

Ordinary Council

Business Paper

date of meeting: Thursday 20 March 2025

location: Wauchope Country Club
24 King Street Wauchope

time: 2:00 PM

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

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

Councillors are reminded of the oath or affirmation which was taken by each of them.

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 20 March 2025

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>1</u>
02	Remote Attendance at Meeting.....	<u>1</u>
03	Local Government Prayer	<u>1</u>
04	Apologies.....	<u>1</u>
05	Confirmation of Minutes	<u>1</u>
06	Disclosures of Interest.....	<u>42</u>
07	Mayoral Minute	
08	Confidential Correspondence to Ordinary Council Meeting.....	<u>46</u>
09	Items To Be Dealt With By Exception	
10	Leadership and Governance.....	<u>47</u>
10.01	Mayoral Discretionary Fund Allocations - 6 February to 5 March 2025	<u>48</u>
10.02	Status of Reports From Council Resolutions.....	<u>49</u>
10.03	Report of the Audit, Risk and Improvement Committee Meeting Held 4 March 2025.....	<u>50</u>
10.04	Legislative Compliance Register - Report	<u>53</u>
10.05	Policy Review - Draft Risk Management Policy.....	<u>55</u>
10.06	Disclosure of Interest Return - Designated Persons	<u>57</u>
10.07	Monthly Budget Review - February 2025	<u>59</u>
10.08	Investments and Loans - February 2025.....	<u>65</u>
10.09	Community Utilities Annual Compliance and Performance Report - 2023/24	<u>73</u>
10.10	Notice of Motion - National General Assembly	<u>85</u>
11	Your Community Life	<u>87</u>
11.01	Petition - Request for Information on Port Macquarie Athletics Track	<u>88</u>
11.02	Petition - Location of SouperVan	<u>90</u>
11.03	SouperVan Mobile Food Van - Use of Bain Park	<u>92</u>
11.04	Policy Review - Beach Driving.....	<u>98</u>
11.05	Draft Places to Play Plans	<u>101</u>
11.06	Draft Community Engagement Strategy	<u>107</u>
11.07	Integrated Planning & Reporting (IP&R) Community Engagement Strategy - Post Exhibition	<u>112</u>
12	Your Business and Industry	<u>118</u>
12.01	Policy Review - Dogs In Public Open Spaces	<u>119</u>

12.02	Notice of Motion - Integrated Transport Plan - Reporting.....	<u>122</u>
12.03	Notice of Motion - Environment and Community Infrastructure Levy	<u>123</u>
13	Your Natural and Built Environment	<u>125</u>
13.01	Policy Review - Control of Burning	<u>126</u>
13.02	Policy Review - Transport and Drainage Policy Suite - Post Public Exhibition.....	<u>130</u>
13.03	Policy Review - Liquid Trade Waste Policy - Post Public Exhibition	<u>133</u>
13.04	Living and Place Strategy, Affordable Housing Plan & Local Housing Delivery Plan - Update on Actions.....	<u>136</u>
13.05	Letter of Offer - Planning Agreement - Batar Creek Road Upgrade Applicant - Land Dynamics Australia Landowner - Allam MHE #2 Pty Ltd.....	<u>142</u>
13.06	Land Acquisition - Corner Stoney Creek Road and Oxley Highway Wauchope	<u>147</u>
13.07	DA2024 - 670.1 Alterations to Dwelling, Conversion of Building to Dwelling and 2 Lot Torrens Title Subdivision including a Clause 4.6 Variation to Clause 4.1 (Lot Size) of the Port Macquarie-Hastings LEP 2011 at Lots 15 and 16 DP 7451, No 14 Main Street, Comboyne APPLICANT: A P BLUE & J R BLUE OWNER: C W & K L TURNER	<u>149</u>
13.08	Post Exhibition Report - PP2022-2.1 - Planning Proposal Proposed Catholic High School - Lot 6 DP 594793, Lots 6 & 7 DP 594792, 1175-1191 Ocean Drive Bonny Hills Applicant - King and Campbell Pty Ltd Landowner - St Agnes Catholic Parish, The Trustees of the Roman Catholic Church Diocese of Lismore.....	<u>152</u>
13.09	Lake Cathie Natural Resources Management Monthly Update Report	<u>161</u>
13.10	Extension of Contract T-20-06 Operation of Port Macquarie-Hastings Council Vehicular Ferry Services	<u>167</u>
13.11	Outcomes of General Waste Red Bin Rubbish Collection Trial Over Summer.....	<u>171</u>
13.12	Notice of Motion - Secondary Dwellings on Rural Properties.....	<u>182</u>
14	Confidential Matters	
	Motion to move into Confidential Session	<u>183</u>
14.01	2025.007 Citizen Centric Payment Experience Project	
14.02	2024.0229 Management of Developer Contributions Solution	

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

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

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

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

1. That the Minutes of the Ordinary Council Meeting held on 20 February 2025 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 11 March 2025 be confirmed.

PRESENT

Members:

Mayor Adam Roberts
Councillor Lauren Edwards
Councillor Mark Hornshaw
Councillor Lisa Intemann
Councillor Chris Kirkman
Councillor Nik Lipovac
Councillor Danielle Maltman
Councillor Rachel Sheppard
Councillor Hamish Tubman

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Business and Performance (Keith Hentschke)
Director Community, Planning and Environment (Melissa Watkins)
Acting Director Community Infrastructure (Chris Favalaro)
Director Community Utilities (Robert Fish)
Group Manager Governance (Michael Ferguson)
Legal Counsel (Anthea Gilmore) Part of Meeting via teams
Governance Officer (Tania Ellis)

The meeting opened at 2.00pm

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil

03 LOCAL GOVERNMENT PRAYER

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

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Edwards

That the Minutes of the Ordinary Council Meeting held on 12 December 2024 be confirmed.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

06 DISCLOSURES OF INTEREST

Councillor Tubman declared a Non-Pecuniary, Less Than Significant interest in Item 10.05 2024-2025 Quarterly Budget Review Statement and Operational Plan Status Report as at December 2024. The reason being that a member of his immediate family is employed by Lewis Land Group who have a financial interest in the Thrumster Sports Field project which is recommended for deferral in this report. Councillor Tubman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Hornshaw declared a Non-Pecuniary - Less than Significant interest in Item 10.23 Notice of Motion - Federal Candidates Funding Priorities. The reason being is that Councillor Hornshaw is considering the possibility of nominating as a candidate in the upcoming federal election. Councillor Hornshaw intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Director Fish declared a Non-Pecuniary - Less than Significant interest in Item 11.02 Petition - Rotary Park Upgrade and Related Traffic Issues. The reason being is that Director Fish owns a property and resides within the precinct that this item

refers. Director Fish intends to leave the meeting, be out of sight and take no part in consideration of this item.

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.01 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.

Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in Item 13.02 Friends of Camden Head Lookout Volunteer's Group. The reason being that Jon Bailey who is listed as one of the volunteers seeking endorsement, ran on Councillor Lipovac's Group Ticket at the Local Government Election September 2024. Councillor Lipovac intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Sheppard declared a Non-Pecuniary, Significant interest in Item 14.05 Code of Conduct Matter. The reason being is that respondent in this matter made a reportable political donation to a campaign group Councillor Sheppard Lead in the 2024 Local Government Election. Councillor Sheppard intends to leave the meeting and take no part in consideration of this item.

07 MAYORAL MINUTES

7.01 MAYORAL MINUTE - INVITATION EXTENDED TO PREMIER OF NSW - ON-SITE MEETING - OXLEY HIGHWAY/WRIGHTS ROAD/LAKE ROAD TRAFFIC CONGESTION

RESOLVED: Roberts

That Council note the invitation extended to the Premier of NSW, the Hon Chris Minns MP to visit Port Macquarie to discuss the Oxley Highway/Wrights Road/Lake Road traffic congestion.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Hornshaw

That Council determine that the attachments to Item Numbers 10.05 and 10.12, be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Intemann

That Items 10.01, 10.06, 10.09, 10.10, 10.12, 10.13, 10.14, 10.15, 10.16, 10.18, 11.01, 11.06, 13.03, 13.05, 13.07, 13.08, 13.12, and 13.13 be considered as a block resolution.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

RESOLVED: Intemann/Roberts

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

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 28 NOVEMBER 2024 TO 5 FEBRUARY 2025

RESOLVED: Intemann/Roberts

That Council note the Mayoral Discretionary Fund allocation for the period 28 November 2024 to 5 February 2025 inclusive.

**10.06 2022-2026 DELIVERY PROGRAM - SIX MONTH PROGRESS REPORT
AS AT 31 DECEMBER 2024**

RESOLVED: Intemann/Roberts

That Council note the progress against the 2022-2026 Delivery Program for the period 1 July 2024 to 31 December 2024.

10.09 INVESTMENTS AND LOANS - DECEMBER 2024

RESOLVED: Intemann/Roberts

That Council note the Investment and Loans Report for December 2024.

10.10 INVESTMENTS AND LOANS - JANUARY 2025

RESOLVED: Intemann/Roberts

That Council note the Investment and Loans Report for January 2025.

10.12 LEGAL FEES

RESOLVED: Intemann/Roberts

That Council

- 1. Note the information in the Legal Fees report.**
 - 2. Approve future Legal Fee reports to be provided on a six-monthly basis unless a matter of significance is brought to Council's attention via a standalone report.**
 - 3. Approve the future reporting threshold be increased to matters costing more than \$50,000 (ex GST) and that are litigated unless determined by the Legal Department in conjunction with the Executive Leadership Team that it is a matter requiring reporting.**
 - 4. Maintain the confidentiality of the documents and consideration in respect of the attachment(s) to this report.**
-

10.13 PAYMENT OPTIONS

RESOLVED: Intemann/Roberts

That Council note the ongoing work being undertaken to provide additional options for ratepayers to pay rates, including:

- 1. Reintroducing the option for ratepayers to make payments in person at Australia Post outlets.**
 - 2. Exploring and implementing a new digital payment solution incorporating automated payment plans, with future capabilities for other bill types such as water bills.**
-

10.14 CONTRACTS AWARDED UNDER S377 LOCAL GOVERNMENT ACT

RESOLVED: Intemann/Roberts

That Council note the contracts awarded under s377 of the Local Government Act 1993 for the period 1 October 2024 to 31 December 2024.

10.15 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Intemann/Roberts

That Council note the Development Activity and Assessment System Performance report for the second quarter of 2024-2025.

10.16 POLICY REVIEW - CONFLICT OF INTEREST POLICY - COUNCIL-RELATED DEVELOPMENT APPLICATIONS

RESOLVED: Intemann/Roberts

That Council:

- 1. Note that the review of the Conflict of Interest Policy - Council Related Development Applications does not recommend any material changes to the existing Policy.**
 - 2. Adopt the Conflict of Interest Policy - Council-Related Development Applications.**
 - 3. Note that the revised Policy does not require public exhibition.**
-

10.18 GRANT APPLICATIONS BIENNIAL REPORT

RESOLVED: Intemann/Roberts

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for and/or obtained, for the six-months of the 2024-2025 financial year.

11.01 DRAFT FINDLAY PARK MASTER PLAN

RESOLVED: Intemann/Roberts

That Council:

1. Endorse the draft Findlay Master Plan for public exhibition for a period of not less than 28 days.
 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.
-

11.06 EXPRESSION OF INTEREST - LEASE 143 GORDON STREET (25 GORE STREET) PORT MACQUARIE

RESOLVED: Intemann/Roberts

That Council:

1. Note the information within the report.
 2. Continue to advertise the property for Lease and investigate additional options for marketing the property.
-

13.03 LAND ACQUISITION - COMBOYNE ROAD BYABARRA

RESOLVED: Intemann/Roberts

That Council:

1. Pay compensation in the amount of \$2,000 (ex GST) to the owner of 1541 Comboyne Road Byabarra, Lots 106, 121 and 122 DP 754453, P A Mumford, for the land acquisition more particularly described in the plan of acquisition as Lots 1, 2 and 3 DP 1311647.
 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property and conveyancing costs.
 3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 1, 2 and 3 DP 1311647 as public road.
-

13.05 PLANNING AND LAND USE DISCUSSION PAPER - POST EXHIBITION

RESOLVED: Intemann/Roberts

That Council:

1. **Note the post exhibition report and summary of submissions received during the public exhibition of the Planning and Land Use Discussion Paper.**
 2. **Proceed with a review and consolidation of the Local Strategic Planning Statement (LSPS) and Urban Growth Management Strategy (UGMS) documents.**
 3. **Align the document with the Imagine 2050 Community Strategic Plan and Living and Place 2024 Local Housing Strategy priorities.**
 4. **Notify all persons who lodged a submission of Council's decision.**
-

13.07 POLICY REVIEW - WASTEWATER SERVICES POLICY

RESOLVED: Intemann/Roberts

That Council:

1. **Adopt the draft Wastewater Services Policy for public exhibition for a period of not less than 28 days.**
 2. **Note that a further report will be tabled at the May 2025 Ordinary Council Meeting, detailing the submissions received from the public during the exhibition period.**
-

13.08 POLICY REVIEW - WATER SUPPLY SERVICES POLICY REVIEW

RESOLVED: Intemann/Roberts

That Council:

1. **Adopt the draft Water Supply Services Policy for public exhibition for a period of not less than 28 days.**
 2. **Note that a further report will be tabled at the May 2025 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**
-

13.12 IMPACTS OF ACCEPTANCE OF KEMPSEY SHIRE COUNCIL WASTE AT CAIRNCROSS LANDFILL AUGUST 2022 - DECEMBER 2024

RESOLVED: Intemann/Roberts

That Council note the report detailing the waste accepted from Kempsey Shire Council at the Cairncross Landfill over the period August 2022 to December 2024.

13.13 MR538 AND MR600 CORRIDOR STRATEGY

RESOLVED: Intemann/Roberts

That Council note that the information contained in the draft MR538 and MR600 Corridor Strategy has been used to inform the adopted Integrated Transport Plan.

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Sheppard

That Standing Orders be suspended to consider Item 10.20 - Notice of Motion - Chief Executive Officer's Performance Review Panel and Item 10.21 - Notice of Motion - Commence Preliminary Discussion of 2025-2026 Chief Executive Office Performance Agreement as confidential items and be moved to the confidential session due to these item being considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as they contain personnel matters concerning particular individuals (other than Councillors).

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Edwards/Intemann

That Council request the Chief Executive Officer to update the Status of Reports from Council Resolutions, for the March 2025 Ordinary Council Meeting, to include expected due dates for reporting on:

- a. The Walking and Cycling Review
-

-
- b. The NSW Parks and Wildlife Services Land Revocation
 - c. The Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024
 - d. The Living and Place Strategy
 - e. Draft Recreation and Open Space Action Plan and Sporting Infrastructure Priorities
 - f. Biodiversity and Land Acquisition for offsets update

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

10.03 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED Roberts/Sheppard

That Council note the Disclosure of Interest returns for the following positions.

1. Elected Member - Councillor
2. Community Infrastructure - Fleet Technical Officer
3. Community Utilities - Senior Project Manager
4. Community Utilities - Waste Manager
5. Community Infrastructure - Senior Project Engineer
6. Community Infrastructure - Group Manager Project Delivery
7. Business and Performance - Revenue Accounting Manager

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

The Chairperson tabled the disclosures of interest return of the Designated Persons listed above.

10.04 MID NORTH COAST JOINT ORGANISATION ANNUAL REQUEST FOR FUNDING

RESOLVED: Roberts/Intemann

That Council endorse and approve the annual request for funding of \$25,000 to continue its membership with the Mid North Coast Joint Organisation.

CARRIED: 8/1

FOR: Edwards, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Hornshaw

**10.05 2024-2025 QUARTERLY BUDGET REVIEW STATEMENT AND
OPERATIONAL PLAN STATUS REPORT AS AT 31 DECEMBER 2024**

Councillor Tubman declared a Non-Pecuniary, Less Than Significant interest in Item 10.05. The reason being that a member of his immediate family is employed by Lewis Land Group who have a financial interest in the Thrumster Sports Field project which is recommended for deferral in this report. Councillor Tubman remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

RESOLVED: Sheppard/Roberts

That Council:

- 1. Note the Quarterly Budget Review Statements as at 31 December 2024.**
- 2. Note the 2024-2025 Operational Plan Second Quarter Status Report as at 31 December 2024.**
- 3. Authorise the deferral of the following Actions/Projects, with the Status of Council approved Action Deferred / Not Progressing**
 - **HBR 01 On-site Sewage Management Policy**
 - **SDF 01 West Port (Buller Street) Flood mitigation works, Port Macquarie**
 - **SPA 03 Amethyst Way Reserve, Port Macquarie**
 - **SPA 06 Rainbow Beach Local Park, Lake Cathie/Bonny Hills**
 - **SPA 07 Rainbow Beach, Lake Cathie/Bonny Hills**
 - **SPA 12 Camden Haven Surf Club Building**
 - **SPA 27 Hastings Regional Sporting Complex**
 - **SPA 31 Port Macquarie Regional Stadium Upgrades**
 - **SPA 36 Thrumster Sports Fields**
 - **WAW 02 Thrumster Wastewater Treatment Scheme**
 - **WAS 23 Telegraph Point Clearwater Capacity Upgrade**
 - **WAS 28 Pumps Renewal and VSD upgrade - Koree Island**
 - **WAS 30 Cowarra Dam Pump Station Upgrade**

CARRIED: 9/0

*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,
Sheppard and Tubman*

AGAINST: Nil

Item 10.06 2022-2026 Delivery Program - Six Month Progress Report as at 31 December 2024, has been addressed previously within the meeting.

10.07 DRAFT BUDGET DEVELOPMENT POLICY

RESOLVED: Edwards/Roberts

That Council:

1. **Endorse the draft Budget Development Policy for public exhibition.**
2. **Request a further report be presented to Council following the public consultation period to consider adoption of the final policy.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

10.08 MONTHLY BUDGET REVIEW - JANUARY 2025

RESOLVED: Sheppard/Intemann

That Council:

1. **Adopt the adjustments in the January 2025 Adjustments section of the Monthly Budget Review – January 2025 report and associated Attachment, with the following exceptions:**
 - a. **Allocate \$9230.20 of the greater than budgeted interest on Council investments for the purpose of 2024-2025 Arts Mid North Coast Membership.**
 - b. **Allocate the remainder of the greater than budgeted interest on investments to the communications business as usual activities.**
2. **Amend the 2024-2025 Operational Plan to include all budget adjustments approved in clause 1.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

Item 10.09 Investments and Loans - December 2024, has been addressed previously within the meeting.

Item 10.10 Investments and Loans - January 2025, has been addressed previously within the meeting.

10.11 QUADRUPLE BOTTOM LINE OBLIGATIONS

RESOLVED: Sheppard/Intemann

That Council defers consideration of this item until after the scheduled March 2025 briefing.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman
AGAINST: Maltman

CARRIED: 8/1

Item 10.12 Legal Fees, has been addressed previously within the meeting.

Item 10.13 Payment Options, has been addressed previously within the meeting.

Item 10.14 Contracts Awarded Under s377 Local Government Act, has been addressed previously within the meeting.

Item 10.15 Development Activity and Assessment System Performance, has been addressed previously within the meeting.

Item 10.16 Policy Review - Conflict of Interest Policy - Council-Related Development Applications, has been addressed previously within the meeting.

10.17 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2024-2025 ACTIONS

RESOLVED: Lipovac/Roberts

That Council note the information provided in the Glasshouse Biennial Report (Attachment 1) and Update on Glasshouse Plan 2024-2025 Actions report (Attachment 2).

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

CARRIED: 9/0

Item 10.18 Grant Applications Biennial Report, has been addressed previously within the meeting.

10.19 NOTICE OF MOTION - GRANT FUNDING REPORT

RESOLVED: Edwards/Sheppard

That Council request the Chief Executive Officer to consider for inclusion in the 2025-2026 Operational Plan the development of a cyclic quarterly report on relevant Grant Funding opportunities, for which the NSW Local Government sector is eligible to apply for, that have become available within the quarter and detail which were, and which were not applied for including the reason/s for either.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Item 10.20 Notice of Motion - Chief Executive Officer's Performance Review Panel, will be addressed in the confidential session of the meeting.

Item 10.21 Notice of Motion - Commencement of 2025-2026 Chief Executive Officer's Performance Agreement, will be addressed in the confidential session of the meeting.

10.22 NOTICE OF MOTION - MEMBER FOR PORT MACQUARIE MP LESLIE WILLIAMS RETIREMENT

RESOLVED: Lipovac/Intemann

That Council acknowledge the retirement of Leslie Williams Local Member for Port Macquarie and thank her for her contribution and commitment to the community through drought, floods, bushfires and the pandemic since taking office on 26 March 2011.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

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

Councillor Hornshaw returned to the meeting, the time being 03:09pm.

10.23 NOTICE OF MOTION - FEDERAL CANDIDATES FUNDING PRIORITIES

Councillor Hornshaw declared a Non-Pecuniary - Less than Significant interest in this. The reason being is that Councillor Hornshaw is considering the possibility of nominating as a candidate in the upcoming federal election. Councillor Hornshaw remained in the meeting, participated and voted in the matter as this perceived conflict did not influence his decision making in the matter.

RESOLVED: Lipovac/Roberts

That Council

1. Provide a list of Council's Key Project Funding Priorities and estimated costs to all candidates in the respective seats of Cowper and Lyne in the Federal Election, and the upcoming State Seat of Port Macquarie by-election.
2. That Council provide access to councils key projects and estimated costs on Council's website by the 28 February 2025 for any interested parties to ensure access to declared and prospective candidates.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

Councillor Maltman left the meeting, the time being 03:13pm.

10.24 NOTICE OF MOTION - DEVELOPING AN ECONOMIC DEVELOPMENT STRATEGY

RESOLVED: Sheppard/Roberts

That Council:

1. Note that no funding source has been identified specifically for the development of a new Economic Development Strategy in the 2024-2025 Operational Plan.
2. Determine to include development of a draft Economic Development Strategy in the 2025-2026 draft Operational Plan, that would enable a Draft Economic Development Strategy to be presented to an Ordinary Meeting of Council, no later than October 2025, should the action be included in the adopted 2025-2026 Operational Plan.
3. Request a Councillor briefing in March 2025 detailing:
 - i. What, if any, work has already taken place or is underway in the 2024-2025 financial year that would support the preparation of a new Economic Development Strategy.
 - ii. What further work is required to support preparation of a new Economic Development Strategy early in the 2025-2026 financial year.

CARRIED: 8/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman

AGAINST: Nil

Councillor Maltman returned to the meeting, the time being 03:15pm.

10.25 NOTICE OF MOTION - INTEGRATED PLANNING AND REPORTING

RESOLVED: Edwards/Roberts

That Council:

1. **Request the Chief Executive Officer to give consideration to the following desired improvements to Council's upcoming Integrated Planning & Reporting (IP&R) suite of documents and future reporting.**
 - i. **Clarity regarding how each line item is funded. For example, if both Reserves and Development Contributions are used to fund an action, the document to specify how much money is being budgeted from each source.**
 - ii. **Including the whole name of each funding source: e.g. which specific reserve and sub-reserve/s is the funding coming from and which specific developer contributions fund is it coming from.**
 - iii. **Works program being presented as a document with a 10-year view and contains all details currently provided in the draft works program, plus the capital works program scenarios, changes/carry overs reflected and highlighted within the document as they are decided upon and made available via the Elected Member Portal.**
 - iv. **Inclusion of a contents page in all draft and final IP&R documents.**
 - v. **Inclusion of a 'living' appendix to the Operational Plan, which lists cumulative changes (movement out and in) and is updated as resolutions are made.**
 - vi. **Consistency of the Operational Plan format across the delivery program, including:**
 - Maintaining the names of service areas for the duration of the delivery program**
 - Maintaining composition of service areas for the duration of the delivery program**
 - Consistency of Operational Plan references and lay-out of the document.**
 - vii. **Automatic allocation of a line item for actions/items not delivered in the Operational Plan in the following years Operational Plan with the line item denoted by the original Operational Plan reference.**
 - viii. **All deferrals proposed in reports stipulating the Operational Plan reference and a date to which the project is to be deferred to.**
 - ix. **Reporting Progress on Operational Plan line items: Progress be reported both in writing, and also with a visual system that includes the following categories:**
 - **Completed**
 - **On track**
 - **Off-track, with the subcategories:**

-
- o offtrack but still to be completed in the current Operational Plan,
 - o deferred to next Financial Year
 - o deferred to years 3 or 4 within Delivery Plan
 - o deferred to another year within the Works Program - 5-10 years
- Deferred to outside of the Works Program
 - Not progressing
2. Receive a response to each of the requested considerations as part of the Councillor Briefing to be scheduled prior to finalisation of the draft IP&R suite of documents.
 3. Receive the response to each of the requested considerations in clause 1 in the report to the Ordinary Council Meeting which presents the Draft IP&R suite.
 4. Request the Chief Executive Officer provide a Councillor Briefing on the future IP&R and other Council reporting enhancements planned for 2025-2026 by August 2025.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

Item 11.01 Draft Findlay Park Master Plan, has been addressed previously within the meeting.

Deputy Mayor Edwards left the meeting, the time being 03:19pm.

Deputy Mayor Edwards returned to the meeting, the time being 03:21pm.

11.02 PETITION - ROTARY PARK UPGRADE AND RELATED TRAFFIC ISSUES

Director Fish declared a Non-Pecuniary - Less than Significant interest in this item. The reason being is that Director Fish owns a property and resides within the precinct that this item refers. Director Fish left the meeting, and was out of sight and took no part in consideration of this item.

MOTION

MOVED: Sheppard/Lipovac

That Council defer consideration and response to this Item 11.02 until March 2025 Ordinary Council Meeting.

AMENDMENT

MOVED: Intemann/Roberts

That Council:

-
1. Note the petition lodged by Mr John Burman on behalf of concerned residents and business owners.
 2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

CARRIED: 7/2

FOR: Edwards, Hornshaw, Intemann, Kirkman, Maltman, Roberts and Tubman
AGAINST: Lipovac and Sheppard

THE AMENDMENT ON BEING PUT WAS CARRIED

THE AMENDMENT BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Intemann/Roberts

That Council:

1. Note the petition lodged by Mr John Burman on behalf of concerned residents and business owners.
2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.03 PETITION - SUPPORT FOR LOCATION OF PROPOSED SURF MUSEUM ON LOT 717, PACIFIC DRIVE - OXLEY BEACH/RESERVE

RESOLVED: Lipovac/Roberts

That Council:

1. Note the petition lodged by Mr Alan Jeffrey from the Port Macquarie Surf Museum in support of the Surf Museum's Expression of Interest (EOI) to be allocated the right to lease Lot 717, Pacific Drive - Oxley Beach/Reserve.
2. Respond to the organiser of the petition with the outcome of Council's consideration in this matter.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.04 DETERMINATION FOR THE USE OF THE VACANT LAND AT OXLEY OVAL

RESOLVED: Lipovac/Hornshaw

That Council:

- 1. Thank the two community groups for their interest in the site and the work they have put into their applications.**
- 2. Endorse the Port Macquarie Surf Museum as the preferred user group for the vacant land at the northern end of Oxley Oval for further Crown Land approval.**

CARRIED: 6/3
FOR: Edwards, Hornshaw, Intemann, Lipovac, Maltman and Tubman
AGAINST: Kirkman, Roberts and Sheppard

PROCEDURAL MOTION

RESOLVED: Sheppard/Edwards

That the Ordinary Council Meeting be adjourned.

CARRIED: 8/1
FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Intemann

The meeting adjourned at 3.55pm

The meeting recommence at 4.03pm

11.05 COMMUNITY INCLUSION PLAN - REPORT CARD

RESOLVED: Edwards/Intemann

That Council note the Community Inclusion Plan Six-Month Progress Report.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Item 11.06 Expression of Interest - Lease 143 Gordon Street (25 Gore Street) Port Macquarie, has been addressed previously within the meeting.

11.07 COMMUNITY SATISFACTION SURVEY RESULTS

RESOLVED: Sheppard/Intemann

That Council:

- 1. Note the results of Council's 2024 Community Satisfaction Survey**
- 2. Request the Chief Executive Officer to develop an Action Plan for Council's response to these Community Satisfaction Survey results, including intended communications and how survey outcomes will be considered in future planning and resource allocation, to be presented to the April 2025 Ordinary meeting of Council.**

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.08 ARTS MID NORTH COAST MEMBERSHIP REPORT

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the information provided on Council's potential membership with Arts Mid North Coast.**
- 2. Note that \$9,230.20 has been allocated for membership with Arts Mid North Coast for the remainder of the 2024-2025 financial year.**

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.09 DRAFT COMMUNITY ENGAGEMENT STRATEGY

RESOLVED: Sheppard/Intemann

That Council:

- 1. Note the information provided in the report.**
- 2. Not adopt the draft Community Engagement Strategy as presented and request a further report be provided to Council in March 2025 to include amendments to the draft Community Engagement Strategy and consider feedback received in respect of the recent public exhibition of the draft Integrated Planning and Reporting (IP&R) Community Engagement Strategy.**
- 3. Seek the following amendments be included and/or addressed in the**

revised draft Community Engagement Strategy:

- a. **feedback received in respect of the public exhibition of the draft IP&R Community Engagement Strategy**
 - b. **outline methods that will be used to engage each of the identified stakeholder groups**
 - c. **explanation of the interface between Council's engagement and communications roles/activities**
 - d. **a list of potential engagement activities that may be utilised for each of the identified IAP2 Spectrum Levels.**
4. **Note that the draft Community Engagement Strategy includes the former provisions of the adopted Community Participation Plan.**

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.10 QUESTION WITH NOTICE - LIBRARY BOOK UPDATE

RESOLVED: Lipovac/Intemann

That the verbal response to be provided to Councillor Lipovac's Question With Notice regarding Library Book Update be received.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.11 QUESTION WITH NOTICE - 2025 TUFFINS LANE SPORTING FIELDS

RESOLVED: Lipovac/Sheppard

That the response from the Chief Executive Officer provided in response to Councillor Lipovac's Question With Notice regarding Tuffins Lane Sporting Fields be noted.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

11.12 QUESTION WITH NOTICE - COMMUNITY VOICE EDUCATION AWARENESS CAMPAIGNS

RESOLVED: Edwards/Sheppard

That the response to be provided to Councillor Edwards' Question With Notice regarding Community Voice Education Awareness Campaigns be received.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Deputy Mayor Edwards left the meeting, the time being 04:43pm.
Deputy Mayor Edwards returned to the meeting, the time being 04:45pm.

11.13 NOTICE OF MOTION - HASTINGS YOUTH VOICE

RESOLVED: Tubman/Sheppard

That Council:

- 1. Undertake a review of the Hastings Youth Voice Charter in collaboration with Hastings Youth Voice.**
- 2. That the charter review:**
 - a. Consider mechanisms to increase opportunities for Hastings Youth Voice to have input into critical Council planning and decision-making, for example briefing Hastings Youth Voice members on potentially relevant strategies and plans as put to public exhibition.**
 - b. Consider mechanisms for Hastings Youth Voice to communicate directly with the governing body, including but not limited to appointment of a Councillor to the Hastings Youth Voice, semi-regular attendance of a Councillor at meetings, or quarterly presentation to Councillors in form preferred by the Hastings Youth Voice.**
 - c. Consider maintaining a six-monthly report that permits updates on membership, to be prepared by staff.**
 - d. Include requesting feedback from former members.**
- 3. Provide a further report to Council in April 2025 following completion of the review of the Charter.**
- 4. That the report in Clause 3 include the response of Hastings Youth Voice in relation to each of the mechanisms requested for consideration in clause 2a and 2b.**

CARRIED: 8/1
FOR: Edwards, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Hornshaw

11.14 NOTICE OF MOTION - SHARPS DISPOSAL BINS

RESOLVED: Lipovac/Roberts

That Council:

- 1. Request the Chief Executive Officer give consideration to the inclusion of resourcing in the draft 2025-2026 Operational Plan and budget for implementation and ongoing maintenance of the installation of additional Sharp Disposal Bins in Public Toilets specifically in areas where syringes, needles and lancets are regularly found to have been disposed of incorrectly.**
- 2. Provide communications to the public, should this action be implemented, indicating the location of public toilets that include sharps bins.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

13.01 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this. 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.

RESOLVED: Maltman/Intemann

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.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

13.02 FRIENDS OF CAMDEN HEAD LOOKOUT (PILOT STATION) UPDATE

Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in this item. The reason being that Jon Bailey who is listed as one of the volunteers seeking endorsement, ran on Councillor Lipovac's Group Ticket at the Local Government Election September 2024. Councillor Lipovac remained in the meeting, participated and voted in the matter as this perceived conflict did not influence his decision making in the matter.

RESOLVED: Edwards/Roberts

That Council

- 1. Note the current activities supporting the establishment of the Friends of Camden Head Lookout**
- 2. Request the Chief Executive Officer to ensure the consistent use, of the Council resolved name for this group as the Friends of Camden Head Lookout**

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Item 13.03 Land Acquisition - Comboyne Road Byabarra, has been addressed previously within the meeting.

13.04 DA2023 - 716.1 RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO PORT MACQUARIE-HASTINGS LEP 2011 CLAUSE 4.3 (HEIGHT OF BUILDINGS) LOT:1 DP:230726, NO.7 SCHOOL STREET, PORT MACQUARIE, INCLUDING WORKS TO ADJOINING BUILDING AT NO.9 SCHOOL STREET, PORT MACQUARIE

APPLICANT: W E ELLIS

OWNER: C J ALEXOPOULOS AND P A ALEXOPOULOS, N R SUBBIAH

RESOLVED: Intemann/Roberts

That Council determine DA2023 - 716.1 for a Residential Flat Building and strata subdivision including Clause 4.6 Variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 230726, No. 7 School Street, Port Macquarie and works to adjoining building at Lot 2 DP 230726 No.9 School Street, Port Macquarie, by granting consent subject to the recommended conditions.

CARRIED: 9/0
FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Item 13.05 Planning and Land Use Discussion Paper - Post Exhibition, has been addressed previously within the meeting.

13.06 STORMWATER STRATEGIC ACTION PLAN

RESOLVED: Edwards/Roberts

That Council:

- 1. Note the information in this report regarding the process of developing the Stormwater Strategic Action Plan public facing document.**
- 2. Endorse the draft Stormwater Strategic Action Plan public facing document to be placed on public exhibition for a period of not less than 28 days.**
- 3. Note that a further report will be provided to Council outlining the submissions received during the exhibition period.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

Item 13.07 Policy Review - Wastewater Services Policy, has been addressed previously within the meeting.

Item 13.08 Policy Review - Water Supply Services Policy Review, has been addressed previously within the meeting.

13.09 DEVELOPMENT SERVICING PLAN (DSP) WATER AND SEWERAGE - POST EXHIBITION

RESOLVED: Sheppard/Roberts

That Council:

- 1. Note the feedback received on the draft Port Macquarie-Hastings Development Servicing Plan 2024 during the exhibition period and responses to the feedback outlined in this report.**
- 2. Note the updates made to the draft Port Macquarie-Hastings Development Servicing Plan 2024 as outlined in this report.**
- 3. Adopt the Port Macquarie-Hastings Development Servicing Plan 2024 as presented with a cross-subsidy for the village service areas of Long Flat, Comboyne and Telegraph Point of a \$0.81 increase to the Typical Residential Water Bill and a \$0.91 increase to the Typical Residential Sewerage Bill.**
- 4. Update the 2024-2025 Fees and Charges to reference the Port Macquarie-Hastings Development Servicing Plan 2024, with the new charges effective immediately.**
- 5. Note the financial and economic implications of the adoption of the new Development Servicing Plan as outlined within this report.**

CARRIED: 9/0

*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,
Sheppard and Tubman*
AGAINST: Nil

13.10 PROPOSED CHANGES TO PROCESSES AND FEES & CHARGES FOR ACCEPTANCE OF BRICKS AND CONCRETE

RESOLVED: Maltman/Roberts

That Council:

- 1. Place the proposed fee of \$100.00 (GST inclusive) per tonne for Bricks / Concrete on public exhibition for 28 days.**
- 2. Note that a report will be presented to the April 2025 Ordinary Council Meeting outlining feedback receiving during the public exhibition period.**
- 3. Note that loads containing Tiles will continue to be diverted to landfill due to the high likelihood of contamination and charged at the applicable Mixed Solid Waste fee.**
- 4. Note that absolutely clean roof tiles and unused tiles may be accepted at the Bricks / Concrete charge at a future date as determined by the Waste Operations Section, should operational practices enable the acceptance of this material at negligible contamination risk to Council.**

CARRIED: 9/0
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,
Sheppard and Tubman*
AGAINST: Nil

13.11 REGIONAL WASTE (ORGANICS AND RECYCLABLES) PROCESSING COLLABORATION - MEMORANDUM OF UNDERSTANDING

RESOLVED: Lipovac/Roberts

That Council note the proposed regional collaboration approach and endorse signing of the draft MoU for Regional Waste Processing (Organics and Recyclables) between Port Macquarie-Hastings Council, Kempsey Shire Council, Bellingen Shire Council and Nambucca Valley Council.

CARRIED: 8/1
*FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and
Tubman*
AGAINST: Intemann

Item 13.12 Impacts of Acceptance of Kempsey Shire Council Waste at Cairncross Landfill August 2022 - December 2024, has been addressed previously within the meeting.

Item 13.13 MR538 and MR600 Corridor Strategy, has been addressed previously within the meeting.

13.14 NOTICE OF MOTION - OXLEY HIGHWAY CORRIDOR

RESOLVED: Edwards/Roberts

That Council:

- 1. Note the Integrated Transport Plan includes actions which seek to enhance public and active transport connection between the Health and Education Precinct and the Port Macquarie CBD to support behavioural change and reduce congestion.**
- 2. Request the Chief Executive Officer to:**
 - a) Before the end of February 2025, write to both the Hon. Catherine King MP – Minister Infrastructure, Transport, Regional Development and Local Government and, the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW at the earliest convenience to express the urgency in progressing project planning to address traffic congestion and:**
 - i. Share with both Ministers the Integrated Transport Plan and the Housing Delivery Plan and highlight the fact that the upgrade of the Oxley Highway Corridor between Wrights Road and Lake Road is catalyst infrastructure needed to allow for greater number and diversity of housing supply, reduce traffic congestion and improve liveability here in the Port Macquarie-Hastings.**
 - ii. Request via the correspondence with the Hon. Catherine King MP – Minister Infrastructure, Transport, Regional Development and Local Government the Minister to note that the funding previously allocated from the Australian Government for the Stage 2 Planning for the Oxley Highway Wrights Road to Lake Road was revoked as a result of the IIP Review in 2023 and ask that Council might be made aware of funding streams that will soon be available for progressing with critical regional infrastructure projects, such as this, in the upcoming Federal Government budget.**
 - iii. Request via the correspondence with the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW that at a recent meeting with Council it was confirmed that responsibility to source the funding needed to continue with Stage 2 Planning for the Oxley Highway Wrights Road to Lake Road section of the corridor, lies with the NSW State Government and ask that Council might be made aware of funding streams that will soon be available for progressing with critical regional infrastructure projects, such as this, in the upcoming State Government budget.**
 - iv. Request via the correspondence with the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW that a trial commence for a frequent direct**

express bus service between the Health and Education Precinct and the Port Macquarie CBD to support behavioural change and reduce congestion and additionally, to consider that this trial service be free of charge to passengers.

- b) Inform Councillors of any response received to these requests.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

13.15 NOTICE OF MOTION - WASTE DIVERSION PROGRAM

Councillor Sheppard declared a Non-Pecuniary - Less than Significant interest in Item 13.15 Notice of Motion - Waste Diversion Program as Councillor Sheppard's husband is a former chair of Hastings Enviro-Rotary, who were described during the course of Councillor Edwards comments as doing work highly relevant to the item. It is noted that Councillor Sheppard's husband is the former chair and not currently an active member. Councillor Sheppard remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

RESOLVED: Edwards/Sheppard

That Council:

- 1. Note the Waste and Resource Recovery Strategy targets of 'achieve a 60% landfill diversion rate by 2034' and 'reduce self-haul domestic mixed waste (MSW) disposed to landfill by 10% by 2034'.**
- 2. Request the Chief Executive Officer to provide a report to the April 2025 Ordinary Council meeting outlining which of the following waste items, produced by residents of the Port Macquarie-Hastings Local Government Area, currently go to landfill and which, if any, are being diverted away from landfill via circular economy waste collection streams:**
 - a. Soft Plastics**
 - b. Textiles**
 - c. E-waste**
 - d. Other hard to recycle items that are not suitable for the yellow bin.**

CARRIED: 8/1

FOR: Edwards, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Hornshaw

Councillor Sheppard left the meeting, the time being 05.53pm.

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 10.20 Notice of Motion - Chief Executive Officer's Performance Review Panel

This item is considered confidential under Section 10A(2)(i) of the Local Government Act 1993, as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440.:

Item 10.21 Notice of Motion - Commence Preliminary Discussion of 2025-2026 Chief Executive Officer's Performance Agreement

This item is considered confidential under Section 10A(2)(i) of the Local Government Act 1993, as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440.:

Item 14.01 Update Report - Cairncross Waste Management Facility Leachate Pre-Treatment Temporary System

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 14.02 Enterprise Resource Planning Platform Cloud Migration and Upgrade

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 2024.058 Supply and Delivery of Ready-Mix Concrete

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 Notice of Motion - Possible NRL Trial Game February 2026

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

Item 14.05 Code of Conduct Matter

This item is considered confidential under Section 10A(2)(i) of the Local Government Act 1993, as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440.

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, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts and Tubman

AGAINST: Nil

RESOLVED: Lipovac/Hornshaw

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, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts and Tubman

AGAINST: Nil

Councillor Intemann left the meeting, the time being 05.52pm.

Councillor Maltman left the meeting, the time being 05.53pm

PROCEDURAL MOTION

RESOLVED: Hornshaw/Roberts

That the Ordinary Council Meeting be adjourned.

CARRIED: 5/1

FOR: Edwards, Hornshaw, Kirkman, Roberts, and Tubman

AGAINST: Lipovac

The meeting adjourned at 5.53pm

The meeting recommence at 6.00pm

Councillor Sheppard returned to the meeting, the time being 06.00pm.

Councillor Intemann returned to the meeting, the time being 06:00pm.

Councillor Maltman returned to the meeting, the time being 06:00pm.

10.20 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL

RESOLVED: Sheppard/Edwards

That Council:

- 1. Confirm the composition of the Chief Executive Officer's Performance Review Panel for the period ending 30 June 2025 to consist of:**
 - The Mayor,
 - The Deputy Mayor,
 - One (1) Councillor nominated by Council, and
 - One (1) Councillor nominated by the Chief Executive Officer.
- 2. Determine that Councillor Sheppard to be Council's representative on the Chief Executive Officer Performance Review Panel in accordance with Council's adopted procedures.**
- 3. Acknowledge the Chief Executive Officer's nomination of Councillor Danielle Maltman as the Chief Executive Officer's representative on the Performance Review Panel for the subject period.**
- 4. Delegate to the Chief Executive Officer Performance Review Panel the responsibility to oversee the Chief Executive Officer's performance review process, including but not limited to:**
 - setting the timetable for the performance review cycle, in conjunction with the Chief Executive Officer.
 - Conducting discussions about performance.
 - Preparing and reporting on performance assessments.
 - Developing a new performance agreement
- 5. Determine that Councillors who are not members of the performance review panel will be:**
 - a. notified of relevant dates in the performance review cycle and be kept advised of the panel's findings.**
 - b. invited to contribute to the performance review process by providing feedback to the mayor on the general manager's performance relevant to the agreed performance criteria, with reasonable time to make contributions.**
- 6. Consult with the Chief Executive Officer regarding the engagement of an independent external facilitator for the performance review process and, subject to agreement, initiate the appropriate procurement process for the appointment of an external independent facilitator.**
- 7. Determine that the Chief Executive Officer Performance Review Panel is to meet before 30 April 2025, to undertake a preliminary discussion of considerations for the next performance agreement which is not to include decision making of any kind including timeframes.**
- 8. Request that the procurement processes identified in clause 6 be completed with sufficient time to permit the independent external facilitator to participate in the preliminary discussion detailed in clause 7, and that the preliminary discussion shall proceed with the appointed members of the Chief Executive Officer's Performance Review Panel as**

per clause 7.

CARRIED: 6/3

FOR: Edwards, Hornshaw, Intemann, Lipovac, Sheppard and Tubman

AGAINST: Kirkman, Maltman and Roberts

**10.21 NOTICE OF MOTION - COMMENCE PRELIMINARY DISCUSSION OF
2025-2026 CHIEF EXECUTIVE OFFICE PERFORMANCE AGREEMENT**

RESOLVED: Sheppard/Intemann

That Council note that the matter this Notice of Motion deals with was resolved Item 10.20.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,

Sheppard and Tubman

AGAINST: Nil

**14.01 UPDATE REPORT - CAIRNCROSS WASTE MANAGEMENT FACILITY
LEACHATE PRE-TREATMENT TEMPORARY SYSTEM**

RESOLVED: Roberts/Lipovac

That Council:

1. Note the information provided in this report relating to the intention and methodology proposed to progress implementation of an interim leachate pre-treatment system at the Cairncross Waste Management Facility.
2. Note that a budget adjustment for the implementation of the system and current operational costs for leachate management shall occur as part of a future monthly budget review.
3. Note that the action listed in the 2024-2025 Operational Plan to commence the planning for a permanent leachate management system for the Cairncross Waste Management Facility has commenced.
4. Maintain the confidentiality of the consideration in respect of the contents of this report.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,

Sheppard and Tubman

AGAINST: Nil

14.02 ENTERPRISE RESOURCE PLANNING PLATFORM CLOUD MIGRATION AND UPGRADE

RESOLVED: Tubman/Lipovac

That Council:

1. **Note in June 2024 Council resolved to renew the existing agreements with Civica Pty Limited for licences and support for the Authority Enterprise Resource Planning (ERP) system on an annual basis for three years, 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.**
2. **Note that following an industry review conducted by Council's Chief Information Officer (CIO), and endorsed by Executive, it is recommended that a migration to the Civica Altitude product offers the most cost-effective and practical long term ERP solution for Council.**
3. **In accordance with Section 55(3)(i) of the Local Government Act 1993, resolve not to invite tenders for the future ERP system due to:**
 - a) **The unavailability of competitive or reliable tenders, as Civica Pty Ltd is the incumbent vendor and sole provider of the Authority platform currently in use by Council.**
 - b) **The continuation of Civica's Authority platform ensures operational consistency, historical data integrity, and compatibility with Council's existing systems.**
4. **Authorise the Chief Executive Officer to execute the SaaS Agreement with Civica Pty Ltd for an initial term of three (3) years, with two (2) additional options to extend the agreement by one (1) year each, including the implementation of Authority Altitude, at an estimated total cost of \$2,068,450 (ex GST) over the initial three-year period.**
5. **Maintain the confidentiality of the consideration in respect of the Enterprise Resource Planning system procurement matter outlined in this report.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

14.03 2024.058 SUPPLY AND DELIVERY OF READY-MIX CONCRETE

RESOLVED: Lipovac/Edwards

That Council:

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2024.058 Supply and Delivery of Ready-Mix Concrete, 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 2024.058 Supply and Delivery of Ready-Mix Concrete 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 2024.058 Supply and Delivery of Ready-Mix Concrete.**

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

EXTENSION OF TIME

RESOLVED: Edwards/Lipovac

That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the finish time of this meeting to 8.30pm.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

14.04 NOTICE OF MOTION - POSSIBLE NRL TRIAL GAME FEBRUARY 2026

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the Notice of Motion - Possible NRL Trial Game February 2026**
- 2. Decline its support for a bid to host a National Rugby League (NRL) Trial Match in conjunction with the Penrith Panthers (Panthers Group)**

Pty Ltd), to be held at the Port Macquarie Regional Stadium in early 2026 for the following reasons:

- a. **Size of financial contribution involved**
 - b. **Lack of clarity in relation to operational resourcing needs and associated impacts on core service delivery**
 - c. **Limited alignment of proposal and associated spending with strategic directions of Council**
3. **Maintain the confidentiality of the consideration in respect of the contents of this report.**

CARRIED: 6/3

FOR: Edwards, Hornshaw, Intemann, Lipovac, Sheppard and Tubman

AGAINST: Kirkman, Maltman and Roberts

All staff with the exception of Council's Legal Counsel left the meeting, the time being 7.45pm.

14.05 CODE OF CONDUCT MATTER

Councillor Sheppard declared a Non-Pecuniary, Significant interest in this item. The reason being is that the respondent in this matter made a reportable political donation to a campaign group Councillor Sheppard lead in the 2024 Local Government Election. Councillor Sheppard took no part in the consideration or voting, left the meeting and was out of site for consideration of this matter.

Prior to leaving the meeting and in accordance with Clause 7.49 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, Councillor Intemann provided a verbal submission to the Council.

Councillor Intemann left the meeting, the time being 7:55pm

RESOLVED: Roberts/Edwards

That Council:

1. **Note the information contained in the report including the independent final investigation report.**
2. **Support the recommendation of the conduct reviewer in that Council's Code of Conduct has been breached by Councillor Lisa Intemann in the sections detailed in point 3 below.**
3. **Resolve that Councillor Lisa Intemann be formally censured under section 440G of the Local Government Act 1993 for breaching Council's Code of Conduct in relation to the following sections:**
 - **Part 3, General Conduct Obligations, sub-clauses:**
 - 3.1 **You must not conduct yourself in a manner that:**
 - a) **is likely to bring the Council or other Council officials into disrepute**
 - c) **is improper or unethical**
 - e) **causes, comprises or involves intimidation or verbal abuse**
 - g) **constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory.**
 - 3.3 **You must treat others with respect at all times**

3.7 You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

- **Part 7, Inappropriate Interactions, sub-clause:**

7.6 You must not engage in any of the following inappropriate interactions:

f) Councillors and administrators being overbearing or threatening to Council staff

- 4. Maintain the confidentiality of the consideration in respect of the contents of this report.**

CARRIED: 7/0

FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts and Tubman

AGAINST: Nil

Councillor Intemann returned to the meeting, the time being 8.14pm

Staff returned to the meeting the time being 8.17pm.

RESOLVED: Sheppard/Hornshaw

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

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

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

The meeting closed at 8.28pm.

.....
Adam Roberts
Mayor

PRESENT

Members:

Mayor Adam Roberts
Councillor Lauren Edwards (remote attendance)
Councillor Mark Hornshaw
Councillor Chris Kirkman
Councillor Nik Lipovac
Councillor Danielle Maltman
Councillor Rachel Sheppard
Councillor Hamish Tubman

Other Attendees:

Legal Counsel (Anthea Gilmore)
Group Manager Governance (Michael Ferguson)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: Roberts/Lipovac

That Council accede to the request of Councillor Lauren Edwards to attend the meeting by remote means.

CARRIED: 8/0
FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

03 APOLOGIES

RESOLVED: Roberts/Kirkman

That the apology received from Councillor Lisa Intemann be accepted.

CARRIED: 8/0
FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman
AGAINST: Nil

04 DISCLOSURES OF INTEREST

Councillor Sheppard declared a Pecuniary, Significant interest in Item 10.01 Personnel Matter. The reason being is that Cr Sheppard has been notified by internal Legal Counsel that matters under consideration may give rise to a potential legal proceeding involving her. Given the potential financial interest in the outcome, Cr Sheppard intends to leave the meeting, take no part in the consideration and voting and will be out of sight during consideration of this matter.

05 MAYORAL MINUTES

Nil.

CONFIDENTIAL SESSION

RESOLVED: Tubman/Lipovac

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.

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

Item 10.01 Personnel Matter

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

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

CARRIED: 8/0

FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

Councillor Sheppard left the meeting, the time being 5.33pm.

RESOLVED: Hornshaw/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: 7/0

FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts and Tubman

AGAINST: Nil

10.01 PERSONNEL MATTER

Councillor Sheppard declared a Pecuniary, Significant interest in Item 10.01 Personnel Matter. The reason being is that Cr Sheppard has been notified by internal Legal Counsel that matters under consideration may give rise to a potential legal proceeding involving her. Given the potential financial interest in the outcome, Cr Sheppard left the meeting, took no part in the consideration and voting and was out of sight during consideration of this matter.

RESOLVED: Roberts

That Council:

- 1. Note that the Chief Executive Officer, Dr Clare Allen, will not be seeking re-appointment of her contract upon its expiration on 31 January 2026.**
- 2. Delegate to the Mayor the authority to finalise a mutual Deed of Settlement and Release under the conditions listed in the body of this report to facilitate a mutually agreed separation of the Chief Executive Officer from Council.**
- 3. Maintain the confidentiality of the consideration in respect of the contents of this report.**

CARRIED: 5/2

FOR: Hornshaw, Kirkman, Lipovac, Maltman and Roberts

AGAINST: Edwards and Tubman

RESOLVED: Tubman/Kirkman

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

CARRIED: 7/0

FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts and Tubman

AGAINST: Nil

Councillor Sheppard returned to the meeting, the time being 6.52pm.

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

The meeting closed at 6.54pm.

.....
Adam Roberts
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.
If there is insufficient space for all the information you are required to disclose,
you must attach an appendix which is to be properly identified and signed by you.*

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 0 8

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

Presented by: Chief Executive Officer, Dr Clare Allen

Discussion

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

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are 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 FEBRUARY TO 5 MARCH 2025

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 that there have been no allocations from the Mayoral Discretionary Fund for the period 6 February to 5 March 2025 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 6 February to 5 March 2025 inclusive.

Discussion

There have been no allocations made from the Mayoral Discretionary Fund during this reporting period.

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.

Should any allocations have been made during this reporting period, they would've been 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

1. Note the information contained in the Reports to Future Council Meetings - Council Resolutions.
2. Note the information contained in the Reports to Future Council Meetings - Cyclic

Discussion

Monthly progress report on the status of reports following council resolution and cyclic reporting.

Attachments

1.  Reports to Future Council Meetings - Council Resolutions
2.  Reports to Future Council Meetings - Cyclic

Item: 10.03

**Subject: REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING HELD 4 MARCH 2025**

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the report of the Audit, Risk and Improvement Committee held 4 March 2025.

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, some details may be excluded from this report.

Discussion

Council's Audit, Risk and Improvement Committee met on 4 March 2025. The meeting was conducted on-line and attended by Chairperson Stephen Coates Independent Members Mel Jacobs and Kerry Phillips and non-voting member Councillor Rachel Sheppard. 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 and Internal Audit staff.

Prior to the commencement of the meeting, the Committee held separate brief in-camera meetings with Council's Chief Executive Officer and Internal Auditor, followed by a further in-camera meeting with only Committee members in attendance.

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.

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
- Thrumster Wastewater Scheme
- Port Macquarie Bulk Water Treatment Plant at Cowarra (Cowarra Water Supply Scheme)
- Kew/Kendall Wastewater Scheme Diversion to Camden Haven

Council's Executive Lead Finance and Commercial Operations and Chief Financial Officer attended to address a report on Council's 2024-2025 Quarterly Budget Review Statement and Operational Plan Status Report as at 31 December 2024 and 2022-2026 Delivery Program - Six Month Progress Report as at 31 December 2024. It was requested that a future report be presented to ARIC on the Airport Master Plan.

A representative of the Audit Office attended the meeting and discussed the audit engagement plan for year ending 30 June 2025. The Committee noted the engagement plan and requested that a representative of the audit office attend Committee meetings more frequently which was accepted by the audit office.

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.

An update report was provided to the Committee from the Group Manager Governance on a transformation project that has commenced to enhance Council's enterprise risk management maturity. This report also presented the draft Risk Management Policy which was endorsed by ARIC to be presented to Council for consideration.

An internal audit report was presented to the Committee on Council's Insurance function. Eight findings were identified as a result of this audit that will be addressed by staff and progress reported to the Committee.

Council's Health, Safety and Wellbeing Manager attended the meeting to provide an update on Council's Work, Health and Safety function. This is a cyclic report that is considered at each meeting.

A report was also presented to the Committee by Council's Legal Counsel to that detailed Council's material litigation matters for the information of the Committee.

The Group Manager Governance presented a number of reports to the Committee including:

- Annual Legislative Compliance Report - this report lists Council's legislative requirements and indicates whether they have been met or otherwise. This report was endorsed and will be presented to Council in March 2025.
- Fraud and Corruption Control Plan - it was identified in a previous internal audit that Council's Fraud and Corruption Control Plan should be reviewed. This was undertaken and the Committee endorsed the plan.

- Major Non-Compliance Exceptions Report - this is a cyclic report that includes any major instances where Council needed to report a non-compliance with licence requirements to an external agency. It was noted that no such reports were required in this reporting period.
- Code of Conduct Complaint Statistics - this was provided for the information of the committee and was a report that went to Council in December 2024 as required and reported to the Office of local Government.

The Internal Audit Activity Report was presented to the Committee. The Committee also noted with concern the number of improvement recommendations which were not implemented by officers in the agreed timeframes and requested additional effort to address these outstanding recommendations and for these to be addressed in the next meeting.

The only item of General Business was to discuss Council's Internal Auditor role which has recently been vacated. A discussion took place regarding the recruitment process and reporting lines of this position.

The next meeting will be held on 12 June 2025

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

Item: 10.04

Subject: LEGISLATIVE COMPLIANCE REGISTER - REPORT

Presented by: Business and Performance, Keith Hentschke

RECOMMENDATION

That Council note the 2023-2024 Legislative Compliance Register - Report.

Alignment with Key Functions

2.1 Compliance

- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

Discussion

Council, through the Audit, Risk and Improvement Committee (ARIC) supports the mechanisms to monitor legislative compliance.

In 2024, a comprehensive review of Council's legislative compliance requirements and the development of a new Legislative Compliance Register was initiated.

As of February 2025, the following have been reconciled against the new Legislative Compliance Register:

- 2022-2023 Legislative Compliance Report
- Biosecurity Act
- Companion Animals Act
- Crown Land Management Act
- Environmental Planning and Assessment Act
- Environmental Planning and Assessment Regulation
- Environment Protection and Biodiversity Conservation Act
- Food Act
- Governance Information (Public Access) Act
- Graffiti Control Act
- Independent Commission Against Corruption Act
- Local Government Act, and Local Government Regulations
- Modern Slavery Act
- Office of Local Government Calendar of Compliance
- Protection of the Environment Operations Act
- Protection of the Environment Operations (Waste) Regulation
- Public Health Regulation
- Public Interest Disclosures Act
- Roads Act
- Swimming Pools Act
- Water Act

The attached Report is an extract from the new Legislative Compliance Register. It is expected that a comprehensive Legislative Compliance Register will be available in late 2025.

In addition, at the November 2023 Ordinary Council meeting the following was resolved:

That Council note the Legislative Compliance 2022-2023 report and request that future legislative compliance reports specify instances where compliance deadlines were not met.

This information has been highlighted in the attached Report.

Attachment 1, 2023-2024 Legislative Compliance Register - Report was reviewed by the ARIC at their meeting held 4 March 2025 and is recommended to Council for noting.

Attachments

1.  2023-2024 Legislative Compliance Register - Report

Item: 10.05

Subject: POLICY REVIEW - DRAFT RISK MANAGEMENT POLICY

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community.

RECOMMENDATION

That Council adopt the draft Risk Management Policy.

Executive Summary

Following the release of the Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW in November 2023 (the Guidelines), Council has commenced a Risk Management Transformation Program to strengthen Council's level of risk management maturity throughout the organisation. Council have been working with an external company, InConsult, to deliver the required outcomes of this project.

A draft Risk Management Policy has been developed and was considered by Council's Audit, Risk and Improvement Committee on 4 March 2025 where it was endorsed to be presented to Council for consideration.

The draft Risk Management Policy is now recommended for adoption.

Discussion

As mentioned above, Council have commenced a Risk Management Transformation Program to meet the requirements of the risk management guidelines and to strengthen Council's level of risk management maturity throughout the organisation. Council have been working with an external company, InConsult, to deliver the required outcomes of this project.

The Guidelines require Council to have *"a risk management framework that is appropriate for that council and is consistent with the accepted Australian risk management standard."* This standard requires *"that each council implements its risk management framework by developing a risk management plan that provides structure for how the council will implement its risk management policy and conducts its risk management activities"*

Consistent with Council's (the governing body) strategic leadership role under section 223 of the Local Government Act, the governing body is responsible for establishing the foundational elements of Council's Risk Management Framework and setting the strategic direction for risk management. This includes adopting Council's Risk Management Policy.

An example risk management policy is also included within the guidelines and councils are recommended to include the provisions in the example policy within their own.

Council has developed a draft Risk Management Policy, and other associated documents to meet the requirements of the Guidelines. This policy is based on the example risk management policy as included in the Guidelines. This framework of documents will also educate staff and provide guidance on how to effectively manage risk and understand an acceptable risk appetite as determined by the elected body.

The draft Risk Management Policy was considered by Council's Audit, Risk and Improvement Committee on 4 March 2025 where it was endorsed to be presented to Council for consideration. There were several minor amendments suggested to be included in the draft Policy which have been included in the policy as attached. The Committee questioned whether the policy would be placed on public exhibition. Council's Policy Framework states that the community must be consulted where there is a mandatory legislative requirement or there is a community impact. This draft policy does not meet either of these requirements directly and it is recommended that exhibition not be undertaken with this policy and that it be adopted by Council.

The draft Risk Management Policy is now recommended for adoption.

Options

Council may:

1. Adopt the policy.
2. Resolve that the policy be placed on public exhibition for a period of 28 days for a further report to come back to Council following the exhibition period.
3. Amend the draft policy.
4. Resolve in some other way.

Community Engagement and Internal Consultation

Internal consultation has occurred with Council's Senior Leadership Team, Executive Leadership Team and Council's Audit, Risk and Improvement Committee. Each of these groups have endorsed the policy with some slight amendments.

Planning and Policy Implications

Adoption of this policy will supersede the previous risk management policy adopted in October 2022.

Financial and Economic Implications

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

Attachments

1.  Draft Risk Management Policy

Item: 10.06

Subject: DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

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 Disclosure of Interest returns for the following positions.

- 1. Community Infrastructure - Fleet Services Manager**
- 2. Community Planning and Environment - Group Manager Environment and Regulatory Services**
- 3. Community Utilities - Water and Sewer Compliance Coordinator**
- 4. Community Utilities - Project Manager**

Executive Summary

This report informs Council of the lodgment of a return disclosing the interests of designated persons which are required under Clause 4.21 of Council's Code of Conduct.

The returns for the abovementioned positions will be tabled at this meeting.

Discussion

Clause 4.21 of Council's Code of Conduct requires Councillors and Designated Persons to prepare and submit written returns of interests. The following positions have been deemed a designated person under the Local Government Act:

- Fleet Services Manager
- Group Manager Environment and Regulatory Services
- Water and Sewer Compliance Coordinator
- Project Manager

Clause 4.24 requires the General Manager (or Chief Executive Officer) to keep a Register of the Returns and Clause 4.25 requires the returns must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

The disclosure returns will be held in the Disclosure Register in the Governance Section of Council and, as required by Section 6 of the *Government Information (Public Access) Act 2009*, they are available for public inspection by appointment or they are available on Council's website noting residential addresses of staff may be redacted in accordance with the Local Government Act.

Options

Lodgment of a Return by a Designated Person is a requirement under Clause 4.21 of Council's Code of Conduct.

Community Engagement and Internal Consultation

Internal Consultation

- Group Manager Governance.
- Chief Executive Officer.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.07

Subject: MONTHLY BUDGET REVIEW - FEBRUARY 2025

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Adopt the adjustments in the February 2025 Adjustments section of the Monthly Budget Review – February 2025 report and associated attachment.**
2. **Approve the \$11,354,833 budget carry forwards relating to Operational Plan Actions deferred by Council in February 2025.**
3. **Approve the deferral of additional actions in the 2024-2025 Operational Plan to future years as follows:**
 - **COA 14 Port Macquarie Community Centre-Design & Construct**
 - **CIR 03 Laurieton Depot Building Upgrade**
 - **LUP 04 Develop precinct plan**
 - **SPA 02 Greenmeadows Reserve - Playground Upgrade**
 - **SPA 35 Thrumster Sports Fields - Construction**
 - **SPA 09 Wallace Reserve, Scarborough Way - Playground Upgrade**
 - **WAS 04 Port Macquarie Bulk WTP at Cowarra Dam**
 - **WAS 31 Preconstruction Works for Kew (Area 15) Reservoir**
4. **Having regard to item 3 above, approve the associated \$20,337,000 in budget carry forwards.**
5. **Approve \$19,717,302 in additional budget carry forwards for programs detailed in Attachment 3 to this report.**
6. **Amend the 2024-2025 Operational Plan to include all budget adjustments and deferrals approved in this report.**

Executive Summary

The extensive review of the 2024/2025 Operational Plan, associated works program and budget has continued as part of the development of the 2025-2034 Long Term Financial Plan (LTFP).

This Monthly Budget Review Report also includes the approval request for additional Operational Plan deferrals and budget carry forwards to support the Draft LTFP that will be presented to the April 2025 Ordinary Council Meeting as part of the updated IP&R suite of documents.

The recommended budget adjustments for February 2025 as part of this report comprise:

- 1) February budget adjustments reflecting new grants, reserve movements and accounting adjustments (Attachment 1)
- 2) Budget carryovers supporting Operational Plan deferrals approved at the February 2024 Ordinary Council Meeting (Attachment 2)
- 3) Budget carryovers associated with the new Operational Plan deferrals, requested as part of this report, which relate to additional off-track items reported as part of the 31 December 2024 Operational Plan update presented to the February 2024 Ordinary Council Meeting (Attachment 2)
- 4) Additional budget carry forwards relating to Operational Plan items that are on track (as reported to the February Ordinary Council meeting) that are mostly multi year projects that will continue into 2025/26. These carry forwards represent a rephasing of budget between years. (Attachment 3)

At the start of the 2024–25 financial year, Council adopted a balanced budget. The adjustments proposed in this report continue to result in a balanced budget as of February 2025, as detailed in the table below.

Monthly Budget Review Summary

Original Budget position as at 1 July 2024	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Balanced	\$0
November Review	Balanced	\$0
January Review	Balanced	\$0
February Review	Balanced	\$0
Revised Budget position as at 28 February 2025	Balanced	\$0

Discussion

Monthly Budget Review – February 2025

Each month, Council’s budgets are reviewed by Group Managers and Directors, with any necessary adjustments reported to ensure financial alignment. This report provides an updated overview of Council’s actual financial position compared to the originally adopted 2024–25 budget, including any proposed reallocation of funds. Budget variations exceeding \$50,000 and 2% of the project budget are subject to Executive review and endorsement, ensuring effective oversight of operational activities and strategic financial management.

February 2025 Budget Adjustments

The following commentary should be read alongside the Forecast Budget Statement for the Year Ending 30 June 2025 table in this report. Further details on specific transactions are available in **Attachment 1: “February 2025 Budget Review”**.

Grants and Contributions

A total of \$84,970 in grants and contributions was recognised in February 2025, including:



- Supporting Spontaneous Volunteers Program – \$55,000
- Youth Week – \$4,970
- Youth Excellence Program – \$10,000
- Australia Day 2025– \$15,000

Reserve Movements

Reserve transfers were required during the month for the following:

- Survey equipment - \$49,000

Executive-Endorsed Budget Variance Requests

The Executive endorsed budget adjustments to fund key projects from restricted reserves, including:

- Trunk Main Upgrades at Jindalee Road – \$519,558
- Glasshouse Heat Pump Replacement and Roof Repairs – \$150,000

Other Budget Adjustments

Additional accounting entries and project reallocations were made, with no impact on Council’s overall budget position.

Forecast Budget Statement for the Year Ended 30 June 2025

	2024-25 Original Budget ‘\$000	Carry Overs ‘\$000	Approved Adj YTD ‘\$000	Prior Month Forecast ‘\$000	Current Month Adj ‘\$000	Works Program Review ‘\$000	2024-25 Full Year Forecast ‘\$000
Operating Activities Movements							
Income from continuing operations							
Rates and Annual Charges	121,907		0	121,907			121,907
User Charges and Fees	48,186		0	48,186			48,186
Interest Received	11,114		247	11,361			11,361
Grants and Contributions	85,166	3,994	5,000	94,160	85	(2,651)	91,594
Other Operating Receipts	7,038		0	7,038			7,038
Expenses from continuing operations							
Employee Costs	(71,850)		0	(71,850)			(71,850)
Materials and Contracts	(59,571)	(347)	(3,625)	(63,543)	(134)	795	(62,882)
Depreciation	(59,851)		0	(59,851)			(59,851)
Interest Paid	(3,029)		(618)	(3,647)			(3,647)
Other Operating Payments	(20,757)		0	(20,757)			(20,757)
Loss on Disposal of Assets	(3,050)		0	(3,050)			(3,050)
Operating result from continuing operations	55,303	3,647	1,004	59,954	(49)	(1,856)	58,049

	2024-25 Original Budget ‘\$000	Carry Overs ‘\$000	Approved Adj YTD ‘\$000	Prior Month Forecast ‘\$000	Current Month Adj ‘\$000	Works Program Review ‘\$000	2024-25 Full Year Forecast ‘\$000
Restricted Asset Movements							
Transfer from Restricted Assets	105,532	7,315	(516)	112,331	719	(48,658)	64,392
Transfer to Restricted Assets	(62,827)		0	(62,827)			(62,827)
Net Revenues (Used in)/Provided by in Restricted Assets	42,705	7,315	(516)	49,504	719	(48,658)	1,565
Property, Plant and Equipment Movements							
Purchase of Assets	(205,452)	(10,962)	(488)	(216,902)	(670)	50,514	(167,058)
Developer Provided Assets	(8,000)		0	(8,000)			(8,000)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(213,452)	(10,962)	(488)	(224,902)	(670)	50,514	(175,058)
Financing Activities Movements							
Proceeds from Borrowings and Advances	59,360			59,360			59,360
Repayments of Borrowings and Advances	(6,817)			(6,817)			(6,817)
Net Revenues (Used in)/Provided by Financing Activity	52,543	0	0	52,543	0	0	52,543
Net Result (Incl Depreciation)	(62,901)	0	0	(62,901)	0	0	(62,901)
Add Back: Non Cash Items	62,901		0	62,901			62,901
Budget Surplus/(Shortfall)	0	0	0	0	0	0	0

Note that ‘Other Operating Payments’ includes items such as waste levy and emergency services levies.

Capital Works Program Review

As part of the ongoing monitoring of the 2024–2025 Operational Plan, a capital works expenditure review was conducted to evaluate the current status and projected progress of capital projects. This review identified several initiatives requiring reprioritization to future financial years to improve efficiency and resource allocation.

Additionally, a comprehensive assessment of Council’s capital works program, with a focus on Water and Wastewater Services, has been undertaken to:

- Enhance Long Term Financial Plan sustainability against the LTFP reported to Council in August 2024.
- Rephase works programs and budgets to enable funding of significant priority capital projects such as:
 - Cowarra Dam Water Supply Scheme
 - Thrumster Wastewater Treatment Plant Scheme

The first phase of the review resulted in Operational Plan 2024-25 deferral requests and associated budget carry forwards being presented and approved by Council at the November 2024 Ordinary Council meeting.

The next phase of the review is now complete and has resulted in the following requests.

- 1) **Approval of the budget carry forwards relating to Operational Plan deferrals approved at the February 2025 Ordinary Council meeting as follows:**

Actions Deferred: 2024-25 Operational Plan Quarterly Status Report - 31 December 2024

<u>OP Ref</u>	<u>Carryover</u>	<u>Action</u>
• HBR 01	\$100,000	On-site Sewage Management Policy
• SDF 01	\$1,600,000	West Port (Buller Street) Flood mitigation works, Port Macquarie
• SPA 03	\$98,500	Amethyst Way Reserve, Port Macquarie
• SPA 06	\$307,220	Rainbow Beach Local Park, Lake Cathie/Bonny Hills
• SPA 07	\$306,199	Rainbow Beach, Lake Cathie/Bonny Hills
• SPA 12	\$190,000	Camden Haven Surf Club Building
• SPA 27	\$292,914	Hastings Regional Sporting Complex
• SPA 31	\$180,000	Port Macquarie Regional Stadium Upgrades
• WAW 02	\$5,975,000	Thrumster Wastewater Treatment Scheme
• WAS 23	\$655,000	Telegraph Point Clearwater Capacity Upgrade
• WAS 28	\$650,000	Pumps Renewal and VSD upgrade - Koree Island
• WAS 30	<u>\$1,000,000</u>	Cowarra Dam Pump Station Upgrade
	\$11,354,833	

2) Approval of additional 2024-25 Operational Plan deferrals and associated budget carry forwards

Several actions were identified as Off Track due to program delays in the 31 December 2024 Operational Plan update reported to Council in February but were not requested for deferral in that report. These are now requested for deferral along with budget carry forwards as part of the LTFP development as follows:

Requested additional deferral of off-track actions as reported in the 2024-25 Operational Plan Quarterly Status Report - 31 December 2024

<u>OP Ref</u>	<u>Carryover</u>	<u>Action</u>
• COA 14	\$239,000	Port Macquarie Community Centre-Design & Construct
• CIR 03	\$175,000	Laurieton Depot Building Upgrade
• LUP 04	\$100,000	Develop precinct plan
• SPA 02	\$43,000	Greenmeadows Reserve - Playground Upgrade
• SPA 35	\$10,200,000	Thrumster Sports Fields - Construction
• SPA 09	\$60,000	Wallace Reserve, Scarborough Way - Playground Upgrade
• WAS 04	\$8,300,000	Port Macquarie Bulk WTP at Cowarra Dam
• WAS 31	<u>\$1,220,000</u>	Preconstruction Works for Kew (Area 15) Reservoir
	\$20,337,000	

Attachment 2, *Carry Overs identified as Off Track or Deferred in the 31 December 2025 - 2024-25 Operational Plan Status Report*, provides detailed commentary supporting the carryover of funds related to Actions approved for deferral or identified as Off Track and requested for deferral as noted in items 1) and 2) above totalling \$31,691,833.

3) Approval of additional carry forwards as part of the rephasing of multi-year program budgets

Attachment 3, *Other Carry Overs, including those identified as On Track in the 31 December 2025 - 2024-25 Operational Plan Status Report with works continuing in future years*, provides details of Actions that are On Track for completion against the Performance Measure contained in the 2024-25 Operational Plan. The carryover request of \$19,717,302 is sought to support to rephasing of budget for these multi-year projects, or projects that have multiple stages.

In total, project budgets totalling \$51,409,135 are proposed to be deferred and carried forward from the 2024-25 works program and where appropriate will be included in the Draft 2025-26 Operational Plan. Actions identified for deferral beyond the 2025-26 Operational Plan will be reflected in Council's 10-year Long Term Financial Plan.

Options

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

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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

Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section.

Budget carry forwards requested in Attachments 2 and 3 total \$51,409,135 as part of the rephasing of the works programs in development of the 2025-2034 LTFP.

The budget movements within this report maintain a cash balanced budget.




Statement by Responsible Accounting Officer

"The adopted original budget result for 2024-25 was a balanced budget. As at 28 February 2025 this position remains a balanced budget and this position is considered acceptable"

Rod Archer

Responsible Accounting Officer - Port Macquarie-Hastings Council".

Attachments

1.  February 2025 Budget Review
2.  Carry Overs identified as Off Track or Deferred in the 31 December 2025 - 2024-25 Operational Plan Status Report
3.  Other Carry Overs, including those identified as On Track in the 31 December 2025 - 2024-25 Operational Plan Status Report with works continuing in future years

Item: 10.08

Subject: INVESTMENTS AND LOANS - FEBRUARY 2025

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment and Loans Report for February 2025

Executive Summary

- All Council investments comply with Section 625 of the Local Government Act 1993 and Council's Investment Policy.
- Council's investment portfolio met all compliance requirements in February 2025 and throughout the financial year to date.
- Returns on invested funds have exceeded year-to-date budget expectations by \$2,464,776. Council is monitoring economic indicators closely, noting potential further interest rate cuts in the second half of the 2024-25 financial year, as predicted by some analysts.
- For the financial year to date, Council's investment portfolio (excluding cash holdings) achieved an actual return of 2.28% (3.44% annualised), slightly underperforming the benchmark AusBond Bank Bill Index return of 2.98% (actual), or 4.51% p.a. (annualised).
- This underperformance is primarily due to recent sustained higher interest rates compared to many of Council's existing term deposits made during a low-interest rate period when rate increases were not anticipated.
- The loans portfolio is currently benefiting from lower average rates compared to current borrowing rates resulting in a positive net exposure to interest rates for Council.

Discussion

Clause 212 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer to provide Council with a monthly report on all funds invested under Section 625 of the Local Government Act 1993. This report must certify that all investments comply with the Act, the Regulations, the revised Investment Order issued by the Minister for Local Government, and Council's Financial Investment Policy.

This report outlines the status of Council's investment and loan portfolios as of 28 February 2025. Attachments 1 (Port Macquarie-Hastings Council Investment Report) and 2 (Port Macquarie-Hastings Council Portfolio Valuation), prepared by Council's Investment Advisors, Arlo Advisory, provide a detailed analysis of the investment portfolio's performance for February 2025.

Investment Portfolio

Council’s investments primarily consist of:

- Externally restricted funds under the Local Government Act (e.g., Water and Sewer), which are designated for specific purposes and cannot be used for general operations.
- Internally restricted funds allocated for specific projects, to be expended based on the timing of future works and project delivery schedules.

A detailed breakdown of investments by external and internal restrictions as of 28 February 2025 is provided below.

	Amount \$	% of total
Externally Restricted		
Water Fund	157,964,325	42%
Water Reserve	91,031,583	24%
Developer Contributions	66,932,742	18%
Sewer Fund	54,088,826	14%
Sewer Reserve	27,729,732	7%
Developer Contributions	26,359,094	7%
Waste Fund	25,240,875	7%
General Fund	128,209,876	34%
General Reserves	40,943,131	11%
Developer Contributions	87,266,745	23%
Total externally restricted	365,503,902	97%
Internally Restricted		
General Fund	13,139,424	3%
Total internally restricted	13,139,424	3%
Total investments	378,643,326	100%

The 2024-2025 Long-Term Financial Plan projects that Water, Sewer, and Waste investments - totalling \$237.3 million (60% of total investments) - will be fully utilised over the next 10 years to fund key infrastructure projects, including the Cowarra Water Treatment Plant, Thrumster Sewerage Treatment Plant, and the Kew Sewerage Treatment Plant Upgrade.

General Fund investments are substantially allocated for specific purposes with the following breakdown as of the end of the 2023-2024 financial year:

- **Developer Contributions:**
\$87.3 million (23% of total investments) is restricted to funding growth-related infrastructure in accordance with adopted plans. These funds cannot be used for existing infrastructure or projects outside the approved plans.
- **Unexpended Grants:**
\$34.3 million (9% of total investments) consists of grant funding received for specific purposes but not yet expended.



- Deposits and Bonds:**

\$7.9 million (2.1% of total investments) represents security bonds that will be returned to suppliers upon project completion.
- Working Capital:**

\$7.1 million (1.9% of total investments) is maintained as a reserve for urgent or emerging priorities. This amount is modest relative to the size of the organization but reflects sound financial management.
- Committed Works:**

\$3.8 million (1% of total investments) is allocated for committed works scheduled for delivery in 2024-25 or future years.
- Plant Replacement:**

\$4.5 million (1% of total investments) is designated for vehicle and major plant replacements, funded through internal plant hire fees charged to projects.
- Employee Leave Entitlements:**

\$3.8 million (1% of total investments) is reserved for employee leave liabilities.

The remaining investments are distributed across multiple internal reserves earmarked for specific purposes, including projects already included in Council’s 10-year works program.

Details of investment movements during February 2025 are outlined below.

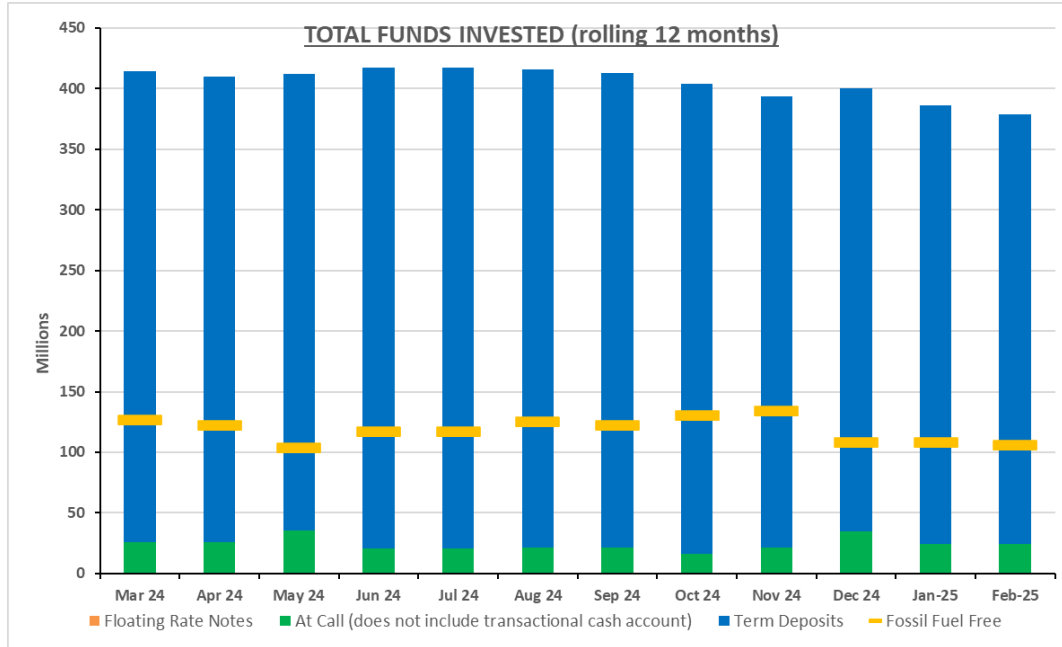
Activity	Amount \$	Institution	Rate	Term	Funds Fossil Fuel
Matured	2,500,000	Westpac	1.82%	3yrs	Yes
Matured	5,000,000	Westpac	4.85%	2yrs	Yes
Matured	5,000,000	ING	4.94%	2yrs	Yes
Matured	5,000,000	P&N	2.05%	3yrs	No
Matured	3,000,000	ING	5.09%	2yrs	Yes
Matured	5,000,000	My State	2.25%	3yrs	No
Matured	2,000,000	P&N	2.05%	3yrs	No
Withdrawal	0	Westpac	4.60%	On Demand	Yes
Total Matured	27,500,000				
Deposit	84,881	Westpac	4.60%	On Demand	Yes
Invested	5,000,000	AMB	4.71%	2yrs	No
Invested	5,000,000	AMB	4.73%	3yrs	No
Invested	2,000,000	ICBC	4.86%	1yr	Yes
Invested	4,000,000	Westpac	4.65%	3yrs	Yes
Invested	4,000,000	Westpac	4.75%	5yrs	Yes
Total New Investments	20,084,881				
Net Investment Movement being the difference in Principal invested at end of	-7,415,119				



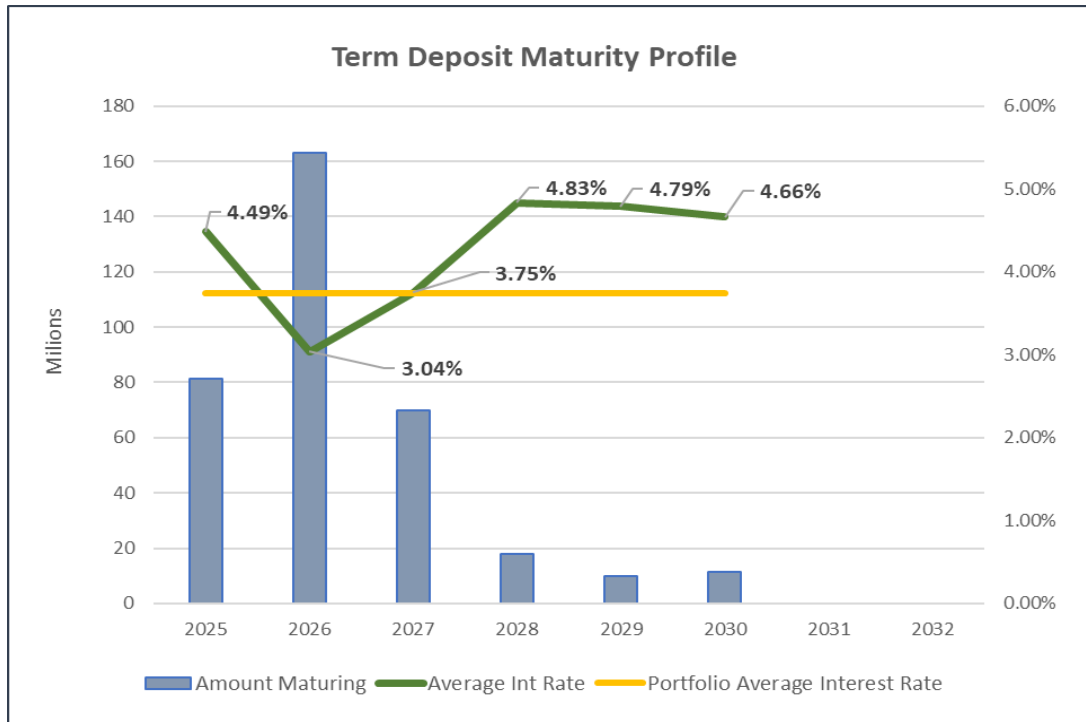
month & excluding Investment Earnings					
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3.

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



The maturity profile of investments (excluding the cash management account, which is on call) is shown below, demonstrating a balanced distribution of maturities over the next 3 to 5 years, in line with Council’s Investment Policy and the timing of future reserve funding requirements for key projects.



The average interest rate on maturities in 2024-2025 reflects the impact of longer-term investments made prior to the interest rate decline during the COVID-19 pandemic. The Movements in Investments table above highlights some investments with lower interest rates maturing in February 2025, which are largely being reinvested at higher rates.

This shift will help enhance Council’s performance in relation to key metrics such as the budget and the AusBond Bank Bill Index.

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

Financial institutions funding fossil fuels	Purchases since 01/07/24	Purchases since 01/07/24	Amount invested at 28/02/25	Amount invested at 28/02/25
Yes	32,076,760	43%	272,643,326	72%
No	42,000,000	57%	106,000,000	28%
	74,076,760		378,643,326	

Further commentary on fossil fuel investments can be found in the attached Monthly Investment Report (Attachment 1) prepared by Arlo Advisory.

In its investment decisions, Council seeks multiple quotes from a range of financial institutions across various rating levels. When a bank does not lend to the fossil fuel industry, offers the highest rate, and complies with Council’s Policy risk limits, Council prioritises that bank in alignment with the Investment Policy.

The following table shows the interest returns as of 28 February 2025 for 2024-25 and the portfolio performance against benchmark (bank bill Index).

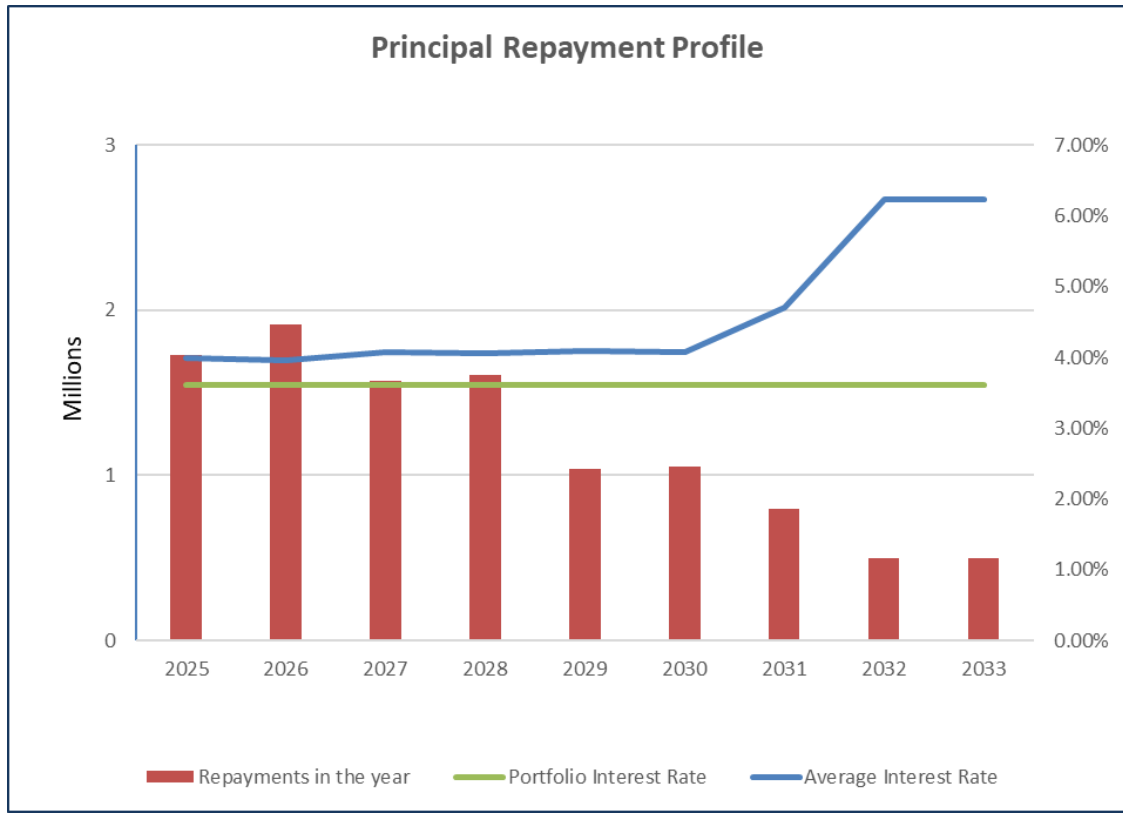
Item	Performance
Interest for the Month (\$)	1,127,416
Interest YTD (\$)	9,613,302
% of Annual Budget Rec'd	88%
Portfolio Performance FYTD Actual (%)	2.28%
AusBond Bank Bill Index FYTD Actual (%)	2.98%
Performance Compared to Bank Bill Index (%)	-0.70%

Loan Portfolio

The following table presents the loan balances, repayments and monthly interest expense as of 28 February 2025 for 2024-25.

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month	Remaining Repayments FYTD
General	66,144,755	10,447,353	4.28%	34,727	1,845,615
Waste	1,500,000	258,923	3.44%	683	89,291
Total	67,644,755	10,706,276		35,410	1,934,906

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.



Summary - Net Position Investments and Loans

Interest Analysis for the Month	Values \$
Investment Interest Income	1,127,416
Loan Interest Expense	(35,410)
Net Interest Income for the Month	1,127,416
Investments Vs Borrowings	
Total Current Investment Balance	378,643,326
Total Current Loan Balance	(10,706,276)
Net Position	367,937,050

At current interest rates, Council can invest funds at around 4.7%. With a significant portion of the loan portfolio locked in at lower average rates, Council is benefiting from a positive net exposure to interest rates. However, this position may come under pressure in the future, as upcoming loans are expected to incur 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 YTD basis. Returns are currently marginally below benchmark.

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 - 28 February 2025
2.  Port Macquarie-Hastings Council Portfolio Valuation - 28 February 2025
3.  Port Macquarie-Hastings Council Loan Repayments - 2024-2025

Item: 10.09

Subject: COMMUNITY UTILITIES ANNUAL COMPLIANCE AND
PERFORMANCE REPORT - 2023/24

Presented by: Community Utilities, Robert Fish

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 within this report regarding the Annual compliance and performance reporting of Council's drinking and recycled water supply, wastewater systems and waste management services for the reporting period 1 July 2023 to 30 June 2024.

Executive Summary

Port Macquarie-Hastings Council manages five water supply systems, one recycled water supply system, eight wastewater schemes and three licenced waste management facilities. The regulatory and assurance framework for local water utilities, which covers Council's water supply and sewerage functions under the *Local Government Act 1993* and the *Water Management Act 2000*, requires that water utilities submit performance data to the NSW Department of Planning and Environment on an annual basis.

The *Water Management Act 2000* also establishes a framework which allows for sharing of water available for extraction through Water Access Licences (WALs). Council has a number of water access licences for the extraction and supply of drinking water for the Local Government Area (LGA) and are required to report on extraction volumes on an annual basis.

The *Protection of the Environment Operations Act 1997 (POEO Act)* requires that all scheduled activities are required to have an Environmental Protection Licence (EPL), administered by the Environment Protection Authority (EPA). For Council sewage treatment, waste disposal and waste storage facilities that are Scheduled Activities, and therefore have an EPL, Council is required to submit performance and compliance data on an ongoing basis, on Council's Website, and on an annual basis as an Annual Licence Return.

This report provides an outline of performance and compliance reporting that Council undertakes, on an annual basis, as part of Council's regulatory frameworks for the reporting period 1 July 2023 to 30 June 2024.

DiscussionNational Performance Reporting

All Urban Water Service Providers that serve more than 10,000 properties are required to report under the National Performance Reporting (NPR) framework. Council contributes to the NPR by providing annual performance data to the NSW Department of Climate Change, Energy, the Environment and Water as per the NSW Water Supply and Sewerage Performance Monitoring Framework. These frameworks provide an annual, independent benchmark of pricing and service quality of NSW and Australian urban water utilities. In NSW, Port Macquarie-Hastings Council is considered a large urban water supplier, with Council being the 5th largest water supplier (excluding the metropolitan utilities of Sydney and Hunter Water).

Port Macquarie-Hastings Council is required to report to the NPR on five wastewater systems, five water supply systems and our recycled water systems. The five Wastewater systems include Port Macquarie, Wauchope, Kew Kendall, Camden Haven and Bonny Hills. The five water supply schemes include Port Macquarie-Camden Haven, Wauchope, Comboyne, Telegraph Point and Long Flat areas, which supply potable water to the majority of residents. Council also provides data for the Port Macquarie Recycled Water Supply system and a number of effluent reuse schemes.

Council has completed the data submission for the 2023-2024 reporting period, however this data has not been provided by the NSW Government for NSW benchmarking as this occurs following data validation. The data for 2022-2023 financial year is however available for this benchmarking analysis.

There were two areas that were identified for improvement in the 2022-2023 report to Council, from the 2021-2022 LWU performance report.

- In the LWU Performance report for 2021-2022, Port Macquarie-Hastings Council ranked high in comparison to all other large water utilities in the number of odour complaints received per 1000 properties. The 2022-2023 performance data has identified that the odour complaints have reduced substantially from the previous years, and Council is now ranked at the median for all NSW Councils. The reported figures have reduced from three complaints to one complaint per 1000 connected properties.

The majority of odour complaints are experienced in the Port Macquarie Wastewater Scheme. There are a number of projects being undertaken in the Port Macquarie scheme to mitigate odour issues, including implementing improved odour chemical dosing management in the reticulation and the construction of an odour management system (OMS) at the Port Macquarie Wastewater Treatment Plant inlet works. These improvements in odour management are evident in the reported decrease in odour complaints. It is expected to see further improvements with the completion of construction of the OMS in 2025.

Select Ind_Group_SubGroup_Name: Service levels - Complaints - Odour Complaints per 1000 properties - Sge
Select Report Year: 2022-23

Weighted Median
1.00

Odour Complaints per 1000 properties - Sge

Units: per 1000 props

Number of total odour complaints per 1000 properties.

The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.

The national median is the median of available data from the latest national performance report. The included data is only for the LWUs with more than 10,000 connected properties.



- In the LWU Performance report for 2021-2022, Council experienced a higher number of sewer overflows compared to the weighted median for all large utilities in NSW. The number of overflows were reflective of the extreme rainfall events in 2021 and 2022. Council continues to rate high in comparison to other councils but in the 2022-2023 reporting year the number of overflows experienced has halved, from 4.7 to 2.1 overflows per 100km of sewer main. This has been due to the implementation of an Inflow and Infiltration (I&I) program to investigate where stormwater is directly or indirectly entering our sewer scheme. Inflow refers to direct flow of rainfall into sewers from surface runoff or illegal connections from stormwater infrastructure, such as household stormwater guttering. Infiltration refers to groundwater entering into cracks in pipes or manholes of other infrastructure in the ground.

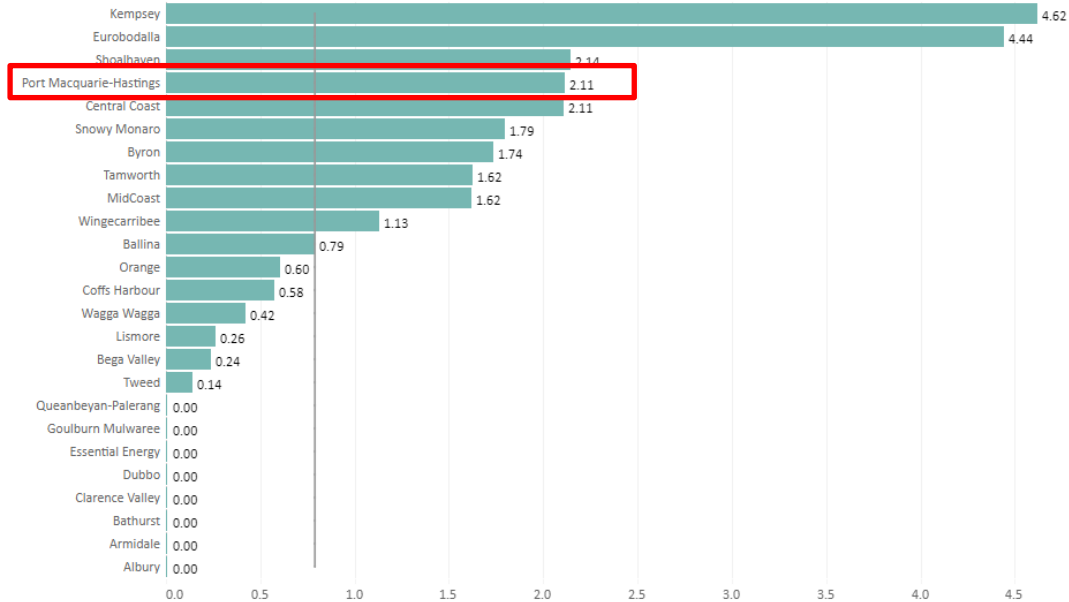
In 2023-2024 Council has focused on managing the rectification requirements of faults identified by I&I investigations. The majority of non-compliances that were identified for Port Macquarie, Bonny Hills and Camden Haven catchments have been rectified. Council is currently working through rectification of the issues identified in the Wauchope catchment, with over 50% having been rectified.



Ind Group SubGroup Name: Service levels - Overflows - Sewer Overflows per 100 km main - Reported to Regulator | Select Report Year: 2022-23 | Weighted Median: 0.79

Sewer Overflows per 100 km main - Reported to Regulator

Units: No. per 100km main
 Untreated sewage spills or discharges escape from the sewerage system to the external environment, reported as per utility's licence.
 The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.
 The national median is the median of available data from the latest national performance report. The included data is only for the LWUs with more than 10,000 connected properties.



The data for 2022-2023 LWU performance reporting has identified that Port Macquarie-Hastings Council has the highest residential growth of all LWU's in NSW, measured through the number of new residents connected to water. This is also demonstrated in the amount of sewer collected in the Port Macquarie Hasting LGA, with Council being one of the highest in NSW. This data demonstrates the need to continue to monitor and manage upgrades to our water and wastewater infrastructure to ensure we continue to be able to service the growth along with managing our regulatory requirements.

Select Ind. Group SubGroup Name

Select Report Year

Connections - New connections - New residences connected (% of connected residential properties...)

2022-23

Weighted Median
0.79

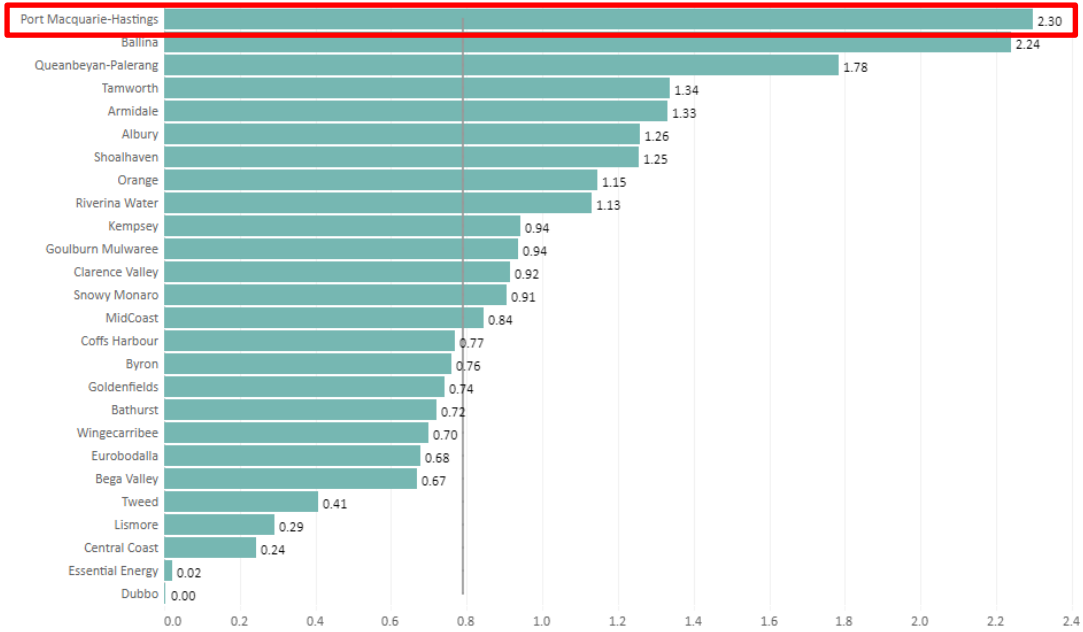
New residences connected (% of connected residential properties) - WS

Units: %

New residences connected this reporting year as percentage of connected residential properties.

The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.

The national median is the median of available data from the latest national performance report. The included data is only for the LWUs with more than 10,000 connected properties.



Select Ind. Group SubGroup Name

Select Report Year

Sewage collected - Volumes collected - Sewage collected - Total - Utility

2022-23

National Median
6,024

Weighted Median
7,091.42

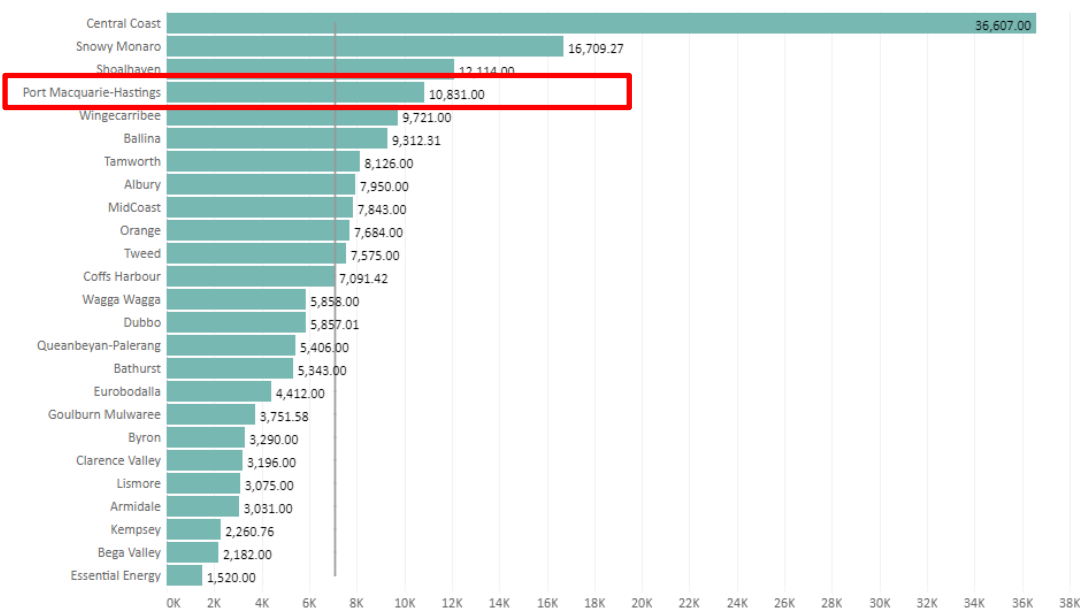
Sewage collected - Total - Utility

Units: ML

Total volume transported through the utility's sewerage network.

The weighted median is the median of the available validated data for the indicator with the number of connected properties applied as weights.

The national median is the median of available data from the latest national performance report. The included data is only for the LWUs with more than 10,000 connected properties.



Comparative data from NSW Regional Local Water Utilities is available on the DCCEEW website. [Local water utility performance | NSW Government Water](#)

Water Extraction Licences

The Water Management Act 2000 establishes a framework which allows for sharing of water available for extraction through water access licences (WALs). Council has several water access licences for the extraction and supply of drinking water for the LGA. The conditions for extraction and use of water are managed through water supply works approvals and water use approvals. The licences and approvals outline the conditions, responsibilities and restrictions on extraction of water, including the volume of water available for extraction.

Council is required to provide annual water consumption figures to WaterNSW. Annual consumption is calculated on a financial year basis each year. WaterNSW charges fees to cover the assessment and processing costs for approved water licences as well as charges for water use. The details on the reported volume of water extracted and annual fees paid for water extraction, are provided in the table below.

Water Source	Supply	Licence amount (ML)	23/24 Available amount (ML)	23/24 consumption (ML)	23/24FY Fees (\$)
Camden Haven River	Not Used	3000	6000	0	\$15,944
Hastings River Alluvial Groundwater	Not Used	19	19	0	\$344
Hastings River	Long Flat	15	16.2	9.5	\$350
Hastings River	Koree 3 PS	11,860	21,341	2379	\$78,436
Hastings River	Koree 2 PS	8,500	12,140	4860	\$66,042
Thone River	Comboyne	32	48.6	15.4	\$354
Wilson River	Telegraph Point	70	94	46	\$756

For all supply schemes, except Long Flat, the water meter readings are manually entered by Council on Water NSW reporting portal, the Water extraction meter for Long Flat has established telecommunications with the Water NSW monitoring system and is updated automatically each week.

Although not used, extraction licences are maintained for the Camden Haven River and the Hastings River coastal floodplain alluvial groundwater source, for emergency purposes if required. The fees charged for the Camden Haven and groundwater licenced are administrative fees only, charged in accordance with the licence extraction volume allowance.

Annual EPA Licence Returns

The NSW Environment Protection Authority (EPA) issues environmental protection licences (EPL) to the owners or operators of various industrial premises under the Protection of the Environment Operations Act 1997 (POEO Act). Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. If a facility or activity at a facility is listed under Schedule 1 of the POEO Act (Scheduled Activity) then an

EPL is required. For Council, sewage treatment, waste disposal and waste storage are applicable Scheduled Activities.

Council’s Community Utilities Division currently hold all (non-project related) of Council’s EPLs, totalling eight as follows:

- Port Macquarie (PM) Wastewater Treatment Plant - Licence #589
- Camden Haven (CH) Wastewater Treatment Plant - Licence #805
- Wauchope Wastewater Treatment Plant - Licence #804
- Bonny Hills (BH) Wastewater Treatment Plant - Licence #594
- Kew/Kendall (KK)Wastewater Treatment Plant - Licence #10339
- Cairncross Waste Management Facility - Licence #11189
- Port Macquarie (Kingfisher) Waste Management Facility - Licence #20698
- Dunbogan Waste Management Depot - Licence #5924

For all licenced premises, Council is required to submit performance and compliance data on an ongoing basis, both on Council’s Website and on an annual basis as an Annual Licence Return.

The Telegraph Point, Long Flat and Comboyne Wastewater Treatment Plants don’t meet the discharge volume requirements to have an EPL regulated by the EPA. Internally compliance monitoring of data from these plants is undertaken to ensure requirements outlined in the Review of Environmental Factors (REF) - environmental approval are met.

The Protection of the Environment Operations (General) Regulation 2022 also requires that facilities that exceed thresholds for a National Pollution Inventory (NPI) substance are legally required to report emissions of that substance to the NPI. Council reports NPI emission for four wastewater systems (Port Macquarie, Wauchope, Bonny Hills and Camden Haven). These are reported annually, in conjunction with the EPL annual report as required.

The section below provides information on the performance of our licenced facilities, as reported in our annual licence returns.

The table below summarises the performance of each of the Wastewater Schemes with regards to EPL Compliance:

Scheme	Licence Period	Number of Non-Compliances	Number Recorded Bypasses
Wauchope	Feb 24 to Jan 25	2	9 (Wet Weather licenced overflow)
Port Macquarie	Nov 22 to Oct 23	2	5 (Wet Weather licenced overflow) 2 (Reticulation Wet Weather overflow) 1 (Effluent UV Wet Weather overflow)
Bonny Hills	Nov 22 to Oct 23	1	0
Camden Haven	Feb 24 to Jan 25	1	3 (Wet Weather)
Kew/Kendall	June 22 to June 23	6	2 (Wet Weather Licenced Overflow)

The table below summarises the EPL annual return reported complaints for each of the Wastewater Schemes:



Complaint	Wauchope	PM	BH	CH	KK
Odours - STP	0	5	0	0	0
Odours - Retic	6	37	7	2	1
Water Pollution - STP	0	0	0	0	2
Water Pollution - Retic	0	0	0	0	0
Sewer Surcharge/choke	11	43	6	5	0

There were two non-conformances reported for Wauchope WwTP. One non-conformance was due to two exceedances of the 100 percentile licence limit for pH in August and September 2024. pH exceedances are typical during dry weather when algae growth is at its peak. This has reduced compared to previous years with the ultrasonic algae units on the effluent ponds having been recently serviced. The volume discharge limit for effluent disposal was also exceeded on 10 occasions due to excessive in-flows to the treatment plant. These excessive flows also resulted in nine reportable wet weather bypasses, with bypassed flow overflowing at overflow licence point to Yippin Creek. Council has completed installation of flow meters on all pumped discharge lines to improve Council’s ability to adequately measure reuse, effluent discharge and overflows. Currently overflows are estimated for regulatory reporting.

There were two non-conformances reported for Port Macquarie WwTP. This was due to the discharge of leachate from the Cairncross Waste Facility and Remondis, to the Port Macquarie WwTP, without current Trade Waste Agreements. The Trade Waste Agreement for the Waste Facility Leachate was renewed on 28 September 2025. Remondis are in the process of applying for a Trade Waste Agreement. Currently the leachate from both facilities is being trucked to an approved trade waste facility in Sydney. Heavy rainfall and excessive flow through the scheme due to infiltration also resulted in 5 licence bypass events at the treatment plant, an overflow at the UV system at the effluent ponds and two overflow events in the reticulation.

At Bonny Hills Lake Cathie WwTP there was one non-conformance reported of five incidents where the discharge volume limit was exceeded. This was due to heavy rainfall and increased flow through the scheme due to infiltration.

There was one non-conformance reported for the Camden Haven WwTP. This was due to six separate exceedances of the 90th percentile limit for Total Phosphorus (TP). The TP exceedance occurred due to issues with the Alum dosing, that were rectified through investigations into the alum dosing controls and process improvements in the alum dosing volumes. Heavy rainfall events also led to excessive flows, which also caused three reportable wet weather bypasses at the Treatment Plant with bypassed flow being discharged to the licenced effluent discharge point (Ocean discharge).

There were six non-conformances reported for the Kew Kendall WwTP. Five were due to 38 separate exceedances of the 100th percentile limit for Licence Points 2 and 6, for Faecal coliforms (FC), pH and Total Suspended Solids (TSS). Intermittent failures of the UV system resulted in the Faecal coliform exceedances and all other exceedances are due to algae growth in the effluent ponds. The volume discharge limit for effluent disposal was also exceeded on seven occasions due to excessive flows through the Treatment Plant causing increased flow through the Plant. These excessive flows also resulted in two reportable wet weather overflows at the Treatment Plant which were pumped to the overflow licenced discharge point in the Camden Haven River.

Pollution Reduction Programs (PRP) or Pollution Reduction Studies (PRS) may be imposed by the EPA in response to continuing environmental issues or ongoing compliance problems. The intention is to achieve improved environmental outcomes in a negotiated timeframe, and these are imposed on the licensee under a licence condition. Council has a number of PRP or PRS that have been included as licence conditions. The details on progress for the PRP/PRS are provided below.

- Port Macquarie WwTP PRP 5 - Implementation of Odour Reduction Measures.

This PRP was imposed on Council due to the large number of odour complaints received from near neighbours of the Port Macquarie WwTP. Investigations have identified that the major cause of these odour complaints is H₂S gas release through the inlet works.

Deliverables 1.2 to 1.8 of the PRP have been completed. The actions completed include trialling chemical dosing in the reticulation and at the WwTP for odour management. Through the investigations, Council has chosen to continue to manage and improve the chemical dosing in the reticulation and combine this with the construction of an Odour Management System (OMS) at the inlet works at the Port Macquarie WwTP. Council has awarded the design and construction of the OMS to Aquatech Pty Ltd. The design phase of this project has been completed and the contractors have commenced construction, with expected completion mid 2025, in line with the PRP timeline requirements.

- Bonny Hills WwTP PRP 2 - Implement Bonny Hills Effluent Reuse Scheme

Council has completed all actions as required of this PRP except for Condition 4. This has been extended to November 2025. Council achieved conditional Section 60 Approval to operate the scheme in February 2024. However, failure of performance of the membrane has resulted in delays to commence supply. New membranes have been supplied by the manufacturer and were installed in January 2025. It is anticipated that the scheme will commence supply late in 2025 following completion of a few of the final conditions of approval.

- Bonny Hills WwTP PRS 4 - Ongoing Surface Water and Groundwater Quality Investigations - Duchess Creek

Council has completed all deliverables for this PRS and EPA have reviewed and provided responses. Council is awaiting a formal variation of the licence that will include some additional works to be undertaken on the old sludge lagoons and the effluent disposal trench.

- Wauchope WwTP PRP 3 - Investigate Impact of the STP on the Water Quality in the Hastings River

Council has completed all the deliverables as required by the PRP and the EPA has recently removed this PRP from the licence.

Non-Licensed WwTP Sites

Compliance of the Telegraph Point, Long Flat and Comboyne Wastewater Treatment Plants is monitored by Community Utilities internal Compliance Section. The Table below provides a summary of the performance of each of these WwTP 's in accordance with the REF, for the period of January to December 2024, in reference to the 100-percentile performance.

Scheme	Number of Non-Compliances	Number Recorded Bypasses
Comboyne	2	2 exceedances of Total Phosphorus in June
Long Flat	4	1 exceedance Thermotolerant coliforms in Feb 3 exceedance phosphorus in Feb & Nov
Telegraph Point	13	1 exceedance of Nitrogen in April 3 exceedances of ammonia in April, Jun & Oct 9 exceedances of Thermotolerant coliforms over the calendar year

The exceedances on each occasion of total Phosphorus were due to failures in Alum dosing, and these have been rectified. The Ammonia and Nitrogen failures were due to the system being underloaded with flow and the aerator overaerating the system. The operators have been systematically changing the operations of the aeration system to reduce the likelihood of over aeration and this has resulted in improved performance at the Long Flat and Comboyne Treatment Plants. The Telegraph Point WwTP has had ongoing issues with the UV disinfection system through January to March. This treatment plant also continues to have difficulties with treatment during peak holiday periods and rainfall periods where high flows through the plant hinder its performance.

Waste Management Facilities

The table below summarises the EPL annual return reported complaints for each of the Waste Management Facilities. Each facility has a different reporting period, so these have been identified.

Complaint Type	Cairncross 23/10/2022 - 22/10/2023	Dunbogan 13/10/2022 - 12/10/2023	Port Macquarie - 24/4/2022 - 21/4/2023
Air	1	0	0
Water	0	0	0
Noise	0	0	0
Waste	0	0	0
Other	0	0	0

The table below summarises the non-compliances for each of the Waste Management Facilities in their respective reporting periods.

Facility	Number of Non-Compliances	Details of Non-Compliances
Cairncross - 23/10/2023 - 22/10/2024	5	<ul style="list-style-type: none"> • 1 x L3.2 - Exceedance of concrete and bricks stockpile limit • 1 x M2.1 & M2.3 - 3 of 4 samples collected from point 1 • 2 x Subcontract Laboratory error • 1 x No interim Leachate Management Plan implementation
Dunbogan 13/10/2023 - 12/10/2024	12	Monthly gas monitoring in houses located within 250m of landfill not undertaken
Port Macquarie 24/04/2023 - 21/04/2024	0	Not applicable

Corrective actions are being undertaken with respect to the concrete and bricks stockpile limits and implementation of the interim Leachate Management Plan.

Currently Council has on-going issues with gaining access to private houses therefore monthly gas monitoring within houses that are within 250m of the disused landfill at Dunbogan has not been able to occur at all premises and hence the 12 non-compliances (one for each month). Risk assessment investigations are currently underway regarding this licence condition that will inform further discussion with the EPA.

All EPL’s attract an annual administrative fee and some licences also require payment of annual load-based fees. The Waste Management Facilities and the Kew Kendall WwTP do not trigger annual load-based fees. Load-based licencing sets limits on the pollutant loads emitted by holders of EPLs and links Licence fees to pollutant emissions. The table below provides a summary of the fees paid by Council for the most recent annual licence Returns.

Licence Facility	Licence Fees (\$)
Port Macquarie (PM) Wastewater Treatment Plant	\$27,503
Camden Haven (CH) Wastewater Treatment Plant	\$9,263
Wauchope Wastewater Treatment Plant	\$27,510
Bonny Hills (BH) Wastewater Treatment Plant	\$3,563
Kew/Kendall (KK)Wastewater Treatment Plant	\$3,468
Cairncross Waste Management Facility	\$4,896
Port Macquarie (Kingfisher) Waste Management Facility	\$2,448
Dunbogan Waste Management Depot (non-operational)	\$4,896

Options

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

Community Engagement and Internal Consultation

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

Planning and Policy Implications

Whilst there are no planning and policy implications directly in relation to this report, ongoing monitoring of performance against regulatory expectations generates maintenance and works programs items to ensure compliance levels are maintained and improved over time.

Financial and Economic Implications

Whilst there are no financial and economic implications directly associated with the production of this report, future works programmes are influenced by response to regulatory requirements and may require targeted investment in future years operational plans.

Attachments

Nil

Item: 10.10

Subject: NOTICE OF MOTION - NATIONAL GENERAL ASSEMBLY

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

RECOMMENDATION

That Council:

1. Approves the following motions to be put to the 2025 National General Assembly:
 - a. This National General Assembly calls on the Australian Government to: Provide adequate resources and assistance to Local Government to address Local Government Sector Maturity Issues such as a coordinated and incentivised investment is to address capacity deficits in areas of key skills such as Asset Management, Contract and Project Management, Financial and Digital Specialisations, Land Use Planning, and Development Assessment.
 - b. This National General Assembly calls on the Australian Government to:
 - I. Allocate sufficient, secure and ongoing resources to implementation of Threatened Species Recovery Plans, including ensuring ongoing funding for monitoring as well as sufficient funding for local governments to engage their communities and implement their land manager responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).
 - II. Develop, implement and publish annual progress reports that provide transparent and accessible updates on the Australian Government's progress with implementing the actions in the Threatened Species Recovery Plans. These reports should be published in between the more comprehensive review of Recovery Plans every 5 years or more.
 - c. This National General Assembly calls on the Australian Government to:
 - I. Increase grant funding for enabling infrastructure to support housing delivery to at least 1.1 billion dollars per year
 - II. Allocate a portion of the increase in grant funding for enabling infrastructure solely to the Local Government sector
 - III. Consider allocating a portion of the increase in grant funding for enabling infrastructure to those Local Governments who responded to the Australian Governments Housing Target and Plan and applied, but were unsuccessful, for the Housing Support Program funding and are now left with the burden of attempting to afford funding the entire costs of major sewer and water projects and to deal with the negative impact on their capacity to simultaneously address other important projects such as network upgrades that support infill housing delivery too.
2. Approves the attendance of Deputy Mayor Lauren Edwards, on behalf of Port Macquarie-Hastings Council as the voting delegate to the National General Assembly.

Comments by Councillor Edwards

Nil

Comments by Chief Executive Officer

There are no comments from staff other than to note that the proposed motion in 1(b) was considered and adopted at the 2024 National General Assembly.

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: PETITION - REQUEST FOR INFORMATION ON PORT MACQUARIE ATHLETICS TRACK

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the petition lodged by Laura Philp on behalf of the community.
2. Provide a response to the author of the petition in respect of the items raised in the petition.

Executive Summary

A petition containing 262 signatures has been received by Council from Laura Philp on behalf of the community asking Council to provide the following:

1. Clarity about when the depot will be removed, and when building of the athletics track can commence.
2. If the depot is to be relocated to land that needs rezoning, when is the rezoning expected to commence and be completed?
3. Does Council have the necessary funds to build the new depot and if not, are they actively sourcing funds for the build of the new depot, and when can we expect those funds to be ready for use?
4. Acknowledgement from Council that the completion of the Wayne Richards sporting grounds is a Council priority.
5. Acknowledgement from Council that there are over 600 members of the combined juniors/seniors athletics clubs, with no year round, permanent, maintained facilities to accommodate them.
6. An update on the design development of the next stage of Wayne Richards Park.
7. Other suitable locations that could house an athletics track in the event that the removal of the Council depot will remain stalled or in limbo.

In accordance with Council's "Petitions Policy", petitions lodged with Council containing 250 signatures or more will be included in the agenda of the next available Ordinary Council Meeting where the agenda has not already been determined with a recommendation for notation.

Discussion

The introduction to the petition states:

“Our community needs an athletics trac. We understand Council has started some planning for an athletics track, to be positioned at Wayne Richards Park, where the current Council depot resides and as such, no works can commence until the depot is removed.

As per the Council meeting of 16 June 2022 (Item 11.16) “Council has been reviewing options for our depots for a number of years. The need to move the depot has become a critical path for not only ensure safe and efficient facilities for our staff to deliver operational services but also to facilitate the future expansion of sporting facilities in the Port Macquarie area”. Further to this, representation from Little Athletics and the Senior Athletics Club (Port Pacers) met with the Mayor in late June 2022.

In May of 2023 Council staff advised “there is funding allocated in the Draft 2023/2024 Operational Plan for the design development of the next stage of Wayne Richards Park and the Athletics track is still part of the scope of the next stages of work. We do not currently have any funding past the development of the design but once the design is completed, we will seek grant funding and Council funding on the identified next stages of the new design.”

The petition is seeking an update on the proposed athletics track.

Staff will prepare a response to above mentioned questions and provide this to the author of the petition. A copy will be provided to Councillors for information.

Options

Council has the option to note the petition or provide a response to the items raised in the petition this report recommends the response be provided.

Community Engagement and Internal Consultation

There has been no community engagement in the preparation of this report.

Planning and Policy Implications

There are no planning and policy implications in relation to the petition.

Any future athletics track will require planning and approvals in accordance with legislation.

Financial and Economic Implications

There are no financial and economic implications in relation to the petition.

Any future athletics track will require funding to implement.

Attachments

1.  Petition - Request for Information on Port Macquarie Athletics Track

Item: 11.02

Subject: PETITION - LOCATION OF SOUPERVAN

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

- 1. Note the petition lodged by Mr. Troy Eggleton from The Adventist Development and Relief Agency (ADRA) seeking Council grant permission for the SouperVan to return to its original location in Wauchope.**
- 2. Respond to the organiser of the petition with the outcome of Council's consideration in this matter**

Executive Summary

A petition (Attachment 1) containing more than 400 signatures has been received by Council from ADRA Community Connect Wauchope Activity Manager, Mr Troy Eggleton, seeking Council "action application and grant permission for the SouperVan to return to its location in Wauchope". The location in question is the parking lane on High Street in Wauchope adjacent to Bain Park.

In accordance with Council's "Petitions Policy", petitions lodged with Council containing 250 signatures or more will be included in the agenda of the next available Ordinary Council Meeting where the agenda has not already been determined with a recommendation for notation.

It should be noted that the issue of the SouperVan location is the subject of a separate report in this March 2025 Ordinary Council Meeting agenda.

Discussion

The petition lodged by ADRA Community Connect Wauchope contains more than 400 signatures.

The SouperVan location in Wauchope is the subject of a separate report to the March 2025 Ordinary Council Meeting.

The SouperVan has been providing essential services to the community on Wednesday evenings from 5:30pm to 7:30pm at the Bain Park Threshold (entrance) on High Street, offering hot meals and food support to those in need, however, it has been operating without the necessary permits. Council staff have provided a range of alternative locations, with ADRA remaining committed to the High Street location.

The applicant, ADRA, has lodged Section 138 and 68 applications for the operation of the SouperVan at their preferred location in Bain Park, High Street, Wauchope and has requested a waiver of the associated approval fees.

Options

Council has the option to note the petition or resolve in some other manner as appropriate. This report recommends that given the matter of the SouperVan location is the subject of a separate report to the March 2025 Council Meeting this petition be noted.

Community Engagement and Internal Consultation

There has been no community engagement in the preparation of this report. Internal discussion has occurred with:

- Director Community, Planning and Environment
- Director Community Infrastructure
- Group Manager Liveable Communities


Planning and Policy Implications

There are no planning and policy implications in relation to this report should Council decide to note the petition.

Financial and Economic Implications

There are no financial and economic implications in relation to this report should Council decide to note the petition.

Attachments

1.  Petition Relating to Application and location for Wauchope SouperVan

Item: 11.03

Subject: SOUPERVAN MOBILE FOOD VAN - USE OF BAIN PARK

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

1. Note the application from ADRA for the operation of the Souper Van in Bain Park, High Street, Wauchope.
2. Note the information provided relating to alternate locations.
3. Determine the Section 68 application for the applicant's preferred location in Bain Park for a trial period of six (6) months for a Mobile Food Vendor - SouperVan.
4. Determine the request to waive the fees associated with the application(s) for the approved location of being \$6737.00
5. Inform the applicant of the outcome of Council's consideration of this matter.

Executive Summary

The Community Connect SouperVan, operated by ADRA, provides an essential food and support service for vulnerable members of the Wauchope community. Over the past few years it has been operating without formal approval and the service has been providing meals and support at Bain Park on Wednesday evenings. This report seeks a decision from Council regarding the location for the SouperVan's continued operation, balancing the need for community support with the long-term activation and management of our public spaces.

The applicant has now submitted applications under Section 138 of the Roads Act and Section 68 of the Local Government Act for formal approval to operate in Bain Park, their preferred location. While Bain Park has historically been used for this service, it is a high-profile site that has recently undergone \$2 million in embellishments. The site is also subject to ongoing issues, including waste management, graffiti, vandalism particularly within and around amenities. There is also the desire for the site to be used for events and general activation which may conflict with this activity. Additionally, the open and central nature of Bain Park may limit privacy and dignity for those accessing the service.

Although a small number of complaints have been received regarding the SouperVan's operation at Bain Park, the broader concern is ensuring an appropriate balance between community need, service provision, and responsible management of public space.

While Council staff have provided a range of alternative locations, the applicant has remained committed to the Bain Park site which is the subject of the applications. Additionally, the applicant has also requested a waiver of the associated fees for Council's consideration.

This report outlines the implications of both locations and seeks a determination from Council on the site for the SouperVan's operation.

Discussion

In December 2024, Council identified that the SouperVan mobile food van was operating at Bain Park without appropriate permits. The SouperVan, run by ADRA, is understood to have been providing meals and support for approximately three years from the current site without formal approvals. Once the situation was identified, Council staff-initiated discussion with the applicant to communicate the need for permits and to address compliance with legislative requirements.

Providing food services is an important part of assisting vulnerable members of our community. However, the location of such services requires careful consideration to balance the needs of those experiencing hardship with the broader community's expectations.

A Section 138 application has been received and reviewed and it now supports the traffic and safety measures outlined in the Traffic Management Plan. During the review, Council staff identified that the location is on a Transport for NSW road asset, being the Oxley Highway, and TfNSW were referred the application for comment. No objections were raised by TfNSW.

Separate from the approval required under Section 138 of the Roads Act 1993, the use of the park area also requires approval under Section 68 of the Local Government Act. The Liveable Communities team has thoroughly reviewed the application, including the Traffic Management Plan (Attachments 1 and 2), and determined that it meets all necessary requirements.

Matters for Consideration

Key considerations for an application such as this include:

- **Pedestrian Safety:** Ensuring safe access to the SouperVan for pedestrians.
- **Traffic Safety:** Addressing safety concerns related to traffic movements.
- **Footpath Access:** Maintaining safe and clear access for community members using the footpath while the SouperVan is operating.
- **Obstruction-Free Setup:** Ensuring tables and chairs do not obstruct pedestrian access or compromise safety.
- **Operational Hours:** The SouperVan will operate once a week from 5:30 pm to 7:30 pm with adequate lighting.

- **Waste Management:** Ensure the vendor has clear plans for handling waste to avoid litter and maintain cleanliness
- **Safety:** Avoid locations where increased activity might lead to perceived or actual safety risks for users or the broader community
- **Food Safety:** Ensure the mobile food vehicle is fit for purpose and meets the relevant food safety requirements
- **Amenities:** Access is available to amenities that are safe and available

Other considerations include:

- Dignity and Accessibility
 - The location should ensure service users feel respected and safe.
 - A discreet, yet accessible location may reduce the stigma and judgment often associated with public assistance programs.
 - Consider areas close to existing support services (e.g. shelters, community centres) to make access easier.
- Community Perception and Harmony
 - High-profile locations may unintentionally draw public criticism or discomfort, especially if it changes the nature of the public space.
 - Balancing visibility to service users with maintaining the space's purpose for broader community use is essential.
- Precedent and Sustainability
 - Historical trends have shown that concentrated services in public spaces can sometimes result in unintended issues such as overuse, nuisance behaviour, or even resistance from nearby businesses or residents.
 - Setting a sustainable precedent that aligns with Council's broader strategies for addressing homelessness and food security is vital.

Alternate Locations

Whilst the applications were progressed, Council staff identified potential alternative locations to Bain Park. These other locations were canvassed with the SouperVan operator and are summarised below:

1. Andrews Park (opposite No. 53 Cameron Street)

This is Council staff's preferred location. This location provides easy access, includes male and female amenities that are open 24hrs, lighting, waste disposal facilities and is in close proximity to the applicant's nominated preferred location. This site has good passive surveillance and is considered to be a safe location. This site location is near the former Neighbourhood Centre (operating from the Indoor Stadium) resulting in good community awareness of the use of this site and positive synergies for the Souper Van.

Approvals Required - Section 68 (Local Government Act).

2. Andrews Park (opposite Our Lady of Lourdes Catholic Church)

This location provides easy access, includes male and female amenities, lighting, waste disposal facilities and is in close proximity to the operator nominated preferred location. This site location is also near the former Neighbourhood Centre (Indoor Stadium) resulting in good community awareness of the use of this site and positive synergies for the Souper Van.

It is acknowledged that construction works are scheduled to commence on new netball courts and as such temporary exclusion fencing will be erected in close proximity for the duration of the construction works.

Approvals Required - Section 68 (Local Government Act)

3. Avondale Street, Bain Park

This location provides easy access, is nearby male and female amenities (approximately 100m), limited street lighting, waste disposal facilities and is near to the operator nominated preferred location. This location is near by the Omnicare site resulting in positive synergies for the Souper Van.

Approvals Required - Section 68 (Local Government Act) required along with Section 138 (Roads Act 1993) for the operation from Avondale Street.

4. Wauchope Library and Customer Service Centre

This location provides easy access and is in close proximity to the operator nominated preferred location. This site does not provide for male/female amenities, waste disposal facilities or lighting.

Approvals Required - Section 68 (Local Government Act) as well as engagement with other user groups.

5. Wauchope Rotary Youth Hall

This location provides easy access, good lighting and is near to the operator nominated preferred location. Male/female amenities are not provided for at this location (nearest amenities located in the adjacent Bain Park). This facility is currently committed to the Girl Guides on Wednesday Nights and there is a potential conflict with availability and uses/users.

Approvals Required - Section 68 (Local Government Act)

In addition to the above, the following sites were identified as potentially suitable however they are not within Council's ownership and approval would be subject to landowners consent and other relevant approvals:

1. Wauchope RSL.
2. Wauchope Showground.

The applicant expressed concerns with the identified alternative sites around safety issues such as poor lighting and uneven surfaces with the Bain Park Threshold (entrance) on High Street retained as the operators nominated preferred location.

For comparison, the applicants preferred location of the Bain Park threshold provides male and female amenities that are only available until dusk, after which time they are locked, minimal lighting, and waste disposal facilities and is located at a very prominent location at the front of Wauchope's recently upgraded popular Bain Park within the CBD.

Assessment

In considering the above sites and for the purpose of the assessment of the Section 68 application the assessment was as follows:

- *Enhancing Community Life:* Events and activities should positively contribute to the vibrancy, diversity, and social cohesion of the local government area. They should celebrate community identity, promote inclusivity, and provide opportunities for people to connect.
- *Appropriate Location & Use of Space:* Events/uses must be held in suitable locations that support safe and accessible participation. Organisers should ensure minimal disruption to residential areas, businesses, and essential services while maximizing public benefit.
- *Safe & Inclusive Access:* Event and activity setups, including seating, stalls, and activity areas, must maintain continuous, safe, and equitable pedestrian access. Accessibility should be a priority to ensure all community members can participate comfortably.
- *Encouraging Fair & Collaborative Participation:* Events and activities should complement existing community initiatives, businesses, and cultural activities rather than create direct competition. Where possible, local groups, artists, and businesses should be involved to foster a strong local economy and cultural exchange.

Council staff have reviewed the Section 68 application and confirm that it meets the necessary requirements, however while staff fully support the valuable service the Souper Van provides, it is considered that Andrews Park is a more suitable location for this use.

Bain Park presents challenges due to its high-profile nature of the site, planned activation for events, and limited amenity access. Andrews Park, however, offers better surveillance, 24-hour amenities, and proximity to adjacent services, making it a more practical and sustainable option.

Notwithstanding, Council staff remain committed to working with ADRA to find a balanced outcome that supports both the service and broader community needs and should Council approve the use of Bain Park, it is recommended that this initially be for a trial period of six months to allow staff to monitor its impacts and address any emerging issues as needed.

The applicant is also requesting a fee waiver for the applications. There are a number of elements to the fees including:

• Fees	\$4,750.00 (\$100.00 per day)
• Bond	\$2,000.00
• Application Fee	\$150.00
• A Frame Application	\$137.00
• <i>Total</i>	<i>\$6,737.00</i>

This request is a matter for Council to also determine.

Options

Council has the following options available:

1. Approve the applicant's preferred location for the SouperVan at Bain Park, subject to the necessary permits and compliance with all regulations on a six-month trial basis.

2. Approve Andrews Park for the SouperVan at Bain Park, subject to the necessary permits and compliance with all regulations on a six-month trial basis.
3. Continue discussions with the applicant to identify and approve a suitable alternative location that meets safety and regulatory requirements.
4. Not approve the application at any site.

The matter is before Council for determination. Council can consider any of the above options.

Community Engagement and Internal Consultation

Internal consultation involved the Community Infrastructure Planning and Design Team regarding the Section 138 application and legislative compliance for the SouperVan's operations. The Liveable Communities Team collaborated to explore alternative, safe, and suitable locations for the SouperVan, including onsite meetings.

A briefing was provided to Council on 6 February 2025 to discuss the matter and the alternative sites.

Planning and Policy Implications



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

Financial and Economic Implications

Should Council choose to waive the fees as detailed in the report, it will result in a loss of potential revenue as follows:

- Loss of application fee - \$287.00
- Loss of site fees - \$4,750.00 (\$100.00 per day)

Attachments

1.  ADRA Souper Van Section 68 Application Acknowledgement
2.  ADRA Souper Van Traffic Management Plan

Item: 11.04

Subject: POLICY REVIEW - BEACH DRIVING

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained within this report relating to the review of the Policy - Beach Driving.**
- 2. Endorse the revised draft Policy - Beach Driving for public exhibition for a period of not less than 28 days.**
- 3. Note that Council will receive a further report at a future Ordinary Council Meeting outlining community feedback received during the public exhibition period.**

Executive Summary

This report details the review undertaken for the Beach Driving Policy, with consideration of any amended legislations or change of use. This Policy has been in place for several years and was originally the 4WD Access Policy. The current Beach Driving Policy was adopted on 21 July 2021 (Attachment1). The review of this policy is in line with Council's expectations for the review of policies on a regular basis.

The review followed extensive internal consultation; relevant staff views have been considered and incorporated.

The draft Beach Driving Policy (Attachment 2) clearly defines where beach driving activities are permitted and specifies conditions under which vehicles are permitted in public areas.

Under the adopted Policy, Council enforces several key pieces of legislation, including the *Local Government Act 1993* and Regulations, the *Roads Act 1993*, the *Recreational Vehicles Act 1983*, the *Road Transport (Vehicle Registration) Act 1997* and the 2007 Regulation, as well as the *Road Transport (Driver Licensing) Act 1998* and the 1999 Regulation. These laws collectively govern vehicle access, registration, licensing, and environmental considerations, ensuring responsible management of beach driving and access.

This report recommends that Council note the review and endorse the revised policy for the purpose of public exhibition. A further report will be provided to Council following conclusion of the public exhibition period.

Discussion

The current Beach Driving Policy (Attachment 1) was reviewed with consideration of the recreational use of the growing population in our LGA, community expectations, and environmental factors to ensure minimal impact.

The current Beach Driving Policy was adopted by Council on 21 July 2021.

Draft policy changes:

Following feedback from Internal stakeholders the following changes have been included in the draft Policy:

- Document updated to new Policy format (Last updated 2021)

The Policy review is an important part of Council's broader review of our Open Space Management. These items will be actioned separately following adoption of Policy:

- Review and update existing signage.
- Review and update the web content and print material.

There are no other changes.

Options

Council may choose to:

1. Adopt the recommendations contained within this report; or
2. Request further information in regard to the Draft Policy for Beach Driving; or
3. Resolve in some other manner.

This report recommends option 1.

Community Engagement and Internal Consultation

Internal engagement has taken place with the following stakeholders:

- Group Manager - Environment and Regulatory Services
- Natural Resources Manager
- Strategic Environmental Projects Coordinator
- Community Engagement Coordinator
- Parks and Open Space Coordinator
- Group Manager - Liveable Communities
- Spaces and Places Manager

Planning and Policy Implications



A 2020 decision by the NSW Land and Environment Court **highlighted the need for Council to carefully consider the provisions of Parts 4 and 5 of the Environmental Planning and Assessment Act 1979 (EPA Act) when making decisions regarding creation or management of** vehicles accessing and driving on beaches. **This includes assessing the potential environmental impacts of permitting, restricting, or modifying vehicle access and usage, particularly when planning future upgrades to access points and driving zones. While some vehicle access areas may fall under continuing lawful use protections within designated**

recreation reserves, Council must still ensure compliance with Part 4 and Part 5 of the EPA Act by thoroughly evaluating the environmental impacts associated with these decisions, including effects on coastal ecosystems, dune stability, and wildlife habitats. This Policy assists Council with the management of vehicular access on beaches and meeting its statutory obligations.

Financial and Economic Implications

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

Attachments

1.  Existing Beach Driving Policy
2.  Draft Beach Driving Policy

Item: 11.05

Subject: DRAFT PLACES TO PLAY PLANS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Place the latest draft sub plans of the Places to Play Plan, namely the:**
 - **Watercraft Access and Fishing Areas Plan and**
 - **Community Gardens Plan****in conjunction with the following previously adopted draft sub plans:**
 - **Skate Spaces Plan**
 - **Outdoor Fitness Equipment Plan**
 - **Outdoor Courts Plan**
 - **Off-leash Areas and Designated Dog Parks Plan****on public exhibition for a period of not less than 28 days.**
2. **Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period of all six draft sub plans as follows:**
 - **Skate Spaces Plan**
 - **Outdoor Fitness Equipment Plan**
 - **Outdoor Courts Plan**
 - **Off-leash Areas and Designated Dog Parks Plan**
 - **Watercraft Access and Fishing Areas Plan**
 - **Community Gardens Plan**

Executive Summary

The Places to Play Plan was identified as an immediate priority, strategic planning project in Council's Recreation and Open Space Action Plan 2024-2029.

The Places to Play Plan (Attachment 3) is a comprehensive strategy to comprise various smaller plans and reviews combined, forming a unified and all-encompassing approach. This report continues the Places to Play Plan with the publishing of an additional 4 sub plans:

- Watercraft Access and Fishing Areas Plan (Attachment 1)
- Community Gardens (Attachment 2)

This report provides details on the need for the Plan to determine 10 year works program for play and recommends that the draft Plans be placed on public exhibition.

At the Ordinary Council meeting held on 12 December 2024 (item 11.05), Council resolved as follows:

That Council:

1. *Place the next chapters of the draft Places to Play Plans, namely the:*
 - *Skate Spaces Plan*
 - *Outdoor Fitness Equipment Plan*
 - *Outdoor Courts Plan*
 - *Off-leash Areas and Designated Dog Parks Plan**on public exhibition for a period of not less than 42 days.*
2. *Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.*

The consultation period of the 4 sub plans included in the above recommendation has not yet commenced. This consultation will now be undertaken simultaneously with all 6 draft Places to Play sub-Plans exhibited together. As this consultation will not occur over the holiday period it is suitable for this to be undertaken across a standard 28 day consultation period. Combining all 6 sub plans in the one consultation period provides opportunity for a more comprehensive exhibition that will engage a broader community network.

Discussion

At the Ordinary Council meeting held on 20 June 2024 (item 11.04), Council resolved as follows:

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.*

The adopted Places to Play Plan including the Play Spaces Plan can be found in Attachment 3.

This report provides additional draft sub plans of the Places to Play Plan for consideration.

The Places to Play Plan serves as a key tool for effectively guiding the development, implementation and sustainable management of spaces and places throughout our region.

With over 380 hectares of public open space which includes parks, reserves, beaches, and sport facilities, it is essential to have a well-designed plan that outlines a hierarchy of high-quality spaces and places. This plan not only ensures a variety of opportunities for diverse experiences but also ensures an equitable distribution of places to play across the region.

Given the changes in legislation, evolving community needs and expectations, and the ongoing urbanisation of the Port Macquarie-Hastings Local Government Area (LGA), it is imperative to plan for future needs. As such, regular reviews of the Plan will be necessary to adapt and accommodate these changes effectively.

Play Spaces Plan - adopted June 2024

The Play Spaces Plan applies to play spaces in public parks and reserves across the LGA. Each play space within the LGA offers distinct play experiences suitable for individuals of various ages and abilities. By recognising that these play spaces are interconnected and part of a larger network spanning our suburbs and neighbourhoods, we can strive for a reasonable distribution of diverse and inclusive areas. Our goal is to ensure that every community within our region has access to play spaces with high play value and amenities, promoting equity and inclusivity across the board.

Draft Skate Spaces Plan - adopted December 2024

Our skate space network consists of all the skate spaces within the Port Macquarie-Hastings LGA based on their geographical relationships and how they are interconnected at the local, neighbourhood and regional levels. Understanding the significance of this network is key to our plan. Each skate space within the LGA offers distinct skate experiences suitable for individuals of various ages and abilities. By recognising that these skate spaces are interconnected and part of a larger network spanning our suburbs and neighbourhoods we can strive for a fairer distribution of diverse and inclusive areas.

The Skate Space Plan applies to skate spaces in public parks and reserves across the LGA. Skate spaces are co-located with other recreation facilities such as play spaces and may include associated facilities such as sports fields, outdoor courts, bike tracks, outdoor fitness equipment and more.

Draft Outdoor Fitness Equipment Plan - adopted December 2024

Our network of outdoor fitness equipment spans across the entire Port Macquarie-Hastings LGA, strategically located to ensure broad accessibility that caters to the diverse needs of our community.

The purpose of this review is to examine the condition and provision of outdoor fitness equipment in the Port Macquarie-Hastings LGA. Its findings will provide guidance on planning to ensure there is sufficient provision of outdoor fitness equipment for the next 10 years.

Draft Outdoor Courts Plan - adopted December 2024

Our outdoor court network consists of all the outdoor courts within the Port Macquarie-Hastings LGA based on their geographical relationships and how they are interconnected at the local, neighbourhood and regional levels. Recognising this network is essential to our planning approach. Our outdoor courts are used for general play as well as the running of sporting competitions and training. By recognising that these outdoor courts are interconnected and part of a larger network spanning our suburbs and neighbourhoods we can strive for a fair distribution of

diverse and inclusive areas. Again, our goal here is to ensure that every community has access to high-quality courts, promoting active recreation and inclusivity throughout the region.

The purpose of this review is to examine the condition and provision of outdoor courts used for sporting activities in the Port Macquarie-Hastings Council Local Government Area. Its findings will provide guidance on planning to ensure there is sufficient provision of outdoor court facilities for the next 10 years. Outdoor courts included in the Plan are Basketball, Netball, Futsal, Bocce, Pétanque, Pickleball, Volleyball and Tennis.

Draft Off-leash Areas and Designated Dog Parks Plan - adopted December 2024

Off-leash areas are typically larger less structured spaces within reserves or beaches where dogs can run freely, often catering to a broader range of dog owners who enjoy informal play and exercise with their pets. In contrast, designated dog parks are specifically designed spaces that are fenced and equipped with features such as agility equipment and seating for owners, making them ideal for more structured interactions and socialisation among dogs and their owners. While off-leash areas may attract a variety of users, including casual visitors and recreational dog walkers, designated dog parks tend to appeal more to dedicated dog owners seeking a safe, controlled environment for socialising and exercising their pets.

The purpose of this review is to examine the condition and provision of off-leash areas and designated dog parks in the Port Macquarie-Hastings Council LGA. Its findings will provide guidance on planning to ensure there is sufficient provision of off-leash areas and designated dog parks for the next 10 years.

Draft Watercraft Access and Fishing Areas Plan

Water access areas refer to locations specifically designed or designated for launching watercraft such as boats, kayaks, or canoes for recreational purposes. Fishing areas refer to locations specifically designed or allocated for fishing activities, including jetties, pontoons, and wharfs. These areas often come equipped with amenities to facilitate safe and convenient access to the water.

Our Water Access and Fishing area network includes all the water access and designated fishing infrastructure within the Port Macquarie-Hastings LGA based on their geographical relationships and how they are interconnected at the local, neighbourhood and regional levels. By strategically planning this network we aim to ensure that the infrastructure and associated land cater to a wide array of recreational activities. Work has been undertaken through the development of the Coastal Recreational User Needs Analysis in 2023 to inform the Coastal Recreation Facility and Infrastructure Provision Standards. This allows us to acknowledge the varying levels of provision and investment needed to sustain and offer a diverse range of facilities within the LGA.

Draft Community Gardens Plan

A community garden is a shared space where people come together to grow fresh produce, flowers, and herbs. It is a place where people can learn about gardening, share knowledge, stay active and socialise.

Our community garden network in the Port Macquarie-Hastings LGA consists of all the community gardens that are located across the region. These gardens are managed by local residents, volunteers and not-for-profit organisations who are passionate about gardening and community building. Currently 6 community gardens make up this network, 2 in Port Macquarie, 1 in Bonny Hills/ Lake Cathie, 2 in Camden Haven and 1 in Wauchope.

Options

Council has the option to:

1. Adopt the draft Places to Play Sub Plans for public exhibition as recommended; or
2. Not adopt the draft Places to Play Sub Plans for public exhibition; or
3. Seek further information or changes to the draft Plan prior to placing on public exhibition.

This report recommends option 1.

Community Engagement and Internal Consultation

Ongoing Internal Consultation has occurred with:

- Group Manager Liveable Communities
- Manager Spaces and Places
- Recreation and Open Space Planner
- Parks and Open Space Coordinator
- Education Coordinator
- Recreation and Community Initiatives Coordinator
- Recreation and Community Strategy Coordinator
- Asset Officer
- Community Engagement Officer
- Parks Technical Officer
- Future Landscape Architect
- Future Asset Planner

Planning and Policy Implications

The Places to Play Plan Asset Management data will determine 10 years works program for play.



The adoption of the Places to Play Plan will be followed by a review of the Recreation Action Plan 2025-2030 priority projects.

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

Financial and Economic Implications

Projects identified in the Plan will be investigated for delivery from 2025-2026 onward and are subject to priority review and budget endorsement through subsequent Operational Plan development, they will be identified in the 10-year Works Program.

Attachments

1.  Watercraft Access & Fishing Areas Plan
2.  Community Garden Plan
3.  Places to Play Plan

Item: 11.06

Subject: DRAFT COMMUNITY ENGAGEMENT STRATEGY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

RECOMMENDATION

That Council:

- 1. Endorse the draft Community Engagement Strategy for the purpose of public exhibition.**
- 2. Note the proposed Engagement Plan to support the public exhibition of the draft Strategy as included as Attachment 3.**
- 3. Place the Community Engagement Strategy on public exhibition for a period of not less than 28 days.**

Executive Summary

The Local Government Act 1993 mandates that each council must establish and implement a Community Engagement Strategy (CES) to guide how they will engage the community on all works that Council undertaking and in developing and reviewing their Community Strategic Plan (CSP) and the suite of Integrated Planning and Reporting documents. This engagement strategy is required to be based on social justice principles and identify relevant stakeholder groups, outlining the methods for their engagement.

Reviewing the Community Engagement Strategy (CES) in a timely manner, that is within three months of a new council's term, is required to ensure that Council can maintain effective community engagement and ensure it remains effective and aligned with the community's needs and Council's objectives.

As detailed in the December 2024 report to Council (Item 11.11) a review of the existing Community Engagement Strategy 2022 - 2025 (Attachment 1) has been completed. This review was adopted by Council at the December 2024 Council meeting. A new comprehensive draft Community Engagement Strategy has now been developed to support ongoing community engagement and participation, in alignment with the requirements of the Local Government Act and the Environmental Planning and Assessment Act and specifically the requirements of the Integrated Planning and Reporting legislation and is now ready to be shared with the community to seek community feedback on the proposed strategy.

As an interim a draft IP&R Community Engagement Strategy was also adopted by Council for the purpose of community feedback to ensure focussed consultation can be carried out in respect to the draft Strategy while the new comprehensive Community Engagement Strategy was being finalised with any relevant feedback

being able to be considered in the comprehensive CES, this IPR Engagement Strategy has been out in the community for feedback and is the subject of a separate report on the March Ordinary Council meeting agenda. Where relevant, the feedback received has been incorporated into the comprehensive draft Engagement Strategy

At the 20 February 2025, Ordinary Council meeting it was resolved:

That Council:

1. *Note the information provided in the report.*
2. *Not adopt the draft Community Engagement Strategy as presented and request a further report be provided to Council in March 2025 to include amendments to the draft Community Engagement Strategy and consider feedback received in respect of the recent public exhibition of the draft Integrated Planning and Reporting (IP&R) Community Engagement Strategy.*
3. *Seek the following amendments be included and/or addressed in the revised draft Community Engagement Strategy:*
 - a. *feedback received in respect of the public exhibition of the draft IP&R Community Engagement Strategy*
 - b. *outline methods that will be used to engage each of the identified stakeholder groups*
 - c. *explanation of the interface between Council's engagement and communications roles/activities*
 - d. *a list of potential engagement activities that may be utilised for each of the identified IAP2 Spectrum Levels.*
4. *Note that the draft Community Engagement Strategy includes the former provisions of the adopted Community Participation Plan.*

The Strategy has now been updated to reflect the February Council resolution and this report recommends adoption of the revised draft CES (Attachment 3) for the purpose of public exhibition to be undertaken in accordance with the proposed Engagement Plan included in Attachment 3.

The revised comprehensive Community Engagement Strategy responds to Council's resolution by incorporating community feedback, outlining stakeholder engagement methods, clarifying the interface between engagement and communications, and providing a guide to engagement activities aligned with the IAP2 Spectrum.

Key themes from the engagement on the IPR Engagement Strategy have also been incorporated in the comprehensive Strategy including the strong call for more inclusive, transparent, and participatory engagement processes, as well as the need for structural reforms to ensure community voices are genuinely heard and acted upon. These have been included as considerations as part of the comprehensive Strategy.

Discussion

Local governments in NSW are required to have a robust Community Engagement Strategy to ensure transparency, inclusivity, and meaningful participation in decision-making. Our current Engagement Strategy, adopted in 2022, (Attachment 1) has guided our approach, and we have since developed a tailored Engagement Strategy for the Integrated Planning and Reporting (IPR) framework. Now, we are taking the next step by developing an overarching Engagement Strategy that will align all

legislative requirements, including those under the IPR framework and the Environmental Planning and Assessment (EPA) Act and the insights we have gained through engagement over the past three years. This strategy will create a consistent, structured, and community-focused approach to engagement across all areas of Council, ensuring that we continue to empower our community and enhance the way we connect, listen, and respond.

Council, at the December 2024 Council meeting (Item 11.11) resolved that the Draft IP&R Community Engagement strategy be placed on public exhibition for a period of not less than 28 days. Public exhibition of the draft IP&R Community Engagement Strategy is currently underway.

It was determined that given the need to have an Engagement Strategy in place to support public exhibition and engagement of the upcoming Integrated Planning and Reporting (IP&R) suite of documents that this specific component of the CES would proceed to exhibition now and allow further review and refinement of the comprehensive CES. The two will ultimately be merged into one document before finalisation of the CES to result in a comprehensive CES.

Additional work has now been completed to prepare a comprehensive draft Community Engagement strategy (CES) (Attachment 2) and it is now being presented to Council for endorsement for community engagement and feedback.

The review of the existing CES has highlighted areas for improvement and provided insights to inform the development of the new strategy. Key findings include:

1. Gaps Identified:

- Limited inclusivity in engagement practices.
- Lack of transparency of when the community engage and what level of influence do, they have on decision making.
- Weaknesses in feedback mechanisms, particularly in closing the loop with participants and the broader community.

2. Opportunities for Improvement:

- Broadening participation to include under-represented groups, by the development of an online resident consultation group which will provide a broader cross section of participation within the Local Government Area (LGA).
- Enhancing community satisfaction through better engagement experiences including engagement communications.
- Development and maintenance of a more comprehensive stakeholder database that allows for the correct audience to be reached to inform other projects into the future.
- Addressing insights from Councillor feedback
- Community Satisfaction Survey feedback.
- Clear methods appropriately identified for the identified stakeholders and reaching hard to reach stakeholders
- Variety in participatory opportunities
- Authentic engagement and evidence of how the engagement impacts decision making.

3. Challenges Noted:

- Reaching Under-Represented Groups: Marginalised and hard-to-reach populations remain under-engaged.
- Managing Diverse Stakeholder Interests: Balancing varying community expectations requires ongoing effort.
- Addressing Engagement Fatigue: Frequent consultations risk disengaging participants over time.
- Ensuring equity of access: Considering the different ways people like to provide feedback and the relative ease of doing so.

Strategic Objectives

To address these gaps and challenges, the comprehensive strategy incorporates the following objectives:

1. *Building Capacity*: Internally and externally, leveraging emerging technologies and practices to enhance engagement.
2. *Inform and Involve*: Develop tailored engagement activities to increase participation from diverse communities and educate participants on their level of influence over the project in which they are engaging on, so they can provide more informed and measured feedback.
3. *Accountability and Transparency*: Strengthening feedback mechanisms, including updates on the "Have Your Say" (HYS) platform and e-newsletters and communication channels. Providing clear data on survey response in simple language for the community to have a snapshot of the outcomes.
4. *Continuous Improvement*: Regularly evaluate and improve engagement practices using participant feedback

Options

Council has the following options available:

1. Endorse the draft Community Engagement Strategy for public exhibition or
2. Seek additional information about the Draft Community Engagement Strategy or
3. Resolve in some other manner.

This report recommends option 1.

Community Engagement and Internal Consultation

A Councillor briefing was provided by staff on 5 December 2024 regarding community engagement.

Pre-engagement was provided with the draft IP&R Community Engagement Strategy commencing in December 2024, allowing for the community to have an opportunity to review the draft document prior to the survey opening on 13 January 2025 for the consultation period of 28 days.

The draft IP&R Community Engagement Strategy was made available for public feedback, attracting 135 page visitors and generating 399 page views. A total of 105 community members downloaded the documents, with 12 online survey responses and two additional submissions via email. This matter is the subject of a separate report on the March Ordinary Council meeting agenda.

Feedback highlighted positive elements, including alignment with NSW Government guidelines and a commitment to evaluation. However, concerns were raised about the lack of a structured accountability framework to ensure these commitments translate into meaningful outcomes.

Key themes from the engagement included a strong call for more inclusive, transparent, and participatory engagement processes, as well as the need for structural reforms to ensure community voices are genuinely heard and acted upon. These have been included as considerations as part of the updated draft Strategy.

If the comprehensive draft CES is endorsed by Council, it will be also placed on public exhibition for a period of not less than 28 days and a further report will be provided to Council for consideration of the feedback received. A tailored engagement plan has been developed to guide how we connect with our diverse community throughout the Strategy's engagement process (Attachment 3). Our approach focuses on reaching all demographics, ensuring we hear from those we don't typically engage with, and creating inclusive opportunities for meaningful input. Through a mix of engagement methods, we aim to capture a broad range of voices and perspectives, strengthening our Strategy's alignment with community needs.

Planning and Policy Implications

Should the comprehensive Community Engagement Strategy be adopted by Council, the Community Participation Plan will be rescinded as it would then form part of the Strategy, and a review of the Community Engagement Policy will be also undertaken.




Financial and Economic Implications

The financial and economic impacts of implementing the revised Community Engagement Strategy include potential increases in operational costs to enhance communication platforms, develop stakeholder databases, and support local groups including the establishment of the Community Voice initiative. However, this would be managed within the existing operational budget allocation.

Operational costs may include requirement for training staff, hosting engagement events, improvements to existing HYS platform and review of alternative platform for future growth and expanding outreach methods, such as non-digital communication.

These investments can yield long-term economic benefits by fostering trust and collaboration, reducing project delays caused by community dissatisfaction, and ensuring decisions align with community needs, potentially enhancing local economic outcomes and resource efficiency.

Attachments

1.  Community Engagement Strategy 2022
2.  Draft Community Engagement Strategy - for Exhibition March 2025
3.  Draft Engagement Plan for the Community Engagement Strategy

Item: 11.07

Subject: INTEGRATED PLANNING & REPORTING (IP&R) COMMUNITY
ENGAGEMENT STRATEGY - POST EXHIBITION

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

RECOMMENDATION

That Council:

1. **Note the feedback received included in the attached Integrated Planning and Reporting (IP&R) Community Engagement Strategy - Engagement Report.**
2. **Adopt the Integrated Planning and Reporting (IP&R) Community Engagement Strategy for the purpose of engaging on the 2025-29 IP&R suite of documents**
3. **Note that after the exhibition and adoption of the Community Engagement Strategy this will be primary approach to Engagement.**

Executive Summary

To ensure Council meets its legislative obligations within the specified timeframes and supports engagement for the 2025 Integrated Planning and Reporting (IP&R) suite of documents, a draft IP&R Community Engagement Strategy was developed and placed on public exhibition from 13 January 2025 to 11 February 2025.

Community feedback received as outlined in Attachment 1 highlighted the need for greater transparency, tailored engagement methods, and clearer accountability measures. While the draft IP&R Community Engagement Strategy provides an interim framework for engagement on the IP&R documents, a new comprehensive Community Engagement Strategy is being developed to create a more structured and inclusive approach to engagement across all Council activities.

A separate report on the new comprehensive Community Engagement Strategy will be presented to the March 2025 Ordinary Council Meeting. This approach ensures focused consultation on the draft IP&R Strategy while allowing relevant feedback to inform the broader engagement strategy before its finalisation.

This report provides the details of the feedback received regarding the draft Strategy and recommends adoption of the amended IP&R Community Engagement Strategy as included in Attachment 2.

Discussion

Local governments in NSW are required to have a robust Community Engagement Strategy to ensure transparency, inclusivity, and meaningful participation in decision-making. Council adopted its current Community Engagement Strategy in 2022, and since then, a tailored IP&R Community Engagement Strategy has been developed to support engagement on the Integrated Planning & Reporting (IP&R) framework.

Council is also developing a new comprehensive Community Engagement Strategy, which is presented separately on the March 2025 Ordinary Council agenda.

To ensure an engagement strategy is in place for the upcoming IP&R suite of documents, Council resolved at its December 2024 meeting (Item 11.11) to publicly exhibit the draft IP&R Community Engagement Strategy. The resolution is below.

That Council:

1. *Note the information in the report regarding the review of the Community Engagement Strategy.*
2. *Place the draft Integrated Planning and Reporting (IP&R) Community Engagement Strategy on public exhibition for a period of not less than 28 days.*

The Draft IP&R Community Engagement Strategy was placed on public exhibition from 13 January 2025 to 11 February 2025. The purpose of the exhibition was to seek community feedback on how Council engages with the public on the Integrated Planning and Reporting (IP&R) suite of documents.

A copy of the Engagement Report is provided attached (Attachment 1). The exhibition period attracted 135 visitors, 399 page views, 105 document downloads, and 12 formal submissions via Have Your Say, with an additional two submissions received by email.

Feedback on the draft Strategy was largely constructive, with key themes including:

- A need for greater transparency in how community feedback informs decision-making.
- Calls for more structured accountability measures to track engagement outcomes.
- Concerns about accessibility and inclusion, particularly for underrepresented groups.
- Requests for clearer engagement methods tailored to different stakeholder groups, aligning with legislated IP&R requirements.

Given the need for a comprehensive engagement framework, Council proceeded to develop with the broader comprehensive Community Engagement Strategy, incorporating insights gained from this process. The final strategy will align all engagement efforts, including IP&R and Environmental Planning & Assessment (EPA) Act requirements, ensuring a structured and community-focused approach. This comprehensive strategy is the subject of a separate report on the March Ordinary Council meeting agenda.

The draft IP&R Community Engagement Strategy will continue to guide engagement on Council's strategic planning documents until the comprehensive Community

Engagement Strategy is finalised. The full engagement summary, including community submissions and recommendations, is attached for Council's consideration. An updated IP&R Engagement Strategy with amendments based on community feedback is provided in Attachment 2.

As a result of this feedback, the IP&R Community Engagement Strategy has been refined (Attachment 2) to ensure a more consistent and transparent approach. Key improvements include prioritising early and ongoing participation, making it easier for community members to find and access engagement opportunities, and ensuring that feedback is clearly linked to decision-making.

Community members also emphasised the need for shorter, more accessible surveys, broader demographic reach, and improved information-sharing. In response, the strategy now includes a stronger focus on closing the loop ensuring participants understand how their feedback has influenced outcomes while also refining the methods used to engage different.

Options

Council has the following options:

- Approve the IPR Engagement Strategy with the recommended amendments based on community feedback
- Seek additional information or revisions for further review or refinement of the Strategy to address any further feedback.
- Not adopt the Strategy, noting this will have implications for Council's compliance with the IP&R requirements for the upcoming exhibition of the draft IP&R suite of documents.

This report recommends option 1.

Community Engagement and Internal Consultation

The Draft IP&R Community Engagement Strategy was placed on public exhibition from 13 January 2025 to 11 February 2025 following Council's resolution at the December 2024 Ordinary Meeting (Item 11.11). The purpose of the exhibition was to seek community feedback on how Council engages with the public on the Integrated Planning and Reporting (IP&R) suite of documents. A full Engagement Report is provided in Attachment 1 for more details.

Engagement Overview

- 135 unique page visitors
- 399 total page views
- 105 document downloads
- 12 formal submissions via Have Your Say (HYS)
- 2 additional email submissions received
- Local pop-up engagement sessions in Wauchope, Lake Cathie, and Port Macquarie

Key Themes from Community Feedback

Feedback on the draft strategy reflected both positive recognition of Council's alignment with best practices and concerns about accountability, inclusivity, and engagement transparency.

1. Transparency & Clarity of the Strategy
 - Community members were confused about why a separate Draft IP&R Community Engagement Strategy was exhibited before reviewing feedback on the broader Community Engagement Strategy (CES).
 - Concerns were raised about whether the draft strategy fully meets IP&R legislative requirements, particularly around engagement methods for different stakeholder groups.
 - Some respondents questioned whether the engagement process was genuine or if decisions had already been made.
2. Strengthening the Community Engagement Process
 - Respondents called for more transparency in how Council determines engagement levels and methods for different projects.
 - Some feedback suggested that community engagement feels like a "tick-box" exercise rather than a meaningful process.
 - There was criticism over the removal of previous engagement structures, such as working groups and advisory committees, which previously provided direct community input.
3. Accountability & Measuring Engagement Success
 - Stronger reporting mechanisms were requested to track how community input is incorporated into decision-making.
 - Some submissions called for structured evaluation of engagement efforts to ensure effectiveness.
 - Respondents suggested regular public reporting on how engagement feedback influences Council decisions.
4. Inclusion & Accessibility in Engagement
 - Community members highlighted the need for tailored engagement approaches for:
 - Youth
 - People with disabilities
 - First Nations communities
 - Seniors
 - Non-English speakers
 - Support for a balanced mix of digital and face-to-face engagement to ensure accessibility.
 - Requests for clearer alignment with the IAP2 Spectrum in outlining stakeholder engagement methods.
5. Investment in Localised Engagement
 - Concerns that some areas (e.g., Camden Haven) receive less engagement focus than others.
 - Perceptions that certain community groups (e.g., Landcare) receive more support than others.
 - Calls for more investment in community-led initiatives to ensure bottom-up engagement.
6. Focus on Specific Community Interests
 - Cycling & Mountain Biking Infrastructure
 - Recognition of the economic and tourism benefits of developing better cycling infrastructure.

- Calls for stronger engagement with local cycling groups.
- Environmental & Sustainability Issues
 - Concerns that sustainability measures are not effectively tracked in engagement reporting.
 - Requests for ongoing consultation on environmental issues.

7. Evaluation & Continuous Improvement

- Acknowledgment of improvements in evaluation and engagement tracking.
- Strong calls for ongoing monitoring and refinement of engagement strategies.
- Support for alignment with NSW Government best practices, but requests for clearer stakeholder engagement methods.

There was also some key community sentiment gained from the engagement, and it was mixed highlighting frustration, constructive criticism, and recognition of progress.

- Concerns: Timing of engagement strategy drafts, doubts about how feedback is used, and loss of working groups.
- Suggestions: Improve transparency, track key priorities, and reinstate formal consultation mechanisms.
- Positive Recognition: Acknowledgment of progress in engagement evaluation but calls for further refinement.
- Stronger Involvement: Desire for clearer engagement methods, greater transparency, and inclusivity.

Overall, feedback calls for more meaningful, accountable, and structured engagement.

Planning and Policy Implications

Once the comprehensive Community Engagement Strategy is adopted by Council, this IPR Engagement Strategy will be superseded. Also, the Community Participation Plan will to be rescinded as it would then form part of the comprehensive Strategy, and a review of the Community Engagement Policy will be also commenced in April 2025.

Financial and Economic Implications



Effective community engagement is not just a legislative requirement and is a core function of Council—it delivers tangible financial benefits to Council and the broader community. Proactive and well-planned engagement helps mitigate risks, reduce costs, and improve decision-making, ultimately leading to more efficient project delivery and better community outcomes.

Key financial impacts of engagement include:

- Reducing Project Delays & Cost Overruns: Early and meaningful engagement helps identify potential issues upfront, avoiding costly project delays, rework, or redesigns.
- Minimising Reputation & Legal Risks: Transparent and inclusive engagement builds trust, reducing the likelihood of disputes, legal challenges, or negative media attention that can impact Council's reputation and resources.
- Maximising Grant & Funding Opportunities: Well-documented community engagement strengthens grant applications, demonstrating strong community support and increasing funding success.
- Optimising Service Delivery: Understanding community needs ensures investment is directed toward the most valued projects and services, improving cost efficiency and long-term sustainability.

While community feedback highlighted the need for greater investment in engagement, it is essential to balance costs with financial sustainability. The revised strategy will focus on cost-effective engagement approaches, leveraging digital tools, existing resources, and partnerships to enhance participation while ensuring responsible financial management.

Attachments

1.  IP&R Engagement Strategy - Engagement Report February 2025
2.  IP&R Community Engagement Strategy Post Engagement - March 2025

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: POLICY REVIEW - DOGS IN PUBLIC OPEN SPACES

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the review of the Dogs in Public Open Spaces Policy in accordance with Council's Policy Framework.**
- 2. Approve the public exhibition of the revised draft Dogs in Open Public Spaces Policy for a period of not less than 28 days.**
- 3. Note that a further report will be tabled at a future Ordinary Council Meeting detailing the submissions received during the public exhibition period and any changes recommended.**

Executive Summary

This report details the review undertaken of the Dogs in Public Open Spaces Policy, with consideration of any amended legislation or change of use. The current Dogs in Public Open Spaces Policy was adopted on 21 July 2021 (Attachment 1). The review of this policy also aligns with the expectation of reviewing policies on a regular basis.

The review followed extensive consultation; relevant stakeholder views have been considered and incorporated.

The draft Dogs in Open Public Spaces Policy (Attachment 2) clearly defines where dogs are permitted and specifies conditions under which dogs are permitted in public areas.

Under the policy, Council enforces several key legislations, including the *Companion Animals Act 1998* and the *Local Government Act 1993*, which govern the management of dogs in public open spaces. These laws regulate responsible pet ownership, including leash requirements, designated off-leash areas, and restrictions to protect wildlife and public safety. Compliance ensures a balanced approach to shared community spaces while safeguarding environmental and recreational values.

This report recommends that the draft Policy be retained, and outlines amendments made to update it to ensure it is fit-for-purpose and consistent with Council adopted Policy Framework. If endorsed, the revised draft Policy will be placed on public exhibition for comment and a further report will be provided to Council for consideration of any submissions received as well as any changes made to the draft Policy.

Discussion

The current Dogs in Public Open Spaces policy was reviewed with consideration of the recreational use of the growing population in our LGA, community expectation, and environmental factors to ensure minimal impact.

The current Dogs in Public Open Spaces Policy was adopted on 21 July 2021 (Attachment 1).

Following feedback from key stakeholders, the following changes have been included in the draft Policy:

- Document updated to new Policy format (Last updated 2021)
- To ensure the safety and protection of environmental assets, it is proposed to implement a change allowing Council to review and temporarily close public areas at any time due to changes in environmental conditions, such as severe weather events or shorebird breeding periods. This approach will enable Council to respond proactively to dynamic circumstances that may pose safety risks or require environmental protection. Temporary closures will be communicated promptly through appropriate channels, with clear signage and updates provided to the public, ensuring transparency and community awareness.

The Policy review is an important part of Council's broader review of our Open Space Management approach. These items will be actioned separately following adoption of Policy:

- Review and update existing signage.
- Review and update the web content and print material.

Options

Council may choose to:

1. Adopt the recommendations contained within this report; or
2. Request further information regarding the Draft Policy for Dogs in Public Open Spaces; or
3. Resolve in some other manner.

This report recommends option 1.

Community Engagement and Internal Consultation

Internal engagement has taken place with the following stakeholders:

- Group Manager - Environment and Regulatory Services
- Natural Resources Manager
- Strategic Environmental Projects Coordinator
- Community Engagement Coordinator
- Parks and Open Space Coordinator
- Group Manager - Liveable Communities
- Places and Spaces Manager

Planning and Policy Implications

A decision by the NSW Land and Environment Court in 2020 highlights the need for Council to carefully consider the provisions of both Part 4 and 5 of the Environmental Planning and Assessment Act 1979 (EPA Act) when making decisions regarding the creation or management of on- and off-leash dog areas under the Companion Animals Act 1998. This includes assessing the potential environmental impacts of establishing or modifying these areas, particularly when planning future upgrades to existing sites. While many on- and off-leash areas are located within public reserves designated for recreation purposes and may benefit from continuing lawful use protections under the EPA Act, Council must still ensure compliance with Part 4 and Part 5 of the Act by evaluating the environmental impacts associated with these decisions.

Financial and Economic Implications

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

Attachments

1.  Existing Dogs in Public Open Spaces Policy
2.  Draft Dogs in Public Open Spaces Policy

Item: 12.02

Subject: NOTICE OF MOTION - INTEGRATED TRANSPORT PLAN -
REPORTING

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

RECOMMENDATION

Request the Chief Executive Officer to update the Status of Reports from Council Resolutions for the April 2025 Ordinary Council Meeting to include a regular reporting frequency of once per year for the Port Macquarie-Hastings Integrated Transport Plan to be provided in September 2025, which includes but is not limited to, works completed and priority projects for PMHC and TfNSW for the next 2 years.

Comments by Councillor Edwards

Nil

Comments by Chief Executive Officer

There are no concerns with the contents of this Notice of Motion.

Attachments

Nil

Item: 12.03

**Subject: NOTICE OF MOTION - ENVIRONMENT AND COMMUNITY
INFRASTRUCTURE LEVY**

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

RECOMMENDATION

That Council:

1. **Requests the Chief Executive Officer to update the draft 2025-2029 IP&R document suite and long-term financial plan that considers allocating eighty percent of the Environment and Community Infrastructure Levy solely to measures that improve and protect biodiversity and the health of the environment.**
2. **Requests the Chief Executive Officer to update the draft 2025-2029 IP&R document suite and long-term financial plan that considers allocating the remaining twenty percent of the Environment and Community Infrastructure Levy solely to pedestrian/cycle networks which provide access to and through greenbelt areas.**

Comments by Councillor Edwards

The Environment and Community Infrastructure Levy was applied for as per the identified benefits outlined below

This levy is actually called the Environmental and Community Infrastructure levy which can be spent on parks and natural resources projects. It started at \$25 per assessment when it was introduced in 1996/97 and has been increased each year by the rate peg.

The following was listed in the Special Rate Variation (SRV) application as the benefits from the SRV:

Council has identified a number of benefits that will be derived from the variation:

- a) Rehabilitation of existing green belt areas
- b) Implementation of control management measures including pollution traps, erosion control and general water quality improvement
- c) Development of pedestrian/cycleway networks which provide access to and through green belt areas
- d) Coastal environment improvement works i.e. access, weed removal and vegetation rehabilitation
- e) General support for urban land care. Clean Up Australia and School based Stream Watch programmes
- f) Development of vegetation mapping to allow better assessment of environmental issues and planning

Comments by Chief Executive Officer

The budget inputs for the draft Long-Term Financial Plan have been locked down to ensure the Resourcing Strategy documentation can be completed in time for inclusion in the Integrated Planning & Reporting (IP&R) suite of documents which will be presented at the April Ordinary Council meeting prior to public exhibition.

Significant work has already been undertaken by staff to allocate the Environment and Community Infrastructure Levy for 2025/26 to priority initiatives that align with the intent of the original Special Rate Variation (SRV) application. Detail on these allocations will be provided to Councillors as part of the budget information packs being prepared, following the briefing provided on the IP&R suite of documents and draft budget on Thursday 13 March 2025.

Further budget considerations, including potential adjustments, will be informed by community feedback received during the IP&R public exhibition period. Any proposed changes will be incorporated into the final documents for Council's consideration and adoption in June 2025.

Attachments

Nil

4 Your Natural and Built Environment

What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



Item: 13.01

Subject: POLICY REVIEW - CONTROL OF BURNING

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note the review of the Control of Burning Policy in accordance with Council's Policy Framework.**
2. **Approve the public exhibition of the revised draft Control of Burning Policy for a period of not less than 28 days.**
3. **Note that a further report will be tabled at the May 2025 Ordinary Council Meeting detailing the submissions received during the public exhibition period and any changes recommended.**

Executive Summary

Open burning is prohibited in the Port Macquarie-Hastings Local Government Area (LGA) under the *Protection of the Environment Operations Act 1997* (the POEO Act) and the Protection of the Environment Operations (Clean Air) Regulation 2022 (the Clean Air Regulation), except with approval or where relevant but limited exemptions apply.

Council has an adopted Policy for the Control of Burning (Attachment 1) that provides an avenue for Council to provide an overarching approval framework under the Clean Air Regulation for a person to burn dead and dry vegetation that was grown on the property in specified land use zones, without having to apply for and obtain individual approvals for each proposed burning event.

This Policy was originally adopted by Council in 2000 and has been reviewed regularly. The current Policy (Attachment 1) is now again due for review. Staff have undertaken this review, and a revised draft Policy (Attachment 2) has been developed.

The draft Policy (Attachment 2) continues to provide an approval framework for some open vegetation burning activities to occur in certain land-use zones where relevant criteria are met, without having to apply for and obtain individual approvals, while also providing general information about alternative approval pathways.

This report recommends that the draft Policy be retained, and outlines amendments made to update it to ensure it is fit-for-purpose. The revised draft Policy incorporates changes to the POEO Act and the Clean Air Regulation, as well as accommodating

any relevant changes to legislation and/or guidelines administered by Fire and Rescue NSW (FRNSW) and/or the Rural Fire Service (RFS).

If endorsed, the revised draft Policy will be placed on public exhibition for comment and a further report will be provided to Council for consideration of any submissions received as well as any changes made to the draft Policy.

Discussion

The Control of Burning Policy was first adopted in September 2000 when the Protection of the Environment Operations (Control of Burning) Regulation 2000 commenced. This Policy was adopted and implemented to control vegetation burning activities in certain land-use zones within the LGA where conditions in the Policy were met. Since the adoption of this Policy, it has been amended in 2006, 2008, 2010, 2018, and 2022 to reflect changes to legislation and relevant guidelines.

The draft Policy continues to provide an avenue for Council to have an overarching approval framework under the Clean Air Regulation for a person to burn dead and dry vegetation that was grown on the property in specified land use zones, without having to apply for and obtain individual approvals for each proposed burning event. This removes application costs for residents and streamlines Council's administrative and regulatory processes. The applicable zones are the rural zones being RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU6 Transition and R5 Large Lot Residential. RU4 is no longer included in the Port Macquarie-Hastings Local Environmental Plan 2011 and is therefore no longer referenced in the draft Policy.

It should be noted that this overarching approval framework does not have the authority to give permission to light/ignite a fire. The Clean Air Regulation and the draft Policy only provides Council with the ability to consent to the potential air pollution generated by such fires. Consent from the appropriate fire control authority, being FRNSW or the RFS, depending on the location, is still required to light/ignite a fire. Without the draft Policy, any person within the applicable land use zones wanting to burn off dead or dry vegetation that is not exempt under the Clean Air Regulation, would need to apply for an individual approval from Council in addition to any consent from FRNSW or the RFS.

The draft Policy also guides the assessment of individual applications for burning activities in other land-use zones not captured by the approval framework, and encourages residents to utilise more sustainable reuse, recycling or disposal methods, and reduce local air pollution, in accordance with the regulation.

The existing Policy has been reviewed and is still considered relevant for our community. The Policy is proposed to be updated to provide greater clarity around the purpose of the Policy and its role in providing an overarching approval framework, while also account for changes to legislation, referenced documents, and Fire Danger Ratings.

The draft Policy (Attachment 2) and the table of changes (Attachment 3) are included with this report. Note that grammatical updates or minor inclusions changes have also occurred throughout the draft Policy which are not listed in the changes summarised in Attachment 3 due to the insignificant nature of the changes (e.g.,

legislation references being italicised, punctuation and style changes or minor word inclusions for readability purposes).

Options

Council has the following options available to it:

1. Council has the option to revoke the existing Policy. If the existing Policy is revoked, any burning of dead and dry vegetation within the LGA in rural zones RU1, RU2, RU3, RU6 and R5 Large Lot Residential will require individual open burning applications to Council for determination unless exempt by legislation, which will increase time and costs to the affected community while increasing the administrative burden to Council.

This **not the preferred option**.

2. Council has the option to not adopt the draft Policy for exhibition. If the draft Policy is not adopted, the existing Policy will become out of date and reference superseded legislation, bringing into question the validity of the overarching approval framework, as well as maintaining reference to out-of-date information regarding the RFS and related references.

This **not the preferred option**.

3. Council can endorse the revised draft Policy for the purpose of Public Exhibition.

This **is the preferred option**.

Community Engagement and Internal ConsultationCommunity Engagement

In preparing the draft Policy, FRNSW and the RFS were provided with an advanced draft copy to aid in this review and were provided the opportunity to provide comment due to the interrelatedness of the draft Policy with relevant fire control legislation. No recommendations for change were received for the draft Policy as provided as Attachment 2. Council approval is now sought to place the draft Policy on public exhibition to allow for broader community consultation.

Internal Consultation

The draft Policy was prepared by the Environment and Regulatory Services Group within Council and no further consultation was considered necessary outside of that Group prior to public consultation given the nature and scope of the Policy and the proposed changes.




Planning and Policy Implications

There are no planning or policy implications in relation to this report, however if ultimately adopted the draft Policy will become a Policy of Council.

Financial and Economic Implications

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

Attachments

1.  Current Policy - Control of Burning
2.  Draft Policy - Control of Burning
3.  Table of changes to Control of Burning Policy

Item: 13.02

Subject: POLICY REVIEW - TRANSPORT AND DRAINAGE POLICY SUITE -
POST PUBLIC EXHIBITION

Presented by: Community Infrastructure, Blayne West

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council

1. **Adopt the following Policies:**
 - **Electric Vehicle Road Management and Infrastructure Policy**
 - **Public Transport Infrastructure Policy**
 - **Stormwater Overland Flow Policy**
 - **Kerbside Use and Parking Management Policy**
 - **Active Transport Crossing, Paths, and Walkways in Public Road Reserve Policy**
2. **Rescind the following existing Policies**
 - **Parking Policy**
 - **Footpath and Walkways in Public Reserves Policy**

Executive Summary

At the Ordinary Council Meeting held on 12 December 2024, Council resolved to place the draft Transport and Drainage Policy Suite on public exhibition (individual policies listed below).

- Electric Vehicle Road Management and Infrastructure Policy
- Public Transport Policy
- Stormwater Overland Flow Policy
- Kerbside Use and Parking Management Policy
- Active Transport Crossing, Footpaths and Walkways in Public Road Reserves

These policies were subsequently placed on public exhibition between Monday 13 January and Tuesday 11 February 2025. During the exhibition period, 4 submissions provided feedback on various topics relating to the draft Transport and Drainage Policy Suite.

Discussion

Council considered a report on the Draft Transport and Drainage Policy Suite at the Ordinary Council meeting in December 2024. Council resolved as follows:

13.14 POLICY REVIEW - TRANSPORT AND DRAINAGE POLICY SUITE - PRE PUBLIC EXHIBITION*RESOLVED: Intemann/Edwards***That Council:**

1. Place on public exhibition the following draft policies for a period of not less than 28 days.
 - Electric Vehicle Road Management and Infrastructure Policy
 - Public Transport Infrastructure Policy
 - Stormwater Overland Flow Policy
 - Kerbside Use and Parking Management Policy
 - Active Transport Crossing, Paths, and Walkways in Public Road Reserve Policy
2. Note that a further report will be provided by the March 2025 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

Following that time, the draft Transport and Drainage Policy Suite was placed on public exhibition between Monday 13 January and Tuesday 11 February 2025.

The draft Transport and Drainage Policy Suite has been developed to clearly define the way Council and the community utilise our road reserves and support and encourage the use of Electric Vehicles, Active Transport, and Public Transport. Additionally, staff have prepared a new policy defining the way we identify, map, and manage risks associated with stormwater overland flows.

As outlined in the December report, a summary of each proposed new Policy is included below with copies attached:

Electric Vehicle (EV) Road Management and Infrastructure Policy

- This is a **new policy** seeking to define the principles by which Council will approach the installation of EV facilities and associated electrical infrastructure and applies to Council owned land and road reserves throughout the Local Government Area (LGA).

Public Transport Policy:

- This is a **new policy** clarifying how Council intends to manage public transport infrastructure and facilities owned or managed by Council.
- The Policy aligns with the objectives of the Regional Integrated Transport Strategy (RITS) and addresses how Council will advocate for improved public transport in the area.

Stormwater Overland Flow Policy

- This is a **new policy** being presented to Council, to establish and clarify how Council manages overland flow within the Local Government Area (LGA).
- The management principles defined in the policy aim to enhance public safety, minimise flood risks, protect property, and promote sustainable development practices.

Kerbside Use and Parking Management Policy

- This is a new policy which **merges** the current Parking Policy with Kerbside Use management.
- The policy aims to clarify Council's intended management of kerbside use and parking management in line with Council's Parking Management Plan, adopted 2023.
- This Policy documents a framework of objectives that reflects both the continued importance of the car for access to activity centres, and the need to move towards a balanced and sustainable transport system.

Active Transport Crossing, Footpaths and Walkways in Public Road Reserves

- This is a new policy which **merges** the current Footpath and Walkways in Public Road Reserves Policy with a new policy for Active Transport Crossings.
- The policy aims to outline Council's position on the provision and prioritisation of safe and functional footpath, walkways, and pedestrian and cycle crossing infrastructure, and define the criteria by which assessments for new infrastructure can be undertaken across our region.

Public Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

The exhibition period saw a total of 409 page visits to Council's engagement website during the exhibition period. Of those 409 visits:

- 129 documents were downloaded or viewed, and
- 4 submissions were received, in support and opposition of the proposed Policy amendments (see attached).

Community Engagement and Internal Consultation

There were 4 submissions received regarding this Policy Suite, with detailed commentary and individual responses to each contained within the attached engagement report.

A summary of the key issues/submissions is provided below for reference:

Drainage and Flooding Issues:

- Submission identifies a need for better attention to drainage in areas prone to flooding, particularly regarding blocked drains that have historically caused property damage.
- The submission also suggested focusing policy on stormwater management separately from floodwater concerns, as these are seen as distinct issues.

Active Transport and Accessibility:

- Submission was sceptical about the feasibility of active transport options like cycling, especially for residents in outlying towns, as these solutions currently serve primarily urban areas like the CBD.
- However, the submission was supportive of the development of more extensive cycleways and bike trails, particularly coastal and rural trails, which were seen as offering economic benefits to the community.

Pedestrian Crossings Safety:

- The submission calls for safer pedestrian crossings, particularly on Clarence St in Port Macquarie, highlighting concern over a lack of official markings, which leads to confusion and dangerous situations.
- Clear signage to indicate pedestrian and vehicle priorities is suggested, drawing on successful examples from other regions.

Renewable Energy and Sustainability:

- The submission was critical of Council's perceived lack of proactive action regarding renewable energy and the transition to cleaner energy sources.

- Specific suggestions were put forward including increased support for electric vehicle infrastructure, investing in neighbourhood and community batteries, and aligning with state and federal energy initiatives to improve sustainability.
- The submitter sees Council's stance as reactive when compared to other local government areas that are more advanced in this area.

These themes highlight concerns over infrastructure maintenance, sustainable energy solutions, and transportation accessibility, urging the Council to take more proactive and strategic action.

One of the submissions resulted in minor wording changed to the Stormwater Overland Flow Policy, however none of the other submissions resulted in changes being made between draft and final versions. This is on the basis that the submissions primarily related to either higher level planning or operational matters.

The change to the Stormwater Overland Flow Policy involved a minor change in terminology to change several references relating to 'flood' to include reference to 'overland stormwater flows' (or similar), to provide improved distinction between flooding originating from stormwater drainage and a riverine flood type flood event.

Options

Council has the option to amend or not to amend the policies associated with the draft Transport and Drainage Policy Suite prior to adoption.

Planning and Policy Implications







By adopting these policies, Council will be updating an external policy and recognising the amendments.

Financial and Economic Implications

There are no direct costs associated with this report, however there are financial implications for the current funding and provision of management of Council's transport and stormwater networks.

These Policies have been prepared/updated to provide balanced outcomes for the community, noting review or changes to the current maintenance and management practices and currently provided service levels may have financial implications.

Attachments

1.  FINAL DRAFT - Stormwater Overland Flow Policy
2.  FINAL DRAFT - Electric Vehicle Road Management and Infrastructure Policy
3.  FINAL DRAFT - PMHC_Active Transport Crossings, Paths and Walkways in Public Road Reserve Policy
4.  FINAL DRAFT - Public Transport Infrastructure Policy
5.  FINAL DRAFT - Kerbside Use and Parking Management Policy
6.  Engagement Report - Transport and Stormwater Policy Suite - February 2025

Item: 13.03**Subject: POLICY REVIEW - LIQUID TRADE WASTE POLICY - POST PUBLIC EXHIBITION****Presented by: Community Utilities, Robert Fish**

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 submissions were received during the exhibition period**
- 2. Adopt the Liquid Trade Waste Policy**

Executive Summary

At the Ordinary Council Meeting held on 12 December 2024, Council resolved to place the Liquid Trade Waste Policy on public exhibition. The Policy was due for a review and only minor formatting and corrections proposed.

The updated Policy was subsequently placed on public exhibition from 13 January 2025 to 11 February 2025. During the exhibition period, no submissions were received with regard to the proposed Policy amendments.

Discussion

The Liquid Trade Waste Policy was last reviewed and adopted by Council in February 2023 and as such is due for review by February 2025. As part of the NSW Best Practice Management of Water Supply and Sewerage Framework, this Policy ensures sound regulation and pricing of sewerage and liquid trade waste.

The Policy is based on Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Liquid Trade Waste Management Guidelines and Model Policy. Since the last adoption in 2023, there have been no changes to these Guidelines.

The Liquid Trade Waste Policy has been reviewed and no changes have been made other than formatting and minor corrections, such as updating organisational/departmental names.

Options

Council has the option to resolve as recommended or to request further information prior to adopting the updated Policy.

Community Engagement and Internal Consultation

Internal Consultation has been undertaken with the following staff:

- Acting Director Community Utilities
- Group Manager Community Utilities Planning & Design
- Group Manager Community Utilities Operations
- Innovation, Process & Compliance Manager
- Water and Sewer Compliance Officers

The Draft Liquid Trade Waste Policy was available for public comment from 13 January to 11 February 2025 and no submissions were received.

Forty-six (46) people visited the page on 'Have Your Say' and eleven (11) people downloaded the documents for viewing.

Planning and Policy Implications

The current Liquid Trade Waste Policy will remain in force until such time as an updated policy is adopted. There are no additional policy implications.

Financial and Economic Implications

One of the NSW Government's intended outcomes of the Liquid Trade Waste Policy is to achieve full cost recovery from non-residential sewerage and trade waste services. In line with this, Council is making improvements to processes and systems to allow the ability to enforce relevant inspections and monitoring, and therefore working towards full application of associated fees and charges and the relevant cost recovery.

Attachments

1.  Liquid Trade Waste Policy
2.  Engagement Summary - Liquid Trade Waste Policy 2025

Item: 13.04

Subject: LIVING AND PLACE STRATEGY, AFFORDABLE HOUSING PLAN & LOCAL HOUSING DELIVERY PLAN - UPDATE ON ACTIONS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the progress of actions identified in Council's Affordable Housing Plan and Local Housing Delivery Plan 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 Affordable Housing Plan and Local Housing Delivery Plan.
3. Receive an update on the implementation of the actions identified within Council's Affordable Housing Plan and Local Housing Delivery Plan in March annually.

Executive Summary

The Living and Place Strategy and the two associated plans, Affordable Housing Plan (AHP) and Local Housing Delivery Plan (LHDP) were adopted by Council on 15 August 2024 (Item 13.08) and endorsed by the Department of Planning, Housing and Infrastructure on 4 March 2025.

The purpose of this report is to provide an update on the actions within the AHP and LHDP and detail how these actions will be implemented as resolved by Council in December 2024 (Item 13.07).

Discussion

Council decision to draft an implementation and evaluation framework

At the Ordinary Council meeting held on 15 August 2024 (Item 13.08), as part of the Housing for our Future report, Council resolved as follows:

That Council

1. *Adopt the Living and Place Strategy (Local Housing Strategy) as amended.*
2. *Adopt the Local Housing Delivery Plan as amended.*
3. *Adopt the Affordable Housing Plan as amended.*

4. *Conduct a workshop on these matters with the incoming Council no later than November 2024, including information on the status of mapping and controls on High Environmental Value land.*
5. ***Draft an implementation and evaluation framework for consideration by councillors by August 2025.***
6. *Send the adopted Living and Place Strategy to the Department of Planning, Housing and Infrastructure for endorsement.*
7. *Thank all persons who lodged a submission and notify them of Council's decision.*

At the Ordinary Council meeting held on 12 December 2024 (Item 13.07), as part of the Thrumster Business Park Planning Proposal, Council further resolved:

That Council:

1. *Endorse the draft Planning Proposal (Attachment 1), to enable rezoning of land at Thrumster Business Park and associated amendments prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.*
2. *Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
3. *Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and action/address conditions of Gateway determination accordingly.*
4. *Receive a report following the public exhibition period on any submissions received.*
5. *Notify the proponent of Council's decision.*
6. ***Request the Chief Executive Officer to provide a report to the March 2025 Ordinary Council meeting providing an update on the development of the Affordable Housing actions being considered under Council's recently endorsed Affordable Housing Plan.***

For this report emphasis is on item 5 of the August 2024 resolution and item 6 of the December 2024 resolution as highlighted above. This report responds to both matters.

Attachment 1 provides an update on the actions within the Affordable Housing Plan (AHP) and Local Housing Delivery Plan (LHDP) and details how these actions will be implemented, including the associated timeframe.

The Implementation and Evaluation framework has been developed to ensure the actions are completed within the required timeframes and are reported to council annually. The Implementation and Evaluation Framework includes clear, actionable components that ensure alignment, execution, measurement of progress and the identification of key risks to execution, including the identified mitigants to these risks. The following is the framework structure:

1. **Strategic Objectives and Goals**
 - The annual review will include assessment and review of the currency of:
 - The Objectives of the Strategies and Plans
 - The ongoing alignment to Council Priorities
2. **Success Measures**
 - The annual review to report on leading or predictive indicators and lagging or result indicators.
 - The annual review will have a graphic dashboard or similar for visibility into a reporting results summary.
3. **Monitoring and Mechanisms**
 - An annual report to Council on execution of the Strategies and Plans and the ongoing monitoring of the actions.
 - Inclusion in the report of the data used for mid-execution corrections or changes.
 - Incorporation of the actions into the Integrated Planning and Reporting Framework. The four-year program within the Delivery Program and annual actions within the Operational Plan.
 - Reviewing the AHP and LHDP every four years to update the actions, and the prioritisation of the actions, responsively to emergent changes in the strategic landscape.
4. **Risk Management and Contingency Planning**
 - The annual report to Council to include identified key potential risks to execution.
 - The annual report to Council to identify risk mitigation measures for the identified risks.
5. **Evaluation and Continuous Improvement**
 - The annual report to Council to assess the impact of the actions in the context of expectations and forecasts
 - The annual report to Council to include emergent information for strategy and plan refinement and next cycle planning.

Living and Place Strategy and Associated Plans

The Living and Place Strategy has been developed to set a clear path for delivering new housing across the Port Macquarie Hastings Local Government Area to 2046. It builds on the North Coast Regional Plan 2041 framework and the Council's Community Strategic Plan and Local Strategic Planning Statement.

The Living and Place Strategy outlines a strategic approach to manage growth and change sustainably and ensure our communities are resilient, healthy, and connected. The Strategy sets out actions that move us towards a housing supply that is diverse, affordable, and inclusive by encouraging the right kind of housing in suitable locations.

The Strategy has been developed to:

- Offer a clear and cohesive direction for future housing decisions, preventing ad-hoc planning and promoting long-term sustainability in residential development.
- Demonstrate compliance with the regulatory requirements set by the NSW Government, avoiding potential conflicts and ensuring access to state-level support and resources.

- Facilitate community involvement in the planning process by providing a structured framework for discussion and input, fostering a sense of ownership and transparency.
- Encourage responsible and sustainable development practices, considering economic viability while minimising environmental impact

The Strategy is supported by two plans, the AHP and LHDP, to support Council's strategic direction and future housing decisions.

The AHP proposes actions that can assist to address the growing need for affordable housing in the LGA. The Plan identifies direct actions and advocacy positions that Council will take towards improving housing affordability.

The LHDP provides detail and actions regarding how the Living and Place Strategy can be implemented. This plan provides a breakdown of the region into smaller planning areas and identifies how 16,000 dwellings needed by 2046 can be achieved.

The actions within the AHP and LDHP align with Council's Community Strategic Plan Imagine 2025 and Delivery Program to meet the housing needs of the community by providing a range of housing options across the LGA, that addresses supply, choice and affordability needs of our changing population.

A framework of implementation and evaluation will be embedded in the IP&R suite of documents, including annual monitoring and review of the Plans. This will ensure the actions are completed within the required timeframes and the actions are reviewed and prioritised to reflect the needs of the wider community.

AHP and LHDP Implementation Update

Between the AHP and LHDP there are 92 actions. The time period for initiating or undertaking each of these actions is spread across the following time periods:

- Immediate: within 1 year
- Short-term: 1 - 4 years
- Medium-term: 5 - 10 years
- Long-term: 10+ years
- Ongoing will be carried out on an ongoing basis
- As and when required will be carried out at the time that opportunities or situations that require action present themselves

Attachment 1 details the progress against each of the 92 actions, specifically the 58 actions identified for on-going, immediate and short-term delivery.

The medium-term actions are to be undertaken within 5-10 years of adoption and will be addressed within the next implementation plan.

This report recommends updates on the implementation of the actions identified within Council's AHP and LHDP on an annual basis, to demonstrate how Council has proceeded to address these actions.

The Operational Plan is also proposed to include an action to review and update the actions within the AHP and LHDP on an annual basis.

These actions will be implemented through discussions with NSW Government and various stakeholders, both internal and external, as well as amendments to Council's Local Environmental Plan 2011 and Development Control Plan 2013 within the correlated timeframes indicated above.

A large program of Strategy and Strategic Land Use Planning is proposed to be delivered within a variety of actions in accordance with the AHP and LHDP in the short-term. Several of these actions are required to ensure consistency with Council's Community Strategic Plan (*Imagine 2050*) to meet the housing needs of the community by providing a range of housing options across the LGA, that addresses supply, choice and the affordability needs of our changing population.

This report outlines the current status of these tasks, the proposed delivery methodology and timeframes and an implementation and evaluation framework to ensure the practical and efficient achievement of the actions associated with the AHP and LHDP.

Options

The following options are available to Council:

1. Note the information provided and receive an annual report, updating the actions within the AHP and LHDP.
2. Proceed in some other manner.

This report recommends Option 1. An annual report will enable appropriate time for Council staff to enact upon the various actions within the required timeframes and provide meaningful information to Council on execution of the Strategies and Plans within the structure of the Implementation and Evaluation Framework.

Community Engagement and Internal Consultation

Internal consultation has been undertaken with relevant teams in Council, including:

- Community Infrastructure
- Community Utilities
- Liveable Communities.

This report is an information report and as such no further engagement has been undertaken.


Planning and Policy Implications

This report identifies the requirement to review the actions within the AHP and LHDP on an annual basis to ensure consistency with Council's Community Strategic Plan (*Imagine 2050*), Local Strategic Planning Statement and Integrated Planning and Reporting Framework.

Financial and Economic Implications

There are no specific financial and economic implications in relation to this report. The execution of several actions within the AHP and LHDP may have a cost element associated with that particular project, of which a budget and appropriate resourcing will need to be approved and funded for, to enable that action to be enacted and will be addressed through the Integrated Planning and Reporting documents and the associated Budget.

Attachments

1.  Attachment 1 - List of Actions within Affordable Housing Plan and Local Housing Delivery Plan

Item: 13.05

Subject: LETTER OF OFFER - PLANNING AGREEMENT - BATAR CREEK
ROAD UPGRADE
APPLICANT - LAND DYNAMICS AUSTRALIA
LANDOWNER - ALLAM MHE #2 PTY LTD

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

RECOMMENDATION

That Council:

1. Note the letter of offer provided by Land Dynamics Australia on behalf of Allam MHE #2 Pty Ltd.
2. Authorise the Director Community, Planning and Environment to prepare and negotiate and draft a Planning Agreement based on the terms outlined in the report in accordance with s7.4 of the *Environmental Planning and Assessment Act 1979* and Council's Planning Agreements Policy.
3. Undertake public exhibition of the draft Planning Agreement for a period of not less than 28 days in accordance with clause 204 of the *Environmental Planning and Assessment Regulation 2021*.
4. Receive a further report following the public exhibition period on any submissions received.

Executive Summary

The purpose of this report is to advise the Council of a letter of offer (the Offer) to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979*. The offer received from the proponent, Allam MHE#2 Pty Ltd, pertains to the upgrade of Batar Creek Road in Kendall. This letter of offer is associated with the development application for Stage 7 of the Monterey Manufactured Home Estate (MHE) development in Kendall.

The Offer aims to provide material public benefit through the road upgrade of Batar Creek Road from the Monterey development (Manning Way) to the intersection with Albert Street, to a collector road standard. The estimated cost for these works is \$2,567,041.

Key details of the Offer include:

- The Proponent will fund and construct the road upgrade works for Batar Creek Road in full.
- The Proponent's share of costs will be 43%, amounting to \$1,103,827.63, which will be non-recoverable as it is the required element to service the development.

- Funding for the remaining 57% of the costs will be paid as credit to the Developer in the form of offsets to further contributions limited by the following mechanism:
 - The road contributions payable for Stages 4-7 from Section 7.11 road contributions, estimated at \$952,180.41.
 - A reduction in other Section 7.11 contributions payable for Stages 6A and 7, up to, but not exceeding, the balance payable to the Proponent, estimated at \$511,032.96.
- Any additional contributions will still be applicable and payable by the Proponent in accordance with the relevant Contributions Plans.

This report recommends authorisation to the Director to develop the draft Planning Agreement and negotiate the Offer to ensure public benefit through the necessary infrastructure improvements.

A further report will be presented to Council following completion of the public exhibition period and the submissions have been reviewed.

Background

In April 2024, the Proponent submitted a development application for Stage 7 of the Monterey Manufactured Home Estate (MHE) development in Kendall. The proposed development aims to extend the existing approved MHE, adding 50 additional MHE sites. If approved, this would bring the total number of units in the Monterey MHE development to 261 MHE units.

On the 3 October 2024, the Proponent met with Council's Strategic Planning and Development Contribution staff to discuss potential upgrades to Batar Creek Road and the process for a Works in Kind Agreement (WIKa) or a possible Voluntary Planning Agreement.

On the 19 December 2024, the Proponent submitted correspondence (Attachment 1) indicating their intent to seek a Planning Agreement with Council, related to the proposed road upgrades for Batar Creek Road.

On the 11 February 2025, Council received a formal letter of offer to enter into a Planning Agreement (Attachment 1), which aims to deliver a material public benefit through the proposed upgrade of Batar Creek Road, linking the new development to the town of Kendall.

Discussion

Council's Planning Agreement Policy states the primary objective of a Planning Agreement is to enhance the provision of public benefits associated with development. It provides a legally enforceable tool whereby Developers offer, and then are required to provide, land dedications, monetary contributions, or other material public benefits, or any combination of them, for public purposes in connection with the development of land.

In considering, negotiating and entering into a Planning Agreement, Council will consider the following broad objectives:

Policy Objectives	Officer's Comment
<i>Meeting the current and future demands created by the development for new or improved public infrastructure, amenities or services.</i>	The letter of offer aims to establish a planning agreement framework for upgrading the road. This upgrade is designed to meet the demands of the proposed development and accommodate future growth. Additionally, it will enhance public infrastructure for the community.
<i>Meeting specific planning objectives of Council by providing public benefits identified in an adopted contributions plan or that achieve a Net Public Benefit.</i>	The offer aligns with Council's Local Strategic Planning Statement, specifically Planning Priority 12, which aims to develop a network of safe, accessible, and sustainable local transport options that connect key local destinations. This road upgrade will enhance safety and improve road connections. Additionally, the offer supports Council's Living and Place Strategy, particularly Priority 1, which focuses on infrastructure that promotes sustainable growth.
<i>Compensating for the loss of or damage to a public amenity, service, resource or asset resulting from a development through replacement, substitution, repair or regeneration of amenities, services or assets.</i>	The offer seeks to provide a road infrastructure upgrade which is an upgrade and renewal of an existing Council asset.
<i>Rectifying a deficiency in existing Public Facilities in the LGA.</i>	It is considered that the current road condition is sub-optimal for the development and the road upgrade would rectify this deficiency. It is considered undesirable to limit this work to the component of the road that impacts the development. The agreement improves this road condition for both this development and for the part that is for material public benefit.
<i>Providing for future and recurrent funding for public infrastructure, amenities and services with sustainable funding.</i>	The offer does not include recurrent funding or maintenance support for the asset. It solely covers the funding for the capital upgrade.

It is important to note that the proposed development must be assessed on its merits. As such development that is unacceptable on planning grounds will not be given consent merely because the developer offers to enter into a Planning Agreement.

The conditions of the offer are as follows:

- Allam will fund and construct the road upgrade works to Batar Creek Road as per Attachment 2.

- Allam's share of the cost (estimated \$1,103,827.63) will be non-recoverable.
- Funding recovery of Council's share of cost is provided by offsetting the cost of the upgrade road works against:
 - The road contributions already identified in the Contributions Plan, Batar Creek Road items (estimated \$952,180.41) payable for Stages 4-7 from the s7.11 road contributions.
 - By excluding balance of cost (estimated \$511,032.96) from the total s7.11 contributions payable for Stages 6A & 7 (excl. road contributions already allocated above).
- This would require DA2017/73.14 (Stage 6A) and DA2024/249 (Stage 7) to incorporate the Planning Agreement into Conditions of Consent.
- The completion of Batar Creek upgrade works should be tied to the Stage 7 dwelling site occupation. This is consistent with the agreement Allam had with Council for the sewer rising main, where a condition was included in the Approval to Operate. The suggested wording of a condition to be included in Stage 7 ATO is as follows:

"Occupation of no more than 30 dwelling sites can occur in Stage 7 until the agreed Batar Creek Road works are complete".

The proposed development accounts for approximately 10% of the forecast road demand over the next 12 years. In addition, the approved Monterey development is expected to represent 33% of the road demand during this period. Consequently, the proponent recognises its share of the road upgrade as 43%, which is directly linked to this development.

The remaining 57% of the costs that the Proponent is seeking to recoup represents the work that the Developer will undertake that is beyond that required for the Development. This is the work of material public benefit. It benefits Council by having this work performed concurrently. This cost will be offset by a road's contribution estimated at \$952,180.41. The remaining amount will be covered by other Section 7.11 contribution obligations.

The road upgrade is deemed beneficial for both the new development and the existing community. This approach also limits the direct financial implications for Council. While the proposal may result in some categories of contributions not receiving payment to the relevant contributions categories due to the offsets, this is considered mitigated by the resulting higher value of the public infrastructure and on balance is the recommended approach.

It is recommended that this approach be supported, as the proposed outcome has a clearer connection to the development than other contributions do. This is primarily due to the limited development in Kendall outside of this project. Therefore, a more tailored approach through a Planning Agreement is considered fair and reasonable.

Options

1. Accept the letter of offer and enter into relevant negotiations with the proponent to draft and publicly exhibit a planning agreement and explanatory notes generally in accordance with the letter of offer.
2. Decline the letter of offer and advise the proponent that Council does not wish to enter into a planning agreement on this matter.
3. Resolve in another manner.

This report recommends Option1. This is because the Offer is considered a material public benefit and the conditions outlined are considered consistent with Council policy.

Community Engagement and Internal Consultation

Should the recommendation be supported, staff will work internally with the internal stakeholders and the counter party to draft the agreement.

Once the Planning Agreement is drafted and complies with relevant legislative requirements, Council will conduct community consultation for a minimum of 28 days.

Planning and Policy Implications



The recommended approach is consistent with Council's Planning Agreement Policy.

Financial and Economic Implications

The planning agreement outlines a \$2.5 million upgrade to Batar Creek Road. It covers the capital expenses associated with this upgrade. The agreement seeks to have an estimated \$1,463,213.37 offset through development contributions.

The costs related to negotiating and drafting the agreement will be covered by the Proponent, in accordance with Council's fees and charges.

Attachments

1.  Letter of Offer Batar Creek Road
2.  Preliminary Plans - Proposed Batar Creek Road Upgrade

Item: 13.06

Subject: LAND ACQUISITION - CORNER STONEY CREEK ROAD AND
OXLEY HIGHWAY WAUCHOPE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$117,853.00 (ex GST) to the owner of 64 Stoney Creek Road Wauchope, Lot 1 DP 1235528, G Jones, for the land acquisition more particularly described in the plan of acquisition as Lot 1 DP 1314689.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property and conveyancing costs.
3. Pursuant to Section 10 of the *Roads Act 1993*, dedicate Lot 1 DP 1314689 as public road.

Executive Summary

This report recommends that Council proceed with the acquisition of part of 64 Stoney Creek Road Wauchope, to construct a roundabout at the corner of Stoney Creek Road and the Oxley Highway as part of the proposed Hastings Sporting Fields Masterplan.

Discussion

The future provision of the Hastings Regional Sporting Complex on Council owned land at Wauchope has resulted in the necessity to construct a roundabout at the intersection of Stoney Creek Road and the Oxley Highway to cater for future traffic demands.

To facilitate the project land acquisitions were required from two property owners on the southern side of the Oxley Highway. These acquisitions have been achieved by negotiation and Council resolution. Council owns the property on the north-western corner of the current intersection. The proposed acquisition from Jones is the last corner of the intersection required to facilitate construction of the proposed roundabout.

Options

There are no other options available to Council to enable construction of the proposed roundabout at this location. Council is obliged to pay the property owner for the partial land acquisition which is to be formalised into the Council public road reserve.

Community Engagement and Internal Consultation

The Hastings Sporting Fields Masterplan was widely engaged on and then endorsed by Council in April 2021. A copy of the Hastings Sporting Fields Masterplan layout is attached.

Council has worked with each landowner in the vicinity of the intersection to secure the land required for the new roundabout. A location plan showing the proposed location of the new roundabout on the corner of the Oxley Highway and Stoney Creek Road is attached.

Planning and Policy Implications

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




Financial and Economic Implications

Council obtained an independent valuation on the compensation payable to the property owner for the partial land acquisition. Having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, the valuation has been assessed at \$117,853.00 ex GST.

The offer of compensation for the acquisition of 3,618sqm of Lot 1 DP 1235528 has been made to and accepted by G Jones, subject to Council resolution. The proposed partial land acquisition, shown highlighted on the attached plan, is now reported to Council to enable the acquisition to be completed.

There is funding in the project budget to meet the land acquisition, and conveyancing costs.

Attachments

1.  Hastings Sporting Fields Masterplan Layout
2.  Location of Proposed Roundabout Corner Stoney Creek Road and Oxley Highway Wauchope
3.  Plan of Acquisition - Part 64 Stoney Creek Road Wauchope - Lot 1 DP 1314689

Item: 13.07

Subject: DA2024 - 670.1 ALTERATIONS TO DWELLING, CONVERSION OF BUILDING TO DWELLING AND 2 LOT TORRENS TITLE SUBDIVISION INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LEP 2011 AT LOTS 15 AND 16 DP 7451, NO 14 MAIN STREET, COMBOYNE

APPLICANT: A P BLUE & J R BLUE
OWNER: C W & K L TURNER

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council determines DA2024 - 670.1 for alterations to dwelling, conversion of building to dwelling and 2 lot Torrens title subdivision including Clause 4.6 variation to Clause 4.1 (Lot Size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15 and 16, DP 7451, No. 14 Main Street, Comboyne, by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to the existing dwelling, conversion of an existing garage to a dwelling, and 2 lot Torrens title subdivision (boundary adjustment) and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The application includes variation to a development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% (89.5% variation). In accordance with the Department's *Guide to Varying Development Standards*, the elected Council is required to determine a development application that includes a variation to a development standard by more than 10%.

The subject application was referred to Council's Development Assessment Panel (DAP) for assessment prior to being submitted to Council for determination. A copy of the assessment report as presented to the DAP is provided here as Attachment 2.

This report recommends that the development application, including the Clause 4.6 exception, be granted consent subject to the conditions included in Attachment 1.

Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been carried out and is included in the assessment report (Attachment 2).

The Development Assessment Panel considered the proposal at its meeting on 5 March 2025 (Item 05), with the consensus being:

“That it be recommended to Council that DA2024 - 670.1 for alterations to dwelling, conversion of building to dwelling and 2 lot Torrens title subdivision including Clause 4.6 variation to Clause 4.1 (Lot Size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15 and 16, DP 7451, No. 14 Main Street, Comboyne, be determined by granting consent subject to the recommended conditions with the following an additional condition numbered 7 before issue of an occupation certificate to read:

Prior to issue an Occupation Certificate, a 1.8m high solid fence it to be constructed along the common boundary of the proposed lots from the building line to the rear boundary.

Reason: To delineate property boundaries and provide for privacy.”

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

This report recommends that the development application be granted consent subject to the conditions included as Attachment 1. The DAP's recommended changes to the conditions have also been included in Attachment 1.

Options

Council has the following options in determining the development application:

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

This report recommends Option 1, noting that if consent is refused as per Option 3, Council is required to provide reasons for refusal in accordance with the *Environmental Planning and Assessment Act 1979*.

Community Engagement and Internal Consultation

The application has been notified in accordance with the *Port Macquarie-Hastings Council Community Participation Plan 2019*. Following exhibition of the application, no submissions were received.

Planning and Policy Implications

The assessment report in the attachments includes consideration of relevant planning legislation applicable to the proposed development.


The application includes variation to the minimum subdivision lot size development standard in the *Port Macquarie-Hastings Local Environmental Plan 2011*. In this instance, the development standard is proposed to be varied by 89.5%. While this is a significant numerical variation, there are considered to be sufficient environmental planning grounds to support the variation for the reasons outlined in the detailed assessment included in Attachment 2.

The assessment highlights that the adopted 8000m² minimum subdivision lot size is not consistent with the established character of the village of Comboyne. Council could consider reviewing the relevant provisions in the *Port Macquarie-Hastings Local Environmental Plan 2011* in a future LEP review.

Financial and Economic Implications

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

Attachments

1.  Attachment 1 - Recommended Conditions
2.  Attachment 2 - DAP Report 2025 03 05

Item: 13.08

Subject: POST EXHIBITION REPORT - PP2022-2.1 - PLANNING PROPOSAL
PROPOSED CATHOLIC HIGH SCHOOL - LOT 6 DP 594793, LOTS 6
& 7 DP 594792, 1175-1191 OCEAN DRIVE BONNY HILLS
APPLICANT - KING AND CAMPBELL PTY LTD
LANDOWNER - ST AGNES CATHOLIC PARISH, THE TRUSTEES
OF THE ROMAN CATHOLIC CHURCH DIOCESE OF LISMORE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the engagement report (Attachment 4) summary of submissions received during public exhibition of the Planning Proposal PP-2022-2.1.
2. Note the conditional Gateway Determination (Attachment 2) granted by the Department of Planning, Housing and Infrastructure on 5 July 2024 authorising Council as the planning proposal authority to exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.
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 Lot 6 DP 594793, Lots 6 and 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills to rezone the subject land from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation to enable an educational establishment under the 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 the Port Macquarie-Hastings Local Environmental Plan 2011 (Map Amendment No 8) 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, Housing and Infrastructure for finalisation.
5. Notify all persons who lodged a submission of Council's decision.

Executive Summary

The purpose of this report is to provide a summary and consideration of submissions received following public exhibition of PP2022-2.1, and to advise on the Gateway

determination. The subject Planning Proposal is a map only amendment to rezone the subject land from RU1 Primary Production to part SP2 Infrastructure (Educational Establishments), SP2 Infrastructure (Roads) (for Ocean Drive Road Reserve only) and part C2 Environmental Conservation to enable an educational establishment for the purpose of a Catholic High School under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP). This planning proposal will give effect to Action 17 of the Urban Growth Management Strategy:

Action 17 - Investigate the capacity of the land at the intersections of Ocean Drive with Houston Mitchell Drive and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for the use as a school.

The Planning Proposal was publicly exhibited from 28 October 2024 until 25 November 2024.

During this exhibition period, Council received a total of six public submissions and four submissions from State Agencies. Overall, these submissions expressed general support for the proposal to establish an educational institution.

The submissions from the State Agencies outlined their specific requirements regarding the Planning Proposal, which are discussed further below.

Under the Gateway Determination issued by the Department of Planning, Housing and Infrastructure, Council has been authorised to carry out its functions as the Local Plan-making Authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979, provided that all conditions of the Gateway Determination are satisfied. The Planning Proposal aligns with the Ministerial Directions, and there are no outstanding objections from public authorities.

It should be noted that initially, the Local Environmental Plan (LEP) was required to be completed by 5 January 2025. However, Council requested an extension to the Gateway Determination to allow time for the Proponent to provide the required additional information, and the new completion date is now set for 5 May 2025.

The Planning Proposal meets the conditions of the Gateway Determination, and it is recommended that the proposal be approved. This report recommends that Council endorse the Planning Proposal as exhibited and undertake the necessary legislative functions to draft and finalise an amendment to the Land Zoning (LZN) map to implement the Planning Proposal.

Discussion

The Proposal

The intent of Planning Proposal PP-2022-2.1 is to rezone the subject land from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation to enable an educational establishment for the purpose of a Catholic High School under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP).

This Planning Proposal seeks to permit educational establishments on lands identified for investigation for use as a school in the Port Macquarie-Hastings Urban

Growth Management Strategy 2017-2036 and located adjacent to the Lake Cathie/Bonny Hills Urban Release Area.

This Planning Proposal will give effect to Action 17 of Council's adopted Urban Growth Management Strategy:

Action 17 - Investigate the capacity of the land at the intersections of Ocean Drive with Houston Mitchell Drive and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for the use as a school.

If finalised, the LEP LZN map will be updated to reflect the revised zones, for the identified land, as described in the Planning Proposal within Attachment 1.

Council Decision to Prepare a Planning Proposal

At its Ordinary Council meeting held on 14 December 2023, Council endorsed the commencement of the planning investigations for the revised zones for the identified land as follows:

That Council:

1. *Endorse the draft Planning Proposal (Attachment 1), to enable rezoning of land for a proposed education establishment at Bonny Hills prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.*
2. *Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
3. *Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.*
4. *Receive a report following the public exhibition period on any submissions received.*

Gateway Determination

The Department of Planning, Housing and Infrastructure granted conditional determination on 5 July 2024 allowing the Planning Proposal to proceed to public exhibition. The timeframe set for completing the LEP amendment is 5 January 2025.

The conditional matters were as follows:

1. *Prior to exhibition, the planning proposal is to be amended to:*
 - (a) *provide an assessment against the urban growth area variation principles in Appendix B of the North Coast Regional Plan 2041;*
 - (b) *note that Council is considering options of a pedestrian overpass or underpass and further details will be addressed as part of any future development application;*
 - (c) *remove the SP2 Infrastructure zone proposed for the road reserve south of the subject lot;*

- (d) *remove reference to the land zoning map sheet;*
 - (e) *update the SP2 Infrastructure annotation for the road reserve to the east of the subject lot from SP2 School to SP2 Road; and*
 - (f) *update the SP2 Infrastructure annotation from SP2 School to SP2 Educational Establishment.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
- (a) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*
 - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*
3. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:*
- *NSW Biodiversity, Conservation and Science*
 - *Transport for NSW*
 - *NSW Rural Fire Service*
 - *Essential Energy*
 - *NSW Mining, Exploration and Geoscience*
 - *Busway Group*
 - *Birpai Local Aboriginal Land Council*
 - *NSW Department of Education*
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.*
4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*

A copy of the Gateway Determination dated 5 July 2024 is provided within Attachment 2.

On 14 August 2024 an updated Planning Proposal was submitted to Council addressing Gateway determination conditions 1 (a) to (f). This included an updated proposed land zoning map (figure 1) which reflects the retention of Bonny View Drive as zone RU1 Primary Production and Ocean Drive Corridor as SP2 Infrastructure (Roads).

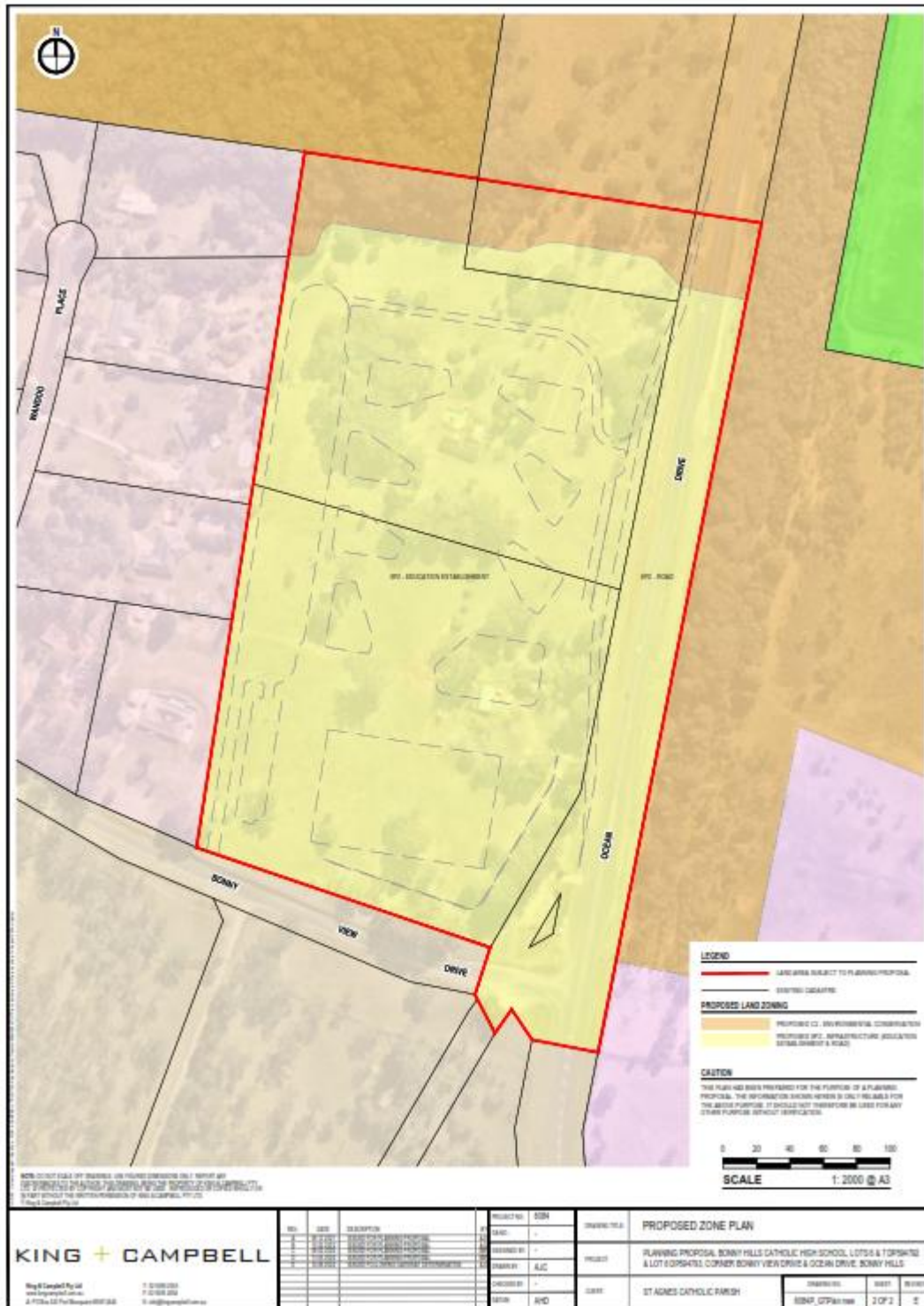


Figure 1 - revised proposed land zoning map

On 16 August 2024 the following agencies were referred the Planning Proposal and provided until 30 September 2024 to provide a response meeting gateway determination condition 3:

- NSW Biodiversity, Conservation and Science
- Transport for NSW
- NSW Rural Fire Service

- *Essential Energy*
- *NSW Mining, Exploration and Geoscience*
- *Busway Group*
- *Birpai Local Aboriginal Land Council*
- *NSW Department of Education*

Comments were received from NSW Mining, Exploration and Geoscience (on 3 September 2024), Transport for NSW (on 5 September 2024), NSW Biodiversity, Conservation and Science (on 10 September 2024), NSW Rural Fire Service (on 24 September 2024) and Busways Group (on 2 October 2024).

In accordance with Gateway determination condition 2, the Planning Proposal was placed on public exhibition from 28 October 2024 until 25 November 2024. In accordance with the requirements outlined in Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure, August 2023), all adjoining and adjacent landowners were notified via letter of the planning proposal along with all households in the Bonny View Drive rural residential area.

Alteration of Gateway Determination

A Gateway Alteration was requested to extend from the timeframe for completion of the Planning Proposal from 5 January 2025 for four months. This request is required for the applicant to complete an additional Aboriginal Archaeological Assessment of the site. DPE has formally granted an alteration to the Gateway Determination.

A copy of the Gateway Alteration dated 5 December 2024 is provided within Attachment 3.

Consultation and Public Exhibition

The draft Planning Proposal was placed on public exhibition on Council's Have Your Say Page for a period of 28 days, from 28 October 2024 until 25 November 2024 in accordance with the requirements of the Gateway Determination and Council's Community Participation Plan 2019. The exhibited Planning Proposal is included within Attachment 1.

During the exhibition period, seven submissions were received from the public. An Engagement Summary Report for the exhibition of the Planning Proposal is provided within Attachment 4. A summary of the outcomes of the public exhibition process are discussed below:

- There were 575 total visits to Council's Have Your Say engagement website page
- 236 visitors to the site downloaded the documents (noting that there were three documents that could be downloaded)
- 7 surveys or submissions were received.

Comments were also received from NSW Mining, Exploration and Geoscience (on 3 September 2024), Transport for NSW (on 5 September 2024), NSW Biodiversity, Conservation and Science (on 10 September 2024), NSW Rural Fire Service (on 24 September 2024) and Busways Group (on 2 October 2024).

A summary of the submissions received during the public exhibition are provided within Attachment 4.

Key Issues

1. State Agency Submissions

In their response, **Transport for NSW** requested that the Traffic Impact Assessment (TIA) be updated according to the Local Environmental Plan Making Guidelines, as outlined in Attachment C. It is important to note that the TIA was initially prepared based on advice from Transport for NSW and submitted to the Council before these guidelines came into effect. While additional information could be requested from the proponent to address this issue, it is deemed more appropriate to address this during a merit-based assessment at the Development Assessment Stage, when a new TIA will need to be prepared.

In their response to Council, **NSW Resources** stated that there is no resource sterilisation issues related to the proposal.

In their feedback, the **Biodiversity, Conservation and Science Division (BCS)** of the Department of Climate Change, Energy, the Environment, and Water noted that the Planning Proposal aims to protect the high environmental value of the land in question. This will be achieved through the application of zone C2 Environmental Conservation in alignment with the North Coast Regional Plan 2041.

In their response, the **NSW Rural Fire Service (RFS)** emphasised that any future development application must comply with the planning guidelines for bushfire protection.

2. Public Submissions

A total of seven public submissions were received. These submissions expressed strong support of a high school in the Lake Cathie and Bonny Hills area.

A detailed summary of the submissions and responses are within Attachment 4.

Options

Council is the Local Plan Making Authority (LPMA) for this Planning Proposal. As the LPMA, the following options are available to Council:

1. Not proceed with the Planning Proposal. This results in not making the amendments to the LEP.
2. Endorse the Planning Proposal as exhibited and take the necessary steps under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to expedite finalisation of Port Macquarie-Hastings Local Environmental Plan 2011 (Map Amendment No 8) to give effect to the Planning Proposal. This is the recommended option.
3. Defer a decision on the Planning Proposal pending further work and/or review, or other alternative action.

This report recommends Option 2. This option ensures the subject land is zoned appropriately to permit an educational establishment and preserve the identified land with high environmental value within a C2 Environmental Conservation zone, which is a more appropriate zone, and will protect this land in perpetuity.

Option 1 is not supported as this would preserve the status quo, which would retain the current inappropriate zoning which does not permit an educational establishment or protect the high environmental value land.

Option 3 to defer consideration, or other alternative action is not supported from a social and economic perspective, and to avoid future potential negative impacts to the environment. It is considered that sufficient information has been provided to inform the decision.

Community Engagement and Internal Consultation

Internal Consultation

Internal consultation was undertaken with Council's:

- Natural Resource Management Team.
- Community Infrastructure Planning and Design Team.
- Utilities Planning and Design.

Community Engagement

As discussed above, following public exhibition of the draft Planning Proposal on Council's Have Your Say webpage for a period of 28 days, from 28 October 2024 until 25 November 2024. 7 submissions were received.

The submissions were generally supportive of the proposal and particularly supportive of a local educational establishment in the Lake Cathie and Bonny Hills area. Some clarifications of the proposal were sought from a neighbouring property. The clarifications have been provided by Council staff.

A detailed summary of the submissions and responses are included within Attachment 4.

Planning and Policy Implications

The Planning Proposal proposes a 'map only' amendment to the LEP. It explains the intended effect of the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Map Amendment No. 8) and sets out the justification for making the plan.

The Planning Proposal is consistent with the North Coast Regional Plan 2041, Council's Community Strategic Plan Imagine 2050 and the Strategic Planning Principles and Planning Priorities set out in Shaping Our Future 2040 - A Local Strategic Planning Statement for Port Macquarie-Hastings.

Council is the Local Plan Making Authority (LPMA) in this matter. As LPMA, Council is authorised under the Gateway Determination to finalise the PP in accordance with the conditions imposed on the Gateway Determination and make the LEP giving effect to the Planning Proposal. A public hearing has not been required to be held into the matter under section 3.34(2) of the Act.





Should the recommendation be supported by Council, the Plan (*Port Macquarie-Hastings Local Environmental Plan 2011 (Map Amendment No. 8)*) will be made by the Director Community, Planning and Environment under delegation and published on the NSW legislation website, and the NSW Planning Portal.

Financial and Economic Implications

All fees associated with this proposal have been paid by the Proponent, totalling \$46,160. These fees are intended to cover the costs related to Council staff resources for assessing the Planning Proposal.

Should the recommendation be supported by Council, Council staff will manage and advance the LEP amendment until its completion. An additional fee of \$2,200 is to be paid by the Proponent for finalisation, in accordance with Council's approved fees and charges.

Attachments

1.  Draft Planning Proposal PP-2022-653
2.  Gateway Determination
3.  Alteration of Gateway Determination
4.  Engagement Report

Item: 13.09

Subject: LAKE CATHIE NATURAL RESOURCES MANAGEMENT MONTHLY
UPDATE REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

RECOMMENDATION

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

Executive Summary

Council is currently involved in several projects relating to the management of the Lake Cathie/Lake Innes/Cathie Creek waterway (referred herein as Lake Cathie) and surrounds.

This report provides an update on the Lake Cathie 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 February 2024 Ordinary Council Meeting.

Works currently being undertaken and outlined in this report include:

1. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project,
2. Water Quality Improvement Strategy,
3. Review of the Lake Cathie Entrance Management Strategy, and
4. Development of the CMP
5. Other Projects.

Discussion

1. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project

Bluecoast Consulting Engineers are completing the Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project on behalf of Council. The final version of the Coastal Hazard Assessment, excluding the associated Asset Risk Assessment, is expected to be finalised imminently.

Council staff, Bluecoast Consulting Engineers, the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) and NSW Department of Planning, Housing and Infrastructure (DPHI) met in February to discuss the

development of the Coastal Vulnerability Assessment maps for the Port Macquarie Hastings Council Local Government Area (LGA). These maps will utilise the findings of the Coastal Hazard Assessment component of this project to help guide future planning across the LGA. These maps are expected to be completed in the coming months. A briefing to Councillors about the outcomes of this project is proposed to be provided once the work has been completed.

2. Water Quality Improvement Strategy

Rhelm has been engaged to undertake Water Quality Improvement Strategies for three waterways: the Hastings River Estuary, the Camden Haven River Estuary and Lake Cathie/Bonny Hills catchments. The aim of these strategies is to identify current and future impacts to water quality within the coastal waterways of the LGA and provide Council with specific management actions to improve water quality within the coastal waterways.

Rhelm are finalising their review of existing water quality data and are continuing to undertake targeted stakeholder engagement.

The project is expected to be completed by September 2025.

3. Review of the Lake Cathie Entrance Management Strategy

Royal Haskoning DHV (RHDHV) have commenced the Entrance Management Strategy (EMS) for the Lake Cathie System. The EMS will use the findings from recent investigations undertaken on the waterway, and current guidelines and legislation, to develop short, medium and long-term management options to manage the entrance of the system. RHDHV are currently undertaking a review of the existing data to help inform the EMS.

As part of this project, Council has also engaged RHDHV to develop an internal monitoring dashboard. The dashboard will utilise advanced machine learning to provide an overview of the potential flood hazards from rising water levels within the waterway. This will allow more informed decision making around the timing of entrance management and to support the application of Council's Lake Cathie Standard Operating Procedure.

The project is expected to be completed mid-2025.

4. Development of the CMP

The development of CMPs is prescriptive and includes five stages.

- Stage 1: Identify the scope of a CMP,
- Stage 2: Determine risks, vulnerabilities and opportunities,
- Stage 3: Identify and evaluate options,
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP, and
- Stage 5: Implement, monitor, evaluate and report.

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 - 2025	2023 - 2025
	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 will 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.

The Water Quality Improvement Strategy is the final major Stage 2 project and, whilst it is expected to take up to 12 months to complete, Council staff are preparing a scope to develop Stage 3 and 4 in parallel to the project to enable more rapid preparation of the final CMP.

5. Other Projects

Invasive Weed Management

Invasive weed control activities that have occurred since the December 2024 Lake Cathie Natural Resource Management Monthly Update Report include:

- Glory lily control has been undertaken in a number of locations around Lake Cathie. This is a highly invasive and toxic understory weed invades areas with sandy soil and is very difficult to remove. It regenerates each year from a strong underground tuber and must be treated or dug out repeatedly before it can be eradicated.
- Giant devil’s fig has been controlled in two 2 hectares of bushland between Abel Tasman Drive and Ocean Drive.
- Follow-up treatment of high priority weeds Sickethorn, Groundsel bush, Giant devils fig and Chinese tallow was undertaken along the edge of Lake Innes Nature Reserve off Tallong Drive.

Emergency Erosion Works

Coast and Estuary staff have commissioned Bluecoast Consulting Engineers to develop a concept design for a medium-term sandbag structure at Lake Cathie Reserve. The concept plan aims to prevent further erosion and to maintain the bank location along a section of reserve which was impacted a storm event in January 2025. The concept will be assessed for costs and, if these are acceptable, will proceed to construction as soon as practicable.

With the large swells coming from Cyclone Alfred impacting Port Macquarie waters at the time of writing this Report, additional temporary erosion mitigation works were

implemented at Lake Cathie Foreshore Reserve. Rock bags were used to stabilise key locations where trees and furniture remained at risk of damage ahead of the high swells.

Staff continue to monitor potential erosion at other sites along the coastline.

Riverbank Restoration works**Stage 1 Hastings River Hybrid Shorelines**

Council held an open tender to complete riverbank restoration works along the Hastings River at the North Shore in late 2024. The tender involved the detailed design and construction of restoration works of a ~200m section of the Hastings River Estuary on Council owned foreshore reserve and adjacent Crown land located off the western end of Shoreline Drive, North Shore. A concept design has been prepared for the length of bank and intertidal sand flat which will demonstrate best practice erosion control measures where public access, amenity and estuarine vegetation (mangroves) protection are considered key issues.

The project is partially funded by a NSW Department of Primary Industries and Regional Development (DPRID) Flagship Fish Habitat Rehabilitation Grant. The grant program offers funds to projects that significantly enhance fish habitat, water quality and fish passage opportunities within the coastal catchments of NSW. The project includes the use of a full-scale oyster reef hybrid fillet prototype. This prototype is being supplied under the Hybrid Living Shoreline Research Study being undertaken out of the University of Melbourne as an Australian Research Council (ARC) Linkage grant project.

Council staff have reviewed the tender responses and have identified a preferred contractor to undertake the works. At the time this report was prepared, Council staff were in the final stages of engaging the preferred contractor to complete the works. The detail design component of the works will commence once the contractor has been engaged.

Limeburner's Creek Riverbank Restoration Works

DPIRD is delivering a bank stabilisation project designed to mitigate flood damage and improve flood resilience and environmental outcomes in NSW estuaries. DPIRD and Council staff identified a suitable priority site off Limeburner's Creek, upstream of the Shoreline Drive Bridge. The site is approximately 180m long and contains a failing rock revetment wall. DPIRD is funding a project to repair and replace the failing rock revetment wall which will stop further erosion at the site and improve water quality to the surrounding area which is utilised by oyster growers.

Initial environmental investigations are being finalised and Council staff are providing project management support in both the planning and implementation stages of the project. The project is expected to be completed by mid-2025 and result in improved water quality outcomes for the Hastings estuary and the oyster industry.

North Haven Foreshore Stabilisation Works

DPIRD is also undertaking riverbank restoration works at Riverview Reserve North Haven as part of its bank stabilisation program designed to mitigate flood damage and improve flood and environmental resilience in NSW estuaries. Council staff identified the foreshore along Riverview Reserve as a priority area to undertake these works and prepared a concept master plan. This project will progress the

preparation of detailed designs that introduce best practice, including living shoreline elements, into the erosion mitigation design. As the site is heavily utilised for public recreation, a detailed design that incorporates increased opportunities for biodiversity and complex habitat, while facilitating public access and recreational use is required. Realm has been engaged by DPIRD to undertake the detailed design. DPIRD are funding the project, while Council staff are providing project management support, technical advice and some in-kind services, including site survey.

Realm Consultants are currently working with DPIRD and Council staff to finalise the detailed design, which is expected to be completed in March. The project is expected to be completed by mid-2025, subject to available funding from DPIRD.

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 DPIRD Fisheries Marine Estate Management Strategy Sea Country lead for NSW to develop a Sea Country Action Plan for incorporation into Council’s CMP. Draft actions for a Sea Country Action Plan, informed by community consultation, will be presented to the group in the coming months.

Council staff are preparing an Expression of Interest process for the community to develop mapping, collect stories, and create artworks relating to Sea Country for use in educational signage, throughout the CMP documentation, and to record important cultural heritage for future generations. Council have organised a meeting with the working group for 20 March to further discuss the Sea Country project and present a Draft Sea Country Action Plan.

Options

This report is provided for information purposes only.

Community Engagement and Internal Consultation

This report is provided for information purposes only.

Planning and Policy Implications

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

Financial and Economic Implications

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

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

Project	Grant Funding (\$)	Council Contribution (\$)	Total Estimated Project Cost (\$)
Current Projects			
Water Quality Improvement Strategy	200,001	100,000	300,001



Coastal Hazard Assessment & Coastal Vulnerability Assessment	108,000	54,000	162,000
Lake Cathie Entrance Management Strategy	82,800	85,950	168,750
TOTAL	390,801	239,950	630,751

Attachments

Nil



Item: 13.10

Subject: **EXTENSION OF CONTRACT T-20-06 OPERATION OF PORT
MACQUARIE-HASTINGS COUNCIL VEHICULAR FERRY SERVICES**

Presented by: **Community Infrastructure, Blayne West**

Alignment with Delivery Program

4.4.2 Develop and implement annual maintenance and renewal programs for transport assets.

RECOMMENDATION

That Council:

1. Request the Chief Executive Officer to enter into negotiations to vary Contract T-20-06 for the Operation of Port Macquarie-Hastings Council Vehicular Ferry Services, extending the contract for a further period of six (6) months until 31 December 2025, in accordance with the contract's terms and conditions.
2. Delegate authority to the Chief Executive Officer to negotiate and execute the Contract extension agreement with Ferrymen (Port Macquarie) Pty Ltd for a period of up to six (6) month period ending by 31 December 2025, in accordance with the current contract's terms and conditions.
3. Note that procurement planning is underway for an open tendering process to be advertised in mid-2025 for a new contract for the Operation of Port Macquarie-Hastings Council Vehicular Ferry Services anticipated to be awarded by September 2025.

Executive Summary

At the meeting of Council held on 6 May 2020, Council resolved:

15.02 T-20-06 OPERATION OF PORT MACQUARIE VEHICULAR FERRY SERVICES

That Council:

1. *Accept the Tender from Ferrymen (Port Macquarie) Pty Ltd for the Lump Sum of \$865,520.76 (exclusive GST) for Operation of Port Macquarie-Hastings Council Vehicular Ferry Services for an initial period of two (2) years commencing 1 July 2020 with one (1) option for extension for a further period of three (3) years. Such options are to be for the benefit of Council and may be exercised only by Council at its sole discretion.*
2. *Affix the seal of Council to the necessary document.*
3. *Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-06.*

The contract T-20-06 for the Operation of Port Macquarie-Hastings Council Vehicular Ferry Service with Ferrymen (Port Macquarie) Pty Ltd commenced on 1 July 2020 for an initial period of two (2) years, with an option for a three (3) year extension. This contract is due to expire on 30 June 2025.

This report seeks Council approval to extend the current contract for a further period of six months, to ensure the new contract does not commence during the slipping of the Hibbard Ferry. An extension to the existing contract is therefore necessary to bridge the gap and prevent any disruption to ferry services. This extension will allow sufficient time to address this matter and conduct an effective procurement process for the new contract.

Discussion

The contract for the operation of the Vehicular Ferry Service is complicated by a separate contract with Birdon Pty Ltd for the Out of Water Inspection and Maintenance (Slipping) of Council's ferries. These inspections and maintenance are mandatory under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, and must be conducted by an Australian Maritime Safety Authority (AMSA) certified surveyor.

Originally the inspection program for Hibbard Ferry was planned for October 2025. This slipping program timing is unavailable due to operational demands of the contractor. The only alternative dates available are May 2025 or February 2026. Given that the ferry's Certificate of Operation expires in October 2025, delaying the inspection and refurbishment until February 2026 presents an unacceptable risk, as unforeseen delays could lead to Council's certificate to expire. Amendment of the inspection program directly impacts the transition period required under the new ferry operator contract.

Our procurement timeline allows for a three-month transition period. However, due to the proximity of the revised slipping program to the June ferry operation contract expiration creates significant risks. Should the incumbent contractor, Ferrymen (Port Macquarie) Pty Ltd not be the successful tenderer, the timing of the slipping will create challenges in transition of the operations contract. The incumbent contractor has experience working with Council through several slipping programs and facilitates some of the operational requirements that are needed to be put in place to assist with the amended service arrangements due to only one ferry operating. Slipping programs generally take a minimum of 6 to 8 weeks to complete, however it should be noted that unforeseen delays can extend the program, such as unfavourable weather conditions or unforeseen maintenance issues following dismantling of the vessel.

Without a contract extension, we cannot provide an appropriate transition period, potentially jeopardising a smooth transition to the new contract for ferry operations. Extending the current contract will allow us sufficient time to manage the slipping process, ensure a smooth transition and uphold our commitment to a fair and transparent procurement process.

Incumbent Contractor Performance

Ferrymen (Port Macquarie) Pty Ltd have performed well throughout the term of the current contract, consistently meeting Council's service expectations and operational

requirements. The contractor has maintained high standards of safety, service reliability and compliance ensuring ferry operations continue uninterrupted for the community. In addition, their responsiveness to operational needs, engagement with stakeholders and adherence to environmental and safety standards have contributed to the successful delivery of ferry services. Accordingly, this performance supports the recommendation of a contract extension while Hibbard Ferry is slipped.

Contract Negotiations

It is intended that Council enters into negotiations with Ferrymen (Port Macquarie) Pty Ltd for a six (6) month contract extension, ending 31 December 2025, under the same terms and conditions as the existing contract, including provisions for tendered rates and prices. Any rate adjustments will be made in accordance with the Contract, Item 13 Rise and Fall provisions, reflecting CPI adjustments.

Request for Tender

Preliminary planning has commenced to prepare the necessary tender, specification, and procurement documentation. The ferry operational contract is inherently complex and requires a significant time investment to adequately develop a comprehensive scope of work, ensure regulatory compliance, and address operational and service delivery requirements. The three-month transition period is a crucial element for a successful handover. This period encompasses:

- allowing the incoming operator to thoroughly understand existing schedules and operational procedures,
- facilitating a comprehensive inspection and transfer of assets, ensuring compliance and safety standards are met,
- providing time for staff for familiarisation and potential onboarding or training by the new operator, and
- ensuring all necessary permits, certifications and compliance requirements are transferred and understood.

Our commitment to a fair and transparent process demands that all tenderers are afforded equal opportunity and a level playing field. Denying a proper transition period would:

- create an unfair advantage for the incumbent contractor,
- heighten the risk of operational disruptions and potential safety concerns due to an abrupt handover during an inspection program, and
- undermine public trust in the council's procurement practices.

The open tendering requirements for the new operation of the ferry operations contract will be advertised by mid-2025, with the contract award planned by September 2025 and commencing before 1 January 2026.

Options

Council has the option to:

1. Support the recommendation
2. Not support the recommendation
3. Make changes to the recommendation, or
4. Seek further information.

Community Engagement and Internal Consultation

Consultation has occurred with:

- Group Manager, Community Infrastructure and Recreation Operations
- Procurement
- Director Community Infrastructure

Planning and Policy Implications

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

Financial and Economic Implications

If the recommendation is supported, the financial impact will align with the existing contract's tendered rates and prices, which will remain in place. It is noted that rate adjustments may occur in accordance Item 13, Rise and Fall provisions, reflecting CPI adjustments.

Attachments

Nil

Item: 13.11

Subject: **OUTCOMES OF GENERAL WASTE RED BIN RUBBISH
COLLECTION TRIAL OVER SUMMER**

Presented by: **Community Utilities, Robert Fish**

Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

RECOMMENDATION

That Council:

- 1. Note the details in the report as to the outcomes of the weekly general waste bin collection trial undertaken between 23 December 2024 and 31 January 2025 inclusive.**
- 2. Provide an extra red (general waste) bin collection service over the Christmas/New Year period on an on-going basis, in line with the current additional yellow (recycling) bin collection service.**
- 3. Endorse a review of waste fees and charges to ensure that the cost of any changes made to collections is user funded.**

Executive Summary

At the Ordinary Council Meeting held on 18 July 2024 Council resolved:

14.04 GENERAL WASTE RED BIN RUBBISH COLLECTION OVER SUMMER

That Council:

- 1. Note the implications of changing to a weekly general waste bin collection over summer as detailed in this report.**
- 2. Implement a trial of a weekly Red bin collection between 24 December 2024 and 1 Feb 2025 inclusive.**
- 3. Allocate funding for this trial (approximately \$140,000) from the Waste Reserve, noting the impact on future capital projects if future revenue is not raised to recover these costs.**
- 4. Note the funding allocation will be included in August 2024-2025 monthly budget adjustment report.**
- 5. Request the Chief Executive Officer to prepare a communications plan detailing this is a trial, education on the use of various bins and costs associated with increased bin services.**
- 6. Report back to Council with trial period data following the trial period.**

A minor correction to the trial period days were made to align to the weekly collection schedule while still maintaining the 6-week period. The trial dates were from 23rd December 2024 to 31st January 2025.

This report responds to point 6 of the July 2024 resolution.

Two key issues noted in the initial Notice of Motion raised at the April 2024 Ordinary Council Meeting were relating to odour and the generation of additional rubbish over the holiday period. From data collected, many of the odours issues would be addressed via the removal of organic/food waste from the red general waste bin. From the subsection of data collected it was noted that over the trial period, bins were 55% full on average. If all items eligible for the green and yellow bins that were found in red bins had been placed in the correct bins, the amount of waste would not have exceeded the fortnightly allowance.

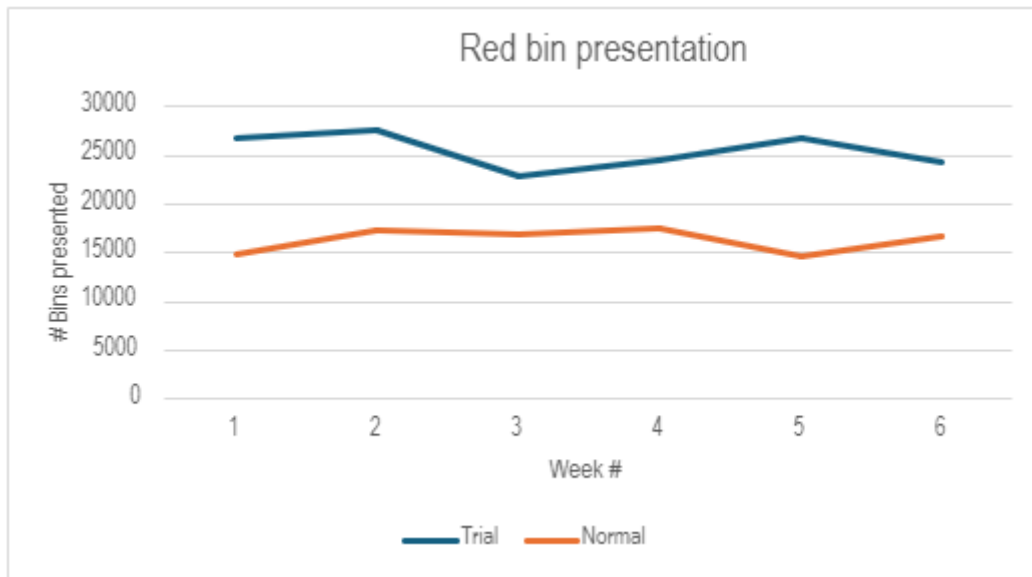
Generally, community feedback was positive about the trial, but it did highlight several matters that should be considered when considering changes to bin services:

- There is potentially a portion of the community who are not aware of which items are acceptable in each bin type (primarily what can go into the green organics bin which is emptied weekly).
- Many householders are not aware that there are various options available for red bin collection, including the option of weekly collections if required.
- The red bin trial period exceeding the time period for the normal additional yellow bin collection caused confusion around bin collection.
- The waste collection contractor had difficulty resourcing this short term commitment and attending all addresses required (the latter due to increased traffic over the holiday period).
- There was confusion and disappointment from rate payers who currently pay additional charges to have a weekly collection and were not reimbursed this over the trial period.

Discussion

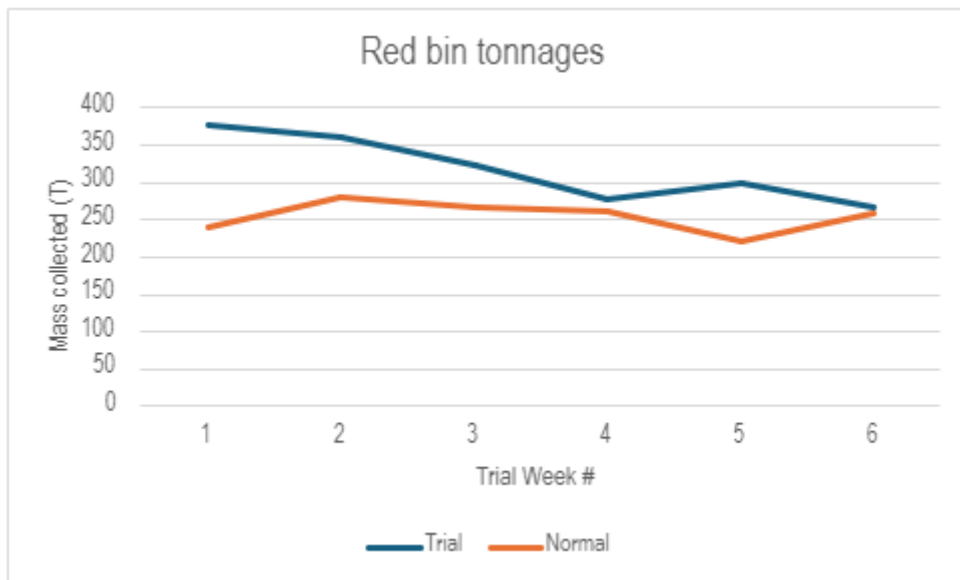
As resolved at the 18 July 2024 Ordinary Council Meeting (noting a minor date correction), from 23 December 2024 to 31 January 2025, Council completed weekly collections of general waste kerbside domestic bins as a trial. Acknowledging there is an increase in waste over the Christmas and New Year period, Council has in the past and will continue to provide residents with an additional recycling bin collection over this two-week period. Recycling is offered in place of general waste as this type of waste is typically increased for this period. For example, wrapping paper, cardboard, bottles and cans waste quantities increase, noting that many residents use the 'return and earn' option for recyclable containers.

Data collected during the trial indicates that on average, 57% of households presented their red bins for collection on the additional offered weeks (compared to previous year's data). The two weeks following Christmas saw the largest increase in presentation, with 70% of bins being presented for the additional collection. Graph 1 below shows the number of bins presented over the trial period. The graph compares the data of the comparative period from the prior year.



Graph 1: presentation of red bins kerbside over Summer periods in FY25 (trial) and FY24 (Normal)

Tonnage data from domestic kerbside waste (red bin) deposited to landfill in this period shows that there was a 25% increase in mass of general waste disposed. Similarly, the increase was largest in the weeks surrounding Christmas, where 42% more waste was presented for disposal to landfill. Graph 2 below shows the mass of waste deposited to landfill from red bin kerbside collection. As in Graph 1 above, the trial data series covers the 6 weeks of the trial period (FY25) and the normal data covers the comparable period for FY24.



Graph 2: waste tonnages deposited into kerbside red bins over trial period

The data indicates that the peak period for additional general waste disposal are the 2 weeks around the Christmas/New Years period - which aligns with the current additional recycling collection that is currently offered as a standard service by Council.

During the trial period, Council engaged a consulting company to conduct an audit of the waste generation of a subset of the community. This involved looking at the bins presented for the additional collections and determining (visually) how full they were, then auditing the materials presented in each bin to determine whether items were being placed in the appropriate bins. The full report is attached, but notably findings are summarised below, noting percentages are based off weight:

Pre-trial

- Red bin fullness averaged 72%
- Red bin composition of general waste was 88.6% (11.4% of contents could have been deposited in the yellow or green bins)
- 24.8% of the yellow bin waste was contamination from general waste
- Green bins contamination rate was 2.5%

During trial

- Red bin fullness averaged 55%
- Red bin composition of general waste was 87.2% (12.8% of contents could have been deposited in the yellow or green bins)
- 5.5% of the yellow bin waste was contamination from general waste
- Green bins contamination rate was 3.3%

After trial

- Red bin fullness averaged 60%
- Red bin composition of general waste was 93.6% (6.7% of contents could have been deposited in the yellow or green bins)
- 8.6% of the yellow bin waste was contamination from general waste
- Green bins contamination rate was 2%

Recommendations from the report were as follows:

- Based on the data collected pre, during and post the trial, it is not justifiable to increase the regularity of general waste collections to weekly as the trial did not have a notable influence on bin volume, bin weight, and bin fullness, and incorrect disposal within the red bin was at its highest during the trial period.
- Promote education surrounding the correct sorting of waste materials (notably those identified as contamination and leakage (incorrect bin use) within this report to help ensure potential contaminants are diverted into the correct bin. Consider a campaign that focuses on how much space could be gained from correctly sorting waste and reusable resources (i.e., textiles, homewares and small furniture)
- Ensure that education materials are available on Council's website in a range of difference languages; and
- More regular audits which include the compositions and volumes of all waste types will improve the understanding and identify areas in which the Council can target improvements. Regular audits also provide feedback on which educational messages have been successful and guide future educational messaging.

Overall, it was noted that on average there was capacity available in bins, and that there is an opportunity to increase education across the community to improve understanding of what can go into each bin, and of the kerbside collection options available.

Contract implications

JR Richards (JRR) were able to conduct the trial under the current contract at cost under the applied contract rates. During this period, collection charges applied to all kerbside general waste bins in the LGA regardless of whether or not they were presented for collection. To enable this, JRR had to source trucks and train additional staff, and as feedback indicated, there were instances of pick-ups not being collected on the planned day with return runs needing to be completed in the following days.

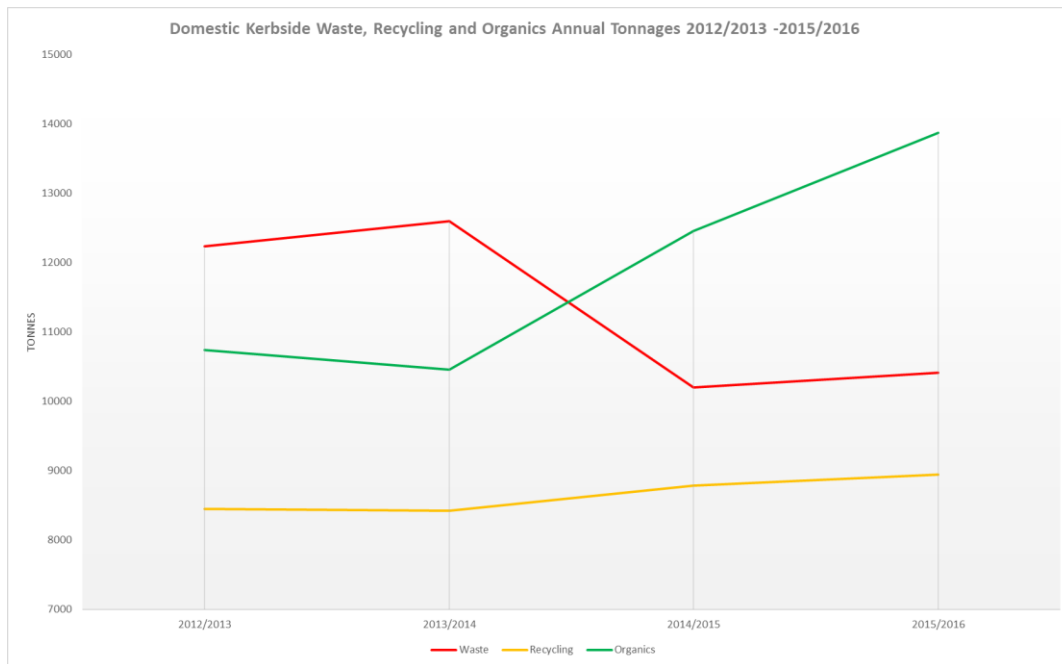
If this were to be implemented in any scale moving forward, it may lead to formal requests for variations to the existing contract given the scale of the additional services required.

In addition, if weekly collections were to be implemented as an ongoing initiative this would need to be considered in the details of the upcoming new waste collection and processing contracts.

Strategic implications

Fortnightly general waste bin collections were introduced in the Port Macquarie-Hastings Local Government Area in 2014, which was implemented in conjunction with a mass rollout of organics bins, kitchen tidies and compostable bags. The intention of this change was to incentivise residents to largely divert food out of the red bin, primarily into the organics bin.

The rollout and change to fortnightly general waste collection resulted in more organics being diverted from landfill as can clearly be shown below by Graph 1. Between 2013-2014 and 2014-2015 financial years, kerbside general waste decreased by 2,395 tonnes and organics increased by 1,994 tonnes. Prior to the rollout, food waste was measured as being 40% by weight of the general waste bin in the 2014 kerbside audit. A kerbside audit undertaken in 2021 for MidWaste showed food waste was 26% in the general waste bin for Port Macquarie-Hastings and Kempsey Shire combined. This reinforces the success in diverting food waste from landfill, but also highlights the importance of continuing to educate the community on proper use of their household bins.



Graph 3: Annual kerbside waste tonnages

Council’s Waste and Resource Recovery Strategy 2024-2034 was adopted at the July 2024 Ordinary Council Meeting. Within this Strategy, there are a number of strategic objectives, targets and actions which may be adversely impacted by weekly general waste collections over summer.

Key objectives from the Strategy which this trial can be seen to contradict are:

- Reduce generation of waste
- Increase diversion of waste from landfill

Targets from the Strategy which may be impacted by changes to the general waste collection service:

- Reduce total domestic waste generated person by 10% by 2034
- Achieve a 60% landfill diversion rate by 2034
- Achieve a 90% average recovery rate of recyclables and combined food and garden organics from domestic kerbside collections by 2034

Actions which may be more difficult to implement if general waste collection are increased:

- Develop and deliver community education programs to avoid / reduce the generation of household waste and improve separation of household waste at the kerbside

Maintaining the current collection frequencies is a key element in achieving the strategic targets.

The NSW Government’s Waste and Sustainable Materials Strategy 2041 similarly is focused on reducing waste, improving recycling and supporting the circular economy.

Community Feedback

Note that discussion was also seen on local social media groups with varying views on the matter - the comments provided below indicate the sentiment of most of the discussion.

Customer Service also received calls which did not require formal tracking or responses but requested explanation or clarification relating to the trial dates.

A sample of direct feedback received by Council in relation to the trial is given below:

Date	Type	Commentary
5/2/2025	Compliment	<p>Good Afternoon</p> <p>I wanted to thank you for instigating the trial of weekly red bin collection over the Christmas break. I found it extremely helpful, as it got rid of all my extra Christmas rubbish without the bin overflowing. It also avoided the usual problem with maggots in my bin over the hot summer due to rubbish sitting for a fortnight. I hope the trial becomes a regular summer program. Thanks again</p>
7/2/2025	Compliment	<p>Thank you for the extra bin pickups over the Christmas break. All the best.</p>
7/1/2025	Complaint (fees)	<p>I have a question about the trial of weekly pickups of the red bins from residential premises. Currently, we pay a supplement to receive a regular weekly red bin collection - or, to put it another way, we are already paying for a service that Council is now providing for free to other residences for the six week trial period. Are we entitled to a refund for part of the yearly fee that we pay? Six weeks amounts to 11.5% of the year - a not insubstantial amount for retirees. If a refund is not forthcoming, can you please explain why not? Many thanks</p>
15/12/2025	Complaint (intent of trial)	<p>I just wanted to email in regards to the trial of additional red bin collections recently highlighted in the local news - Trial of weekly red bin collections to kick start at Christmas Port Macquarie Hastings Council.</p> <p>I wanted to ask about the purpose of the trial, which is quite costly? Local residents who need more red bin capacity can already opt for a weekly service Red, yellow and green bins Port Macquarie Hastings Council. Like any service this comes at an additional cost, but that makes sense, if you were to compare it to water usage, for example - you use more, so you pay more. They can also pay less with a smaller red bin - it is very flexible, more so than most Councils.</p>

		<p>The trial offers a service across the board to residents whether they have asked for it or not - not to say they won't use it (many will, offers like this usually result in a peak in waste to landfill). If this is in response to complaints - consider comparably how many residents have not complained - as this indicates that they are satisfied with their service? Offering extra red bin services will discourage waste reduction. This trial goes against the Council's own Waste Strategy and it's key theme of avoiding and reducing waste.</p> <p>Port Macquarie-Hastings Council has for a long time been a leader in sustainable waste management. This trial is going in the opposite direction of most Councils in NSW (many of whom are transitioning to weekly green and fortnightly red services) and the NSW Waste and Sustainable Materials Strategy. It may raise expectations of residents which will then need to be managed. Does the trial include compare other options? For example with the potential annual spend employing 1-2 staff (could be part-time) to visit residents and engage on how to reduce waste, including explaining service options and what can be recovered and recycled? This is just one option that could provide a service that is tailored and helpful while also aligning with Council's strategic goals. I look forward to hearing more about the trial, what is being tested or measured and whether alternatives are being explored.</p> <p>Thanks</p>
30/1/2025	Compliment	<p>I would like to request that Council considers permanently extending the weekly red bin service. As a family of four with only a small red bin, the fortnightly service is not adequate. The trial of the weekly red bin service over the past month has been for more effective for our family.</p>

Feedback on social media posts Council made relating to the trial was primarily positive. Three posts were made relating to the trial - the first allowed comments, the second allowed comments for a period, but was turned off as staff were not available to moderate, and for the third post comments were not turned on.

Across the three posts there were approximately 1300 likes, 138 loves and 9 angry reactions.

Comments on these posts were: negative - 10 (4 of these relating to those who pay to have weekly collections); positive - 21; other waste related queries - 9.

Anecdotal evidence from conversations with community members and those who phoned and spoke to the Waste Services Team indicated that while the trial was largely well received. For the most part those who used the service were not fully

aware of what could be accepted in the green (organics) bin, and were still placing a lot of food waste in the red bin, and that many placed items in the red bin that they would previously have kept until they did a donation or landfill self-haul trip, but used the opportunity to dispose of the items.

Contractor Feedback

JR Richards, as the collection contractor, also provided feedback as given below:

- In order to keep business as usual running, standard drivers kept their regular pick-up schedules. This meant that extra and casual drivers were required given the additional alternate weeks services for both the two weeks of recycling collection and six weeks of general waste collections.
- Increase in phone traffic caused a significant issue. The constant calls early in the day asking why their bin hadn't been emptied (off week services were not always completed at the same time as 'normal' services).
- Calls from villages and stratas with private Commercial Agreements calling and complaining to staff because they thought that they were entitled to the additional collection.
- Extra holiday traffic in region added over an hour to each driver's day – this applied for all services, but particularly the additional services as they were generally run later in the day.
- A lot of people requesting return services as they forgot to put bins out for the additional services and felt they were "owed" the extra collection.
- At the completion of the extra yellow bin collection, and once the trial had finished, many people were confused as to what extra services they are "entitled" to receive. Many people thought that yellow bin additional collection would also span the 6 weeks, and a lot of people seem to think that the weekly red bin was supposed to be for a full year.
- Phone call numbers via the Council Hotline for December averaged 85 calls per day. During the Christmas week there were 391 calls over the 3 business days, averaging 130 calls per day.

If additional services are to be considered in the future, it would be beneficial to align the additional collections with the additional yellow bin collection to reduce the confusion and complaint directed toward Council and contractor staff. This would also link to the higher levels of presentation and tonnages in this period surrounding the Christmas/New Years holidays.

Options

Options available to Council to consider include:

1. Provide an extra red (general waste) bin collection service over the Christmas/New Year period on an on-going basis, in line with the current additional yellow (recycling) bin collection service.
2. Resolve to make no changes to the current waste collections over the summer period
3. Resolve to continue with the 6 weeks of weekly general waste collections over summer, and the contractual and financial implications that result, including a review to ensure waste fees and rates are appropriate to cover the costs
4. Request additional information to inform an alternate decision

Option 1 is the recommendation of this report. This option aligns with Council's strategic objectives as adopted within the Waste and Resource Recovery Strategy 2024-2034 and Waste Services Policy, and aligns best with the analysis of bin

presentation and composition data by providing additional services for the highest waste generation period over the Christmas/New Year.

Internal Consultation

Internal consultation was conducted with:

- Waste Projects Officers
- Waste Services Administrative Officer
- Innovation, Process and Compliance Manager
- Group Manager Utilities Planning & Design
- Director Community Utilities

Planning and Policy Implications

The Waste Services Policy was adopted by Council in May 2024. This Policy includes the objectives to:

- Reduce waste to landfill
- Maximise source separation of general waste, recycling and food and garden organics

This may be seen as contradictory to increasing the frequency of general waste bin collections and presents the opportunity to provide further education on these factors, which could also allow for a focus to increase understanding if the Policy objectives outlined below:

- Provide clarity on the waste services offered to residents
- Provide clarity on the use of council’s waste facilities

Financial and Economic Implications

It was estimated that the trial would increase costs for domestic waste services by approximately \$274,298 for the waste collection contract and levy fees for 2024-2025. An updated summary of costs incurred from the 2024-2025 summer trial is outlined below:

Item	Cost
Advertising	\$6,160.00
Contract cost increases	\$217,000.00
Audit fees	\$81,678.00
Levy increase	\$37,000.00
Total	\$341,838.00

If it were to be decided that the red bin provision would be an ongoing commitment by Council, these costs would need to be passed on to users, or be absorbed by the Waste Fund. The latter would likely have long term strategic impacts on waste services, unless an increase to waste rates is applied based on a user pays principle.

As Council offers both weekly and fortnightly general waste collections, the established Contract has rates for this purpose. The collection rates are structured on a price per bin per collection frequency. Council is charged the applicable rate multiplied by the number of each bin type (fortnightly or weekly) that has been



issued. Council is currently charged per bin on this basis regardless of it being presented for collection or not. Under the existing contract, collection rates are adjusted with Consumer Price Index quarterly and the number of bins is adjusted weekly to allow for waste service changes to be made, together with the addition of new waste services in our development and land release areas.

Under existing service options, residents are able to increase their general waste service frequency from fortnightly to weekly by contacting Council and paying for a bin changeover and an increase in waste rates. The 2024-2025 change of service fee is a one-off fee of \$64, and the relevant Annual Excess Service charge for a 240L bin collected weekly is \$818.17 compared to the Standard Service charge (240L - fortnightly pick up) of \$553.63.

If audit costs are excluded, to cover the cost of offering a weekly service for a fixed period over summer (excluding any additional administrative costs) would be approximately an additional \$9 per household per extra collection for those who currently receive a fortnightly red (general) waste service.

Attachments

1.  Weekly Red Bin Trial - Bin Audit Report

Item: 13.12

Subject: NOTICE OF MOTION - SECONDARY DWELLINGS ON RURAL PROPERTIES

Councillor Mark Hornshaw has given notice of an intention to move the following motion:

RECOMMENDATION

That Council request the Chief Executive Officer to include a review of the 'secondary dwellings' Local Environmental Plan provisions relating to the rural zones in conjunction with the next administrative review of the Port Macquarie Hastings Local Environmental Plan scheduled to be presented to Council in June 2025.

Comments by Councillor Hornshaw

The Port Macquarie Hastings LEP permits Secondary Dwellings in rural zones, but stipulates that the floor area must not exceed the greater of 60sqm or 33% of the principal dwelling, and also requires the secondary dwelling to be located within 100m from the principal dwelling.

I would like to explore ways to remove these limitations, which I believe are unnecessary for achieving the objectives of rural zoning. The rural and primary production character of the land can be preserved while offering a wider range of options for land-owners. Allowing many options for secondary dwellings helps to keep rural land viable for farming, especially with respect to extended or multi-generational families.

Houses were originally built close to the roads to access electricity and phone lines, but with modern technology this is not necessary and shouldn't be a restriction via the 100m rule. The 60m² or 33% rule allows a house one third of the size of the existing one, or a house three times the size of the existing house may be built and classed as the new principle dwelling. These limitations seem out of place on rural land where different family situations might suit different options, including two detached houses of similar size.

The rural land in our LGA is mostly small cattle farms or orchards on hilly country, not broad acre cropping land - so there is no issue with increased fragmentation of land (it is fragmented anyway, but the cows don't mind).

Comments by Chief Executive Officer

Staff have no objection to the Notice of Motion as proposed.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**
 - Item 14.01 2025.007 Citizen Centric Payment Experience Project**

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 2024.0229 Management of Developer Contributions Solution**

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.**