the UGMS and LSPS review process.
9	Monitor rates of subdivision and development in the LGA	1-5	Ongoing. Rates of subdivision and land availability are continually monitored and reported to the department of planning annually.	Ongoing
10	Review LEP and DCP provisions for land at West Lindfield, previously deferred from the Thrumster urban release area	1-2	Following the subject Council Resolution, Council contacted Landowners who indicated an unwillingness to contribute to the planning proposal. Any future planning proposal will not proceed without the landowners support to the proposal.	No works proposed in the 2024/2025 Operational Plan

<b>Housing Actions</b>				
<b>Action</b>		<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>
11	Commence Stage 1 investigations and the preparation of an Outline Plan for the West Bonny Hills investigation Area	4-5	A review has commenced on the strategic planning framework, including the UGMS, which will re-evaluate this action.	Area is outlined in draft Housing Delivery Plan. If adopted, investigations will be reprioritised in accordance with direction in Local Housing Delivery Plan.

<b>Economic Development Actions</b>				
<b>Action</b>		<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>
12	Review LEP and DCP provisions for the Port Macquarie CBD	3-4	A review has commenced on the strategic planning framework, including the UGMS, which will re-evaluate this action. The LSPS identifies that this action will be completed by 2025.	City Heart Master Plan Project planning and scoping identified in the 2024/2025 Operational Plan and will include consideration of planning controls in the Port Macquarie CBD.
13	Council led precinct planning for the proposed Health and Education Precinct	1-3	Master Plan was completed in 2019. Continuing to work through items to allow for development in accordance with Master Plan document.	Alternative access to the Health and Education Precinct to be investigated. Modelling information gathered and concept design for alternative solutions commenced.
14	Develop a new Destination Management Plan (DMP) for the Port Macquarie-Hastings	1-2	Completed. New DMP was adopted in June 2020.	Completed  Report on progress of implementation presented to Council in June 2024.
15	Planning for the development of a Business Park at the Port Macquarie Airport	1	Completed.	Completed
16	Planning for the 'gateway sites' at the intersection of the Pacific and Oxley Highways in Port Macquarie	1-2	Delivery of the Infrastructure Servicing Plan for the Structure Plan area.	Finalise Fernbank Creek and Sancrox Structure Plan.
17	Investigate the capacity of land at the intersections of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial	1-2	Investigations have been undertaken and it is considered a planning proposal to rezone land can proceed.	Planning proposal has been submitted to the Department of Planning for a gateway determination. Once a Gateway determination is received Council staff will progress planning proposal.

<b>Economic Development Actions</b>			
<b>Action</b>	<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>
	development or for use as a school		
18	Investigate options for future service industrial land in the Camden Haven	5 A review has commenced on the strategic planning framework, including the UGMS, which will re-evaluate this action.	Further consideration of item will be undertaken as part of the UGMS and LSPS review process
19	Review planning controls for rural and environmental areas in relation to recreation, agri-business and nature-based tourism	3-4 Completed - Agri tourism uses have been included in LEP and relevant DCP amendment has also been completed.	Completed

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<b>Making it Happen Actions</b>			
<b>Action</b>	<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>
20	Council will review population statistics and growth forecasts annually	1-5 REMPPLAN have been engaged to review the population statistics and growth forecasts and include the 2021 census data.  Report presented to Council to adopt growth scenario forecast in June 2024.	Ongoing
21	Collaboration with the NSW government to prepare a Regional City Action Plan (RCAP) for Port Macquarie	1-2 The RCAP has been made and finalised.	Completed
22	Commence UGMS review to coincide with the next review of the North Coast Regional Plan	4-5 The North Coast Regional Plan 2041 has been made and finalised. A review has commenced on the strategic planning framework, including the UGMS.	Continue with review of LSPS and UGMS as per OP item.
23	Review Major Roads Contributions Plan	1-2 Updated Draft Contributions Plan was reported to Council in June 2024. Council resolved to place on public exhibition.	Progress and finalise Draft Contributions Plan.
24	Review Open Space Contributions Plan	5 Updated Draft Contributions Plan was reported to Council in June 2024. Council resolved to place on public exhibition.	Progress and finalise Draft Contributions Plan.



Making it Happen Actions				
Action		UGMS Year	Status at July 2024	Proposed 2024-2025 Delivery
25	Review the Water and Sewer Development Servicing Plans (DSP)	2-3	The review of Water and Sewer Development Servicing Plans has commenced and are continuing.	Draft DSP is expected to be reported to Council's July meeting.
26	Preparation of a Regional Integrated Transport Strategy	1-2	Completed - The Draft Regional Integrated Transport Strategy was adopted at the Ordinary Meeting of Council on 20 April 2023.	Completed
27	Preparation of an Integrated Water Cycle Management Strategy (IWCMS) for the Port Macquarie-Hastings	1-2	The development of the IWCMS is completed and was adopted by Council in June 2024.	Completed
28	Complete Biodiversity Strategy and implement key actions	1-5	<p>In relation to the implementation of key actions from the Biodiversity Strategy, Council has:</p> <ul style="list-style-type: none"> <li>Implemented the Port Macquarie-Hastings Council (PMHC) specific management actions from the Hastings Wild Deer Program and delivered feral animal control actions for Koala Plans of Management</li> <li>Endorsed the criteria for acquiring land for offsetting development (Part 5 approvals).</li> <li>Continued to implement the Flying Fox Camp Management Plan, including the development of appropriate land use planning with a report due for delivery to Council in August and an on-</li> </ul>	<p>In relation to the implementation of key actions from the Biodiversity Strategy, Council will in 24/25:</p> <ul style="list-style-type: none"> <li>Investigate need for management plans for specific fauna species of concern. Outcome of investigation reported to Executive team.</li> <li>Implement Flying Fox Camp Management Plan Flying Fox Camp Management Plan reviewed.</li> <li>Progress towards identifying and acquiring land for biodiversity offsets - Procedure developed for land identification and acquisition.</li> <li>Council's Koala Plans of Management – Council sites monitored and education</li> <li>Koala Plan of Management compliance capital maintenance undertaken Number of Koala Plan of</li> </ul>

Making it Happen Actions				
Action	UGMS Year	Status at July 2024	Proposed 2024-2025 Delivery	
		site community update in August. <ul style="list-style-type: none"> <li>Delivered actions to reduce native fauna road strike with focus on areas of historical koala impact including installation of pavement marking and speed radar activated signage.</li> <li>Developed and distributed educational resources from the recently adopted PMHC Koala Action Plan.</li> <li>Undertaken weed management and ecological restoration to improve bushland reserves.</li> </ul>	Management compliance actions completed. <ul style="list-style-type: none"> <li>Development of Biodiversity Management Strategy - New strategy developed and presented to Council</li> </ul>	
29	Complete strategies in relation to koala populations and implement key actions	1-5	Key actions delivered in relation to koala and their populations include: <ul style="list-style-type: none"> <li>Development and adoption (15/02/24) of the PMHC Koala Action Plan 2023 which replaces the actions within the Council endorsed Koala Recovery Strategy.</li> <li>Reviews completed for Koala Plans of Management: Area 13 Thrumster, Area 14 Lake Cathie, Bonny Hills and King Creek Non compliances</li> </ul>	Key actions in relation to koala and their populations committed to in the 2024/2025 include: <ul style="list-style-type: none"> <li>Council's Koala Plans of Management – Council sites monitored and education, percentage of Koala Management Plans sites monitored</li> <li>Educational resources developed and implemented</li> <li>Koala Plan of Management compliance capital maintenance undertaken</li> <li>Number of Koala Plans of Management compliance actions completed</li> </ul>



Making it Happen Actions				
Action	UGMS Year	Status at July 2024	Proposed 2024-2025 Delivery	
		<p>scheduled for rectification by June 2025.</p> <ul style="list-style-type: none"> <li>• Koala monitoring and reporting under the PMHC Koala Action Plan is underway with the delivery of a Koala Population Assessment report for the EPBC Gravel Tip Rd Koala Management Plan on 16 May 2024. Further Koala monitoring within Area 13 and Area 14 will commence during the coming breeding season.</li> <li>• Koala road strike information as per previous action.</li> </ul>		
30	Develop Community Plans and Local Strategic Planning Statement (LSPS) in consultation with key communities	1-5	Completed LSPS was adopted by Council in 2020.	LSPS review process to continue as OP item.
31	Review the Port Macquarie-Hastings Heritage inventory	1-2	Review of the heritage inventory is not included the 2024/25 operational plan.	Review of the heritage inventory is not included the 2024/2025 Operational Plan.
32	Complete a review of the Port Macquarie-Hastings Development Control Plan	1-2	Ongoing - DCP sections were reviewed and updated in relation to Agri-tourism and vegetation management.	Further DCP review is to be undertaken in accordance with the DCP review program.
33	Preparation of a Coastal Management Program (CMP)	2-3	Council has completed the majority of Stage 2 studies required for the Coastal Management	<ul style="list-style-type: none"> <li>• Finalisation of Stage 2 projects</li> <li>• Commencement of Stages 3 and 4,</li> </ul>



<b>Making it Happen Actions</b>			
<b>Action</b>	<b>UGMS Year</b>	<b>Status at July 2024</b>	<b>Proposed 2024-2025 Delivery</b>
		Program. The final 2 major projects - the Coastal Vulnerability Assessment is underway and Water Quality Improvement Strategy is in the final stages of procurement.	including CMP options analysis and drafting of CMP for Council consideration and community engagement.

As shown in the table above, there are a range of land use planning actions related to housing, economic development, infrastructure and service delivery that have been completed and are proposed for implementation in 2024-2025.

The delivery of these actions will generally be coordinated by Council’s Strategy Group, with input from other sections of Council.

The following section of this report provides further detail in relation to some key projects from the above table.

**1. UGMS Review**

The UGMS is reviewed on a five yearly basis. As such, it was required to be reviewed in 2022-2023. The review of the UGMS was delayed due to the review and subsequent finalisation of the North Coast Regional Plan 2041. A review has commenced on the strategic planning framework, including the UGMS.

A Planning and Land Use Discussion Paper was presented to the Ordinary Council Meeting of 20 June 2024, to commence the conversation with the community and industry regarding the review of Council’s two main land use planning documents, the LSPS and the UGMS.

The review will align the LSPS and UGMS with current relevant Council strategies, plans and policies. The review will also consider any new documentation or updates to relevant NSW Government strategies, plans and policies, such as the new North Coast Regional Plan 2041, highlights many issues, challenges, and opportunities across the LGA.

**2. Living and Place Strategy**

The Draft Living and Place Strategy has replaced the Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041.

The Draft Living and Place Strategy was placed on public exhibition for a period of 56 days from 29 April 2024 to 23 June 2024.

Redrafting of the of Living and Place Strategy has been undertaken, due to the delay since the exhibition of the draft Local Housing Strategy, and the commission of new demographic modelling from the 2021 Census and as part of the strategic planning framework update.



### 3. Contributions Planning

Council's Contributions Planning Team have continued with the management of the existing contributions system over the 2023-2024 period, particularly development assessment and voluntary planning agreement (VPA) implementation. This work will continue throughout the 2024-2025 period.

At the Ordinary Council Meeting held on 20 June 2024, the Draft Local Infrastructure Contributions Plan was presented and endorsed for public exhibition.

#### **Options**

A large program of strategic and land use planning is proposed in 2024-2025 to deliver a variety of actions in accordance with the UGMS. Some of these actions are required to implement Council's legislative responsibilities. Others are necessary to plan for coordinated housing, economic development and expected population growth.

This report outlines the current status of these tasks and proposed delivery methodology and timeframes in order to ensure the practical and efficient achievement of tasks associated with the UGMS.

#### **Community Engagement and Internal Consultation**

Community engagement and internal consultation has been undertaken in relation specific projects on a case by case basis. Consultation with the NSW Government is also undertaken on an as needs basis in relation to specific projects.

The Strategic Land Use Planning Framework review and implementation will include a program of community and stakeholder consultation and workshop.

#### **Planning and Policy Implications**

The UGMS was adopted by Council in June 2018 and endorsed by the NSW Department of Planning on 2 November 2018. The continued implementation of the UGMS would ensure that Council continues delivery of work in accordance with the current applicable strategic planning framework.

#### **Financial and Economic Implications**

The implementation of Council's strategic planning framework, including the UGMS, is intended to inform the sustainable cultural, economic, environmental, and social management of Council's strategic planning activities and are included in the adopted Operational Plan and budget for 2024-2025.

#### **Attachments**

Nil

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**Item: 13.04**

**Subject: UPDATE REPORT - SECONDARY DWELLINGS IN RURAL ZONES**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **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 note the update report on Secondary Dwellings in Rural Zones**

#### **Executive Summary**

At its ordinary Council meeting on 20 July 2023, Council resolved to amend the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 by making secondary dwellings permissible in rural zones across the LGA. Council also requested staff provide a report to the July 2024 on the uptake of the new secondary dwelling provisions in rural areas. This report seeks to provide Council with that update.

In the past 12 months, Council has seen a positive response to the new LEP provisions with 46 development applications relating to secondary dwellings being received, nine (9) of which were in rural zones where the new provisions apply. Seven (7) of the nine applications were approved, demonstrating the success of the new provisions. One application was returned to the applicant, and one was withdrawn. Importantly, no development applications for secondary dwellings in rural zones were refused.

This report is presented for Council's information.

#### **Discussion**

At its ordinary Council meeting held on 20 July 2023, Council resolved to make the planning proposal to permit, with consent, secondary dwellings in rural zones and associated changes to the LEP. Council's resolution is included in full below for reference:

*That Council:*

1. *Note the post exhibition report (Attachment 3) summary of submissions received during public exhibition of the Planning Proposal PP-2022- 4099.*
2. *Note the Gateway Determination (Attachment 2) granted by the Department of Planning and Environment on 22 December 2022.*
3. *As a result of the consideration of submissions, and Government agency responses:*
  - a) *endorse the Planning Proposal as publicly exhibited (Attachment 1) under section 3.35 of the Environmental Planning and Assessment Act 1979 in relation to introducing Standard Instrument Local Environmental*



- Plan Clause 5.5 Secondary Dwellings in rural zones in Port Macquarie-Hastings LEP 2011, and*
- b) *take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 62) to give effect to the Planning Proposal.*
4. *Delegate authority to the Director Community, Planning and Environment to make inconsequential or minor administrative amendments to the Planning Proposal prior to forwarding it to the Department of Planning and Environment for finalisation.*
  5. *Notify Council's decision to all persons who lodged a submission.*
  6. *Receive a report to the July 2024 Council Meeting regarding the uptake of the new secondary dwelling provisions in rural areas.*

Following Council's resolution in July 2023, Council staff worked with the Department of Planning and the NSW Parliamentary Counsels Office (PCO) to amend the LEP.

The amendment (Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 62) (2023 EPI 503)) was notified on the NSW Legislation Website and took effect on 1 September 2023. Interested parties and submitters were advised of the amendment in accordance with the Council resolution.

This report seeks to action item 6 of the Council resolution above.

Since the amendment was implemented, nine development applications relating to secondary dwellings in rural zones have been received by Council. Eight of these applications were located in zone RU1 Primary Production and one in zone RU5 Village. Seven of these development applications were approved, with one withdrawn and one returned to the applicant. No DAs for secondary dwellings in rural zones were refused.

During the same period, Council received six development applications for secondary dwellings in zone R5 Large Lot Residential. In total, Council received 46 development applications for secondary dwellings in all zones across the LGA, of which 44 were approved.

Anecdotally, the development assessment team has received feedback from enquiries that the limitations associated with secondary dwellings in rural zones are discouraging landowners from proceeding with development applications for secondary dwellings. The control of most concern is the requirement to locate the secondary dwelling within 100m of the principal dwelling. This provision is intended to prevent landuse conflict in rural areas and ensure there is a secondary and principal dwelling within a relatively established footprint so as to meet the rural objectives of the zone. This is something that can be considered in the future in line with implementation of the Local Housing Strategy once it is adopted.

### Options

This report is for information only.


**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. This report has been prepared by Council staff utilising existing resources.

**Attachments**

1.  Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 62) - to permit secondary dwellings in rural zones and associated changes.



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**Item:** 13.05

**Subject:** DRAFT DEVELOPMENT SERVICING PLAN (DSP), 2024 - PUBLIC EXHIBITION

**Presented by:** Community Utilities, Jeffery Sharp

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### Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

### RECOMMENDATION

#### That Council:

1. **Note the Information in the Draft Port Macquarie-Hastings Development Servicing Plan 2024 Report and audit report.**
2. **Note that a cross subsidy option for Comboyne, Long Flat and Telegraph Point service areas has been applied.**
3. **Endorse the Draft Port Macquarie-Hastings Development Servicing Plan 2024 to be placed on public exhibition for a minimum of 30 days in accordance with legislative requirements.**
4. **Include a copy of the exhibited draft Development Contributions Assessment Policy in the public exhibition material for the Draft Port Macquarie-Hastings Development Servicing Plan 2024.**
5. **Receive a report back to the November 2024 Ordinary Council meeting following the public exhibition.**

### Executive Summary

Under Section 64 of the Local Government Act (by way of a cross reference to Division 5, Part 2 of Chapter 6 of the Water Management Act) Council, as a Local Water Utility, can levy charges on development to cover the majority of the capital cost to deliver water and sewer infrastructure that is required to service that development, including renewing major assets that are more than 30 years old. The charges and their calculation are included in the Development Servicing Plan.

Port Macquarie-Hastings Council adopted the current Development Servicing Plans (DSP) for Water Supply and Sewerage in September 2014. These plans are based upon a 2014 population estimates and Works Programs to define developer charges (or contributions) to be paid by developers to provision infrastructure to support growth.

NSW Government guidelines recommend that the DSP be reviewed every four to eight years. As the current DSP is ten years old, Council engaged Beca Hunter H<sub>2</sub>O to review and update the existing DSP. This report outlines the new DSP for Water Supply and Sewerage 2024 (2024 DSP) and recommends the new Plan, Attachment 1, be placed on public exhibition for the required 30 days.

The 2024 DSP has been prepared in line with the NSW 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Water, in accordance

with Section 306 of the Water Management Act, 2000. In addition, the 2024 DSP use Council’s current REPLAN population projections and includes a new works schedule consistent with Council’s strategic direction and caters for future growth areas. The planning horizon for the new plan is 30 years from 2024 to 2054, noting the developer charges are only calculated on the first 10 years of the works schedule as detailed in this report.

The new charges calculated are shown in the table below:

	DSP Name	DSP Service Area	Developer Charge (\$2024 per ET)	Cross-subsidy for Village Schemes: resulting increase in the Typical Residential Bill
Water Supply	A	Long Flat	6,979	\$0.80 (0.1%)
	A	Comboyne	6,979	
	A	Telegraph Point	6,979	
	B	Hastings	6,979	
Sewerage	B	Bonny Hills	16,932	\$0.92 (0.1%)
	B	Camden Haven	16,932	
	C	Thrumster	14,981	
	D	Wauchope	8,739	
	A	Long Flat	5,311	
	A	Comboyne	5,311	
	A	Telegraph Point	5,311	
	E	Port Macquarie	5,311	

The current DSP charges are a single rate for water and single rate for sewerage across the LGA.

Current Water Developer Charge - \$12,107  
 Current Sewerage Developer Charge - \$4,593  
 Combined Developer Charges - \$16,700

The difference between the new and existing charges for each service areas shown as a combined water and sewer development charge is outlined in the table below:

DSP Area	Existing Combined Water & Sewerage Charge	Proposed Combined Water & Sewerage Charge	Difference
Port Macquarie	\$16,700	\$12,290	-\$4,410
Thrumster	\$16,700	\$21,960	\$5,260
Wauchope	\$16,700	\$15,718	-\$982
Bonny Hills	\$16,700	\$23,911	\$7,211
Camden Haven	\$16,700	\$23,911	\$7,211
Long Flat	\$16,700	\$12,290	-\$4,410
Comboyne	\$16,700	\$12,290	-\$4,410
Telegraph Point	\$16,700	\$12,290	-\$4,410



In accordance with the guidelines, the Draft Plan has been audited by an NSW Government Water Branch approved auditor. The audit report is attached as Attachment 2.

Additionally, given the implications of the draft Development Servicing Plan 2024 (DSP) it is recommended that the revised Draft Development Contributions Administration Policy be included in the exhibition material for the Draft Development Servicing Plan.

### Discussion

The Port Macquarie-Hastings region is one of the fastest growing regions in NSW. As an area grows, significant amounts of infrastructure is required to support this development. While the majority of the infrastructure within a new subdivision, such as the new roads, water and sewer pipes etc., are provided by the developer, the new community within the subdivision will also rely on upgraded and increased capacity from infrastructure external to the subdivision. As the need for this new and upgraded infrastructure is a result of the development, it is logical it is paid for by the development. This is achieved by Council levying infrastructure contribution charges on the development as a condition of approval.

Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act allows NSW councils to collect contributions for public amenities and services, such as roads, open space, and public administration costs, and are specified in a Contributions Plan (CP). However, this does not cover water and/or sewerage infrastructure as not all councils in NSW are Local Water Utilities. For councils that are Local Water Utilities, Section 64 of the Local Government Act applies. This section serves as a cross reference to Division 5, Part 2 of Chapter 6 of the Water Management Act (Sections 305 to 307). Section 306 of the Water Management Act outlines that the payment of a contribution towards water and/or sewerage works can be requested as a pre-condition of granting a certificate of compliance for the development. The contribution amount is specified in a Development Servicing Plan (DSP).

While CPs and DSPs are prepared under different legislation and guidelines, they serve the same purpose and share similarities.

Councils are encouraged to coordinate the preparation and communication of these plans for consistency and to assist the development industry. Council resolved at the June 2024 Ordinary Council meeting to place the draft Local Infrastructure Contributions Plan on public exhibition. This report recommends placing the draft Development Servicing Plan 2024 on public exhibition.

### Development Servicing Plan Calculation

The Water Management Act specifies that consideration is to be given to any guidelines issued by the Minister for Water when calculating the amount of the contribution charge. The current guidelines issued by the NSW Government Water Branch are the *2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater*. The method for calculating and ultimately adopting a DSP is prescribed in detail within the guidelines.

The calculated developer charge is essentially the cost of asset provision to support a new population generated by development, minus the net income from normal annual bills the new population will pay once connected to the service. The cost of asset provision is called the Capital Charge and the net income from annual bills is called the Reduction Amount. The Developer Charge = Capital Charge - Reduction Amount.

The Capital Charge is the cost of the assets required to service new development in a particular service area and includes existing trunk and headworks assets if they are catering for the growth and less than 30 years old, new trunk and headworks assets if they are planned to be constructed in the next 10 years and renewal of trunk and headworks assets if they are older than 30 years. Reticulation assets, both new and renewals, are excluded as these are typically provided by the developer at the time of development. The present value of the asset provision is then divided by the growth forecasts for the service area, in Equivalent Tenement (ET), to determine the Capital Charge per ET. One ET is the water or sewerage demand from a typical residential dwelling. Industrial, commercial, and varying densities of residential development are equated to multiples of ETs in accordance with Council's Development Contributions Administration Policy (DCAP). Where the capital charges for two or more service areas are within 30%, the guidelines specifies that they must be agglomerated into a single charge.

The Reduction Amount is calculated by determining the net income from Council's current annual billing of water and sewer charges, being the difference per ET of total income received from annual fees and charges minus the cost for the on-going operations, maintenance, and administration of the networks. The difference is the net income Council receives each year that can go towards capital costs and therefore can be deducted from the capital charge a developer would pay. The resulting figure (Capital Charge - Reduction Amount) is the calculated Developer Charge.

The calculated developer charges in a DSP are the maximum value that may be levied by a Council. When adopting a DSP for water supply, sewerage or stormwater, Council may elect to levy less than the calculated amounts.

If a Council elects to levy less than the calculated developer charges to support growth, then the forgone costs are to be cross-subsidised from the existing customers annual bill with the cross subsidy cost disclosed in the DSP, Annual Report, annual Operational Plan and communication materials for consultation with stakeholders, including the community.

Furthermore, the impact of cross-subsidies for new development on the typical residential bill must also be prominently disclosed and explained on the Council's website and reported to NSW Government Water Branch.

Council maintains water and sewer systems in the villages of Telegraph Point, Comboyne and Long Flat (known as the 'Small Village Schemes'). To support services in these areas, an option has been calculated to cap developer charges in these villages to maintain affordability and to avoid 'stranded' assets. Due to extent of assets and minimum growth in these areas, it is recommended that Council consider such a cap in this area. The resultant cross-subsidy for the whole community is an 80 cent (\$0.80) increase to the annual water bill and a 92 cent (\$0.92) increase to the annual sewer bill.

### Growth Calculations

Growth forecasts used in the calculation of the Developer Charges are based on the Council adopted REMPLAN forecasts. The total population of Port Macquarie - Hastings in 2021 was 86,638. By 2056 the population is projected to be 124,770, which will require an additional 31,318 new dwellings.



Planning Area	Existing Population 2021	Future Population 2056	Existing ET 2021	Growth ET 2056
LGA Wide	86,638	124,770	39,969	55,287

The summary of the calculated developer charges for water and sewer are shown in the below tables.

Table 1: Summary of Proposed Water Supply Developer Charges including the 'Small Village Schemes' cross subsidy.

DSP Area	Service Area	Capital Charge <sup>1</sup> (\$ per ET)	Reduction Amount (\$ per ET)	Calculated Maximum Developer Charge (\$ per ET)	Proposed Developer Charge (\$ per ET)
A	Long Flat	57,635	1,146	56,489	6,979
A	Comboyne	30,891	1,146	29,744	6,979
A	Telegraph Point	30,891	1,146	29,744	6,979
B	Hastings	8,125	1,146	6,979	6,979

1. Agglomerated capital charge

The impact on the typical water bill for the 'Small Village Schemes' cross subsidy is:

Table 2: Impact of Cross-subsidies on Annual Water Supply Bill.

Option	Required Annual Water Supply Bill per ET	Resulting Increase in Annual Water Supply Bill
Proposed cross subsidy	\$1,010.15	\$0.80

Table 3: Summary of Proposed Sewer Developer Charges including the 'Small Village Schemes' cross subsidy.

DSP Area	Service Area	Capital Charge <sup>1</sup> (\$ per ET)	Reduction Amount (\$ per ET)	Calculated Maximum Developer Charge (\$ per ET)	Adopted Developer Charge (\$ per ET)
A	Long Flat	95,646	933	94,713	5,311
A	Comboyne	49,443	933	48,510	5,311
A	Telegraph Point	23,669	933	16,932	5,311
B	Bonny Hills	18,593	933	16,932	16,932
B	Camden Haven	16,797	933	16,932	16,932
C	Thrumster	15,914	933	14,981	14,981
D	Wauchope	9,672	933	8,739	8,739
E	Port Macquarie	6,244	933	5,311	5,311

1. Agglomerated capital charge

The impact on the typical sewer bill for the ‘Small Village Schemes’ cross subsidy is:

Table 4: Impact of Cross-subsidies on Annual Sewerage Bill.

Option	Required Annual Sewerage Bill per ET	Resulting Increase in Annual Sewerage Bill
Proposed cross subsidy	\$1,042.10	\$0.92

The 2016 guidelines stipulate that the drafted DSP and calculated developer charges must be audited by an independent consultant, approved by the NSW Water Branch, prior to the draft being publicly exhibited. An audit has been undertaken by Hydrosphere Consulting with the final audit report attached - refer Attachment 2.

Related to the DSP exhibition is the Draft Development Contributions Administration Policy, which was reported as item 13.02 to the June 2024 ordinary Council Meeting.

At that time Council resolved:

***That Council defer consideration of the Development Contributions Administration Policy, pending the outcome of the engagement on the draft Development Servicing Plan, scheduled to be presented to Council in July 2024, for endorsement to commence public exhibition.***

Given the implications of the draft Development Servicing Plan 2024 (DSP) it is recommended that the revised Draft Development Contributions Administration Policy be included in the exhibition material for the Draft Development Servicing Plan. The exhibition of the Draft Development Contributions Administration Policy material will include an updated Schedule 1 highlighting the Equivalent Tenement loading factors for different development types and the impacts they have on the water and sewerage networks. The draft revised Development Contributions Administration Policy will be presented to Council for consideration of submissions following the exhibition of the draft DSP. The updated Draft Development Contributions Administration Policy is presented as attachment 3.

**Planning and Policy Implications**

Following the adoption of the proposed Water and Sewer Development Servicing Plan, all Water and Sewerage contributions will be based on the new charges as detailed in the adopted DSP.

**Financial and Economic Implications**

The calculation of the Developer Charges outlined in the draft Development Servicing Plan 2024 have been carried out in accordance with the NSW *2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater* and also been subject to an independent audit to ensure compliance with the guidelines. The resultant charges are therefore an accurate reflection of the cost of works to service the expected growth over the next 10 years above assets required to be delivered by developers.

As expected, the combined water and sewer charges for growth areas (Thrumster, Bonny Hills and Camden Haven) have gone up compared to the existing charges, while the other





areas (Port Macquarie, Wauchope, Comboyne, Long Flat and Telegraph Point) have gone down as detailed in this report.

**Attachments**

1.  Draft Port Macquarie-Hastings Development Servicing Plan (Water and Sewerage) 2024
2.  Development Servicing Plan Audit Report
3.  Draft Development Contributions Administration Policy

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**Item: 13.06**

**Subject: LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY REPORT**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **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 the progress of the Coastal Management Program.**

### **Executive Summary**

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 previous report was presented to the May 2024 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. Bundella Avenue Asbestos Remediation Works
3. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project
4. Water Quality Improvement Strategy
5. Review of the Lake Cathie Entrance Management Strategy
6. Invasive Weed Management
7. Development of Other CMP Chapters
8. Other Projects

### **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**

The Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek has now been finalised. Council staff are organising a presentation about the project to key stakeholders involved in the management of the system in the coming months depending on the government agencies and consultants availability. The outcomes of

the model will be referenced in the development of the CMP including the Review of the Lake Cathie Entrance Management Strategy.

## **2. Bundella Avenue Asbestos Remediation Works**

The removal of contaminated material across the embankment has been completed. In total, 1,215 tonnes of contaminated material were removed offsite and taken to Cairncross Water Management Facility. Over 2,000m<sup>3</sup> of sand was taken from the adjoining berm and placed along the embankment. Imported material was used in areas immediately adjacent to Bundella Avenue to ensure the integrity of the road. The sand has been covered in a thick layer of jute matting to promote the retention of sand along the embankment. Over 4,000 native plants will be planted along the embankment. Planting will commence in early spring to maximise the survival rates of the plants. A timber fence will be established along the top of the embankment in the coming weeks to discourage pedestrian access over the embankment.

## **3. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project**

Bluecoast Consulting Engineers are continuing the development of the Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project on behalf of Council. The first task associated with the project is the completion of a Literature Review has been completed. Bluecoast Consulting Engineers are currently assessing the various coastal hazards across the LGA. This hazard assessment will be used in the development of Coastal Vulnerability Assessment maps for the Port Macquarie Hastings Council Local Government Area (PMHC LGA). The overall project is expected to be completed in the second half of 2024.

## **4. Water Quality Improvement Strategy**

Council was successful in securing funding to complete a Water Quality Improvement Strategy (WQIS) as part of the development of the CMP. Council released a tender to identify a consultant to develop three Water Quality Improvement Strategies for three waterways including the Hastings River Estuary, the Camden Haven River Estuary and Lake Cathie / Bonny Hills catchments. The overarching aim of these strategies is to identify current and future impacts to water quality within the coastal waterways of the PMHC LGA and provide Council with specific management actions to improve water quality within the coastal waterways. The tender for the project was released on 30 May 2024 and closed 27 June 2024. Council staff were reviewing the responses at the time this report was written.

## **5. Review of the Lake Cathie Entrance Management Strategy**

Council staff are currently planning for the procurement of a review of the Lake Cathie Management Strategy (previously referred to as the Lake Cathie Opening Strategy). The review will consider the findings of the updated Hydrodynamic Model and the recommendations put forward in the Soil Conservation Service / Southern Cross University Bushfire Affected Coastal Waterways report.

The review will commence in the second half of 2024.

**6. Invasive Weed Management**

Invasive weed control activities that have occurred since the June 2024 Lake Cathie Natural Resource Management Monthly Update Report included the treatment of invasive priority weeds over 6 hectares along Cowarra Creek at the northern end of Lakeside Woods. Weeds targeted include Groundsel bush, Lantana, Morning glory, Bamboo, Coral berry and Ground asparagus fern. The Bundella Avenue Asbestos Remediation Works also resulted in the removal of a significant amount of invasive weeds. This area will be replanted with native species endemic to the region.

**7. Development of other Coastal Management Program (CMP) Chapters**

The development of CMPs is prescriptive and includes five stages. Staff are currently undertaking investigations associated with Stage 2 of the CMP development. The CMP is being developed in geographical chapters. 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 Estuary	Camden Haven River Estuary	Open Coastline
✓	Stage 1	Complete			
⇒	Stage 2	2021 - 2025	2022 - 2025	2023 - 2023	2023 - 2024
	Stage 3 - 4	2025	2025	2025	2025
	Stage 5	2025+	2025+	2025+	2025+

Table 1: Indicative CMP Timeframe

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 Council 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. Given the complexities of these studies, this stage is the most time consuming. Ensuring high quality studies in Stage 2 will result in high quality management plans in the CMP and a faster pathway to Government approval.

**8. Other Projects**

**Sea Country**

The Coast and Estuary team continues to work closely with a working group consisting of Birpai elders and community members, representatives from Birpai and Bunyah Local Aboriginal Land Councils (LALCs), and the DPI Fisheries Marine Estate Management Strategy Sea Country lead for NSW to develop a Sea Country Action Plan for incorporation into Council’s CMP.

Council staff organised a meeting at the Birpai LALC on 11 June 2024 to discuss the scope of the Sea Country Projects and gather community feedback. Council staff are also working with Bunyah LALC to organise a similar meeting.

**Options**

This report is provided for information purposes only.

**Community Engagement and Internal Consultation**

This report is provided for information purposes.

**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. An updated budget status of current adopted projects is provided below.

<b>Project</b>	<b>Grant Funding (\$)</b>	<b>Council Contribution (\$)</b>	<b>Total Estimated Project Cost (\$)</b>
<b>Current Projects</b>			
Hydrodynamic Model	300,000	150,000	450,000
Bushfire Affected Coastal Waterways Program	265,000	30,000	295,000
Bundella Avenue Asbestos Remediation Project	252,266	252,266	504,532
Water Quality Improvement Strategy	200,001	100,000	300,001
Coastal Hazard Assessment & Coastal Vulnerability Assessment	108,000	54,000	162,000
<b>TOTAL</b>	<b>1,125,267</b>	<b>586,266</b>	<b>1,711,533</b>

**Attachments**

Nil



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Item: 13.07

Subject: **THRUMSTER WASTEWATER TREATMENT PLANT FLOOD PLANNING**

Presented by: **Community Utilities, Jeffery Sharp**

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### Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

### RECOMMENDATION

#### That Council:

1. **Note the planning and concept design for the Thrumster Wastewater Treatment Plant is all but complete and the Environmental Impact Statement will be submitted to the Department of Planning in the coming weeks.**
2. **Note that the site for the new plant is within the flood planning area for the Hastings River and the design has been undertaken in accordance with Council's current Flood Policy, 2018, and current adopted Flood Planning Levels.**
3. **Note that the Hastings River and Camden Haven River Flood Studies are currently being revised and the Flood Policy will be updated following the flood study updates and Council endorsement.**
4. **Note that due to the significance of this project, it will not be delayed pending Council's endorsement of the revised flood studies and subsequent policy update.**

#### Executive Summary

Due to the significance of the Thrumster Wastewater scheme infrastructure project, it has been declared by the NSW Government as a State Significant Infrastructure project and therefore there are critical timelines and deadlines which Council must meet to ensure delivery.

The delivery of the Thrumster Wastewater scheme is progressing well. As previously reported to Council, after some initial delays with the selection of the treated effluent discharge location, the project team has worked hard to bring the project back on schedule. The concept design is now all but complete and the Environmental Impact Statement (EIS) and associated technical studies are nearing completion with the submission to the NSW Department of Planning, Housing and Infrastructure anticipated within the coming weeks.

One major site constraint that has been worked through during the design and EIS is the site flood levels and adherence to the Port Macquarie-Hastings Flood Policy, 2018. The site off Fernbank Creek Road west of the Port Macquarie Airport is located within the Hastings River Floodplain. The proposed treatment plant is classified as major infrastructure with the critical elements of the plant, being control room,



electrical switch rooms, backup generator, main processing units etc., defined as critical facilities within the Flood Policy. To adhere to the Flood Policy, the design for the plant has it raised to Flood Planning Level (FPL) 3, being 0.5m above the 1 in 100 flood event level, and all critical elements raised to FPL4, being the Probable Maximum Flood level.

The Hastings River and Camden Haven River Flood studies and associated modelling are currently under review. It is likely that some of the FPLs may change once the flood study review project is completed, however the final levels won't be confirmed until such time as they are formally adopted by Council, likely mid to end of 2025.

Due to its criticality, the delivery of the Thrumster Wastewater Treatment Plant to cater for the ongoing growth in the Thrumster and Port Macquarie areas and to reduce environmental impacts from our existing sewerage schemes makes this one of the highest priority projects of the organisation.

Therefore, it is planned to continue the delivery of the Thrumster Wastewater Scheme based on the current adopted flood levels and Flood Policy.

The approach recommended in this instance is not inconsistent with environmental planning legislation and practice, with development being required to comply with the legislative requirements applicable at the date of application.

Not progressing under the current adopted flood levels and Flood Policy will introduce significant additional risk to the project. Awaiting adoption of the reviewed Flood Study which could take up to two years, would impact on overall delivery timeframes, introduce increasing risk on current treatment capacities at the Port Macquarie Wastewater Treatment Plant and ultimately require many or all the technical studies completed to date to be reworked for an updated EIS.

Future mitigation measures could be included on the site should future flood studies adopt an increased Probable Maximum Flood (PMF) level. Engineered mitigation measures are available to ensure that any increase in the PMF would not impact on the operations of the proposed Thrumster Wastewater Treatment Plant.

### **Discussion**

The environmental planning and concept designs for the proposed Thrumster Wastewater Treatment Plant (WwTP) are nearing completion with the submission of the Environmental Impact Statement (EIS) and associated technical studies to the NSW Department of Planning, Housing and Infrastructure anticipated within the coming weeks.

The new Thrumster WwTP is proposed to be located on Council land off Fernbank Creek Road, referred to as the sandplains, west of the Port Macquarie airport. While the site has many advantages for a new wastewater treatment plant and why it was ultimately chosen as the preferred location, one major challenge that has been worked through in the concept design is the site is within the Hastings River Floodplain.

Council's current Flood Policy was adopted in 2018 following updates to the Hastings River flood study in 2017. The policy defines critical elements of a wastewater

treatment plant as a Critical Facility and for such facilities, while not desirable to be within flood prone areas but if so, be designed such that they are at/above Flood Planning Level (FPL) 4. FPL 4 is the Probable Maximum Flood (PMF) level, defined in the policy as *a Flood calculated to be the maximum which is likely to occur at a particular location. The PMF defines the extent of Flood Prone Land, that is, the Floodplain.* The PMF level for the Hastings River at the proposed location of the new treatment plant is 6.7m Australian Height Datum (AHD).

The Flood Policy also states that other major infrastructure should be at or above FPL3, which is defined as the 100 year Average Recurrence Interval Flood level + Climate Change Allowance + 500mm Freeboard. The FPL3 level for the Hastings River at the proposed location of the new treatment plant is 4.42m AHD.

To be aligned with the current Flood Policy as required, the design of the Thrumster WwTP has all the critical elements of plant, such as the control room, electrical switch rooms, backup generator, main processing units etc., raised to the current PMF level. Other areas of the plant have been raised to FPL3. A flood evacuation access route has also been included to the site at FPL3. This raising is proposed to be achieved by filling the site. For the PMF level this is approximately 4m of fill and for FPL3 the fill is approximately 1.5m to 2m.

The images below from the 3D design of the plant show the layout and the two different fill heights (Figure 1) and the corresponding flood heights for the 1 in 100 flood event and PMF event (Figures 2 and 3).



Figure 1: The proposed Thrumster Wastewater Treatment Plant concept design 3D model. The critical elements of the plant are located on the southern section, which has been raised to the FPL4, being just above the PMF level. The northern section has been raised to FPL3.



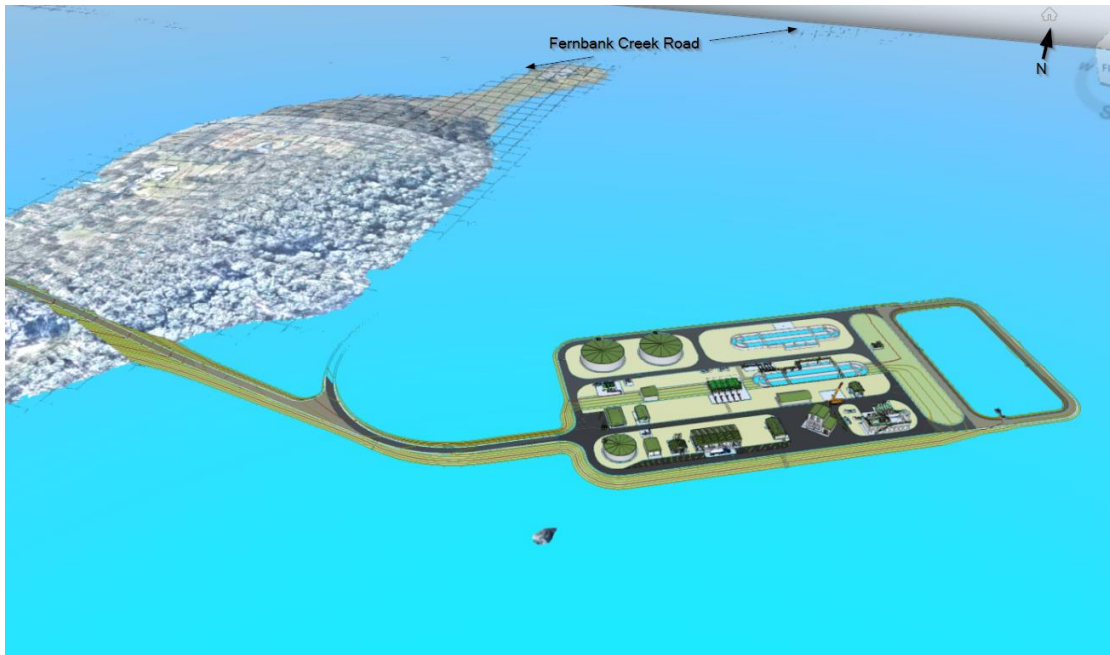


Figure 2: The proposed Thrumster Wastewater Treatment Plant concept design 3D model showing the 1 in 100 (1% Annual Exceedance Probability) flood event level. The whole plant and an evacuation route have been designed above this level with an extra 0.5m freeboard, being FPL3. The evacuation route joins Fernbank Creek Road to the west where it is above the 1 in 100 flood level to the Pacific Highway.

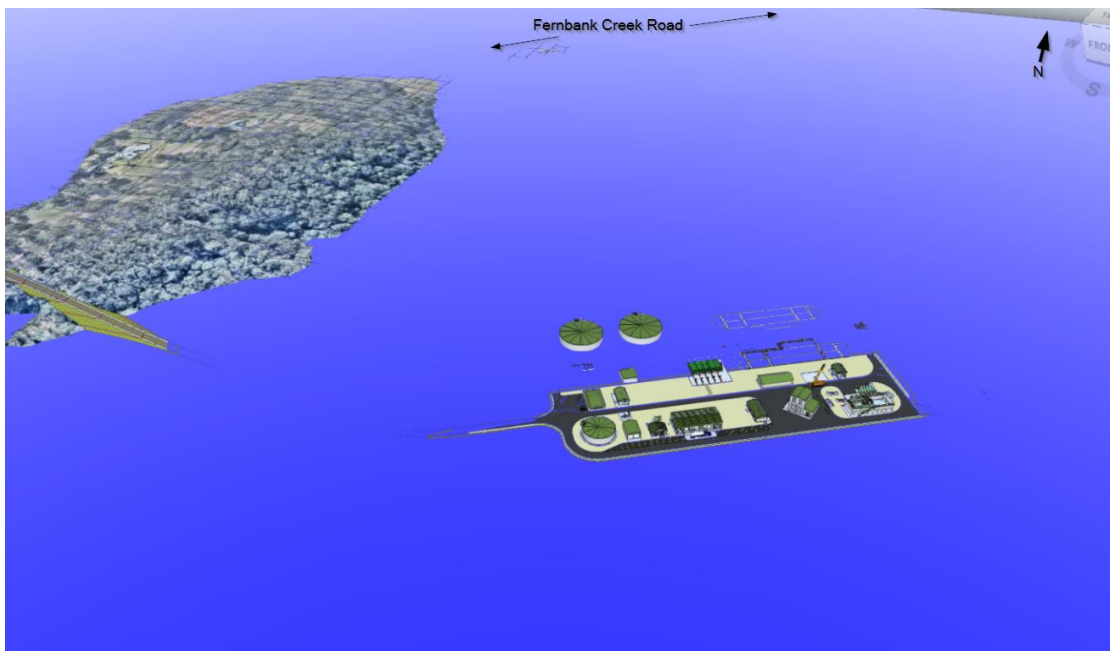


Figure 3: The proposed Thrumster Wastewater Treatment Plant concept design 3D model showing the PMF level. The critical elements of the plant have been designed just above this level. The other elements will be designed to be inundated without damage.

It is important to note that all the technical and environmental studies undertaken over the last 12 months for the EIS have all been based off this design and fill levels.

Any substantial changes to the design would require amendments to a majority, if not all, of the technical studies.

There is a current project underway to review the Hastings River and Camden Haven River flood studies and associated modelling. Once this review is completed, the Flood Policy will be updated. There is a possibility that the review and revised modelling for the Hastings River flood study may change PMF level at the proposed site, however it is not possible to anticipate what final levels may be adopted until after the review process which is not likely until mid-2025. It is more likely the levels will go up rather than down.

It is recommended that Council continue with the delivery of the Thrumster WwTP project based on the current adopted Flood Policy and flood levels. The project could be delayed as much as two years if it was paused to wait the outcome of the current flood review project and then if the levels were changed to undertake redesign and revision of all the required technical studies for the EIS.

The approach recommended in this instance is not inconsistent with environmental planning legislation and practice, with development being required to comply with the legislative requirements applicable at the date of application.

There is a risk that if the flood levels are increased following the review that the plant would no longer be in line with the Flood Policy. Whilst the concept design allows for the protection of critical elements above the current adopted flood levels, any future increase of PMF levels will require the addition of further engineering elements to ensure the assets are protected from flood waters. This could entail the construction of additional level banks, engineered flood walls or other like structures.

As future levels are unknown, including these elements in the current design or elevating the entire area of fill on the site becomes superfluous and could require further rework depending on final PMF flood levels adopted.

### **Options**

This is an information report. Council has the option to seek further information or clarification if required.

### **Community Engagement and Internal Consultation**

No community Engagement has been undertaken in relation to this report.

Internal consultation has occurred with the Community Utilities Planning and Design Major Projects Team and Community Utilities Major Projects Steering Group.

### **Planning and Policy Implications**

The project currently is in adherence to the adopted Flood Policy, 2018. Should the flood levels be increased following the current flood study review that is underway,

then the project would not be in adherence to the Flood Policy. But no development is required to comply with something in the future that is not ratified by Council.

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 13.08**

**Subject: POLICY REVIEW - WASTEWATER POLICY - POST PUBLIC EXHIBITION**

**Presented by: Community Utilities, Jeffery Sharp**

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### **Alignment with Delivery Program**

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note that no relevant submissions were received on the Draft Wastewater Services Policy during the exhibition period.**
- 2. Note that minor amendments, as detailed in this report, were made to the Draft Policy following further internal review to improve readability and provide improved clarity for several sections.**
- 3. Adopt the Wastewater Services Policy.**

### **Executive Summary**

The purpose of this report is to detail the outcomes of the recent public exhibition period for the Draft Wastewater Services Policy.

The Draft Wastewater Services Policy was publicly exhibited from 20 May 2024 to 28 June 2024 (39 days). During this period no relevant submissions were received, with a summary of the engagement included within the attached Engagement Summary Report.

The initial closing date was extended to allow additional feedback time after further notification was provided to the Development/Construction industry via Council's Development/Construction industry e-newsletter.

Following exhibition, additional internal review and the resulting minor amendments to the Policy, this report recommends that the Draft Wastewater Services Policy be adopted. The final policy document is attached to this report.

### **Discussion**

The Draft Port Macquarie Hastings Council Wastewater Services Policy was considered at the 16 May 2024 Ordinary Council meeting. At the May 2024 meeting Council resolved:

#### *That Council:*

- 1. Place on public exhibition the draft Wastewater Services Policy, commencing no later than 27 May 2024 for a minimum of 28 days.*



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

The Draft Wastewater Services Policy was exhibited for 39 days, with only 1 submission received during this period, however this submission was not relevant to the policy and rather related to another wastewater planning matter. The Community Engagement section below outlines the engagement undertaken.

### **Options**

Council has the option to;

1. Resolve in line with the recommendation and adopt the policy; or
2. Choose not to adopt the Policy and request further information or amendments.

### **Community Engagement and Internal Consultation**

The Draft Policy was publicly exhibited for 28 days from 20 May 2024 to 28 June 2024. The Policy was initially intended to be exhibited for 28 days, but this was extended to allow more time for input from the Development/Construction industry, with further notification provided via Council's Development and Construction industry e-newsletter.

Regarding the online engagement through Council's Have Your Say website, there were:

- 118 page visits
- 1 engaged visitor
- 46 informed visitors
- 81 aware visitors
- 61 downloads of the draft strategy
- 0 submissions made\*

\*1 submission was made; however, this submission related to the Thrumster Wastewater Treatment Plant and so was passed on to the team managing this project.

A link to this page was circulated through a Council Facebook post (24 June), circulation of the Have Your Say Newsletter (11 June) and through an email to a distribution list for Council's Development/Construction Industry e-Newsletter (14 June).

The Engagement Summary Report is attached as Attachment 2.

Further internal review during the exhibition period also identified that there was an opportunity to provide more detail relating to the newly implemented Water Supply Authority Approvals. As a result, the following changes have been made to the Policy:

- Section 3 has been renamed New Developments as new connections can be covered under this heading
- Added in section 3:

**3.1.1 Internal Plumbing Works**

A Section 68 application will need to be completed if you intend to perform the following works in relation to wastewater:

- Internal sewer works within the development lot
- Onsite sewer system
- Installing a swimming pool (for management of filter discharge and backwash)

- Additional details have been added to section 3.1.2 Water Supply Authority Approval for works. Notably, the addition of the below paragraphs:

An application can be made online for a S306 Notice of Requirements (S306 NoR), this is the initial application prior to construction. A S306 NoR is a list of requirements that are to be met in relation to water and sewer.

Your S306 NoR may require you to obtain a Letter of Acceptance (LoA) for your Construction Plans, this is required prior to construction works beginning. This application is to obtain a LoA and a stamped set of plans that are acceptable for water and sewer purposes.

The final approval in the process is an Application for Section 307 Certificate of Compliance Post Construction. This application is required when you have satisfied the Section 306 Notice of Requirements conditions to adequately service the new subdivision or development with water and sewer.

- Addition of a new section under 3.1 New Developments

**3.1.3 Wastewater Services Installation**

Approval to install a new wastewater service is to be obtained via a Water Supply Authority Approval prior to installation. Installation of any new wastewater services are to be completed by a relevantly insured Civil Contractor, under supervision from Council’s Development Supervisors. Upon completion of works prior to allowing the junction to be of use, the conditions of your S306 NoR are to be met. The following will need to be met at minimum. WAX diagram in DWG format provided of works completed, CCTV inspection in line with AUS-SPEC requirements and AUS-SPEC Certification of works.

- Removal of 4.3.1 Sewer Pump Station Commissioning fee explanation, as this is explained in the newly formed procedure for handover of pump stations, as there are a significant number of variables involved in how the billing and review of this is done.
- Replacement of the above with:

**4.3.1 Water Supply Authority Approval cost**

There is an associated fee for the engineering assessment and review of proposed development with the potential to affect Council’s wastewater assets done via the Water Authority Approval Process. See section 3.2.2 for further details. The fee is based on the type of

development occurring with additional costs associated with the development during the course of the construction being added for Development Supervision and commissioning stage. Council's Community Utilities Planning Section can be contacted to provide a cost break down.

None of these are considered significant changes the Policy, just improving readability and providing improved clarification based on existing Council processes.



**Planning and Policy Implications**

The adoption of this Policy post-exhibition would provide Council a formal policy position relating to wastewater services and management.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Wastewater Services Policy
2.  Engagement Summary Report

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**Item: 13.09**

**Subject: UPDATE REPORT - CAIRNCROSS WASTE MANAGEMENT FACILITY LEACHATE PRE-TREATMENT TEMPORARY SYSTEM - SINGLE SELECT PROCUREMENT**

**Presented by: Community Utilities, Jeffery Sharp**

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### **Alignment with Delivery Program**

4.1.7 Develop and implement effective waste management strategies.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information provided in this report relating to the challenges implementing an interim leachate pre-treatment system.**
- 2. Note the action listed in the 2024/25 Operational Plan to commence the planning for a permanent leachate management system for the Cairncross Waste Management Facility.**

### **Executive Summary**

In May 2023, Council resolved to utilise a single select procurement method to procure an interim leachate pre-treatment processing system at the Cairncross Waste Management Facility. This procurement method was chosen to address key risks around leachate management with the opening of the new landfill cell. A part of that resolution was to present a report to a future Council meeting on the completion of the works for Council's information.

Due to several operational constraints and challenges at the site, the interim leachate system will no longer be implemented, with planning for a permanent system commencing in the 2024/25 Operational Plan.

The key risks with the amount of leachate generation originally identified that were to be mitigated by the temporary system did not eventuate and are now no longer present at the site due to the progressive filling and covering of the new landfill cell.

This report closes out the May 2023 Council resolution reporting requirement.

### **Discussion**

In 2022 Council developed an Interim Leachate Management Plan for managing the increase of leachate onsite after the opening of the new landfill cell at the Cairncross Waste Management Facility. The interim plan was required as the new landfill cell had a significantly larger area for leachate volumes to accumulate awaiting the receipt of material to commence landfilling operations. The interim plan was presented to the EPA and was subsequently added as a condition to the site's Environmental Protection Licence (EPL).



In response to the adoption of the interim plan and to address the emergent issue, at the May 2023 Ordinary Council meeting, Council resolved:

*That Council:*

- 1. Note that untreated leachate from the Cairncross Waste Management Facility is currently disposed of to the Port Macquarie Wastewater Treatment Plant in accordance with a Department of Planning and Environment approved temporary Trade Waste Agreement.*
- 2. Note the temporary Trade Waste Agreement expires in October 2023 and will not be reapproved by Department of Planning and Environment for the disposal of untreated leachate.*
- 3. Note that, due to recent wet weather, untreated leachate is currently constituting approximately 10% to 15% of the treatment load on the Port Macquarie Wastewater Treatment Plant, adding significantly to the current capacity issues at the Plant.*
- 4. Note the need for a permanent pre-treatment solution to be included in any Leachate Management Plan for the Cairncross Waste Management Facility.*
- 5. Under the extenuating circumstances provision of s.55(3)(i) of the Local Government Act 1993, not invite open tenders for an interim solution of a containerised leachate pre-treatment processing facility at Cairncross Waste Management Facility. The reason being that a satisfactory outcome to address the current pressing risks associated with leachate disposal at Cairncross would not be achieved, due to the constrained timeframe imposed for the temporary Trade Waste Approval and the requirement for the Department of Planning and Environment to approve any pre-treatment solution prior to adoption.*
- 6. Note the attached proposal from Oleology Pty Ltd has been approved by the Department of Planning and Environment in addressing the criteria for leachate pre-treatment prior to discharge at the Port Macquarie Wastewater Treatment Plant.*
- 7. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a contract following successful negotiations with Oleology Pty Ltd for the supply of a containerised leachate pre-treatment solution and present a further report to a future meeting of Council on completion of the works for Council's information.*

Following this resolution, Council moved to progress this procurement, gaining quotes and engaging with the supplier and other services to determine site layouts, foundation requirements, etc.

Unfortunately, this project has encountered operational delays. In conjunction with delays to implementing the project, the progressive filling and covering the landfill cell has significantly reduced the original risk for excessive leachate volume generation. Additionally, the temporary system was to be located in a location that would become the next landfill cell, therefore warranting the complete removal of the temporary system. The construction of the next cell is anticipated to commence in 2027/28 with a new permanent leachate system required to be constructed in 2026/27.

As a result of the risk reduction and time to deliver the next landfill cell, it is proposed to move straight to the planning, design and construction of the ultimate leachate management system, which will cater to the current and future stages of the landfill. An action for this project is included in the recently adopted 2024/25 Operational Plan.



Relevant EPA officers have been consulted on this proposed change, and indicated their support of Council changing the approach given the reasoning provided, and noting that the leachate onsite is currently well-managed.

It is understood that a review of the EPL for Cairncross is expected within the current financial year where relevant clauses for leachate management will be updated.

**Options**

This is an information report. Council has the option to seek further information or clarification if required.

**Community Engagement and Internal Consultation**

Internal consultation was undertaken with the following Council staff in coming to this recommendation:

- Waste Project Officers
- Utilities Process Manager
- Utilities Innovation, Process & Compliance Manager
- Group Manager Utilities Planning & Design
- Director Community Utilities
- EPA Officers

**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

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**Item: 13.10**

**Subject: STRATEGY REVIEW - DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2024-2034 - POST PUBLIC EXHIBITION**

**Presented by: Community Utilities, Jeffery Sharp**

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### **Alignment with Delivery Program**

4.1.7 Develop and implement effective waste management strategies.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information in the Draft Waste and Resource Recovery Strategy Community Engagement Report.**
- 2. Note that no amendments have been made to the draft Strategy.**
- 3. Adopt the Waste and Resource Recovery Strategy 2024-2034.**

### **Executive Summary**

The purpose of this report is to detail the outcomes of the recent public exhibition period for the Draft Waste and Resource Recovery Strategy 2024-2034.

The Draft Waste and Resource Recovery Strategy was publicly exhibited from 20 May 2024 to 17 June 2024 (28 days). During this period no submissions were received. No changes have been made to the draft Strategy as presented to Council in May.

It is recommended that the attached final Waste and Resource Recovery Strategy 2024-2034 be adopted.

### **Discussion**

At the 16 May 2024 Ordinary Council meeting, Council resolved to place the draft Waste and Resource Recovery Strategy 2024-2034 on public exhibition for a period of at least 28 days:

#### **13.08 DRAFT INTEGRATED WATER CYCLE MANAGEMENT STRATEGY - PUBLIC EXHIBITION**

#### *That Council:*

- 1. Place the Draft Waste and Resource Recovery Strategy 2024 - 2034 on public exhibition no later than 27 May for a minimum of 28 days.*
- 2. Note that a further report will be tabled at a future Ordinary Council meeting detailing the submissions received from the public during the exhibition period.*

The draft Strategy was subsequently exhibited for 28 days from 20 May 2024 to 17 June 2024.

There were no submissions made during this period.

**Options**

1. Resolve in line with the recommendations and adopt the Waste and Resource Recovery Strategy
2. Resolve not to adopt the Waste and Resource Recovery Strategy and request further information or amendments.

This report recommends that the Waste and Resource Recovery Strategy be adopted. The final strategy document for adoption is attached.

**Community Engagement and Internal Consultation**

The draft Strategy was publicly exhibited for 28 days from 20 May 2024 to 17 June 2024.

Regarding the online engagement through Council's Have Your Say website, there were:

- 122 page visits
- 0 engaged visitors
- 54 informed visitors
- 75 aware visitors
- 81 downloads of the draft strategy
- 0 submissions made.

The Engagement Summary Report is attached as Attachment 2.



**Planning and Policy Implications**

The adoption of this strategy and supporting action plan would provide the strategic framework for Council to deliver waste management and resource recover initiatives for the next ten years.

**Financial and Economic Implications**

There are no direct financial and economic implications in relation to this report, however successful implementation of this strategy will require that resources, both human and financial, be directed to the key focus areas outlined in this Strategy and actions identified in supporting and action plan.

**Attachments**

1.  Waste & Resource Recovery Strategy
2.  Engagement Summary Report

**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

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

**Item 14.01 T-22-04 Water SCADA**

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 2024.049 Dunbogan Bridge Scour Repair And Pile Protection Works**

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 14.03 2024.098 Monday.com Licencing**

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 14.04 General Waste Red Bin Rubbish Collection Over Summer**

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.