

# Ordinary Council

## Business Paper

**date of meeting:** Thursday 16 May 2024

**location:** Council Chambers, 17 Burrawan Street, Port Macquarie

**time:** 10:00am

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

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

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

#### **Oath Of Councillor**

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

#### **Affirmation Of Councillor**

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

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

# Ordinary Council Meeting

Thursday 16 May 2024

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

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

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

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**RECOMMENDATION**

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 18 April 2024 be confirmed.

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**PRESENT**

**Members:**

Mayor Peta Pinson  
Councillor Lauren Edwards  
Councillor Lisa Intemann  
Councillor Nik Lipovac  
Councillor Danielle Maltman  
Councillor Adam Roberts  
Councillor Rachel Sheppard  
Councillor Josh Slade

**Other Attendees:**

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

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The meeting opened at 10.00am

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 REMOTE ATTENDANCE AT MEETING**

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Nil.

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**03 LOCAL GOVERNMENT PRAYER**

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Pastor Dave Dennis from the Port Macquarie Lifeway Church delivered the Local Government Prayer.

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A minute of silence was observed in memory and reflection for the those impacted by the Bondi Junction tragedy.

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#### **04 APOLOGIES**

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Nil.

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#### **05 CONFIRMATION OF MINUTES**

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*RESOLVED: Roberts/Slade*

**That the Minutes of the Ordinary Council Meeting held on 21 March 2024 be confirmed.**

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

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#### **06 DISCLOSURES OF INTEREST**

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Councillor Sheppard declared a Non-Pecuniary, Significant interest in Item 11.04 Community Grants 2023-2024 Round 2. The reason being that Councillor Sheppard's husband is a member of the Board of the Rotary Club of Port Macquarie Sunrise, who are an applicant in Round 2 of the 2023-2024 Community Grants. Councillor Sheppard intends to take no part in the consideration and voting and be out of sight of the meeting.

Councillor Intemann declared a Non-Pecuniary-Less than Significant interest in Item 11.04 Community Grants 2023-2024 Round 2. The reason being that Councillor Intemann ordinary member of Wauchope Community Arts Council and occasionally acts as their Returning Officer. Councillor Intemann intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

Councillor Maltman declared a Non-Pecuniary-Less than Significant interest in Item 13.02 Notice of Motion - Lake Cathie Management Into The Future. 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 Maltman declared a Non-Pecuniary-Less than Significant interest in Item 13.08 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.

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Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

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## **07 MAYORAL MINUTES**

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### **07.01 PORT MACQUARIE-HASTINGS FERRY SERVICE**

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*RESOLVED: Pinson*

**That Council:**

- 1. Note the correspondence sent to The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, regarding operation of the two vehicular ferries over the Hastings River.**
- 2. Note the inconsistency in the provision of ferry services by Transport NSW, particularly highlighting the recent transfer of management of the Lower Portland Ferry to the NSW Government, continues to disadvantage the community of the Port Macquarie-Hastings.**
- 3. Note Port Macquarie-Hastings Council continues to fund ferry services across the Hastings River, whilst most other vehicular ferry services in NSW are provided by the NSW Government or receive funding support.**
- 4. Request the Chief Executive Officer write to the Federal Member for Cowper, The Hon. Pat Conaghan; and the Member for Port Macquarie, The Hon. Leslie Williams MP, seeking their support to strongly advocate with the NSW Government to assume management or provide funding support for the operation of vehicular ferry services that connect public roads in NSW, including the vehicular ferries that operate across the Hastings River.**

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

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### **07.02 IPWEA ENGINEERING EXCELLENCE AWARDS**

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*RESOLVED: Pinson*

**That Council:**

- 1. Note the success of nominations at the Institute of Public Works Engineering Australasia NSW/ACT Engineering Excellence Awards held on 11 April 2024 for the following projects:**
    - (a) Winner - Category 2 New or Improved Techniques category - Rawdon Island Bridge Rehabilitation project.**
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- (b) **Highly Commended - Category 8 Multi-Disciplinary Project Management - Gordon Street Upgrade project.**
- (c) **Highly Commended - Category 1C Design and Construction of a public works project greater than \$5 million - Cairncross Waste Management project.**
2. **Congratulate the Chief Executive Officer, Dr Clare Allen, Director Community Infrastructure, Robert Fish and the staff involved in delivering the projects and preparing the nominations for the Awards.**

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

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

Nil

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

*RESOLVED: Sheppard/Lipovac*

**That Items 10.01, 10.02, 10.07, 10.11, 10.14, 11.01, 11.02, 11.03, 12.01, 13.07, 13.10, 13.11, 13.12, and 13.13 be considered as a block resolution**

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

*RESOLVED: Sheppard/Roberts*

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

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

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**10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 7 MARCH TO 3 APRIL 2024**

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*BLOCK RESOLVED: Sheppard/Roberts*

**That Council note the Mayoral Discretionary Fund allocations for the period 7 March to 3 April 2024.**

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**10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*BLOCK RESOLVED: Sheppard/Roberts*

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

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**10.07 POLICY REVIEW - DRAFT LOCAL GOVERNMENT ELECTIONS CARETAKER PERIOD POLICY**

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*BLOCK RESOLVED: Sheppard/Roberts*

**That Council adopt the draft Local Government Elections Caretaker Period Policy.**

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**10.11 MONTHLY BUDGET REVIEW - MARCH 2024**

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*BLOCK RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Adopt the adjustments in the “March 2024 Adjustments” section of the Monthly Budget Review – March 2024 report and associated attachment.**
- 2. Amend the 2023-2024 Operational Plan to include all budget adjustments approved in this report.**

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**10.14 CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

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*BLOCK RESOLVED: Sheppard/Roberts*

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

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**11.01 RECOMMENDED ITEMS FROM THE MARCH 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND**

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the March 2024 Sub-Committee meeting and endorse payment from the Fund of \$1,000 to Iesha Apthorpe for representation at the 2024 Australian Open Swimming Championships.

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**11.02 LANDRIGAN AND ANDREWS PARKS MASTER PLAN - POST EXHIBITION**

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council:

1. Note the information contained within the Landrigan and Andrews Parks Master Plan Community Engagement Report - March 2024
  2. Adopt the Landrigan and Andrews Parks Master Plan
  3. Thank submitters and advise them of the outcome of Council's consideration.
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**11.03 DRAFT RECREATION AND OPEN SPACE ACTION PLAN AND SPORTING INFRASTRUCTURE PRIORITIES**

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council:

1. Publicly exhibit the revised draft Recreation and Open Space Action Plan 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.
  3. Note Prioritisation of Sporting Infrastructure Projects that Council will continue to seek funding for as follows:
    - i. Port Macquarie Aquatic Centre
    - ii. Regional Stadium Upgrades
    - iii. Tuffins Lane Drainage – if feasible
    - iv. Thrumster Sporting Fields
    - v. Hastings Regional Sporting Complex
    - vi. Rainbow Beach Sporting Fields - Stage 2
    - vii. Wayne Richards Stage - 3 & 4 Design
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## 12.01 MAJOR EVENT GRANTS 2024 - ROUND 2

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Grant Program Round 2, 2024 to the total amount of \$20,000 for the following Major Events:

a)	Regional Academy of Sport Netball	\$4,000
b)	David Goose Gosby Memorial	\$4,000
c)	Rainbow Gold Enduro	\$4,000
d)	Run Haven	\$4,000
e)	Regatta Challenge	\$4,000

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## 13.07 CLASSIFICATION OF COUNCIL LAND - WAAPANGAL ROAD THRUMSTER

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 50 DP 1299688 Waapangal Road Thrumster as operational land by placing on public exhibition for a minimum of 28 days with the proposed resolution, "It is intended to classify Lot 50 DP 1299688 Waapangal Road Thrumster as operational land."
  2. Note that a further report will be tabled at a future Council meeting following exhibition detailing any submissions received during the exhibition period.
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## 13.10 MATERIAL PUBLIC BENEFIT - DEVELOPER DELIVERED SEWER WORKS KENDALL - UPDATE REPORT

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council note the information in this update report.

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## 13.11 WATER QUALITY UPDATE - TASTE AND ODOUR

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*BLOCK RESOLVED: Sheppard/Roberts*

That Council note the information contained within this report.

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**13.12 MAJOR PROJECTS UPDATE - COWARRA WATER SUPPLY SCHEME  
AND THRUMSTER WASTEWATER SCHEME PROJECTS**

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*BLOCK RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Note the update information regarding the Cowarra Water Supply Scheme project and how it is progressing ahead of the baseline schedule.**
  - 2. Note the update information regarding the Thrumster Wastewater Scheme project and how it is progressing behind the baseline schedule and that this is due to delays in finalising the effluent discharge location not through any fault of Council but as a result of additional information requested from NSW Government regulators.**
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**13.13 WASTEWATER TREATMENT PLANT CAPACITIES - UPDATE REPORT  
- PORT MACQUARIE/THRUMSTER SEWERAGE SCHEME  
CATCHMENTS CAPACITY**

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*BLOCK RESOLVED: Sheppard/Roberts*

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

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**10.03 NOTICE OF MOTION - BLUEPRINT FOR GENERATIONAL EQUITY**

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**MOTION**

*MOVED: Roberts/Slade*

That Council request the Chief Executive Officer to provide a report to the June 2024 Ordinary Council Meeting providing an update on work completed to date and any upcoming initiatives in relation to the adopted Port Macquarie-Hastings Blueprint for Generational Equity.

**AMENDMENT:**

*MOVED: Intemann/Sheppard*

That Council request the Chief Executive Officer to provide a balanced report to the June 2024 Ordinary Council Meeting providing an update on work completed and delays encountered to-date, plus any upcoming initiatives in relation to the adopted Port Macquarie-Hastings Blueprint for Generational Equity.

*LOST: 4/4*

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

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**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Roberts/Slade*

**That Council request the Chief Executive Officer to provide a report to the June 2024 Ordinary Council Meeting providing an update on work completed to date and any upcoming initiatives in relation to the adopted Port Macquarie-Hastings Blueprint for Generational Equity.**

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

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**10.04 NOTICE OF MOTION - REFERENDUM TO REDUCE COUNCILLOR NUMBERS FROM NINE TO SEVEN**

*RESOLVED: Sheppard/Roberts*

**That Council,**

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

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

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**10.05 NOTICE OF MOTION - PAYMENT OPTIONS FOR RATES (BILLS)**

*RESOLVED: Roberts/Maltman*

**That Council through the Chief Executive Officer explore additional options for Ratepayers to pay rates (bills).**

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

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## 10.06 USE OF THE CASTING VOTE

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### MOTION

*MOVED: Pinson/Roberts*

*That Council note the information provided in the report.*

### AMENDMENT

*MOVED: Sheppard/Edwards*

That Council:

1. Note the information provided in the report, excluding the commentary on the purpose of the casting vote.
2. Note that the Model Code of Meeting Practice and Local Government Act are silent on the purpose of the casting vote.
3. Note the tabled supplementary information in relation to the principles for use of the casting vote in state and federal parliaments.

*LOST: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

### ADJOURNMENT

*RESOLVED: Pinson/Roberts*

**That the meeting adjourn for 10 minutes.**

*CARRIED: 6/2*

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

*AGAINST: Intemann and Lipovac*

The Ordinary Council Meeting adjourned at 11.49am

The Ordinary Council Meeting resumed at 12.06pm.

### AMENDMENT

*MOVED: Pinson/Roberts*

That Council:

1. Note the information provided in the report.
2. Request the Chief Executive Officer provide supplementary information to Councillors in relation to the legal framework of the casting vote relating to Local Government.

*EQUAL: 4/4*

*FOR: Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

*CASTING VOTE: For*

*CARRIED*

**THE AMENDMENT ON BEING PUT WAS CARRIED**

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

*RESOLVED: Pinson/Roberts*

**That Council:**

- 1. Note the information provided in the report.**
- 2. Request the Chief Executive Officer provide supplementary information to Councillors in relation to the legal framework of casting vote relating to Local Government.**

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

Councillor Sheppard tabled supplementary information regarding this matter including use of the casting vote at state and federal parliament.

Item 10.07 Policy Review - Draft Local Government Elections Caretaker Period Policy, has been addressed previously within the meeting.

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**10.08 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS**

*RESOLVED: Pinson/Roberts*

**That Council note the Disclosure of Interest return for the following position  
Community Planning and Environment - Strategy Officer**

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

The Chairperson tabled the disclosure of return of the Designated Person listed above

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**10.09 DRAFT OPERATIONAL PLAN 2024-2025, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION**

**MOTION**

*MOVED: Roberts/Maltman*

**That Council:**

- 1. Place the following draft Integrated Planning and Reporting documents on public exhibition for a period of 28 days from 22 April to 20 May 2024:**
  - a) Draft 2024-2025 Operational Plan**
  - b) Draft 2024-2025 Fees and Charges**



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- c) Draft 2024-2025 Revenue Policy
  - d) Draft 2024-2025 Rating Maps
  2. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.16 Impacts and Options in Relation to a Proposed Rate Freeze for 2024-2025, the Draft 2024-2025 Operational Plan has been prepared with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.
  3. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.17 Impacts and Options in Relation to the Abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate, the Draft 2024-2025 Operational Plan has been prepared noting the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.
  4. Note that a further report will be tabled at the June 2024 meeting of Council for the adoption of the 2024-2025 Integrated Planning and Reporting suite of documents, detailing the submissions received from the public during the exhibition period.
  5. Provide information on what future budget preparation using the Zero Based Budgeting processing involves through the General Fund Improvement Plan update due to be presented in June 2024 to Council.
  6. That the table identified in page 11 of the draft Operational Plan be replaced with a detailed narrative of the minimal impact to the business, to assure the rate payer that delivery will continue at current levels.

## **AMENDMENT**

*MOVED: Sheppard/Edwards*

That Council:

1. Place the following draft Integrated Planning and Reporting documents on public exhibition for a period of 28 days from 22 April to 20 May 2024:
  - a) Draft 2024-2025 Operational Plan
  - b) Draft 2024-2025 Fees and Charges
  - c) Draft 2024-2025 Revenue Policy
  - d) Draft 2024-2025 Rating Maps
2. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.16 Impacts and Options in Relation to a Proposed Rate Freeze for 2024-2025, the Draft 2024-2025 Operational Plan has been prepared with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.
3. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.17 Impacts and Options in Relation to the abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate, the Draft 2024-2025 Operational Plan has been prepared noting the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.
4. Note that a further report will be tabled at the June 2024 meeting of Council for the adoption of the 2024-2025 Integrated Planning and Reporting suite of

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documents, detailing the submissions received from the public during the exhibition period.

LOST: 3/5

FOR: Edwards, Lipovac and Sheppard

AGAINST: Intemann, Maltman, Pinson, Roberts and Slade

## **AMENDMENT**

*MOVED: Edwards/Lipovac*

That Council:

1. Place the following draft Integrated Planning and Reporting documents on public exhibition for a period of 28 days from 22 April to 20 May 2024:
  - a) Draft 2024-2025 Operational Plan
  - b) Draft 2024-2025 Fees and Charges
  - c) Draft 2024-2025 Revenue Policy
  - d) Draft 2024-2025 Rating Maps
2. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.16 Impacts and Options in Relation to a Proposed Rate Freeze for 2024-2025, the Draft 2024-2025 Operational Plan has been prepared with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.
3. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.17 Impacts and Options in Relation to the Abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate, the Draft 2024-2025 Operational Plan has been prepared noting the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.
4. Note that a further report will be tabled at the June 2024 meeting of Council for the adoption of the 2024-2025 Integrated Planning and Reporting suite of documents, detailing the submissions received from the public during the exhibition period.
5. Request the Chief Executive officer to include a Service Area Statements page and an Understanding Our Actions explainer page similar to those included in Council's 2023-2024 Operational Plan in the Draft Operational Plan prior to exhibition.

The amendment was withdrawn.

## **THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Roberts/Maltman*

That Council:

1. **Place the following draft Integrated Planning and Reporting documents on public exhibition for a period of 28 days from 22 April to 20 May 2024:**
  - a) **Draft 2024-2025 Operational Plan**
  - b) **Draft 2024-2025 Fees and Charges**
  - c) **Draft 2024-2025 Revenue Policy**
  - d) **Draft 2024-2025 Rating Maps**

2. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.16 Impacts and Options in Relation to a Proposed Rate Freeze for 2024-2025, the Draft 2024-2025 Operational Plan has been prepared with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.
3. Note that in accordance with Council's Resolution of 15 February 2024, in relation to Item 10.17 Impacts and Options in Relation to the Abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate, the Draft 2024-2025 Operational Plan has been prepared noting the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.
4. Note that a further report will be tabled at the June 2024 meeting of Council for the adoption of the 2024-2025 Integrated Planning and Reporting suite of documents, detailing the submissions received from the public during the exhibition period.
5. Provide information on what future budget preparation using the Zero Based Budgeting processing involves through the General Fund Improvement Plan update due to be presented in June 2024 to Council.
6. That the table identified in page 11 of the draft Operational Plan be replaced with a detailed narrative of the minimal impact to the business, to assure the rate payer that delivery will continue at current levels.

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

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#### 10.10 INVESTMENTS AND LOANS - MARCH 2024

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*RESOLVED: Sheppard/Edwards*

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

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

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

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## 10.12 ALLOCATION OF 2022-2023 WATER FUND AND SEWER FUND DIVIDEND

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*RESOLVED: Roberts/Pinson*

**That Council:**

- 1. Note the information provision requirements of section 4.4 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) have been finalised.**
- 2. Note an estimated \$1,376,000 will be used to payout the loan associated with the Town Centre Master Plan.**
- 3. Resolve that the remaining water and sewer dividend be allocated to the reserve for parks maintenance as proposed in the Draft Operational Plan 2024-2025.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## 10.13 OPPORTUNITY FOR LOCAL FIRMS TO DO BUSINESS WITH PORT MACQUARIE-HASTINGS COUNCIL

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*RESOLVED: Lipovac/Slade*

**That Council:**

- 1. Note the information provided in this report.**
- 2. Note a future report will be presented to the Ordinary Council meeting in October 2024 that details Council's commitment to supporting local business through its tendering and purchasing process during the previous financial year.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 10.14 Contracts Awarded under Delegation by the Chief Executive Officer, has been addressed previously within the meeting.

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## 10.15 POLICY REVIEW - SUSTAINABILITY POLICY

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**MOTION**

*MOVED: Intemann/Edwards*

That Council adopt the revised Sustainability Policy.

*LOST: 4/4*

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

**MOTION**

*MOVED: Sheppard/Lipovac*

Defer consideration of this matter to the Ordinary Council Meeting May 2024

LOST: 4/4

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

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

Item 11.02 Landrigan and Andrews Parks Master Plan - Post Exhibition, has been addressed previously within the meeting.

Item 11.03 Draft Recreation and Open Space Action Plan and Sporting Infrastructure Priorities, has been addressed previously within the meeting.

**11.04 COMMUNITY GRANTS 2023-2024 - ROUND 2**

Councillor Sheppard declared a Non-Pecuniary, Significant interest in this item. The reason being that Councillor Sheppard's husband is a member of the Board of the Rotary Club of Port Macquarie Sunrise, who are an applicant in Round 2 of the 2023-2024 Community Grants. Councillor Sheppard took no part in the consideration of this matter or voting and was out of sight of the meeting.

Councillor Intemann declared a Non-Pecuniary-Less than Significant interest in this item. The reason being that Councillor Intemann is an ordinary member of Wauchope Community Arts Council and occasionally acts as the Returning Officer. Councillor Intemann remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

*RESOLVED: Roberts/Lipovac*

**That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance in Round 2 of the 2023-2024 Community Grant program for the total amount of \$85,573 for the following community projects:**

APPLICANT	PROJECT	FUNDING
Westpac Rescue Helicopter	Rescue Kits	\$1,000
Tele Point Community Assoc	Hall Fencing	\$2,450
MNC Maritime Museum	Paint Pilot Boat Shed	\$10,000
Rotary Club Port Macquarie	Marine BioBlitz	\$3,000
Astronomical Association	Visiting Planetarium	\$6,875
Friends of Mrs Yorks Garden	Track Upgrade	\$7,000

Byabarra Sports & Tennis Club	Family Movie Nights	\$2,150
Garden Village	3D Armchair Travel (Seniors)	\$5,400
PMQ Homeless Collective	Homeless Food Supplies	\$1,000
PMQ Women's Shed	Soundproof Woodwork Room	\$10,000
WAU Adventist Relief Agency	Homeless Service Generator	\$3,795
RSL Lifecare	Seen & Heard Program	\$4,000
Strong Spirit Aboriginal Service	Village School Aboriginal Culture	\$5,000
WAU Community Arts Council	Singer Songwriter Circle	\$3,000
WAU Chamber Commerce	Waste to Art	\$2,500
Endeavour Mental Health	Disability Art Therapy	\$2,713
PMQ Steiner School	Winter Lantern Workshop	\$2,500
Surfing the Spectrum	Surfing Spectrum - Autism Surf	\$4,000
PMQ Parkinson's Support	World Parkinson Day	\$1,000
Lost Plot	Lost Plot Garden Party	\$1,000
WAU Junior Rugby League	Temp Storage Container	\$5,200
Dementia Friendly Alliance	Dementia Choir	\$1,990

CARRIED: 7/0

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

AGAINST: Nil

Item 12.01 Major Event Grants 2024 - Round 2, has been addressed previously within the meeting.

Councillor Edwards left the meeting, the time being 1:43pm.

### 13.01 NOTICE OF MOTION - CAMDEN HEAD MASTER PLAN

RESOLVED: Roberts/Pinson

That Council:

1. Note the request to provide an update on the progress on the establishment of a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland as resolved by Council on 8 December 2022 to the May 2024 Ordinary Council Meeting.
2. Note that a Councillor Briefing was provided to Councillors on 11 April 2024 where Councillors were advised that a report will be presented to Council's Ordinary meeting in May 2024 regarding a draft Master Plan and details of future community engagement on the establishment of a Friends of Camden Head volunteer group and draft Master Plan.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Edwards returned to the meeting, the time being 1:47pm.



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### **13.02 NOTICE OF MOTION - LAKE CATHIE MANAGEMENT INTO THE FUTURE**

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Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this item. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

*RESOLVED: Roberts/Maltman*

**That Council request the Chief Executive Officer provide a report to the May 2024 Ordinary Council Meeting which will provide a high-level overview of what would be involved if Council were to consider “handing back” the management of the Lake Cathie waterbody to the NSW Government.**

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

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### **13.03 NOTICE OF MOTION - GENERAL WASTE RED BIN RUBBISH COLLECTION OVER SUMMER**

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*RESOLVED: Roberts/Maltman*

**That Council, through the Chief Executive Officer, provide a report to the July 2024 Ordinary Council Meeting which outlines a high-level overview of what opportunities and cost/contract implications may be involved with providing a weekly Red Bin (General Waste) collection each week between December and February (inclusive) each year.**

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

Councillor Maltman left the meeting, the time being 02:12pm.

Councillor Maltman returned to the meeting, the time being 02:14pm.

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### 13.04 DRAFT LIVING AND PLACE STRATEGY AND SUPPORTING DOCUMENTS

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*RESOLVED: Sheppard/Edwards*

**That Council:**

- 1. Endorse the draft Living and Place Strategy and supporting documents for public exhibition for a period not less than 28 days.**
- 2. Note that a further report will be tabled after the public exhibition period, detailing any submissions received from the public during the exhibition period.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### 13.05 DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY

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**MOTION**

*MOVED: Edwards/Intemann*

**That Council:**

- 1. Endorse the draft Environmental Sustainability Strategy for the purposes of public exhibition and place the draft Strategy on public exhibition for a period of not less than 42 days.**
- 2. Note that a further report will be presented to Council, following the public exhibition period, detailing the submissions received and any recommended changes to the draft Strategy for consideration by Council.**

*LOST: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

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**MOTION**

*MOVED: Sheppard/Edwards*

**That Council:**

- 1. Endorse the draft Environmental Sustainability Strategy for the purposes of public exhibition and place the draft Strategy on public exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be presented to Council, following the public exhibition period, detailing the submissions received and any recommended changes to the draft Strategy for consideration by Council.**

*LOST: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

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Councillor Intemann left the meeting, the time being 02:40pm.

Councillor Intemann returned to the meeting, the time being 02:41pm.

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

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*RESOLVED: Intemann/Roberts*

**That Council:**

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.07 Classification of Council Land - Waapangal Road Thrumster, has been addressed previously within the meeting.

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**13.08 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT**

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Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this item. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

*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 progress on the Coastal Management Program.**

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*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.09 LORNE ROAD UPGRADE - PROJECT UPDATE AND RECOMMENDATION FOR STAGE 3**

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*RESOLVED: Roberts/Pinson*

**That Council:**

- 1. Note the information outlined within the report regarding progress on the project to upgrade and bitumen seal Lorne Road and the reclassification of the road from Local Road classification to Regional Road classification;**
- 2. Conclude works currently scoped and funded including:
  - a) Detailed design for stages 1 and 2**
  - b) Environmental approval for stages 1 and 2**
  - c) Construction and bitumen sealing of stage 1, commencing mid 2024 and**
  - d) Concept design and environmental constraints assessment for Stage 3.****
- 3. Continue to seek grant funding for the construction and bitumen sealing of stage 2, provided that funding contributes the majority of the construction cost, as suitable and eligible grant funding opportunities arise; and**
- 4. Not continue any further planning and investigations for stage 3 of Lorne Road at this time due to the estimated construction cost being in excess of \$50 million and the low traffic volume on this section.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.10 Material Public Benefit - Developer Delivered Sewer Works Kendall - Update Report, has been addressed previously within the meeting.

Item 13.11 Water Quality Update - Taste and Odour, has been addressed previously within the meeting.

Item 13.12 Major Projects Update - Cowarra Water Supply Scheme and Thrumster Wastewater Scheme Projects, has been addressed previously within the meeting.

Item 13.13 Wastewater Treatment Plant Capacities - Update Report - Port Macquarie/Thrumster Sewerage Scheme Catchments Capacity, has been addressed previously within the meeting.

The meeting closed at 3.03pm

.....  
Peta Pinson  
Mayor

UNCONFIRMED

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

**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

*(Refer to next page and the Code of Conduct)*

**Pecuniary Interest**

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

**Non-Pecuniary**

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

**Managing non-pecuniary conflicts of interest**

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

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

**Councillor's Signature:** ..... **Date:** .....

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 08**

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

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council determine that the attachment to Item Number 10.10 be considered as confidential, in accordance with Section 10A(2)(c) of the Local Government Act 1993**

**Discussion**

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

<b>Item No:</b>	<b>10.10</b>
<b>Subject:</b>	<b>Legal Fees</b>
<b>Attachment Description:</b>	CONFIDENTIAL - Legal Matters Greater Than \$10,000 2023-2024 Financial Year
<b>Confidential Reason:</b>	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d(i))).



# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

**Item: 10.01**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 APRIL TO 1 MAY 2024**

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

**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the Mayoral Discretionary Fund allocations for the period 4 April to 1 May 2024.**

**Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 4 April to 1 May 2024 inclusive.

**Discussion**

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

Donation of Glasshouse Vouchers to Fundraiser for Hastings Little Wishes by Willow Rissel	\$200.00
Donation of Glasshouse Vouchers to Rotary Club of PMQ Sunrise for annual Big Dig Fundraiser	\$200.00
Donation of Glasshouse Vouchers to Fundraiser for Hastings Education Fund by Frangipani Hair & Body Spa	\$200.00
Donation to Self Seen on behalf of Nathaneal Kealy doing the 2024 Big Push on skateboard from PMQ to Lake Macquarie	\$500.00
<b>Total allocation</b>	<b>\$1,100.00</b>

**Options**

This report is for noting only.

**Community Engagement and Internal Consultation**

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

**Planning and 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 and Economic Implications**

There are no economic implications in relation to this report.

The allocations made during this reporting period were funded from the Mayoral Discretionary Fund as included in the 2023-2024 Operational budget.

**Attachments**

Nil

**Item: 10.02**

**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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

**Alignment with Delivery Program**

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

**RECOMMENDATION**

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

**Discussion**

<b>MAY 2024 REPORTS</b>						
<b>Report</b>	<b>Date and Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Due Date from Council resolution</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Camden Head Master Plan	18/04/2024 Item 13.01	Provide an update on the progress on the establishment of a Friends of Camden Haven Headland volunteer group to the May 2024 Ordinary Council Meeting	DCPE	May-24		
Lake Cathie Management into the Future	18/04/2024 Item 13.02	Provide a report to the May 2024 Ordinary Council Meeting a high-level overview of details of what would be involved in "handing back" management.	DCPE	May-24		

<b>MAY 2024 REPORTS CONTINUED</b>						
Community Energy Upgrade - Grants Round 1	21/03/2024 Item 11.03	Report on progress to determine suitable Council-owned land and assists sites that could accommodate	DBP/DCPE	May-24		
Policy Review - Investment Policy	21/03/2024 Item 10.15	A further report to council following public exhibition on submissions received.	DBP	May-24		
Policy Review -Draft Determining Applications Lodged by Councillors and Staff Policy	21/03/2024 Item 10.17	A further report to council following public exhibition on submissions received.	DBP	May-24		
Policy Review -Draft Policy Framework	21/03/2024 Item 10.18	A further report to council following public exhibition on submissions received.	DBP	May-24		
Policy Review -Contributions for Paths Kerb and Gutter Policy	21/03/2024 Item 13.04	A further report to council following public exhibition on submissions received.	DBP	May-24		
Policy Review - Waste Services Policy	15/02/2024 Item 13.02	A further report detailing submissions received following public exhibition	DCU	May-24		

JUNE 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Notice of Motion - Blueprint for Generational Equity	18/04/2024 Item 10.03	A report to June 2024 Ordinary Council Meeting providing an update on work completed to date and any.	Office of the CEO	Jun-24		
Review of Current and Recent Community Engagement Systems, Structures and Functions	16/11/2023 Item 11.01	Receive a report to Ordinary Council meeting April 2024, detailing outcomes of the review.	DCPE	Apr-24	Apr-24	Jun-24
Draft Local Housing Strategy Update	16/11/2023 Item 13.08	Report to Ordinary Council meeting April 2024, with revised Housing Strategy and outcomes of community engagement.	DCPE	Apr-24	Apr-24	Jun-24
Cairncross Waste Management Facility Leachate Pre-Treatment	18/05/2023 Item 14.03	Following successful negotiations with Oleology Pty Ltd for the supply of a containerised leachate pre-treatment solution and present a further report to a future meeting of Council on completion of the works for Council's information	DCU		Feb-24 Apr-24	Jun-24
Policy Review - Draft Unreasonable Customer Conduct Policy	21/03/2024 Item 10.19	A further report detailing submissions received following public exhibition	DBP	Jun-24		





<b>JUNE 2024 REPORTS CONTINUED</b>						
Policy Review Development Contributions Assessment Policy	21/03/2024 Item 13.02	A further report detailing submissions received following public exhibition	DBP	Jun-24		
Policy Review - Planning Agreements Policy	21/03/2024 Item 13.03	A further report detailing submissions received following public exhibition	DBP	Jun-24		
Integrated Water Cycle Management Strategy - Public Exhibition	21/03/2024 Item 13.08	A further report detailing submissions received following public exhibition	DBP	Jun-24		
Places to Play Plan	15/02/2024 Item 11.04	A further report detailing submissions received following public exhibition	DCPE	May-24	May-24	Jun-24
Supply of Electricity - Regional Councils NSW Power Purchase Agreement.	15/02/2024 Item 13.09	A future report to be tabled on completion of the process for Council's information	DCPE			Jun-24
<b>JULY 2024 REPORTS</b>						
<b>Report</b>	<b>Date and Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Due Date from Council resolution</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Lake Cathie Management into the Future	18/04/2024 Item 13.02	Provide a report to the July 2024 Ordinary Council Meeting a high-level overview of cost/contract implications providing a weekly bin service between Dec and Feb inclusive.	DCU	Jul-24		

JULY 2024 REPORTS CONTINUED						
Notice of Motion - Referendum to Reduce Councillor Numbers from Nine to Seven	18/04/2024 Item 10.04	Provide a report to the July 2024 Ordinary Council Meeting outlining a balanced case for and against reduction of Councillor numbers.	DBP	Jul-24		
Post Exhibition Report: Planning Proposal PP-2022-4099 New LEP Clause 5.5 Secondary Dwellings in Rural Zones.	20/07/2023 Item 13.02	Future report to the July 2024 Ordinary Council Meeting regarding the uptake of secondary dwelling provisions in rural areas.	DCPE	Jul-24		
Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23	Planning and consultancy work progressing as scheduled. Options for sale of land will be prepared for Council consideration as part of the broader property review due in May.	DBP		Nov-23 Feb-24 Mar-24 May-24  For inclusion in Operational Plan – Quarterly Progress	May-2024 Date to be confirmed
Lots 101 and 102 DP 1244390 Pacific Drive, Port Macquarie - Options for operational land	07/03/2022 Item 10.01	Seeking additional legal advice. Options for sale of land will be prepared for Council consideration as part of the broader property review due in May	DBP		Nov-23 Feb-24 Mar-24 May-24  For inclusion in Operational Plan – Quarterly Progress	May-2024 July-24 tbc



JULY 2024 REPORTS CONTINUED						
Council owned lots at North Shore: Progress of Sale	19/09/2018 Item 09.24 14/12/2023 Item 13.09	Due diligence ongoing. Options for sale of land will be prepared for Council consideration as part of the broader property review due in May.	DBP		Nov-23 Mar-24 May-24  For inclusion in Operational Plan – Quarterly Progress	May-2024 July-24 tbc
Extension of the Fly Neighbourly Agreement for a further 12 months.	15/06/2023 Item 12.02	A further report to Council Meeting July 2024	DBP	Jul-24		
AUGUST 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft MR538 and MR600 Corridor Strategy - Following public exhibition	19/05/2022 Item 14.04	Alignment of the Corridor Strategy with the Integrated Transport Plan will be required The Draft Corridor Strategy shall be reviewed on completion of the Integrated Transport Plan	DCI		Feb-24	Aug-24
Request Council to Continue Acceptance of Kempsey Shire Council Waste at Cairncross Landfill	14/12/2023 Item 13.12	A future report be tabled at the completion of the arrangement	DCPU			
Impacts and Options in Relation to the Abolition of the Town Centre Master Plan Component of the Port Macquarie CBD Ordinary Business Rate	15/02/2024 Item 10.17	Report to Council on how Council will maintain the Port Macquarie, Wauchope and Laurieton CBD's in the future	DBP			Aug-24



OCTOBER 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Countback Election	Na	Councils must, by resolution, declare that casual vacancies occurring in the office of a Councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election	GMG	Na	Oct-24	
Election of Deputy Mayor	Na	Na	GMG		Oct-24	
Attendees at Local Government Conference	Na	Determine attendees at the annual Local Government conference	GMG		Oct-24	
NOVEMBER 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
DECEMBER 2024 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report



FEBRUARY 2025 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/2018 Item 14.05	To be incorporated in strategic property portfolio review to be undertaken in 2022/2023  Reclassify the property to operational land, this is a statutory process involving a planning proposal which includes Council fees, public exhibition, submissions, a public hearing, council resolutions and Depot Planning approval. It is estimated that this would take at least 6-9 months.	DCPE	Future Report	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Jun-22 Jun-23	Feb-25
FEBRUARY 2026 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Statement of Business Ethics	16/11/2023 Item 10.20	Na	GMP	2026		
DECEMBER 2026 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Administering 2028 Local Government Election	Na	Na	GMG	Na	Na	Dec-26

<b>FUTURE REPORTS</b>						
<b>Report</b>	<b>Date and Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Due Date from Council resolution</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Living and Place Strategy and Supporting Documents	18/04/2024 Item 13.04	A report to Council following public exhibition	DCPE	Future Report		
Draft Recreation and Open Space Action Plan and Sporting Infrastructure Priorities	18/04/2024 Item 11.03	A report to Council following public exhibition	DCPE	Future Report		
Classification of Council Land - Waapangal Road Thrumster	18/04/2024 Item 13.07	A report to Council following public exhibition	DCPE	Future Report		
Biodiversity and Land Acquisition for offsets update	20/04/2023 Item 14.02	Further report to be presented for further consideration	DBP	Future Report		Estimated 2024
Environmental Land Rezoning - Council owned land	08/12/2022 Item 13.10	A report to Council following public exhibition	DCPE	Future Report		
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	To be considered as part of wider development contribution framework review and proposed development yet to be assessed.	DCPE	Future Report (Prior to development)	Dec-20 Jun-21 Oct-21 Jun-22 Dec-22	
T-22-10 Inlet Odour Management Works	21/09/2023 Item 14.02	Present a future report to Ordinary Council Meeting after contract awarded for Council's information	DCU			
Sancrox Employment Land Environmental Lands and Services Planning Agreement Assessment Report	15/02/2024 Item 13.06	A further report to council following public exhibition on submissions received.	DCPE			

CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Budget Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Port Macquarie-Hastings Sporting Fund Sub-Committee	DCPE	Monthly	Every (except Feb)		
Lake Cathie Natural Resource Management update (13/01/2022 Item 05.01)  (18/05/2023 Item 13.04) Continue with monthly reporting for the Lake Cathie Natural Resource Management Update Report, and review the frequency of reporting no later than the November 2023 Ordinary Council Meeting.	DCPE	Monthly	Every		
Recreation Action Plan – Status The cycle of Recreation plan has changed due to Recreation Action Plan being adopted in February 2023	DCPE	Annually	February		
Annual Drinking Water and Recycled Water Reports	DCI	Annually	February		
Contracts Awarded under Delegation by the Chief Executive Officer	DBP	Quarterly	Feb, Apr, Jul, Oct.		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Community Inclusion Plan - Update of Tasks, Measures and Actions	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
2022-2026 Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Aug		
Grant Application Biannual Report (16/02/23 - Item 11.05) (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Major Events Grants Round 1 Round 2	DCPE	Biannual	Sept Apr		
Chief Executive Officer's Performance Review	CEO	Annually	Aug		



CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Quarterly Budget Review Statement	DBP	Quarterly	Feb, May, Nov		
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May	June	Determination not yet released by tribunal
General Fund Operating Performance	CEO	Biannual	June Dec		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	Annually	Aug		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken (04/08/2021 - Item 10.01)	DCPE	Annually	Aug		
Audit, Risk and improvement Committee Annual Report	CEO	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Opportunity for Local Firms to do Business with Port Macquarie-Hastings Council	DBP	Annually	Oct		
Council Meeting Dates	CEO	Annually	Nov		
Legislative Compliance Register	CEO	Annually	Nov		
Council's Annual Report	DBP	Annually	Nov		





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

**Attachments**

Nil

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Item: 10.03

Subject: NOTICE OF MOTION - USE OF BORROWINGS AND/OR RESERVES  
TO MITIGATE IMPACTS OF A RATE FREEZE

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

### RECOMMENDATION

**That Council determine that borrowings and/or reserves will not be used as an alternative measure to mitigate the impacts of a rate freeze, if a rate freeze is adopted 2024-2025 Operational Plan and associated documents.**

### Comments by Councillor Rachel Sheppard

Port Macquarie-Hastings Council is currently consulting community on a draft Operational Plan that has cut out \$2.7million in specific spending and valued services, to offset the revenue reduction impact of a proposed rate freeze. (Attachment 1: Rate freeze Fact Sheet).




These cuts include community grants, road resealing, tree maintenance, building and facility maintenance, parks and recreation maintenance, among other cuts.

This motion seeks to ensure that borrowings are not considered as a measure to mitigate a proposed rate freeze, as Council's borrowing capacity will be fully utilised in the coming financial years, to facilitate major infrastructure project delivery, with further funding still required.

The motion further seeks to ensure that cash reserves are not considered as a measure to mitigate a proposed rate freeze, as the majority of reserves have restricted usage, and unrestricted reserves will soon be exhausted due to strategic use in recent years.

In bringing this motion to debate, I also seek to clarify how Council would intend to offset the revenue reduction impacts of a rate freeze, if not through the publicly exhibited cuts to spending and services.

### Attachments

1.  FACT SHEET Rate Freeze Impacts
2.  10.16 RF Impacts and Options Report (Feb2024)
3.  Easy Reference 10.16 RF Impacts and Options Report



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**Item: 10.04**

**Subject: NOTICE OF MOTION - RATES FREEZE MITIGATION MEASURES**

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

**RECOMMENDATION**

**That Council request the Chief Executive Officer to consider including in the report to the June 2024 Ordinary Council meeting, relating to the consideration of the 2024-2025 Draft Operational Plan and Budget, a proposal for cuts to the following services in mitigation of the rate freeze proposal, giving details of impact to the services, risks arising, and how those proposed cuts relate to the adopted Risk Appetite Statement:**

- **building maintenance**
- **public tree maintenance**
- **road resealing and maintenance**

**Comments by Councillor**

Nil

**Attachments**

Nil

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**Item: 10.05**

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

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

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## **RECOMMENDATION**

**That Council adopt the draft Policy Framework.**

### **Executive Summary**

Council currently has an adopted Policy titled the Making of Council Policy. This policy was last adopted by Council in September 2015. A draft Policy Framework has been developed and is attached as Attachment 1. The current policy is attached as Attachment 2.

The purpose of the Policy Framework is to provide direction for the creation, review, amendment, and rescission of Port Macquarie-Hastings Council policies, procedures, and guidelines. This is a completely rewritten framework to make Council's management of policies more contemporary.

Council considered this draft policy framework at its Ordinary meeting held 21 March 2024 where it resolved to place the policy framework on public exhibition.

The public exhibition period has now been completed and the draft policy framework as attached is now recommended for adoption.

### **Discussion**

Council currently has an adopted Policy titled the Making of Council Policy. This policy was last adopted by Council in September 2015. A draft Policy Framework has been developed and is attached as Attachment 1. The current policy is attached as Attachment 2.

The purpose of the Policy Framework is to provide direction for the creation, review, amendment, and rescission of Port Macquarie-Hastings Council policies, procedures, and guidelines. This is a completely rewritten framework to make Council's management of policies more contemporary.

Council's Executive Team endorsed this draft policy framework at its 27 February 2024 Strategic Executive Team meeting and by the Audit, Risk and Improvement Committee on 7 March 2024 to be presented to Council for consideration.

Council considered this draft policy framework at its Ordinary meeting held 21 March 2024 where it resolved:

*That Council:*

1. *Place on public exhibition the draft Policy Framework for a minimum of 28 days.*
2. *Note that a further report will be tabled at the May 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.*

The public exhibition period has now been completed and the draft policy framework as attached is now recommended for adoption.

### **Options**

- That the draft policy framework be amended and placed on further public exhibition.
- That the draft policy framework be adopted.
- That the draft policy framework be amended and adopted.
- That the draft policy framework be rejected.

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

This draft framework was presented to the Senior Leadership Team. Minimal feedback was received with the only comment suggesting Local Approval Policies should be covered by this policy. It is proposed that these follow the same process so they have not been specifically mentioned in this policy.

Council's Executive Team endorsed this draft policy at its 27 February 2024 Strategic Executive Team meeting to be presented to Council for consideration.

Council's Audit, Risk and Improvement Committee endorsed the draft policy on 7 March 2024 to be presented to Council for consideration.

Council considered this draft policy framework at its Ordinary meeting held 21 March 2024 where it resolved to place the policy framework on public exhibition.

The draft policy was placed on public exhibition for the required 28 days. During this time, Council's Have Your Say webpage with regard to this draft policy framework experienced 21 page visits with 5 users downloading the draft policy framework. There were no submissions received from this public engagement.



### **Planning and Policy Implications**

There are no planning implications in relation to this report. Should Council adopt this policy framework it will become a Council policy.

### **Financial and Economic Implications**

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

### **Attachments**

1.  Draft Policy Framework
2.  Current Adopted Policy - Making of Council Policy

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Item: 10.06

Subject: **POLICY REVIEW - DRAFT DETERMINING APPLICATIONS LODGED BY COUNCILLORS AND STAFF POLICY - FOLLOWING PUBLIC EXHIBITION**

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

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## RECOMMENDATION

**That Council adopt the draft Determining Applications Lodged by Councillors and Staff Policy.**

### Executive Summary

At the Ordinary Council meeting held April 2023, Council resolved:

*Request the Chief Executive Officer to develop a draft policy for the management of the assessment and determination of applications lodged by Councillors and/or relevant staff.*

Council's Executive Team endorsed this draft policy at its 27 February 2024 Strategic Executive Team meeting to be presented to Council for consideration. This draft policy was also endorsed by the Audit, Risk and Improvement Committee at its meeting held 7 March 2024 to recommend that Council place this draft policy on public exhibition.

Council considered this draft policy at its Ordinary meeting held 21 March 2024 where it resolved:

*That Council:*

- 1. Place the draft Determining Applications Lodged by Councillors and Staff Policy on public exhibition for a minimum of 28 days.*
- 2. Note that a further report be presented to the May 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.*

The public exhibition period has now been completed and the draft policy as attached is now recommended for adoption.

### Discussion

At the Ordinary Council meeting held April 2023, Council resolved:

*Request the Chief Executive Officer to develop a draft policy for the management of the assessment and determination of applications lodged by Councillors and/or relevant staff.*

This policy has taken time to develop as there are a myriad of applications that Council assesses, and staff have been analysing operational difficulties in some of the potential circumstances. The implementation of this policy must balance the

probity and transparency required when assessing applications by staff, Councillors and their families without imposing onerous operational tasks in achieving this level of probity and transparency.

Following lengthy discussions between Governance and Community, Planning and Environment staff, the attached draft policy appears to be well balanced and appropriate.

Council's Executive Team endorsed this draft policy at its 27 February 2024 Strategic Executive Team meeting to be presented to Council for consideration. This draft policy was also endorsed by the Audit, Risk and Improvement Committee at its meeting held 7 March 2024 to recommend that Council place this draft policy on public exhibition.

Council considered this draft policy at its Ordinary meeting held 21 March 2024 where it resolved:

*That Council:*

- 1. Place the draft Determining Applications Lodged by Councillors and Staff Policy on public exhibition for a minimum of 28 days.*
- 2. Note that a further report be presented to the May 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.*

The public exhibition period has now been completed with no submissions being received. The draft policy as attached is now recommended for adoption.

### **Options**

- That the draft policy be amended and placed on further public exhibition.
- That the draft policy be adopted.
- That the draft policy be amended and adopted.
- That the draft policy be rejected.

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

Governance staff and Community, Planning and Environment staff have worked collaboratively to develop this draft policy.

Council's Executive Team endorsed this policy at its 27 February 2024 Strategic Executive Team meeting to be presented to Council for consideration.

This draft policy was also endorsed by the Audit, Risk and Improvement Committee at its meeting held 7 March 2024 to recommend that Council place this draft policy on public exhibition.

The draft policy was placed on public exhibition from 28 March 2024 to 29 April 2024. During this time, Council's Have Your Say webpage with regard to this draft policy experienced 32 page visits with 6 users downloading the draft policy. There were no submissions received from this public engagement.




**Planning and Policy Implications**

This is a draft policy that should it be adopted by Council it will become a policy of Council.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Determining Applications Lodged by Councillors and Staff Policy

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**Item: 10.07**

**Subject: POLICY REVIEW - DRAFT UNREASONABLE CUSTOMER CONDUCT POLICY - FOLLOWING PUBLIC EXHIBITION**

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

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### **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 adopt the draft Unreasonable Customer Conduct policy.**

#### **Executive Summary**

Most customers of Council act in a reasonable and responsible manner when interacting with Council and its staff. There are however a small group of customers that act unreasonably that can prevent staff from undertaking their normal duties which effects the entire community. This conduct can be classified into five categories as mentioned in the body of the report.

Council adopted the current version of the Unreasonable Customer Conduct Policy in December 2020. This draft policy has been amended to accommodate amendments to the NSW Ombudsman's Office model policy for the management of unreasonable complainants conduct. Council is proposing to adopt a policy with a broader scope to manage the unreasonable conduct of all customers. This draft policy is attached as Attachment 1 to this report. Any proposed changes have been highlighted in red text.

Council considered this draft policy at its Ordinary meeting held 21 March 2024 where it resolved:

#### *That Council:*

- 1. Place on public exhibition as soon as practicable for a period of not less than 28 days, the draft Unreasonable Customer Conduct Policy and actively seek community feedback.*
- 2. Note that a further report be considered by Council in June 2024, detailing the submissions received from the public during the exhibition period and presenting a final draft for adoption.*

Although the resolution requests the report come back in June 2024, the exhibition period has occurred so it has been brought back in May 2024. The public exhibition period has now been completed and the draft policy as attached is now recommended for adoption.

**Discussion**

Most customers who approach Council act reasonably and responsibly in their interactions, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite Council’s best efforts to help them. They are aggressive and verbally abusive towards Council staff. They threaten harm and violence, inundate Council’s offices with unnecessary and excessive phone calls and emails, make inappropriate demands on staff time and resources and refuse to accept decisions and recommendations in relation to their complaints or enquiries. When customers behave in these ways their behaviour is considered ‘unreasonable’.

Unreasonable customer conduct (‘UCC’) is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, staff, other service users and customers or the customer himself/herself.

UCC can be divided into five categories of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable arguments
- e) Unreasonable behaviours

Accordingly, a policy to address customers who fall under these categories has been developed and is attached as Attachment 1 to this report.

Council adopted the current version of the Unreasonable Customer Conduct Policy in December 2020. This draft policy has been amended to accommodate amendments to the NSW Ombudsman’s Office model policy for the management of unreasonable complainants conduct. The draft policy defines those interactions that are deemed unreasonable and provides actions that can be employed by staff to minimise the disruptions caused by these unproductive interactions. The policy provides a comprehensive framework to provide staff with the tools to manage these circumstances including checklists and draft letters. This policy includes listing various options available for staff including, in extreme circumstances, restricting access to Council officers to better manage these requests or complaints. This draft policy has been based on the NSW Ombudsman’s Model Policy, and is designed to complement the NSW Ombudsman’s publication, “Managing unreasonable conduct by a complainant - A manual for frontline staff, supervisors and senior managers”. It represents current best practice in the management of unreasonable complainant behaviour. It is noted that the NSW Ombudsman’s Office Model Policy is specifically for the management of unreasonable “complainants” however it is proposed to expand the scope of this policy to unreasonable customers in general based on the broad range of customers Council deals with on a regular basis.

Council considered this draft policy at its Ordinary meeting held 21 March 2024 where it resolved:



*That Council:*

1. *Place on public exhibition as soon as practicable for a period of not less than 28 days, the draft Unreasonable Customer Conduct Policy and actively seek community feedback.*
2. *Note that a further report be considered by Council in June 2024, detailing the submissions received from the public during the exhibition period and presenting a final draft for adoption.*

Although the resolution requests the report come back in June 2024, the exhibition period has occurred so it has been brought back in May 2024. The public exhibition period has now been completed and the draft policy as attached is now recommended for adoption.

**Options**

- That the draft policy be amended and placed on further public exhibition.
- That the draft policy be adopted.
- That the draft policy be amended and adopted.
- That the draft policy be rejected.

**Community Engagement and Internal Consultation**

The draft policy was placed on public exhibition from 1 April 2024 to 29 April 2024. During this time, Council's Have Your Say webpage with regard to this draft policy experienced 23 page visits with 2 users downloading the draft policy. There were no submissions received from this public engagement.

Internal Consultation

- Executive Team

**Planning and Policy Implications**

This is a draft policy that should it be adopted by Council it will become a policy of Council.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Policy - Unreasonable Customer Conduct Policy

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**Item: 10.08**

**Subject: POLICY REVIEW - PROCUREMENT POLICY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Publicly exhibit the draft Procurement Policy for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the July 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

An important component of public sector governance is establishing key policies and ensuring they are clear, available, regularly updated and monitored for compliance.

The Procurement Policy has been reviewed for consideration by Council.

### **Discussion**

Council's Operational Plan 2023-2024 includes the provision of an updated Procurement Strategy and Policy. As the current policy was last reviewed in 2013, it was appropriate that a complete review was undertaken with significant amendments in the draft policy. Due to the significant rewrite of the policy, changes have not been highlighted as this should be considered as a new policy. This is to ensure Council's procurement practices align with current standards, regulations and organisational goals.

The Procurement Policy is a key document of our Procurement Framework. A summary of this frameworks is as follows:

- Procurement Strategy - This document is under review.
- Procurement Policy
- Procurement Rules
- Procurement Procedures / workflows
- Procurement Guidance documents, and
- Procurement tools and templates.

The draft Procurement Policy is designed to streamline and enhance our procurement practices while ensuring transparency, fairness, and accountability in all our procurement opportunities. Key principles embedded within this policy include:

- Principle 1: Be fair and ethical
- Principle 2: Make it easy
- Principle 3: Achieve best value
- Principle 4: Collaborate for better outcomes, and
- Principle 5: Promote strong governance.

The draft Procurement Policy serves to outline the guiding principles that will govern procurement activities within Council. It is crucial to understand that this policy should be read in conjunction with the Procurement Rules to ensure clarity and consistency in our procurement processes.

The Executive Group has reviewed and endorsed the draft Procurement Policy.

Subject to Council resolving to publicly exhibit the Procurement Policy, the completion of the public consultation process, and the final adoption of the Policy, the next steps in finalising our Procurement Framework are:

- The Procurement Strategy will be subject to review and endorsement by the Executive. Subject to endorsement the Procurement Strategy will be tabled at a future meeting of Council, following a Councillor briefing.
- The draft internal Procurement Rules, Procedures and workflows, will undergo a final review, including relevant amendments as a result of any Council agreed changes to the Procurement Policy as part of the public exhibition process. The Procurement Rules and Procedures will then be formally adopted by the Executive Team in the second half of 2024.

### **Options**

1. Council has the option to not adopted the draft Procurement Policy for exhibition.
2. Council may amend the draft policy prior to exhibition.

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

The draft Procurement Policy is planned to be publicly exhibited for a period of 28 days.

Internal consultation included the following stakeholders:

- Chief Executive Officer
- Director Business and Performance
- Director Community Infrastructure
- Director Community, Planning and Environment
- Director Community Utilities
- Executive Leader Finance and Commercial Operations
- Group Manager Procurement
- Senior Leadership Team, and
- Procurement Team.


**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Procurement Policy

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**Item: 10.09**

**Subject: POLICY REVIEW - INVESTMENT POLICY - FOLLOWING PUBLIC EXHIBITION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council adopt the draft Investment Policy.**

### **Executive Summary**

In accordance with the NSW Office of Local Government *Investment Policy Guidelines*, a review of Council's Investment Policy should be conducted on an annual basis. To this end, Council considered the revised draft Investment Policy at its Ordinary Meeting on 21 March 2024 and resolved as follows:

*That Council:*

- 1. Place the revised draft Investment Policy on public exhibition for 28 days, from 25 March 2024 until 22 April 2024.*
- 2. Note that a further report will be presented at the May 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.*

### **Discussion**

In accordance with Council's resolution, the draft Investment Policy was placed on public exhibition seeking public comment.

The engagement approach followed the IAP2 matrix for public participation. The level of engagement was Inform to Consult, which means Council sought to:

- Provide the public with balanced and objective information to assist them in understanding the project.
- Obtain feedback on analysis, alternative and/or decisions.

The results of the engagement process are detailed in the attached Draft Revised Investment Policy Engagement Summary Report with an overview provided below.

Have Your Say - Data at a glance:

- 17 page visits.
- 0 engaged visitors.
- 0 Surveys completed.
- 5 downloads of the draft policy.

As a result of the consultation and engagement, no submissions or feedback was received.

**Options**

Council has the option to:

1. Adopt the draft Investment Policy; or
2. Request further information or changes.

**Community Engagement and Internal Consultation**

Consultation has occurred with:

- Relevant finance staff
- Arlo Advisory
- The Executive Group

A briefing on the draft Investment Policy was provided to Councillors on 8 February 2024.

**Planning and Policy Implications**

This draft Investment Policy contains minor updates to the portfolio and counterparty limits in the existing Investment Policy which were briefed to councillors on 8 February 2024.

**Financial and Economic Implications**

The Investment Policy frameworks and requirements can positively impact returns through its regulation of investments.

**Attachments**

1.  Draft Investment Policy
2.  Draft Revised Investment Policy Engagement Summary Report



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**Item: 10.10**

**Subject: LEGAL FEES**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information in the Legal Fees report.**

### **Executive Summary**

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

There were two matters costing more than \$10,000 in the 2023-2024 financial year as at the end of March 2024.

### **Discussion**

At the July 2018 Ordinary Council meeting, Council resolved:

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

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

*That Council:*

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

Attached is a confidential file that provides the information that relates to point 2 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2023-2024 financial year as at the end of March 2024.

The attachment titled "Legal matters greater than \$10,000 2023-2024 Financial Year" is confidential as it contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (*Local Government Act 1993* - Section 10A(2)(d)(i)).

**Options**

This report is for notation only. Council may resolve to request further information however as this contains commercial in confidence information, any discussion on the details contained in the attachment would need to be referred to a confidential session of Council or provided to Councillors out of session.

**Community Engagement and Internal Consultation**Internal Consultation

- Director Business and Performance

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1. Legal matters greater than \$10,000 2023\_2024 Financial Year (Confidential)



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**Item: 10.11**

**Subject: DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

- 1. Finance and Commercial Operations - Internal Auditor**
- 2. Community Infrastructure Planning and Design - Transport Engineer**
- 3. Community Infrastructure Project Delivery - Civil Designer**
- 4. Community Infrastructure Planning and Design - Investigations Project Officer**

### **Executive Summary**

This report informs Council of the lodgement 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 position is designated person under the Local Government Act:

- Internal Auditor
- Transport Engineer
- Civil Designer
- Investigations Project Officer

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**

Lodgement 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

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Item: 10.12

Subject: 2023-2024 OPERATIONAL PLAN THIRD QUARTER STATUS  
REPORT AS AT 31 MARCH 2024

Presented by: Business and Performance, Keith Hentschke

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### Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

### RECOMMENDATION

That Council:

1. Note the 2023-2024 Operational Plan Third Quarter Status Report as at 31 March 2024.
2. Authorise the deferral of the following Actions/Projects, with the Status of Council approved Action Deferred / Not Progressing
  - AP 07 Port Macquarie Airport Master Plan Review Community Infrastructure Transport
  - TR 13 Traffic modelling for the Thrumster/Sancrox/Fernbank Creek Transport Network Plan
  - TR 31 Pembroke Road and Stoney Creek Road Upgrade
  - TR 43 Timber Bridge Replacement Program - King Creek Bridge Upgrade
  - WS 20 Koree Island Rock Ramp to secure water level at Koree Island Pump Station's Intake Pool - Construction

### Executive Summary

The purpose of the 2023-2024 Operational Plan - Third Quarter Status Report is to consider delivery against the Actions contained within the Operational Plan.

Where the organisation has been required to re-scope an Action/Project to deliver a different or newly identified outcome, provide cost savings or has been delayed due to external forces, action has been taken to either defer or not progress the Action/Project with a resolution from Council to support non-delivery of the Action/Project in the 2023-2024 operational year.

In most cases, while Council has approved non-delivery of some Actions/Projects in the 2024-2025 operational year, work continues to progress these items with a view to completion in 2024-2025.





**Delivery against the 2023-2024 Operational Plan to date is 92%.**

This status report represents progress to the third quarter of the 2023-2024 operational year and provides details to inform both Council and the community on progress of Actions/Projects contained within the 2023-2024 Operational Plan.

In accordance with statutory requirements, a report detailing achievements and progress against the 2022-2026 Delivery Program has been provided to Council under separate cover at this meeting.

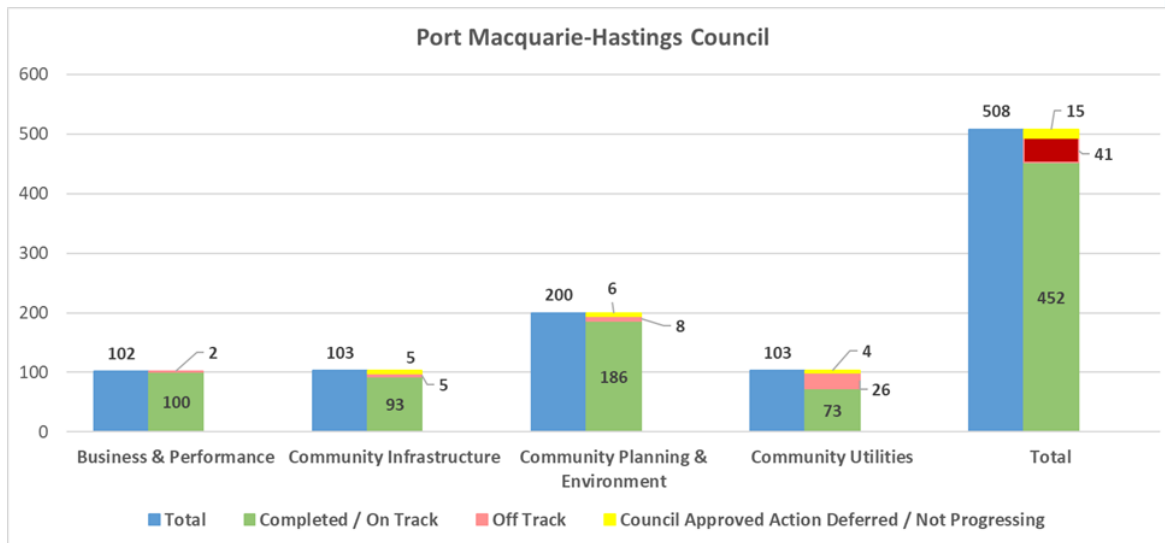
**Discussion**

Reporting for the 2023-2024 Operational Plan continues as per the Action/Project status categories and definitions contained within the following table.

Status		When to Report this status
	Completed	The Action/Project has met the Performance Measurement criteria detailed in the Operational Plan.
	Progressing as Scheduled	The Action/Project is continuing to progress and is expected to meet the Performance Measurement criteria and timeline detailed in the Operational Plan.
	Council approved Action Deferred / Not Progressing	The Action/Project has been deferred to outer years, or the Project will not continue.  There has been a Council Resolution to: <ul style="list-style-type: none"> <li>• defer or cease the Action/Project via a Council Report</li> <li>• inclusion in the following year’s adopted Operational Plan</li> <li>• or as an approved budget carry forward request or other adjustment via a Council Report.</li> </ul>
	Off Track	The Action/Project will not meet the Performance Measurement criteria detailed in the Operational Plan.

The 2023-2024 Operational Plan contains a total of 508 Actions/Projects with 452 Actions identified as Completed or Progressing as Scheduled and 41 Off Track.

For the purpose of this report, Operational Plan outcomes have been categorised by directorate and are detailed below, with the accompanying table detailing the total number of Operational Plan actions and their status by directorate for Quarter 3 of the 2023-2024 operational year.



2023-2024 Operational Plan Summary of Action/Project Progress						
Port Macquarie-Hastings Council	Total	Completed/On Track	Action Deferred/Not Progressing	Off Track	Completed/On Track %	Delivery %
Business & Performance	102	100	0	2	98%	98%
Community Infrastructure	103	93	5	5	90%	95%
Community Planning & Environment	200	186	6	8	93%	96%
Community Utilities	103	73	4	26	71%	74%
<b>Total</b>	<b>508</b>	<b>452</b>	<b>15</b>	<b>41</b>	<b>89%</b>	<b>92%</b>

Delivery % (92%) is calculated as the percentage of Completed/On Track Actions /Projects (452) against the total number of Actions/Projects (508) less Actions Deferred/Not Progressing (15).

Details of outcomes achieved against each Operational Plan Action/Project are provided in the attached 2023-2024 Operational Plan Quarterly Progress Report Quarter ended 31 March 2024.

Actions identified as either Off Track or Action Deferred/ Not Progressing are detailed in the attached 2023-2024 Operational Plan Quarterly Exception Report Quarter ended 31 March 2024.

There are 29 Actions/Projects identified as Off Track. In addition, there are 10 Actions/Projects that are Council approved Action Deferred/ Not Progressing. For additional details, refer to the attachments to this report.



In reporting on outcomes for Quarter 3 of the 2023-2024 Operational Plan, an additional four Actions/Projects have been identified as requiring deferral. These Actions/Projects are detailed below.

#### Business & Performance

##### Airport

- AP 07 Port Macquarie Airport Master Plan Review  
The Airport Masterplan scope has been expanded and the project will now entail a more comprehensive review. This will extend the project timeframe with completion scheduled for the first half of the 2024-2025 operational year. The Expressions of Interest (EOI) process was completed in February 2024, the shortlisted consultants have now received the Request for Proposal (RFP) documentation, and the contract award is scheduled for May 2024.

#### Community Infrastructure

##### Transport

- TR 13 Traffic modelling for the Thrumster/Sancrox/Fernbank Creek Transport Network Plan  
The Thrumster/Sancrox/Fernbank Creek Transport Network Plan is being developed as per Councils project management framework. The request for quotation seeking a traffic consultant engagement was released in March 2024.

This was originally intended to be a multi-year project commencing in 2023-2024 with completion in the 2024-2025 operational year, with further funding allocation to occur in 2024-2025 per the draft Operational Plan.

- TR 31 Pembroke Road and Stoney Creek Road Upgrade  
Concept Design works for the Pembroke Road and Stoney Creek Road Upgrade are complete.  
Detailed design works for the road upgrade and bridge replacement will commence in the last quarter of the 2023-2024 operational year and are scheduled to progress into the 2024-2025 operational year. This follows resolution of grant funding for the project and flood modelling refinement that has been required to progress the project.

Overall, the project is progressing in accordance with the grant funding milestones and completion of detailed design has been reflected in the draft Operational Plan 2024-2025 in accordance with grant milestones.

- TR 43 Timber Bridge Replacement Program - King Creek Bridge Upgrade  
Construction of the King Creek Bridge Replacement is scheduled to commence in April 2024. It is envisaged works will progress into the 2024-2025 Operational Year with critical above ground electrical relocation works required to facilitate construction of the bridge replacement.

Delay in the receipt of approval to commence the electrical relocation works occurred as a result of the need to resolve a land tenure matter with Essential Energy and Crown Lands.

#### Community Utilities

## Water Supply

- WS 20 Koree Island Rock Ramp to secure water level at Koree Island Pump Station's Intake Pool - Construction  
Construction works have been paused due to higher-than-expected river flows. In river works can't commence until river levels drop. Project planned to recommence in August/September 2024 when flows are expected to be lower again.

These items are currently identified as Off Track.

**Delivery Status of Significant Projects**

At the Ordinary Meeting held on 16 November 2023, Council requested that, given the significance of Thrumster Wastewater Treatment Plant (2023-2024 Operational Plan item S 16\_L 2.2) and Water Treatment/Filtration Plant at Cowarra Dam - Pre-Construction (2023-2024 Operational Plan item WS 30\_L 2.2) as State Significant Infrastructure Projects, Quarterly Operational Plan Status Reports and additional commentary in relation to the projects be provided.

S 16\_L 2.2 Thrumster WwTP (Construction)

The Thrumster Wastewater Scheme supports the significant residential growth in the western region of Port Macquarie, encompassing Thrumster and Sancrox. The scheme aims to meet the growing demand for wastewater services, while minimising environmental impacts and promoting community health and safety. The scheme has received State Significant Infrastructure (SSI) status, highlighting its importance to regional growth.

The scheme includes the construction of a new wastewater treatment plant (WWTP), new pipelines for improved connectivity, and other essential infrastructure such as a water recycling plant in Thrumster.

## 2023-2024 Operational Plan Status

## On Track.

- Environment Impact Statement investigation and studies are continuing.
- Concept Design is 60% completed.
- Design of power supply has been completed with responses to comments provided back to Essential Energy.
- Site geotechnical investigations have been completed.
- Network Optimization and Sewer Diversion studies are now complete.

WS 30\_L 2.2 Water Treatment/Filtration Plant at Cowarra Dam - Pre-Construction

The Cowarra Water Supply Scheme including a new water treatment plant (WTP), clear water reservoir and trunk main to service the water reticulation systems of Sancrox, Thrumster, Port Macquarie and Camden Haven regions.

The project aims to deliver reliable filtered water for the growing population of Port Macquarie-Hastings. The Cowarra Water Supply Scheme strives to guarantee a sustainable and high-quality water supply. With an estimated current population of 86,400 projected to grow by 16.5% to approximately 100,700 by 2041, the scheme is specifically designed to provide reliable filtered water, ensuring the wellbeing of our residents well into the future.

#### 2023-2024 Operational Plan Status

##### On Track.

- Environmental Impact Statement investigations are nearing completion.
- Concept Design is complete.
- Geotechnical investigations at the treatment plant and clearwater reservoir sites were completed.
- Detailed electrical design has been completed.
- Stage 1, contractor shortlisting, of the Detailed Design and Construction contractor procurement is underway, this procurement is the first step of the detailed design process.

In addition to the above, the following provides more detailed commentary in relation to delivery of the Ocean Road Duplication as referenced at TR 19\_C 1.1 of the 2023-2024 Operational Plan.

#### TR 19\_C 1.1 Port Macquarie - Ocean Drive Duplication

The Ocean Drive Duplication project is a large-scale priority project that is critical to the future planning of a sophisticated road network for our region.

The project will include the duplication of Ocean Drive from two lanes to four divided travel lanes from Greenmeadows Drive (south) to Matthew Flinders Drive/Emerald Drive in Port Macquarie (est. 3.4kms). It will ease traffic flow at the Pacific Drive, Crestwood Drive and Matthew Flinders Drive intersections during peak periods.

#### 2023-2024 Operational Plan Status

##### On Track.

- Matthew Flinders Drive to Greenmeadows Drive construction continuing per program with works on track for project completion late 2025.
- Focus for 2024 will continue on intersection construction at Matthew Flinders Drive/Emerald Drive and Crestwood Drive/Dahlsford Drive, under pass construction, along with continuation of the Northbound Carriageway and commencement of construction on the Southbound Carriageway.



**Carry Overs and Monthly Budget Adjustments**

In addition to the 508 Actions adopted and included in the 2023-2024 Operational Plan, Council has undertaken, through Monthly Budget Reviews and Carry Overs, an additional 54 Actions/Projects with 11 completed and the remaining 43 On Track. The budget value of these additional Actions/Projects is \$26,863,225.

The following table provides an assessment of the volume and value of Actions/Projects that have been deferred by Council against new actions that have been introduced through Monthly Budget Reviews.

Additional Actions/Projects assigned through Carry Overs and Monthly Budget Reviews				
Port Macquarie-Hastings Council	Action Deferred / Not Progressing	Budget \$	New Actions/ Projects	Budget \$
Business & Performance	0	-	2	121,010
Community Infrastructure	5	3,998,000	21	10,570,275
Community Planning & Environment	1	-	20	13,001,903
Community Utilities	4	8,300,000	11	3,170,037
<b>Total</b>	<b>10</b>	<b>12,298,000</b>	<b>54</b>	<b>26,863,225</b>

Of the \$26,863,225 additional Actions/Projects identified above, \$7,584,503 relate to Actions that were deferred from the 2022-2023 Operational Plan and are now On Track.

An additional \$19,278,722 in grant funding has been received to date in the 2023-2024 operational year, \$11,912,494 to Projects delivered by Community Infrastructure and \$7,366,228 to projects delivered by Community, Planning & Environment.

New Actions/Projects assigned through Carry Overs and Monthly Budget Reviews by funding source						
Port Macquarie-Hastings Council	Reserves	Revenue	Grant	Developer Contrib.	Environment Levy	Total
Business & Performance	121,010	-	-	-	-	121,010
Community Infrastructure	242,139	55,483	12,704,281	-	-	13,001,903
Community Planning & Environment	2,034,998	110,822	8,256,333	103,069	65,053	10,570,275
Community Utilities	3,088,368	0	-	81,669	-	3,170,037
<b>Total</b>	<b>5,486,515</b>	<b>166,305</b>	<b>20,960,614</b>	<b>184,738</b>	<b>65,053</b>	<b>26,863,225</b>
<b>No. of Actions</b>	<b>19</b>	<b>3</b>	<b>29</b>	<b>2</b>	<b>1</b>	<b>54</b>

A listing of these new projects can be found in Attachment 3 to this report.

**Options**

It is a statutory requirement under Integrated Planning and Reporting legislation to report on what has been delivered against the Delivery Program on a six-monthly basis. Council considers quarterly progress reports of the Operational Plan in addition to its statutory requirements.

**Community Engagement and Internal Consultation**

Internal consultation was undertaken with:

- Chief Executive Officer, Directors, Executive and Group Managers;
- All staff reporting against the 2023-2024 Operational Plan;
- Business Performance Analyst (Corporate Reporting);
- Planning and Reporting Development Officer; and
- Planning and Reporting Officer.

**Planning and Policy Implications**




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

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

**Financial and Economic Implications**

This report has no direct financial implications. Quarterly Budget Review Statements align with the reporting period referenced in this report.

**Attachments**

1.  2023-2024 Operational Plan Quarterly Status Report as at 31 March 2024
2.  2023-2024 Operational Plan Quarterly Exception Report as at 31 March 2024
3.  2023-2024 Carry Over and Monthly Budget Adjustment Status Report as at 31 March 2024

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**Item: 10.13**

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Quarterly Budget Review Statement for the March 2024 Quarter.**

### **Executive Summary**

This report details Council's progress against the original and revised 2023-2024 budget as at the end of the second quarter being 31 March 2024.

### **Discussion**

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

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

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

Attachment 1 to this report details the mandated components of the QBRS as prescribed in the NSW Local Government Code of Accounting Practice and Financial Reporting and provides commentary on significant variances or financial impacts.

Attachment 2 provides detail on consultancy engagements undertaken during the period. The Confidential Attachment 2 titled "Confidential - March 2024 Quarterly Budget Review - Consultancy Engagements" relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting or proposes to conduct business (Local Government Act 1993 - Section 10A(2)(c)).

Summary of Results for Quarter 3

	YTD Actuals \$'000	YTD Budget \$'000	YTD Actuals as a % of Budget	Projected Year End \$'000
<b>Total Income</b>	199,643	185,974	107.3%	291,369
<b>Total Expenses (Operating)</b>	143,694	142,297	101.0%	203,147
<b>Operating Result before Capital - Surplus/(Deficit)</b>	24,137	15,344	157.3%	(4,946)
<b>Capital Expenditure</b>	89,842	125,901	71.4%	207,398

The projected operating result before capital has worsened compared to the original budget, due to the impact of carry over material and contract expenditure from the previous financial year, noting that this does not impact the overall cash funding of these projects. This will need to be monitored during the year with savings identified.

Income is slightly above budget due largely to higher-than-expected investment returns and waste management revenue. The timing of roads and bridges grants has also impacted capital grants and contributions, 112.3% above budget.

Operating expenditure is tracking mostly to YTD budget. This is a result of higher than predicted depreciation, offset by lower than budgeted material and contract costs. Whilst this may indicate potential savings, this will depend on the spend profile of some large maintenance programs over the remainder of the year. These will continue to be monitored in the final quarter of the year.

Capital expenditure is also significantly under YTD budget by \$36.0m. The YTD underrun is largely impacted by timing of contractor payments which are likely to equalise during the final quarter of the year. It is noted however that when considering the overall annual capital works program, \$23.343m expenditure has been identified as requiring deferral to the following financial year, (refer to Monthly Budget Review - April 2024 report, also included in this agenda).

The return on Council’s investments as at 31 March 2024 was 2.23% which was higher than budgeted, but 1.03% below the benchmark of 3.26%. This is due to the aggressive rate hikes undertaken by the RBA. Whilst the ‘underperformance’ may continue in the short term, it is anticipated that this is temporary.

Budget variations and carry-overs adopted throughout the financial year have generally not materially impacted most of the forecasted T-Corp ratios set out in the adopted original budget, however the projected operating performance ratio, unrestricted current ratio and rates outstanding have worsened and will need monitoring during the final quarter of the year.

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


Statement by Responsible Accounting Officer

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

**Responsible Accounting Officer Statement**

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 31 March 2024 indicates that Council's projected financial position at 30 June 24 will be less than satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



**Rod Archer** March 31, 2024

Responsible Accounting Officer - Port Macquarie-Hastings Council

**Options**

Council may adopt the recommendation or amend as required.

**Community Engagement & Internal Consultation**

Not applicable.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 31 March 2024, is a deficit of \$4.946m. As at 31 March 2024 there was a surplus budget of \$17,495 for 2023-2024.





Despite a surplus budget position, there are a number of factors impacting the operating deficit including:

- Council's main revenue stream of rates and annual charges is restricted each year by a Rate Peg set by IPART. This presents challenges in meeting increased service delivery expectations from a growing community, whilst having limited revenue raising avenues, and in recent years has seen costs increase at a higher rate than the revenue has been generated;
- Global economic factors and domestic events such as natural disasters, have impacted material and resource costs, as well as supply chains, with significant cost escalations being experienced;
- Strategic increases in maintenance expenditure across core areas such as roads, drainage and parks; and
- Impact of cost shifting from other levels of government.

As noted in the development of the Operational Plan and original budget, the impacts of the above have been mitigated in the short term in part by the strategic use of Council's internal reserves. Although a negative operating result is manageable in the short-term, considering the above factors and in light of Council's overall financial position, the importance of ensuring Council's ongoing financial sustainability is recognised. On this basis, Council will continue to focus on improving the general fund operating result in particular, through the Improvement Plan.

### **Attachments**

1.  March Quarterly Budget Review Statement - 2023-2024
2.  March 2024 Quarterly Budget Review - Consultancy Engagements (Confidential)

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**Item: 10.14**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

#### **Executive Summary**

- Council's investment portfolio has met compliance requirements and investment income is exceeding the budget.
- Investment portfolio performance for the financial year to date was marginally below benchmarks due to the unexpected aggressive rate hikes undertaken by the Reserve Bank of Australia (RBA). Whilst the underperformance may continue in the short term, this is expected to be temporary.
- Throughout April 2024, there was a flattening of the deposit curve at the longer-end, reflective of the movement in global bond yields. Markets have seemingly pushed back expectations of the first rate cut to at least late 2024, if not early 2025. On average, major bank deposit rates were around 15-20 basis points higher at the long-end (2-5 year) part of the curve (compared to March 2024) in response market movements.
- Over the past 12 months the portfolio has returned 2.92% p.a. which is 1.32% lower than the benchmark (AusBond Bank Bill Index).
- Current loan balances are at manageable levels with considerable future capital works borrowings identified in the current Long Term Financial Plan.
- The loans portfolio is currently attracting average rates lower than new investments, meaning that Council is currently experiencing a positive net exposure to interest rates.

#### **Discussion**

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

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



Investment Portfolio

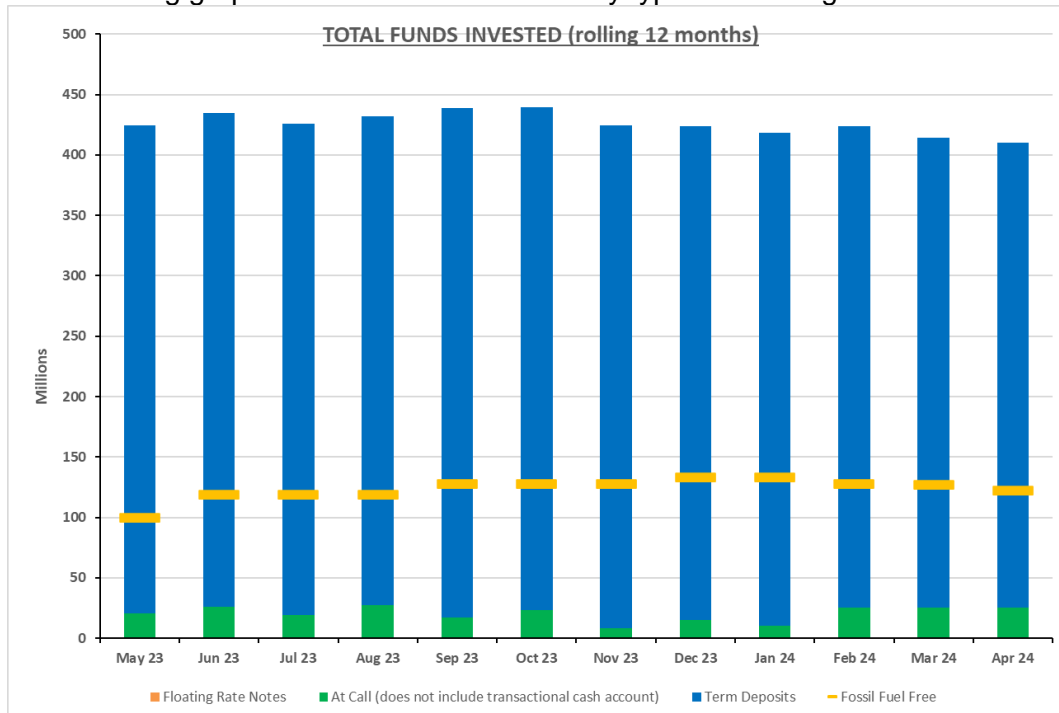
As of 30 April 2024, the investments held by Council totalled \$410,257,052.

Investment activity during the month was as follows:

Activity	Amount	Institution	Rate	Term	Funds Fossil Fuel
Matured	4,000,000	NAB	2.60%	2yrs	Yes
Matured	3,000,000	Auswide	4.90%	1yr	No
Matured	5,000,000	BOQ	5.60%	1yr	Yes
Matured	4,000,000	Hume	4.80%	1yr	No
Withdrawal	0	Westpac	4.60%	On Demand	Yes
<b>Total Matured</b>	<b>16,000,000</b>				
Invested	106,360	Westpac	4.60%	On Demand	Yes
Invested	3,500,000	Bank Vic	4.95%	2yrs	No
Invested	3,500,000	Bank Vic	4.85%	3yrs	No
Invested	5,000,000	NAB	5.30%	1yr	Yes
<b>Total New Investments</b>	<b>12,106,360</b>				
<b>Net Investment Movement being the difference in Principal invested at end of month &amp; excluding Investment Earnings</b>	<b>-3,893,640</b>				

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

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

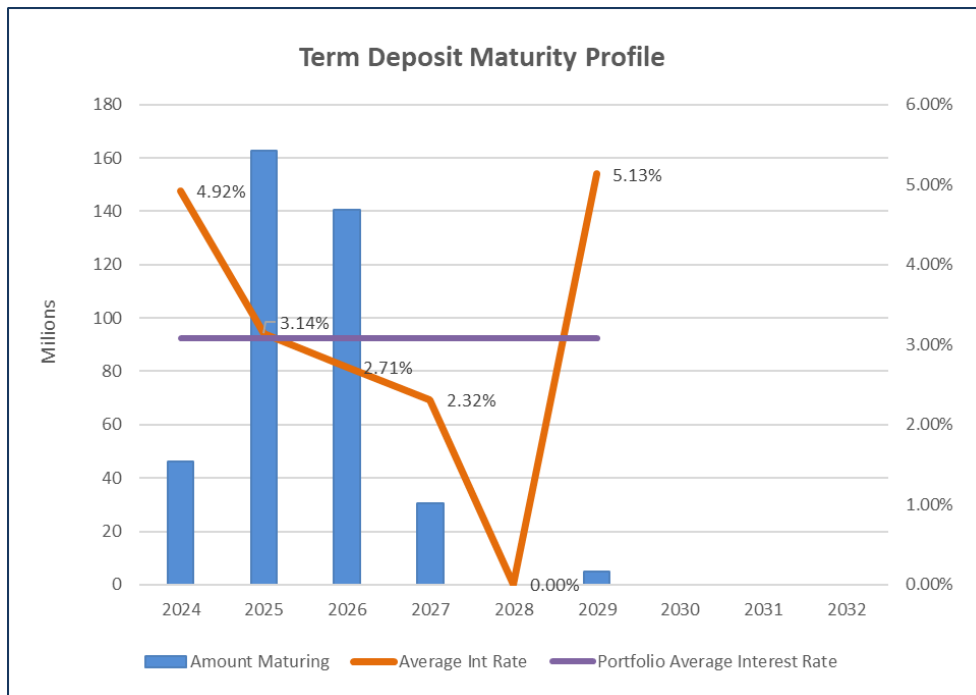


The maturity profile of the investment portfolio (excluding the cash management account which is at call) is illustrated below and shows that maturities are well balanced across the next 3 - 5 year horizon.

The average interest rate of those falling in the current year illustrates the impact of longer-term investments made in higher rated products prior to the interest rate decline during the COVID-19 pandemic. This has meant that returns have been somewhat protected against falling rates and the portfolio performed strongly despite this.

From next year, the average interest rate of maturities falls. This reflects the declining interest rates of the last two years, noting that Council protected the portfolio against even lower interest rates by taking advantage of longer term and higher rated products, thereby still maintaining average returns above industry benchmarks.

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



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

Fund	Balance (\$)	Notes
General Fund	158,728,453	1
Waste Fund	28,221,583	2
Water Fund	160,632,046	2
Sewer Fund	62,674,970	2
<b>Total</b>	<b>410,257,052</b>	

Whilst the current level of investments remains high, these largely relate to funds which have legal restrictions (i.e. Water and Sewer), where funds cannot be spent on general operations or works, or to funds held for specific purposes.

These funds will be spent depending on the required timing of future works and the totals will fluctuate depending on the status of individual projects.

(1) The General Fund reserves include the following:

- Approximately \$75.6m (circa 48% of invested General Fund funds) are development contributions (S.711) that must be expended in relation to adopted plans to fund growth related infrastructure. They cannot be spent on existing infrastructure or on projects not listed in the relevant plans.
- At 30 June 2023, \$59m (circa 37% of invested General Fund Funds) were grants for specific projects to be spent in 2024 and 2025, including for Ocean Drive (\$16.6m) and Maria River (\$10.6m).
- Remaining reserves circa 15% of invested General Fund funds are fully allocated to a range of projects including Ocean Drive (\$10m), additional parks maintenance (\$1m) and various airport projects. They are also allocated to fund operational needs of Council, such as replacing Plant and Equipment, with approximately \$10.5m held for security bonds which will be returned to suppliers on completion of works.

(2) Much of the portfolio is held in the Water, Sewer and Waste Funds which require significant capital investment. Projects often occur cyclically, with a combination of reserves and borrowings used to fund the large infrastructure needs. The funds are fully allocated to projects over the coming years including, but not limited to:

**Water Fund**

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

**Sewer Fund**

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

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

<b>Financial institutions funding fossil fuels</b>	<b>Purchases since 01/07/23 (\$)</b>	<b>Purchases since 01/07/23 (%)</b>	<b>Amount invested at 30/04/24 (\$)</b>	<b>Amount invested at 30/04/24 (%)</b>
Yes	45,076,760	63%	288,257,052	70%
No	27,000,000	37%	122,000,000	30%
	<b>72,076,760</b>		<b>410,257,052</b>	

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

When investing, Council seeks and receives multiple quotes from a range of financial institutions across the different ratings spectrum. In the instance that a bank is not lending to the fossil fuel industry, are offering the highest rate, and

comply with the various Policy risk limits, Council preferences that bank, in accordance with the Investment Policy. As noted above, the investment policy is formulated with reference to Office of Local Government *Investment Policy Guidelines*.

Interest on Investments

The following table shows the interest returns as of 30 April 2024 for the 2023-24 financial year and the portfolio performance against benchmark (bank bill Index).

Item	Performance
Interest for the Month (\$)	1,145,411
Interest YTD (\$)	11,305,684
% of Annual Budget Rec'd	112%
Portfolio Performance FYTD Actual (%)	2.49%
AusBond Bank Bill Index FYTD Actual (%)	3.62%
Performance Compared to Bank Bill Index (%)	-1.13%

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

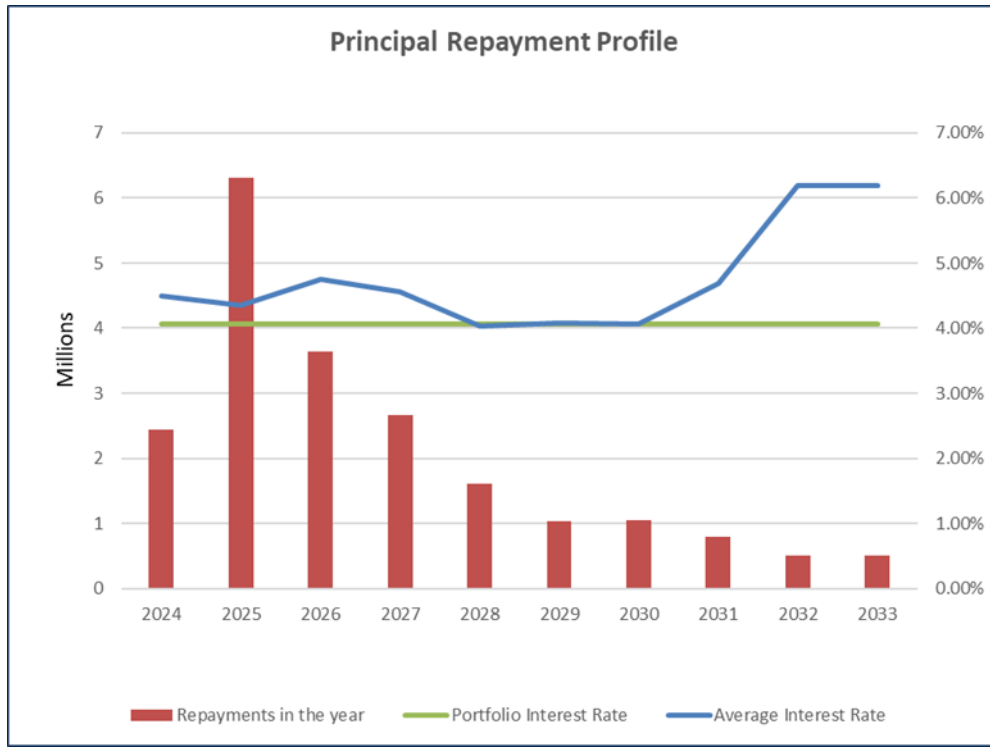
Loan Portfolio

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

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month	Remaining Repayments FYTD
General	66,144,755	20,137,578	4.54%	75,126	2,772,254
Waste	1,500,000	424,315	3.44%	1,200	89,291
<b>Total</b>	<b>67,644,755</b>	<b>20,561,893</b>		<b>76,326</b>	<b>2,861,545</b>

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

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



Summary - Net Position Investments and Loans

Interest Analysis for the Month	
Investment Interest Income	1,145,411
Loan Interest Expense	(76,326)
<b>Net Interest Income for the Month</b>	<b>1,069,085</b>
Investments Vs Borrowings	
Total Current Investment Balance	410,257,052
Total Current Loan Balance	(20,561,893)
<b>Net Position</b>	<b>389,695,159</b>

As interest rates rise, Council can invest funds at higher rates, currently locking in rates in the vicinity of 5.30%. With much of the loan portfolio locked in at average rates lower than this, Council is experiencing a positive net exposure to interest rates. However, pressure may be put on this position moving forward as future loans are expected to attract higher rates.

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

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

**Planning and Policy Implications**

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



**Financial and Economic Implications**

Budget levels have been exceeded on a year-to-date basis. Returns are currently marginally below benchmark.




Council's total investment portfolio performance for the financial year to date is 1.13% below the benchmark (2.49% against 3.62%) and year to date income is 112% of the total annual budget.

Certification

I hereby certify that the investments listed within this report were made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2012* and Council's Investment Policy.

Rod Archer  
Responsible Accounting Officer

**Attachments**

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

**Item: 10.15**

**Subject: MONTHLY BUDGET REVIEW - APRIL 2024**

**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 April 2024 Adjustments section of the Monthly Budget Review – April 2024 report and associated attachment.**
- 2. Amend the 2023-2024 Operational Plan to include all budget adjustments approved in this report.**

**Executive Summary**

This report details monthly budget adjustments recommended to be made for the month of April 2024. The Council-adopted 2023-2024 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report forecast a budget surplus position of \$17,495 as at the end of April 2024. This is outlined in the table below.

Monthly Budget Review Summary

<b>Original Budget as at 1 July 2023</b>	<b>Balanced</b>	<b>\$0</b>
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Balanced	\$0
November Review	Surplus	\$17,495
January Review	Balanced	\$0
February Review	Balanced	\$0
March Review	Balanced	\$0
April Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2024</b>	<b>Surplus</b>	<b>\$17,495</b>

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



**Discussion**

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up-to-date view of the current actual financial position in comparison to the originally adopted 2023-2024 budget position along with any proposed movement of funds.

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

April 2024 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2024" on page 3 of this report. Further details on individual transactions are provided in Attachment 1: April 2024 Budget Review.

Grants totalling \$300k were recognised during the month of April. This was for the Maria River Road Sealing project (\$300k). A budget adjustment was also recognised during the month relating to a resolution of a past Council meeting on 24 March 2024, Works in Kind Developer Works Deed Agreement for Sewer Works (\$2,659k).

A Budget Variance Request was approved by the Executive during the month for the St Agnes Primary School Footpath (\$60k).

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

Works Program Review

As part of the ongoing monitoring of the 2023-2024 Operational Plan progress, the status of capital works expenditure has been reviewed. This review has focused on current and projected status of projects and this has identified some projects which need to be re-prioritised to next financial year. As such, projects totalling \$23,342,615 are proposed to be deferred from the 2023-2024 works program and considered for incorporation into the 2024-2025 Operational Plan. The specific projects are outlined in Attachment 1: April 2024 Budget Review, with further details provided in Attachment 2: Proposed 2023-2024 Works Program Deferrals.

Forecast Budget Statement for the Year Ended 30 June 2024

	2023-24 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	Works Program Review '\$000	2023-24 Full Year Forecast '\$000
<b>Operating Activities Movements</b>							
<b>Income from continuing operations</b>							
Rates and Annual Charges	117,526		0	117,526			117,526
User Charges and Fees	44,396		377	44,773			44,773
Interest Received	10,456		0	10,456			10,456
Grants and Contributions	89,160	7,818	20,577	117,555	2,959	(6,931)	113,583
Other Operating Receipts	6,670		3	6,673			6,673
<b>Expenses from continuing operations</b>							
Employee Costs	(65,226)		(266)	(65,492)			(65,492)
Materials and Contracts	(56,421)	(1,831)	(2,004)	(60,256)		1,254	(59,002)
Depreciation	(54,366)		0	(54,366)			(54,366)
Interest Paid	(1,057)		(210)	(1,267)			(1,267)
Other Operating Payments	(18,468)		(362)	(18,830)			(18,830)
Loss on Disposal of Assets	(3,050)		0	(3,050)			(3,050)
<b>Operating result from continuing operations</b>	<b>69,620</b>	<b>5,987</b>	<b>18,115</b>	<b>93,722</b>	<b>2,959</b>	<b>(5,677)</b>	<b>91,004</b>
<b>Restricted Asset Movements</b>							
Transfer from Restricted Assets	91,273	13,842	(8,822)	96,293		(16,412)	79,881
Transfer to Restricted Assets	(60,348)		0	(60,348)			(60,348)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>30,925</b>	<b>13,842</b>	<b>(8,822)</b>	<b>35,945</b>	<b>0</b>	<b>(16,412)</b>	<b>19,533</b>
<b>Property, Plant and Equipment Movements</b>							
Purchase of Assets	(175,994)	(19,829)	(9,276)	(205,099)	(2,959)	22,089	(185,969)
Developer Provided Assets	(8,000)		0	(8,000)			(8,000)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(183,994)</b>	<b>(19,829)</b>	<b>(9,276)</b>	<b>(213,099)</b>	<b>(2,959)</b>	<b>22,089</b>	<b>(193,969)</b>
<b>Financing Activities Movements</b>							
Proceeds from Borrowings and Advances	32,450			32,450			32,450
Repayments of Borrowings and Advances	(6,417)			(6,417)			(6,417)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>26,033</b>	<b>0</b>	<b>0</b>	<b>26,033</b>	<b>0</b>	<b>0</b>	<b>26,033</b>
<b>Net Result (Incl Depreciation)</b>	<b>(57,416)</b>	<b>0</b>	<b>17</b>	<b>(57,399)</b>	<b>0</b>	<b>0</b>	<b>(57,399)</b>
Add Back: Non Cash Items	57,416		0	57,416			57,416
<b>Budget Surplus/(Shortfall)</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>

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

**Options**

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

**Community Engagement and Internal Consultation**

Not applicable.

**Planning and Policy Implications**

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



**Financial and Economic Implications**

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report result in the budget position surplus of \$17,495.

Statement by Responsible Accounting Officer

*“The adopted original budget result for 2023-2024 was a balanced budget. As at 30 April 2024 this position is changed to a budget surplus of \$17,495 and this position is considered acceptable”.*

**Attachments**

1.  April 2024 Budget Review
2.  Proposed 2023-2024 Works Program Deferrals

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**Item: 10.16**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Development Activity and Assessment System Performance report for the third quarter of 2023-2024.**

### **Executive Summary**

This report provides a summary of development assessment, building certification and subdivision certification activities for the January to March 2024 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

Comparative data has also been provided from the NSW Planning Portal performance dashboard to enable comparisons with Council's across the State.

### **Discussion**

Table 1 below provides data on the volume of applications received and determined over the third quarter of 2023-2024, the current year to date monthly average, relative to the monthly average of the preceding 3 years.

The monthly average number of Development Applications (DAs) received for the year to date was 65, which is down on the previous year monthly average of 83. Interestingly, planning certificates, often considered to be a lead indicator, were up on the previous year monthly average, with the current year to date monthly average of 290 certificates, compared to the previous year monthly average of 268.

Construction Certificate (CC) approvals are slightly below the previous year monthly average. The year to date monthly average number of CCs issued by Council totalled 30, compared to 34 for the previous year monthly average. The year to date monthly average number of plumbing and drainage applications determined was 74, down from the previous year monthly average of 84.

The year to date monthly average number of building and plumbing inspections was 480 inspections, down from the monthly average of 515 for the previous year.

The data suggests an overall downward trend in activity from previous year monthly averages. It will be interesting to see how the remainder of the financial year unfolds.

Table 1 - Applications Received and Determined

Applications Received and Determined	2020-21 Monthly Average	2021-22 Monthly Average	2022-23 Monthly Average	2023-24 TOTAL	2023-24 Monthly Average	Jan-24	Feb-24	Mar-24
Development Application Received	99	92	83	587	65	35	68	63
Development Application Approved	90	86	77	606	67	44	72	82
Development Application Refused/Withdrawn/Rejected	5	2	4	29	3	3	2	1
DA Modifications Received	17	16	19	118	13	5	16	12
DA Modifications Determined	16	15	17	125	14	11	10	10
Complying Development Certificates Received (Council)	9	6	4	30	3	2	4	3
Complying Development Certificates Determined (Council)	5	4	3	18	2	0	4	1
Complying Development Certificates Determined (Private Certifier)	19	27	28	184	20	12	26	19
Construction Certificates - Building Work Received (Council)	48	40	35	275	31	11	31	30
Construction Certificates - Building Work Determined (Council)	43	39	34	270	30	18	27	27
Construction Certificates - Building Work Determined (Private Certifier)	22	30	38	305	34	20	42	30
Plumbing & Drainage Received	95	81	79	683	76	57	68	82
Plumbing & Drainage Determined	87	72	84	670	74	72	62	81
Subdivision Works Certificates Received	8	9	8	16	2	3	2	3
Subdivision Works Certificates Determined	8	7	6	35	4	1	2	4
Subdivision Certificates Received	7	6	7	61	7	4	2	10
Subdivision Certificates Determined	8	7	6	53	6	5	5	3
Strata Certificates Received	1	3	2	24	3	8	2	2
Strata Certificates Determined	1	3	2	22	2	6	3	1
Roads Act Applications Received	55	49	46	398	44	31	43	40
Roads Act Applications Determined	49	45	46	355	39	35	44	31
Planning Certificates Issued	277	293	268	2609	290	257	341	293
Building Inspections Undertaken	456	426	515	4316	480	342	452	485
Planning Proposals (received)		1	0	0	0	0	0	0
Building Information Certificates (received)		5	8	31	3	1	6	4
Building Information Certificates (determined)		6	4	44	5	6	9	4



Application processing data and longer-term trends for the various application types is provided in Table 2. For DAs, monthly gross average processing times for the year to date was 75 days, being a significant improvement from the previous year monthly average of 89 days. The net monthly average time for processing DAs for the year to date was 58 days compared to the previous year net monthly average of 63 days.

The monthly net average processing days for subdivision works certificates for the quarter was 192 days compared the previous year's monthly average of 94 days. A number of long-standing applications have been finalised over the year, negatively impacting on the average. There is also an apparent trend whereby developers are not making bond payments as timely as they were previously. This is the final step in the works certificate process to enable release of the approval and would appear to reflect the softening of market conditions and slowing of land sales. Staff are continuing to work on the lodgement review process to improve the quality of applications being received and are actively working on more timely payment of bond monies to enable the release of those longstanding applications. The inability to recruit a vacant development engineering position over the past 24+ months is also a factor in increased processing times. Net monthly average times for subdivision certificates for the year to date was 51 days, being an improvement of the previous year monthly average of 54 days.

*Table 2 - Application Processing Times*

Processing Days	PMHC	PMHC	PMHC	PMHC			
	2020 - 21 Monthly Average	2021-22 Monthly Average	2022-23 Monthly Average	2023-24 Monthly Average	Jan-24	Feb-24	Mar-24
Development Application Net Median Days	41	48	53	47	49	55	42
Development Application Gross Median Days	50	61	65	61	61	67	72
Development Application Net Average Days	47	54	63	58	47	63	54
Development Application Gross Average Days	68	71	89	75	61	57	82
Complying Development Net Average Days	21	20	20	27	3	63	68
Complying Development Gross Average Days	25	37	27	43	3	77	68
Building Construction Certificate Net Average Days	14	24	27	35	35	75	45
Building Construction Certificate Gross Average Days	61	72	79	94	80	161	87
Plumbing and Drainage Net Average Days	21	38	53	66	68	72	62
Plumbing & Drainage Gross Average Days	60	83	78	71	72	77	64
Subdivision Works Certificates Net Average Days	73	74	94	192	85	223	197
Subdivision Works Certificates Gross Average Days	99	116	146	301	85	223	301
Subdivision and Strata Certificates Net Average Days	48	45	54	51	32	44	58
Subdivision and Strata Certificates Gross Average Days	94	65	60	74	36	73	58
Roads Act Net Average Days	19	21	38	47	45	62	70
Roads Act Gross Average Days	37	46	51	56	51	128	70
Single Dwelling Applications Net Average Days					44	52	54
Single Dwelling Applications Gross Average Days					53	84	76

The NSW Planning Portal has recently provided a performance dashboard to enable various comparisons with Council’s across the State which is available on their website.

Within the dashboard, Council has been grouped with 38 ‘Regional City’ Councils. The average processing time for DAs across all Regional City Council’s for the year to date 2023-2024 period was 99 days. It should be noted that the Planning Portal data has Council’s gross average processing time for DAs for the year to date period (to February 2024) at 70 days compared to 75 days in Council’s system as reported (to March 2024). This new Planning Portal data is still being improved and the slight misalignment with Council’s data is being investigated. Notwithstanding, Table 3 below provides a comparison of selected regional city councils data from the Portal dashboard for the 2022-2023 year as well as the 2023-2024 year to date average (July to February 2024 data only available in the Portal at the time of writing).

Table 3 - Regional Cities Application Performance Data from Planning Portal



Council	Total DAs determined 2022-2023	Total DAs determined 2023-2024 year to date (July to February 2024)	Gross average assessment time (days) 2022-2023	Gross average assessment time (days) 2023-2024 (July to February 2024)
Port Macquarie-Hastings	970	475	85	70
Clarence	793	361	105	110
Coffs Harbour	760	463	79	77
Kempsey	292	128	61	94
Lake Macquarie	1959	1016	78	86
Mid Coast	1106	679	88	86
Newcastle	1215	707	100	99
Port Stephens	791	346	49	58
Shoalhaven	1277	590	131	110
Tweed	788	357	170	198
Wollongong	1214	498	89	82

Table 4 below illustrates the total value of works approved for the quarter compared to the preceding 3 years. As evidenced in the data, despite a slight reduction in application volumes, the value of works remains on par with the previous year, largely due to increases in construction costs.

Table 4 - Value of Works

Estimated value of works	Total 2020 - 2021	Total 2021 - 2022	Total 2022 - 2023	Total 2023 - 2024	Jan-24	Feb-24	Mar-24
Development Applications	\$290,362,833	\$426,495,205	\$498,575,614	\$344,672,828	\$18,704,315	\$40,799,719	\$27,974,416
Complying Development	\$53,333,062	\$61,691,010	\$73,141,331	\$39,305,916	\$1,829,265	\$898,113	\$3,929,423
<b>Monthly Total</b>	<b>\$343,695,895</b>	<b>\$488,186,215</b>	<b>\$571,716,945</b>	<b>\$383,978,744</b>	<b>\$20,533,580</b>	<b>\$41,697,832</b>	<b>\$31,903,839</b>

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

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

**Planning and Policy Implications**

There are no planning or policy impacts.

**Financial and Economic Implications**

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

**Attachments**

Nil



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Item: 10.17

Subject: DA2014/114 THRUMSTER BUSINESS PARK - WORKS IN KIND -  
DEVELOPER WORKS DEED AGREEMENT - SEWER WORKS

Presented by: Community Utilities, Jeffery Sharp

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Note the sewer works to be undertaken by Thrumster Business Park Pty Ltd under and associated with Development Consent DA2014/114 includes works above what is required to solely service the development.
2. Note that the works are to provide additional capacity in the sewer pumping station and trunk gravity mains to serve other future development growth in the area and as such constitutes works-in-kind.
3. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the construction of the Sewerage Pump Station and associated works at the Thrumster Business Park as it considers that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances for the reason of the works being associated with and linked to a development consent as outlined in this report.
4. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract following negotiations with Thrumster Business Park Pty Ltd, and present a further report to a future meeting of Council on completion of the works for Council's information.
5. Note that a budget adjustment will be presented to a future Council Meeting as per the current monthly budget adjustment procedure to adjust the budget with funds from the Sewer Developer contribution reserves, for the final amount under the deed.
6. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due to be adopted in mid-2024, and therefore are part of the calculation for future developer contribution charges, which will facilitate Council recouping the costs from future development when it occurs.

#### Executive Summary

Thrumster Business Park Pty Ltd is delivering a 63-lot industrial development off John Oxley Drive, Thrumster, approved under Development Approval (DA) 2014/114, including the required sewer infrastructure to service the development. The Thrumster Urban Release Area sewerage servicing strategy outlines that the northern half of this industrial sub-division was to be serviced by a pump station

constructed when Council's Thrumster residential land develops. As the industrial land is being developed ahead of the Council residential land the DA indicated a temporary sewer pump station would be required.

Given the potential complications of managing a temporary sewer pump station and the arrangements that would be needed to switch to a permanent pump station, Council's Water and Sewer Planning Staff have worked with the developer to plan and design a sewer pump station that can service the whole catchment and be the permanent sewer servicing solution. This means the sewer works now planned to be delivered by Thrumster Business Park Pty Ltd are greater than what would be required to only service the industrial development and thus can be defined as works-in-kind.

It is therefore recommended that a Developer Works Deed is entered into with Thrumster Business Park Pty Ltd for the delivery of sewer infrastructure providing capacity beyond the Thrumster Business Park requirements.

Based on preliminary estimates of the works, the amount to be forward funded by Council is estimated at \$1,156,305.79. Further negotiations and justifications of cost by Thrumster Business Park Pty Ltd is required before the deed is finalised and executed. Unfortunately, due to the nature of the works, a fixed price cannot be determined and agreed to at this point in time.

The letter of offer to enter in a Developer Works Deed from Thrumster Business Park Pty Ltd is Attached.

### **Discussion**

The Thrumster Business Park is a 63-lot industrial sub-division being developed in the Thrumster Urban Release Area, in accordance with DA2014/114. The Thrumster Urban Release Area sewer servicing strategy outlines that half of the industrial land drains to the south and is serviced by a central sewer pump station. This pump station has been recently constructed by the Sanctuary Estate residential development. The strategy outlines that the northern half is to be serviced by a sewer pump station that also services Council's Thrumster residential land. The original intent was for this pump station to be delivered when Council's residential land is developed. As the Thrumster Business Park is being developed ahead of the residential lands, DA2014/114 indicates that a temporary pump station is to be constructed.

Council's Water and Sewer Planning team has worked with the developer, Thrumster Business Park Pty Ltd, to plan and design the sewer pump station such that it is sized to cater for the larger catchment including the Council residential land, which avoids the complications of decommissioning a temporary pump station and locates the pump station within an industrial subdivision and not a residential area. The sewer works that are now planned to be delivered by Thrumster Business Park Pty Ltd are greater than what would be required to only service the industrial development and thus the additional works can be defined as works-in-kind.

It is therefore recommended that a Developer Works Deed, aligned to Council's Works in Kind Policy, is entered into with Thrumster Business Park Pty Ltd to facilitate the apportionment of costs for the delivery of sewer infrastructure providing capacity beyond the Thrumster Business Park requirements.

The pump station has been designed to cater for a total of 2565.5 Equivalent Persons (EP) with the Thrumster Business Park generating 470.25 EP, being 18.3% of the loadings. Therefore, Council would need to forward fund 81.7% of the costs of the pump station. Several sewer gravity mains have also been upsized to cater for increased loads. The difference between the cost to deliver the gravity mains to only serve the development and the upsized mains has been used to determine the cost apportionment.

The letter of offer to enter in a Developer Works Deed from Thrumster Business Park Pty Ltd is attached.

### **Options**

Council has the following options:

1. Resolve in line with the recommendations
2. Resolve not to enter into a Developer Works Deed with the developer and to call public tenders for contractors managed by Council to deliver the works - not recommended. This option would impact on the developer's timeframes and delivery Council's works program.

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

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

Internal consultation was undertaken with the following Council staff in development of this report:

- Director Community Utilities
- Group Manager Utilities Planning and Design
- Utilities Design and Development Manager
- Utilities Network Planning Coordinator

External consultation has occurred with:

- Thrumster Business Park Pty Ltd - Developer
- Cummings Group Pty Ltd - Developer's engineering consultant

### **Planning and Policy Implications**

The works in kind agreement process for these works adheres to Council's Work in Kind Policy. The works have been assessed as qualifying as works-in-kind in accordance with the Policy by Council's Group Manager Utilities Planning and Design, noting the allocation in the soon to be adopted update to the Development Servicing Plan.

The provision of the additional sewer capacity is in line with the strategic sewer planning for the Thrumster growth area.



**Financial and Economic Implications**

The current estimated cost, based on the approved engineering plans, for the works-in-kind component of works, to be forward funded by Council, is estimated at \$1,156,305.79. This includes 81.7% of the pump station costs and the cost difference to up-size the gravity sewer mains to cater for the increased catchment.

Further negotiations with and justifications of cost by Thrumster Business Park Pty Ltd is required before the deed is finalised and executed. There is also the potential for variations to this cost during construction caused by unforeseen issues. A cost sharing mechanism for variations will be outlined in the works deed. Unfortunately, due to the nature of the works, a fixed price cannot be determined and agreed to at this point in time.

The costs payable by Council will be funded from the sewer development contribution reserves.

The estimated cost of the additional works has been identified in the draft Development Servicing Plan, to be adopted in mid-2024, and therefore are part of the calculation for future developer contribution charges, which will facilitate Council recouping the costs from future development when it occurs.

**Attachments**

1.  Letter of Offer - Developer Works Deed Sewer Works - Thrumster Business Park Pty Ltd

# 2 Your Community Life

## What we are trying to achieve

A healthy, inclusive and vibrant community.

## What the result will be

We will have:

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

## How we will get there

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



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**Item:** 11.01

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the April 2024 Sub-Committee meeting and endorse payment from the fund of \$1,000 to Blake Morgan for representation at the Chemist Warehouse Australian Athletics Championships.**

### **DISCUSSION**

The Port Macquarie-Hastings Sporting Fund committee met on 24 April 2024 and considered grant applications. The submission from Blake Morgan was determined to have met the funding criteria. Accordingly, the Sub-Committee recommends to Council the following payment from the fund:

- Blake Morgan - \$1,000 to compete at the Chemist Warehouse Australian Athletics Championships in Adelaide on 11-19 April 2024.

It is noted that the submission was received prior to the event taking place. The amount recommended is consistent with the amount payable for participation at a National Sporting Level under the Port Macquarie-Hastings Sporting Fund.

### **Attachments**

Nil

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**Item:** 11.02

**Subject:** CAMDEN HEAD LOOKOUT RESERVE PROPOSED MASTER PLAN  
AND VOLUNTEER MANAGEMENT

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

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### 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 in the report regarding previous engagement activities and responses.**
2. **Endorse the Draft Master Plan for the purpose of public exhibition for a period of not less than 28 days.**
3. **Seek expressions of interest through the engagement process for community members in becoming a member of “Friends of Camden Head”.**
4. **Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.**

#### Executive Summary

Council and the community are interested in looking at opportunities for the Camden Head Lookout Reserve. The community has approached Council on numerous occasions over the past 5 years to establish a higher level of maintenance for the space as well as the idea of establishing a “Friends of” group to maintain the space.

Over the past 12 months staff have investigated the options for the site as well as engaged the community. The purpose of that community consultation was to provide stakeholders, residents, and the broader Camden Haven community with an opportunity to provide feedback on the proposed formation of a Friends of Camden Haven volunteer group.

The engagement was split within the community, and this was attributed to the divergent views about the management of the area and a lack of clear understanding as to the area in question. To better assist this process staff have now developed a draft Master Plan for the site with a staged approach to potential management of the site and clear delineation of the area. It is now proposed that Council re-engage with the community to understand their thoughts on the draft Plan and to seek expressions of interest to become part of the Friends of the Camden Head Lookout Reserve for the management of designated area of the Reserve on Council’s behalf.

**Discussion**

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

*That Council:*

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

The management of Camden Head Lookout Reserve, located between Pilot Beach Road, Camden Head Road and Bergalia Crescent. There has been a representation from local community members to establish a "Friends of Camden Haven Headland" group to take over the management of the site. Two Volunteer Landcare groups are currently managing the site including Dunbogan Bushcare (whom are a satellite group under the 'Hastings Landcare' banner and the 'Friends of Kattang', with Council staff managing other parts of the site.

The site, referred to colloquially as the Camden Head Lookout Reserve (Image below), is a located within the officially gazetted Pilot Beach Reserve (R78791). The Pilot Beach Reserve is Council Managed Crown Land and is zoned RE1 Public Recreation under the Port Macquarie Hastings Local Environmental Plan 2011 (LEP). Camden Head Lookout Reserve is the focus of this report and is located in the south-east of the site. It is accessed by Camden Head Road, which is on the southern boundary.

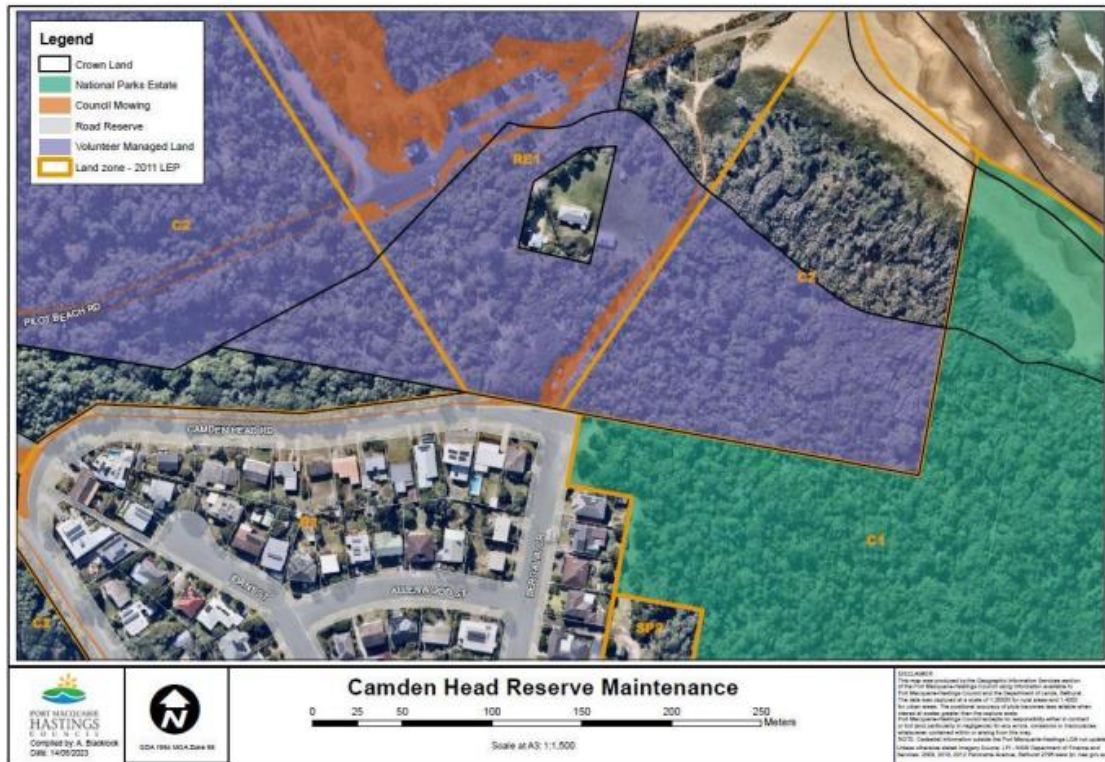


To clearly define the area that is the subject of this report, the report will refer to the area below as 'The Lookout' which forms part of the Camden Head Lookout Reserve. The Lookout is approximately 450m<sup>2</sup> in area, it comprises two picnic shelters and open grassland; it is flanked by bushland to the west and an unsealed road to the east that provides access to the heritage listed Camden Head Pilot Station, which was recently returned back to Crown Land by the managing community group. There are currently two volunteer groups that actively work on bush regeneration and weed control in the Camden Head area.

The Lookout is currently managed by the Hastings Landcare volunteer group, with Council mowing some areas as part of a regular maintenance schedule. More broadly, the Pilot Beach Reserve is managed by two volunteer groups, National Park Estate and Crown Land. Currently, the reserve is mowed by Council (red/orange) and the remaining area is volunteer managed (purple) by an environmental volunteer group, National Parks Estate (Green) Crown Land (clear)

The figure below shows the total area of the Reserve as well as the current 'Lookout' and proposed area of the draft Master Plan.





Council undertook community engagement in response to the 8 December 2022 Council resolution that noted the request for the establishment of the group; consider the opportunity to include the group in the update of the Volunteer Policy that was occurring at the time; and, to undertake engagement with existing groups and the Camden Haven community. There was a delay in undertaking the engagement whilst the Volunteer Policy was workshopped, exhibited, and then adopted in June 2023.

The 42-day community consultation period ran from 14 August to 25 September 2023. During this engagement invited stakeholders and the Camden Haven community to have their say on the following questions:

1. Do you support the current management of the RE1 Zone?
2. Would you like to see an expansion of the recreation reserve component, through clearing and beautification of the RE1 Zone?
3. Do you support the formation of a "Friends of Camden Haven Headland" group to manage this cleared site?
4. Do you support the allocation of Council budget to developing and maintaining the site?

Constructive feedback required a level of understanding of the zoning, ownership, and management of the site. Other relevant Council documents including Council report and resolution, Volunteer Policy, and Memorandum of Understanding provided context and was made available. Respondents were invited to provide additional comments and to upload supporting documents.

Throughout this engagement process community members raised concerns about the land ownership and zoning of the RE1, unauthorised activities, it not being used appropriately and that it had been left to become overgrown impacting nearby residence and visitors to Camden Head headland, Pilot Beach, and Pilot Stations,

and reducing accessibility. Draft Camden Head Engagement Plan Report (Attachment 2)

It was planned to provide a report on the August- September Engagement to the December 2023 Ordinary Council Meeting, however there were still some queries regarding the management of the site that had not been resolved to the satisfaction of some members of the community.

A further Notice of Motion (item 13.17) was however tabled at the Ordinary Council Meeting, December 2023 where Council resolved as follows:

*“That Council request the Chief Executive Officer give consideration to the inclusion of resources in the draft 2024-2025 Operational Plan and budget to:*

1. *Undertake a review of Council’s vegetation management standards and practices on Council owned and managed coastal headlands and lands including but not limited to Town Beach and headlands, Oxley Beach, Flynn’s Beach access road, Lake Cathie (Aqua Crescent to Jonathon Dixon Reserve, Rainbow Beach (reserve), North Haven and Camden Head; and*
2. *Develop a draft program and/or strategy (including costings) in accordance with the relevant legislation for the management of vegetation on Council owned and managed coastal headlands and lands to address vegetation management in locations including but not limited to Town Beach and headlands, Oxley Beach, Flynn’s Beach access road, Lake Cathie (ie Aqua Crescent to Jonathon Dixon Reserve, Rainbow Beach (reserve)), North Haven and Camden Head for the establishment and/or maintenance of important vistas at these locations.”*

This resolution meant that additional consideration of the site and the vegetation management on Coastal Headlands needed a broader review prior to this report coming back to Council.

The results of this review were presented to Council at a Councillor briefing session on the 11 April 2024.

From the Councillor Briefing staff undertook to provide a further report to Council detailing confirmation of the subject area, a Draft Master Plan and details of additional engagement to seek community input to the draft Plan and seek to identify potential members of a ‘Friends’ group.

A draft Master Plan has now been developed (Attachment 3) with an accompanying Draft Engagement Plan (Attachment 1) to re-engage with the users of the site, Camden Head residents and the broader Camden Haven community to seek expressions of interest on the proposal for the Camden Haven Lookout Reserve and ‘Friends Of’ group.

The Draft Master Plan provides for a staged approach, to creating additional recreation space as well as preserving and conserving the natural bushland.

The Draft Master Plan and Engagement Plan have been developed for endorsement and exhibition for further engagement with the community.



**Options**

Council could choose to either:

- Endorse the recommendation or
- Seek further information regarding the Camden Head Lookout Reserve and its management.

**Community Engagement and Internal Consultation**

In the first stage of engagement in August - September 2023, Council's Have Your Say platform was the primary platform used in this engagement with feedback submitted via an online survey, free text responses, and supporting document uploads. The consultation was open for 42 days between 14 August to 25 September 2023.

Communication activities were undertaken to promote the documents and drive audiences to Have Your Say. Channels used included email marketing, social advertising, website feature and social content.

There were **737 visits**, and **146 survey responses** collect through the Have Your Say page for this engagement. Feedback was also received via email, letter, and phone calls - some of which was incorporated into the survey response format. Feedback that did not fit into this format, or which came from formal groups or Government agencies was recorded as an External Submission. Fourteen External Submissions were received. External Submissions are not able to be de-identified and are not included in the verbatim responses.

The Engagement Report is attached as Attachment 2

**Internal Consultation**

- Workshop with Councillors April 2023
- Director Community, Planning and Environment
- Group Manager Environment and Regulatory Services
- Environment Operations Coordinator
- Councillor Briefing 11 April 2024




**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, any future "Friend of groups" may incur costs in the future, this would form part of the existing volunteer budget within the Liveable Communities Group.

**Attachments**

1.  Draft Camden Head Masterplan Engagement Plan
2.  Volunteer management of Camden Head Lookout Engagement Report
3.  Draft Camden Head Master Plan for exhibition

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**Item: 11.03**

**Subject: COMMUNITY ENGAGEMENT SYSTEMS, STRUCTURES, AND FUNCTIONS**

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

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### **Alignment with Delivery Program**

2.2.1 Support and advocate for all community sectors.

### **RECOMMENDATION**

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

### **Executive Summary**

At the Ordinary Council Meeting in November 2023 Council considered a Notice of Motion (Item 11.01) from Councillor Edwards Council. Council subsequently resolved as follows:

*That Council:*

1. *Request the Chief Executive Officer to conduct a review of current and recent community engagement systems, structures, and functions, including;*
  - a. *The current structures and functions of Council's community engagement.*
  - b. *Currently functioning structures and systems for co-working with community, including Council Community Action Teams*
  - c. *Council's Committees, Sub-committees, and Steering Groups that were discontinued, pending a future review, by resolution of Council in February 2022.*
  - d. *Options for community engagement structures for Council and community to work together in delivering the Community Strategic Plan moving forward.*
2. *Receive a report by the April 2024 Ordinary Meeting of Council that details the outcomes of the review identified in clause 1 above.*

Over the past twelve months the organisation has undertaken a review of engagement and communications in association with a review of the structure and functions of the Community Group. This has led to the establishment of the Community Voice team which sits within the newly named Liveable Communities Group to engage the community by actively informing and listening to the community before, during and after making decisions.

This report provides the outcomes of a review of current and recent community engagement systems, structures, and functions for Council's information.

**Discussion**

The Council's engagement work is informed by the International Association of Public Participation's (IAP2) Hub and Spoke model and approach, including the IAP2 spectrum and core values. These guide the way the team works, including through engagement and education plans, in line with Council's Project Management Framework.

This report from the November 2023 Council Meeting was delayed due to several factors including the recent workplace changes, ongoing recruitment processes associated with the structural change, and resource constraints.

The new Community Voice team (which includes Council's Education, Engagement and Community Communications functions) utilises a number of tactics, methods and channels to engage, educate and communicate with the community. These assist with educating and actively seeking out and encouraging the participation of the community to provide meaningful input and opinion to inform decision making.

The Community Voice team has been working on a comprehensive review of our current community engagement systems, structures, and functions including assessing what has been successful in the past and what community expectations are and any engagement trends. This review encompasses the following key areas:

1. **Current Community Engagement Structures and Functions:** An assessment of the existing methods employed by the Council for community engagement.
2. **Co-Working Systems with Community:** Evaluation of the functioning structures and systems that facilitate collaboration with community members, including Council Community Action Teams.
3. **Review of Discontinued Committees and Groups:** Examination of Council's Committees that were previously discontinued, pending a future review.
4. **Options for Enhanced Community Engagement:** Exploration of alternative opportunities to enhance collaboration between the Council and the community in achieving our Community Strategic Plan goals.
5. **Development of an Engagement Strategy** - The team is also working on a new comprehensive Engagement Strategy to meet the needs of current and future engagement.

1. Current Community Engagement Structures and Functions

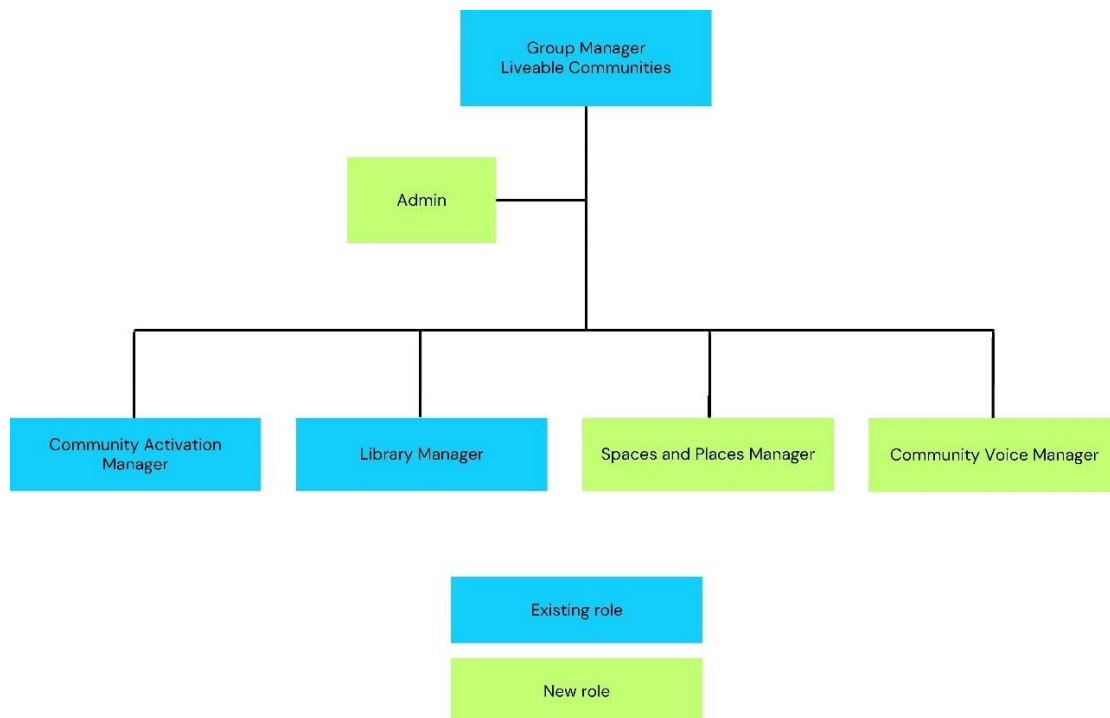
Community engagement is a process by which the community participates in and influences Council's decision - making. Council recognises that local knowledge, ideas, and feedback from the community is essential to ensure Council's decision-making improves the community wellbeing and long-term sustainability.

Community engagement and shared, informed decision making is essential to good governance and is a part of everyone's role within the Liveable Communities Group. As an organisation, Council has embedded engagement into our project management and strategy development to:

- Plan and design engagement and education programs on identified projects, policies, and plans.

- Use a variety of techniques and methods to maximise community engagement across all projects.
- Build understanding within Council of community engagement and how it influences delivery outcomes.
- Build capacity within Council by providing advice, coaching and support to all divisions of Council in education and engagement, including delivery of training and awareness sessions on community engagement techniques.
- Participate in community education and engagement processes to ensure that all members of our community are provided the opportunity to be involved and included in Council’s decision making, can participate in community life and are supported through behaviour change programs around Council specific topics and themes.
- Ensure appropriate processes, including timely updates, approvals, and collaboration with teams across the organisation to ensure a transparent process.
- The development of education programs and engagement processes, tools and procedures to facilitate better community participation.
- Developing content for Council’s digital platform to support effective engagement and education.
- Participate in and support the development and implementation of the Community Planning process and create a collaborative culture.
- Build and maintain positive working relationships with internal and external customers to facilitate engagement and education processes and outcomes.

The community engagement team has recently been restructured as part of the overall Liveable Communities team within the Community, Planning and Environment Division. The new structure is outlined below.



Following the organisational realignment in 2022 which saw the Community Group and the Recreation and Property Services group merged, the Director, Group Manager, and Staff undertook a 12 month review of what was needed both internally and externally for this group to provide the appropriate level of service for the organisation.

The review included all parts of the Group, however for the purpose of this report is focused on the Community Voice Team.

The structure was designed following feedback from staff across the organisation through many surveys and meetings. And was developed to provide:

- Greater leadership depth and support
- A team that addresses planning and delivering for now and for future generations with a focus on asset management.
- Resources channelled in the appropriate areas based on priorities.
- Communications & Engagement roles clearly defined and resourced to support the individuals and organisational needs with a focus on bring Council and the community closer by realigning resources to support outcomes.
- Clearer roles and responsibilities defined for each role and group.
- Focus on succession, developing staff and setting up for success.

For background it should be noted that it was in 2020 that Council first established a dedicated Engagement Team (4 staff) to support Council decision making. Over the following three years and through fires, floods and a pandemic the engagement team developed new approaches and methods of engaging within the community and the demands on this function across the organisation have increased.

In October 2023, a restructure within Community, Planning & Environment Division saw the creation of the Liveable Communities Group with a new refined structure to respond to priority focus areas, including supporting improved community outcomes through engagement, education, and additional communications support.

The change saw the creation of the Community Voice team, minor title and position description changes, and recruitment to newly created positions. This accompanied the merger of the Community Engagement Team, the Education Team and the addition of the Community Communications and Stakeholder Team into a newly formed Community Voice team.

The changes when establishing the Community Voice team were undertaken with the following objectives:

- To enable better communications and engagement support for the organisation's projects we are working on now as well as planning for the future.
- Increase leadership depth within the overall team to support the development of a positive team culture and a more strategic approach.
- To ensure essential data capture to use continuously to inform the work we do and increase feedback opportunities and manage our stakeholders more proactively.
- To support the Council's approach to ensure a vibrant, liveable, inclusive, and accessible community.

The Community Voice team is focused on promoting and undertaking comprehensive engagement with our community. Its purpose is to deliver integrated engagement



and communications outcomes for those projects and initiatives involving or impacting on the community. The work of the team ensures:

- Our community is involved in decision making, consulted and informed of the work we do and educated to help us in creating a sustainable future.
- Effective communications, engagement and education provide a voice from Council to the community and where they can share their voice with us.
- Council's messages reach the community in a timely fashion and internally staff know what is going on.

The team works to support the Community Strategic Plan Imagine2050 and Council's 2021 adoption of the Australian Business Excellence Framework.

Its work is guided by a number of strategies, policies and procedures, including the:

- Imagine2050 [Community Strategic Plan](#) (adopted in 2022); the [Delivery Program 2022-2026](#) (adopted in 2022) and the annual Operational Plans, including [OP 2023-24](#) (the team has recently sought feedback on the draft Operational Plan 2024-25)
- [Engagement Strategy](#) (adopted in 2022)
- [Community Engagement Policy](#) (adopted in 2022)
- [Community Participation Plan](#) (adopted in 2019)

Community engagement is a planned process when Council and the community exchange information through different methods and take actions to solve common problems, deliver services or make decisions.

The Community Voice team carries out these functions through the three areas within the team as follows:

**Engagement** is "Any process that involves the community in problem solving or decision making and uses community input to make better decisions." International Association of Public Participation (IAP2) – supporting best practice and industry standards in community engagement and participation.

**Education** includes a program to build understanding of Council's business and process within the community and look for ways to develop behavioural change to ensure the sustainability of our place.

**Communication** refers to the many ways in which Council provides information on our current and potential future business operations as well as keeping them informed on how and why decisions have been made and what those decisions are.

The Community Voice team is focused on enhancing opportunities to connect with our community through targeted and timely communications to ensure they are informed of Council's business, including upcoming projects, events and activities, and that their requests are managed and responded to.

Internally, the team designs and delivers community and stakeholder engagement services on behalf of nearly all Council divisions, including on major projects, Council services and Council strategies and policies.

Externally, the team works with the community to share project information and seek feedback. There are a range of tactics and channels the team uses, depending on



the level of engagement required. The methods used include surveys, letters to affected stakeholders, pop up stalls, stakeholder meetings, co-design workshops, communicating information to stakeholders, including face to face and online meetings, email marketing, social advertising, social content, website features, media releases, signage, etc. to name just some of our methods. The information collected is used by project teams, decision makers and Councillors to understand community needs and expectations, identifies critical issues and opportunities early and fosters local problem solving.

The team also focuses on community education to provide an external holistic program that reaches our schools and community across a wide range of platforms to promote positive behaviour change in our community on Council specific topics and themes. This includes waste and water education, environment and biodiversity, road safety and compliance, and more. Platforms include the bespoke ConnectEd website, monthly newsletters, tours and talks, digital resources, pop-up stalls, and more.

The Community Voice team works with the Transformation and Communication (T&C) team to follow brand and message consistency to maintain a “one Council” approach. Since the formation of the Community Voice team, staff have been working through the transition plan to engage all team members and key stakeholders to ensure successful outcomes. This includes:

- T&C manage the Council’s communication channels based on pre-agreed ways of working to meet Council’s ongoing business needs.
- Communications staff within the Community Voice team, work across the Liveable Communities Group to support education, engagement, community events, as well as key communal projects can be an effective way to foster collaboration and empower different teams to take ownership of their initiatives. This is implemented to achieve clear communication goals through well-managed communication channels.
- The approach supports more tailored and effective communication strategies which form part of engagement plans developed for Council major projects, minor projects, engagements, education, events, and initiatives and communications and engagement approach.
- They also support the organisation’s project delivery program requiring engagement.

## 2. Co-Working Systems with Community

In late 2018 Council developed a new program of engagement and place development and embarked on a new approach to working with our communities – Community Planning. By engaging with communities across our LGA, Council sought to change the way we work with those communities by empowering them to develop a vision, mission, goals, and actions to meet the future needs of their place through co-creation.

The community planning process began engagement methods and the formation of Community Council Action Teams (CCATs). These Plans are community-led blueprints that reflect the aspirations, strengths and what is unique about a community; the character, lifestyle, social image, economy and environment, and the vision that the community has for its future.

These plans influenced Council’s new Community Strategic Plan and items that are included in the annual operational plans.



From 2018 - 2020 Council worked with communities to develop Community Plans according to the Community Plan process flow. The plans outline the vision for each community and actions that the community would like to see delivered to help achieve this vision. The community reach was over 15,000 people with 625 activities engaged in the process. This included residents, community groups, Business Chambers, Environmental Groups, Sporting Clubs, Service groups and the general public.

Community Plans take a place-based approach that draws on the idea of participatory planning that “if you want to know how the shoe fits, ask the person who is wearing it, not the one who made it”. As part of this process, we work with communities to identify, promote, and enhance the distinctive character of their local areas.

Community Plans help Council and community explore concepts of place, character and liveability; identify a community’s strengths and assets; enable Council to understand the issues and priorities for each community and assess these priorities in relationship to Council’s Operational Plan development; and encourage community-led place development.

There are currently 11 Community Plans and one draft Plan - one each for our outlying towns and villages (ie not including Port Macquarie). From 2022 - 2024 CCATs started work on prioritising actions to develop future Town and Village Improvement Plans.

To develop the Community Plans, Council established the Community-Council Action Teams (CCATs). The CCATs worked together to develop the community plan and prioritise, scope, and deliver the identified actions. The goal of CCAT members included work to:

- Develop a Community Plan that will be presented to the wider community for endorsement and then to be endorsed by Council.
- Progress towards achieving the vision and actions outlined in the Community Plan.
- Seek and consider the input and views of community groups and the support of community groups for implementation of Plan actions.
- Actively pursue funding opportunities, including grants, to assist in the delivery of the Plan actions.
- Advocate for appropriate actions to be considered for Council's 4-year Delivery Program and 1-year Operational Plan.
- Provide feedback to the wider community of progress against the Community Plan actions.
- Annual review of progress and actions.

The CCAT is a genuine partnership between the community and Council. The responsibility for the delivery of the actions detailed in the Community Plans are project dependent and will rest either with Council or the community or jointly with Council and the community.

The bushfires, floods, pandemic, and ongoing weather events of 2019, 2020 and 2021, created challenges for the CCAT discussions and program of work. In 2023, the team commenced re-engagement with the CCATs to determine the approach moving forward. This is a continuing work in progress. Additional work is required by the Community Voice and Community Activation teams to re-engage with our 12 communities and be flexible in how these groups wish to operate in the future, including seeking additional and renewed representatives.

The team has currently committed to a combined online meeting once a year, and attendance at CCAT meetings across the region when requested. CCAT activities to date include:

- Creation of CCAT email address to enable 1 point of contact for CCAT members to engage with Council.
- Review of all current memberships.
- Meetings with Telegraph Point CCAT, Bonny Hills CCAT, Camden Haven CCAT (2), Kew/Kendell Community Network, Lake Cathie CCAT, Rollands Plains.

Telegraph Point, Lake Cathie, Kew/Kendell and Bonny Hills have rolled their CCATs into existing groups such as Progress Associations due to dwindling numbers. Arrangements are underway for one point for contact from each group to liaise with CCAT Council Representative to ensure that they remain connected. The CCAT Council Representative reports on Council issues for each meeting either via email or face to face.

The importance of these groups from an engagement and community contact perspective, and equally during emergencies, cannot be underestimated.

### 3. Review of Discontinued Committees and Groups

A resolution of Council from the Ordinary Council Meeting in February 2022 resolved to discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:

- Airport Advisory Group
- Coast, Estuary and Floodplain Advisory Sub-Committee
- Community Inclusion Committee
- Cultural Steering Group
- Economic Development Steering Group
- Hastings Bushfire Management Committee
- Port Macquarie Transport Network Community Consultative Committee
- Sustainability Advisory Sub-Committee
- Town Centre Master Plan Sub-Committee.

In addition to the engagement with the community through the CCATs, Council's current committee list currently includes:

- Port Macquarie Hastings Sports Council
- Port Macquarie Hastings Sporting Fund Sub Committee
- Handa Sister City Working Group
- Hastings Youth Voice
- Audit and Risk Committee.

These committees and groups can be considered or reconsidered by Council.

### 4. Options for Enhanced Community Engagement

Meaningful engagement helps to shape the strategic direction of our Region, as well as informing the various policies and plans that support this vision. Council is committed to providing best practice engagement based on our principles of engagement and guided by the International Association for Public Participation (IAP2).

Community engagement provides opportunity for the Port Macquarie Hastings Councils broad and diverse community to participate in and influence Council's decision-making, direction, and activities.

Community engagement can involve a broad variety of activities. One way to understand the different types of engagement is through a continuum from informing (reflecting a low level of engagement) through to active participation (reflecting a high level of engagement).

Council carries out a variety of engagement activities at different points on this continuum. Informing takes place when a decision has been made or an action is required, such as a new policy direction or change in services. Consulting takes place when a project or activity requires some input or feedback before a decision is made, such as a draft plan or design for a community facility. Active participation takes place when we collaborate with or involve specific groups or community.



The Community Voice team is proposing an updated joint representative body in the future which would see the current CCAT structure evolve. It would see Liveable Communities representatives (staff), at least 2 representatives from each of the 12 regions and at least 2 representatives from key several stakeholder groups, including the LGA's youth, multicultural, people living with a disability and Aboriginal and Torres Strait Islander communities form a new council and community representative group. Members would be appointed through an Expression of Interest process for a possible single, non-concurrent 2-year term. This considers feedback from the current CCAT representatives who have provided feedback a desire for joint meetings for transparency, collaboration and regional networking opportunities, as well as recent feedback from various stakeholder groups asking for more formalised opportunities to be consulted.

A new engagement strategy is currently being developed to support ongoing activities. Ongoing reports on the Community Voice team's progress towards the Community Strategic Plan, the Delivery Program and the Operational Plan will be provided to the Councillors following the September 2024 local government election. Options to increase engagement with key stakeholder groups (including the evolution of the CCATs to a new model) is being canvassed while Council continues to build relationships between new Liveable Communities Group and Community Voice staff and members of the community.

#### 5. Development of an Engagement Strategy

Council's Engagement Strategy supports the Integrated Planning and Reporting Framework required by the Local Government Act (1993) and the Environmental Planning and Assessment Act 1979 and ensures Council can meet its legislative requirements for community engagement.

The Local Government Act identifies community participation as a guiding principle of local government, stating: "that Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures".

The Environmental Planning and Assessment Act also requires that planning authorities (including councils) need to make sure the community can participate in planning decisions. Details around the engagement needed are specified in community participation plans (CPP), with the CPP standards and public exhibition requirements set out in the Act for inclusion in Council's broader community engagement processes.

The Engagement Strategy is a framework for how Council works with the community and stakeholders such as government departments and authorities, education and cultural institutions, community organisations, and businesses to engage on important projects, including guiding principles, processes, activities, and channels. It outlines what community engagement is and how Council talks to and listens to our community. The Engagement Strategy explains how Council provides regular and diverse opportunities for all to participate in the decisions, projects and policies that shape our natural and built environment, economy, and community life.

Council recognises that our community has a right to be informed and have input into the decisions which affect their lives, community, and place. Informed decision making is essential to good governance. As an organisation, Council has embedded

engagement into our project management framework and strategy development practices.

Decisions are made in the Council Chambers via the formal Council Meeting process, as well as by staff under delegated authority of Section 377 of the Local Government Act, which enables Council to operate on a day-to-day basis. Council uses engagement to support both models of decision making.

Council's current approach to community engagement aims to:

1. Develop a strong organisation-wide culture of engagement where Council staff and Councillors engage with the community in a meaningful and appropriate way about decisions that affect them.
2. Embed engagement as part of our regular business practices at all levels of the organisation, using engagement outcomes as part of decision-making processes to inform what we do.
3. Implement an evolving best-practice approach in all community engagement activities thereby ensuring that all engagement activities are focused and effective. Be proactive and open to new and innovative ways to engage with the community.
4. Develop an environment of trust where we can exchange ideas, views and information with the community leading to a shared responsibility for decisions and confidence in the decision-making process.
5. Develop sustained collaboration, partnerships and new ways to involve and empower the community.

The Community Voice team is working on a new and comprehensive Engagement Strategy to meet the needs of current and future engagement, underpinned by the Social Justice Principles and IAP2 Core Values.

### **Options**

This is an information report.

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

This report has been prepared in consultation with Liveable Community Group staff.

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

### **Attachments**

Nil



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**Item: 11.04**

**Subject: TEMPORARY LICENCE - VOODIE FOODS VAN - LICENCE RENEWAL**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council approve the renewal of the Outdoor Business Licence application from Lauren Edwards to operate the mobile food van, Voodie Foods, on a part time basis at John Downes remembrance Park and at Shelley Beach Port Macquarie for a three (3) year term.**

### **Executive Summary**

Lauren Edwards has held multiple short-term Licences to operate a food van at John Downes Remembrance Park since 2021 and at Shelley Beach since April 2023. The Licences have operated without issue.

Ms Edwards has now applied for a renewal of the Licence for a three-year period. As Ms Edwards is a current Councillor this matter is presented to Council for determination.

### **Discussion**

Under the *Crown Land Management Act 2016* Council can issue short term Outdoor Business Licences to people operating commercial businesses on Council managed Crown land.

Following the adoption of the Port Macquarie-Hastings Council Plan of Management for Council Managed Crown Land, licences can now be offered to existing operators who have satisfied all Council requirements and who have not generated any complaints about the operation, for up to a three-year term.

Lauren Edwards has to date satisfied all Council requirements and Council has not received any complaints in relation to the operation of the Voodie Food van, accordingly the granting of a renewal to operate is recommended for a 3-year term.

### **Options**

Council has the option to approve or refuse the Licence renewal application.

**Community Engagement and Internal Consultation**

Outdoor Business Licence applications follow a set internal procedure. Applications are checked to ensure all required documents such as public liability insurance, risk assessments and environmental impact statements are complete, prior to the application being referred internally to a Licence Panel of specialist staff in Health, Regulatory Services, Parks, Property and Economic Development.

Applications received for the renewal of a Licence are reviewed for the same requirements and if no complaints have been received regarding the operation of the Licence and all other requirements have been met, then the Licence is renewed.

The renewal application submitted by Lauren Edwards does not propose any changes to the locations or use in the previous renewal applications approved by Council in April 2023 and again in December 2023.

**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. The application fees and rent that apply are as per Council's adopted Fees and Charges.

**Attachments**

Nil

# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 12.01**

**Subject: CLASSIFICATION OF COUNCIL LAND - 99 WILLIAM STREET,  
PORT MACQUARIE**

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

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### **Alignment with Delivery Program**

3.1.2 Optimise the use of appropriately zoned land for business uses.

### **RECOMMENDATION**

#### **That Council:**

- 1. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 1 DP 1012667, 99 William Street, Port Macquarie as operational land by placing on public exhibition for a minimum of 28 days, the proposed resolution, "It is intended to classify Lot 1 DP 1012677 99 William Street, Port Macquarie as operational land."**
- 2. Note that a further report will be tabled at a future Council meeting following public exhibition detailing any submissions received during the exhibition period.**

#### **Executive Summary**

The process to buy back the land at 99 William St Port Macquarie (see site image at Attachment 1) and transfer the property into Council ownership is now complete.

This report recommends that Council proceed with the classification of the land as operational land.

#### **Discussion**

Council at its December 2023 Ordinary Meeting resolved the following in relation to this parcel of land:

#### *That Council:*

- 1. Buy back the vacant land at 99 William St, Port Macquarie (Lot 1, DP1012667) for \$1 in accordance with the registered positive covenant dated 30 July 2019.*
- 2. Delegate authority to the Chief Executive Officer to sign all associated land sale and transfer documents.*

Council land acquired with a strategic investment intent is generally classified as operational land. This operational classification allows the land to be sold or developed in the future if required.

This report seeks to proceed to undertake the formal process to classify the land at 99 William St, Port Macquarie (see site image at Attachment 1) as operational land. This process will commence with the publishing of a public notice on the Council website under s34 of the *Local Government Act 1993*.

A further report will be tabled at a future Council meeting following publication, detailing any submissions received from the public during the exhibition period.

**Options**

There is an option to classify the property as either *community land* or *operational land*. However, it is Council practice to classify land that is acquired for strategic investment purposes as operational land.

**Community Engagement and Internal Consultation**

Section 34 of the *Local Government Act 1993* requires that the proposed classification be placed on public exhibition for a period of not less than 28 days.

The notice will be placed on the Public Notices page on Council's website.

**Planning and Policy Implications**

There are no planning and policy implications concerning this report.

**Financial and Economic Implications**

There are no financial and economic implications concerning this report.

**Attachments**

1.  Classification of Land - 99 William Street, Port Macquarie - Operational

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**Item:** 12.02

**Subject:** PETITION - REQUEST FOR REVIEW OF OUTDOOR DINING  
POLICY IN RELATION TO RETRACTABLE BLINDS

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Note the petition received by Brett Matthews requesting a review of Council's Outdoor Dining Policy in relation to Retractable Blinds.**
2. **Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

#### Executive Summary

A petition has been received by Council from Brett Matthews from the Blue Buffalo Café, containing 339 signatures, requesting a review of Council's Outdoor Dining Policy to include retractable blinds in outdoor dining areas where it can be reasonably deemed appropriate, in order to provide customers with a safer, healthier, more comfortable, climate friendly, visually appealing space for their outdoor dining experience.

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

A petition has been received by Council from Brett Matthews from the Blue Buffalo Café, containing 339 signatures, requesting a review of Council's Outdoor Dining Policy to include retractable blinds in outdoor dining areas where it can be reasonably deemed appropriate, in order to provide customers with a safer, healthier, more comfortable, climate friendly, visually appealing space for their outdoor dining experience.

A copy of the petition is attached for information.

#### Options

Council has the option to note the petition or consider a review of the Outdoor Dining Policy in relation to retractable blinds.



**Community Engagement and Internal Consultation**

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

Internal discussion has occurred with:

- Director of Community, Planning and Environment
- Property and Leasing Co-ordinator

**Planning and Policy Implications**

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


Should Council decide to request a review of the policy, this will require investigation by staff and a further report to Council with the outcome.

**Financial and Economic Implications**

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

Should Council decide to request a review of the policy, there could be future financial costs to Council relating to the review of the Policy.

**Attachments**

1.  Petition and Supporting Info - Request for Review of Outdoor Dining Policy regarding Retractable Blinds

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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Item: 13.01

Subject: RENEWABLE ENERGY PROJECT SITES UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.7.1 Promote renewable energy outcomes within Council.

### RECOMMENDATION

**That Council note the progress report on determining suitable Council owned land and asset sites that could accommodate renewable energy projects such as battery storage and or mid-scale solar projects with current grant opportunities.**

### Executive Summary

A report was requested at the March 2024 Ordinary Council meeting on progress to determine suitable Council land and asset sites that could accommodate renewable energy projects, such as battery storage and or mid-scale solar projects, which could be pursued utilising current grant opportunities.

This report provides the requested update in relation to current Federal grant opportunities, being the Regional Precincts and Partnerships Program Stream 1 and the Community Energy Upgrades Fund Round 1. A briefing outlining the Regional Precincts application, including the analysis of proposed solar sites was provided to Councillors on 2 May 2024. Specific details regarding the grant applications are not included in this report due to the programs being competitive funding rounds.

### Discussion

At the March 2024 Ordinary meeting of Council it was resolved in item 11.03 as follows:

*“That Council request the Chief Executive Officer provide an update, by way of written report to Council no later than the May 2024 Ordinary Council meeting, on the progress being made to determine suitable Council-owned land and asset sites that could accommodate renewable energy projects such as battery storage and or mid-scale solar projects which could be pursued utilising current grant opportunities. “*

This report request relates to and follows on from the previous report noted by Council at the March 2023 Ordinary Council Meeting titled “Long Term Energy Strategy - Renewable Energy Feasibility” (Item 13.03). This report explained that it would be a complex and resource intensive undertaking to assess all sites for their relative merit to develop a mid-scale solar or battery storage project. Rather than looking at all sites for their potential merit it proposed a more resource efficient top-

down approach be taken looking only at the highest energy using sites to select the best sites to assess further. This has progressed, with several sites investigated for their potential to apply for State and Federal Government funding.

**Current grant opportunities**

Council has recently applied through the Federal Government Regional Precincts and Partnerships Program Stream 1, for precinct development and planning. As detailed at the recent Councillor Briefing, this application includes more than just renewable energy project planning and if successful, would provide for an investment-ready proposal for a mid-scale solar system in the Airport precinct. Such a system would align to Federal Government priorities which would improve the likelihood of a successful grant application under Stream 2 funding at a later date.

The Federal Government Community Energy Upgrades Round 1 funding for energy efficiency and electrification upgrades to reduce energy bills and emissions from local governments facilities has also recently closed. This program funds small-scale solar, battery storage, energy efficiency upgrades and electricity monitoring projects. To progress this Council gained support from MNCJO and the State Government to fund specialist electrical engineering experts to assess several selected sites for their potential to apply for this Federal Government grant funding. Applications for this contestable grant were only made for high energy using sites that will provide a significant benefit to Council.

Specific details of the proposed projects are not provided in this report due to the funding being through a competitive funding round. If Council is unsuccessful there is an expected Round 2 that it may consider in future. Further updates regarding whether this grant is successful and if so, project specifics will be provided via the regular Councillor Newsletter and Grants updates.

Council has also been made aware that Essential Energy are pursuing funding opportunities for community batteries within the Port Macquarie Hastings LGA.

**Options**

This is an information report.

**Community Engagement and Internal Consultation**

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

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item:** 13.02

**Subject:** EASEMENT CREATION - 5130 PACIFIC HIGHWAY KEW

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Consent to granting an easement for a Right of Access across the Council sewer fund land, 5130 Pacific Highway, the Kew Sewer Treatment Plant, Lot 10 DP 1105535, to adjoining property owners, Gary, and Yolande Williams of 5120 Pacific Highway Kew.**
- 2. Accept the payment of \$3,268.00 as compensation from G and Y Williams for granting the easement.**
- 3. Note that all survey, registration, and legal costs for the creation of the easement are to be paid by G and Y Williams.**

#### **Executive Summary**

The Council property at 5130 Pacific Highway Kew incorporates Lot 10 DP 1105535, Lot 2 DP 1052725 and Lot 13 DP 1105535, and has a total area of 156.720 hectares. The property contains Council's Kew Sewer Treatment Plant and a eucalypt plantation. The property is zoned SP2 Infrastructure (Sewerage).

There is an existing bitumen access road off the Pacific Highway to the Sewer Treatment Plant. A gravel access track leads off the access road to the adjoining property, 1520 Pacific Highway, Lots 13 and 28 DP 754405, owned by Gary Williams and Yolande Williams (Attachment 1 - Location Plan).

The access track is solely for the benefit of G and Y Williams and is maintained by them at their cost. The proposal is for Council to grant an easement to formalise the use of the access track by the Williams'.

#### **Discussion**

The Williams property is effectively landlocked without any formal road access. Current town planning practice dictates that a property should have some right of legal access to a road, however no formal road access exists on their title.

Council records show that there was a dwelling on the property prior to 1967. Council has held an Agreement for Access with the Williams for use of the access track since 2002. The Agreement has been renewed every 5 years for an annual rental of \$2.00. The Williams' are responsible for the maintenance of the track.



There is a Crown Road adjoining the Williams' property southern boundary, however it is an unmade 4 wheel drive track that is flood prone and is not considered to provide a form of legal access.

The existing access track is located within the sewer buffer area and the creation of the easement for an access track is not considered to be detrimental to the Council land or its value. The use of the access track does not interfere with the operation of the Sewer Treatment Plant, which is separately fenced.

The creation of the easement will allow for a 1,634m long x 4m wide access track that will continue to be maintained by the Williams' at their cost.

Council's Consultant Valuer provided advice as to the compensation payable to Council for the creation of the easement. This was determined to be \$3,268.00 with all survey, legal and registration costs to be borne by the Williams.

The Williams agreed to the payment of the compensation and the associated costs and engaged a registered surveyor to prepare the easement plan and transfer granting easement (Attachment 2 - Easement Plan).

### **Options**

Council has the following options:

1. Council can agree to the easement for right of access and receive the compensation amount of \$3,268.00.
2. Council can refuse to grant the easement and can continue to rent the access track.

This report recommends option 1.

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

The Community Utilities Division was consulted as to the options of renewing the Access Deed or offering the creation of an easement. The creation of the easement and an offer of compensation was agreed.

The Williams' were then offered the creation of an easement and this was agreed in preference to the renewal of an Access Deed.



### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

There are no financial implications for Council as the Williams's have agreed to meet the cost of registration of the easement, maintenance of the track and the legal costs for this matter.

### **Attachments**

1.  Location Map - 5130 Pacific Highway Kew
2.  Plan - Proposed Easement to Williams - Right of Access Over Existing Track



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**Item:** 13.03

**Subject:** EASEMENT CREATION - PART BAIN PARK WAUCHOPE

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

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### Alignment with Delivery Program

2.5.1 Support cultural activities within the community.

### RECOMMENDATION

**That Council grant consent to an easement over part of Council's property, part Lot 1 DP 745953, part Bain Park Wauchope, to the owners of 56 Oxley Highway Wauchope to permit the existing minor encroaching structure to remain.**

### Executive Summary

Council granted development consent to development application DA2022 - 1046.1 for alterations and additions to the existing buildings and a strata subdivision of the property at 56 High Street Wauchope. A very minor encroachment over part of Council's property at Bain Park by the boundary wall of 56 High Street, has been identified. The encroachment is 40mm and essentially is the render and painted mural on the existing wall of the building.

The owners of the proposed Strata Plan have requested that Council grant them an easement over part of Bain Park to address the encroachment.

### Discussion

When undertaking the registration of the proposed strata subdivision plan by Land Registry Services, it was discovered that the existing building at 56 High Street Wauchope encroaches by 40mm onto Council's adjacent property that forms part of the entrance to Bain Park.

The encroaching wall forms part of the boundary with Bain Park along which a Council garden is located. The encroachment does not have an impact on the existing layout or use of Bain Park.

The encroachment is the eastern wall of the existing building and is essentially the render and painted wall mural on the wall as can be seen in the street view shown in Attachment 1 - Location Plan and in Attachment 2 - Plan Showing Encroachment.

### Options

Council has the following options available:

1. Council can agree to grant the easement or
2. Council could refuse to grant the easement and investigate further options.

This report recommends option 1.

**Community Engagement and Internal Consultation**

Internal consultation has been undertaken with the Group Manager Development Assessment and the Group Manager Liveable Communities.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

There are no financial implications for Council as the property owners of 56 Oxley Highway have agreed to pay all costs for the registration of the easement.

**Attachments**

1.  Location Plan Bain Park Wauchope
2.  Plan Showing Encroachment Part Bain Park Wauchope

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**Item: 13.04**

**Subject: COUNCIL EASEMENT ACQUISITION - LOT 51 DP 1035553, 1 CLARKE LANE WAUCHOPE**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Proceed to acquire an easement to drain water and an easement to drain sewerage over Lot 51 DP 1035553, 1 Clarke Lane Wauchope.**
- 2. Pay compensation in the amount of \$20,000 (GST exclusive) to the owners of Lot 51 DP 1035553, 1 Clarke Lane Wauchope, GD and SR Hamilton, for the granting of the easements.**
- 3. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowners legal (property and conveyancing) expenses reasonably incurred arising from the easement acquisitions.**

#### **Executive Summary**

This report recommends the acquisition of and payment of compensation for two (2) easements, one for stormwater and one for sewerage across Lot 51 DP 1051509, 1 Clarke Lane, Wauchope, required to service the future Hastings Regional Sporting Complex.

#### **Discussion**

The future provision of the Hastings Regional Sporting Complex on Council owned land, Lot 1 DP 1277541, Wauchope has facilitated the necessity to construct and adjust the planned stormwater and sewerage infrastructure for the sport fields on or adjacent to the private property at 1 Clarke Lane owned by GD and SR Hamilton (the Hamilton property). The location of 1 Clarke Lane and the proposed Hastings Regional Sporting Complex are shown in Attachment 1 - Locality Plan.

The engineering design for the proposed Hastings Regional Sporting Complex requires adjustments to the existing sewer rising main alignment over the northern end of the Hamilton property, along with future construction of new stormwater pipe drainage within Clarke Lane to connect to the fields stormwater system. In addition, some earthworks, filling, and new fencing constructed along the eastern property boundary, will be required.

An existing open drain runs diagonally through the south side of the property and an existing sewer rising main runs diagonally through the north of the Hamilton property.

These existing assets impact the efficient use of the land and potential for further development on the site.

As part of negotiations with the owner to complete the sporting field infrastructure works, it has been agreed that these existing assets be modified in addition to the compensation amount for impost of the new easements.

The proposed easements have been surveyed and are shown Attachment 2 - Plan of Proposed Easements. A summary of the scope of works is highlighted in Attachment 3 - Proposed Works Map.

An independent valuation was completed on 15 April 2024 noting a compensation amount of \$20,000 for the easements and impact of the other works. This amount has been verbally agreed to by the project team and the landowner, subject to Council's resolution.

Under Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is obligated to pay the landowners legal (property conveyancing) expenses reasonably incurred arising from the land acquisition.

**Options**

Council has the following options:

1. Proceed with the registration of easements and pay the agreed compensation value of \$20,000 or
2. Not proceed with the easement acquisitions and seek further information from the project team.

This report recommends option 1.

**Community Engagement and Internal Consultation**

There has been ongoing consultation by the project team with the landowner throughout the design of the Hastings Regional Sporting Complex and associated land acquisition processes.

**Planning and Policy Implications**




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

**Financial and Economic Implications**

The financial implications in relation to this report is the payment of the \$20,000 compensation and recommended and expenses associated with the easement acquisition, to the owners of Lot 51 DP 1035553, 1 Clarke Lane Wauchope, GD and SR Hamilton, for the granting of the easements.

There is allocated funding in the Operational Plan to meet the compensation and legal costs for this land acquisition project.

**Attachments**

1.  Attachment 1 - Location Map
2.  Attachment 2 - Plan of Proposed Easements
3.  Attachment 3 - Proposed Works Map



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**Item: 13.05**

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

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

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### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the progress of natural resource management projects/initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and progress on the Coastal Management Program.**
- 2. Note Council's ongoing physical responsibilities for the management of the Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only.**

### **Executive Summary**

This report provides an update on Lake Cathie/Lake Innes/Cathie Creek waterway natural resource management projects/initiatives and the progression of the Coastal Management Program (CMP) that have occurred since the previous report was presented to the April 2024 Ordinary Council Meeting.

Works currently being undertaken and outlined in this report include:

1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek
2. Bundella Avenue Asbestos Remediation Works
3. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project
4. Review of the Opening Strategy
5. Invasive Weed Management
6. Development of Other CMP Chapters
7. Other Projects

This report also addresses Council's resolution from April 2024 Council meeting and confirms Council's physical responsibilities for the management of Lake Cathie is limited to the responsibilities of flood mitigation, stormwater drainage and community protection only.

### **Discussion**

The following provides an overview of the progress since the last monthly report detailing Council projects and initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterway, as well as other projects and initiatives related to the development of the CMP.

**A. Notice of Motion – Lake Cathie Management into the Future**

A Notice of motion was put to the April 2024 Ordinary Council meeting and it was subsequently resolved as follows:

*That Council request the Chief Executive Officer provide a report to the May 2024 Ordinary Council Meeting which will provide a high-level overview of what would be involved if Council were to consider “handing back” the management of the Lake Cathie waterbody to the NSW Government.*

Council previously resolved on 20 May 2020 to write to the Minister for Water, Property and Housing the Honourable Melinda Pavey MP to confirm that Council's ongoing physical responsibilities for the management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only. This correspondence was sent on 2 June 2020. A response has not been received to this correspondence to date.

Council undertakes activities such as berm scrapes in order to stop rising water levels from inundating Council's sewer infrastructure which may result in a significant environmental and public health impacts. Any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) are the responsibility of others and will continue to be directed to the NSW Government as the owner of the waterbody.

Council is not able to delegate responsibility for the protection of Council's sewer infrastructure to any NSW State Government agency nor as stated in the Council resolution 'hand back' management of the Lake Cathie Waterbody, as it does not own or manage this waterbody.

Council is also responsible for the development of a Coastal Management Program (CMP) to set a long-term strategy for the coordinated management of the coast to achieve the objectives of the Coastal Management Act 2016. This has required Council to identify the coastal management issues in the Lake Cathie area through various studies such as the Hydrodynamic Model. The CMP will outline actions to address the issues identified as well as how, when and who will be responsible.

Based on this situation, there is no process available to Council to consider for “handing back the management of the Lake Cathie waterbody to the NSW Government”.

**B. Projects Update****1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek**

Staff from Council and technical experts from NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) have completed the final detailed review of the draft report associated with the updated Hydrodynamic model of Lake Innes, Lake Cathie and Cathie Creek. At the time this report was prepared, Royal HaskoningDHV were finalising the report to address the feedback provided in the review. The final feedback provided by Council and DCCEE staff was mostly technical in nature and is not expected to significantly alter the findings of the scenarios modelled in this report. As such, a preliminary overview of the key findings

of the report focusing on the management scenario implications are presented below. The final full report will be presented as an attachment at a subsequent Councillor briefing and Council meeting.

Royal HaskoningDHV (RHDHV) were engaged by Council in January 2022 to undertake an updated Hydrodynamic Model of Lake Cathie / Lake Innes / Cathie Creek. The project aims to upgrade the 2011 Lake Innes-Lake Cathie hydrodynamic model to enable a comprehensive assessment of estuary, lake system and open coast responses to potential management options. Together, the computer models incorporate important coastal, estuarine and fluvial processes for open and closed entrance conditions including tidal hydrodynamics, wave setup, rainfall-runoff, flooding/lake filling and entrance breakout processes.

The upgraded computer models and field data will be used to provide a robust, technical background to inform the decision-making process between Council, the DCCEEW and the local community. The management scenarios investigated included:

- Disconnecting Lake Innes from Cathie Creek
- Modification of Ocean Drive Bridge and Kenwood Drive Bridge
- Surrounding coastal protection works
- Creating a permanent entrance opening with breakwaters
- Modifications to existing dredging practices
- Modifications to entrance management

#### **Disconnecting Lake Innes from Cathie Creek**

There have been long-term discussions around disconnecting Lake Innes to improve estuary health, return the lake to a freshwater system and manage impacts to downstream water quality. Numerical models were employed to investigate the hydrodynamic and water quality effects of this disconnection, comparing it to a previous study by Hale (2013) and Soil Conservation Services (2022). Hydrological modelling presented by (Hale, 2013) indicates that if Lake Innes were to be isolated from Cathie Creek, the duration of inundation over much of the wetland, for example where water levels are greater than 0.83 metres above Australian Height Datum (m AHD) would increase from less than one-third of the time to 90% of the time. This would have the effect of reducing the time that Acid Sulfate Soil is exposed to the air. In addition, water balance modelling carried out by Soil Conservation Service (2022) suggested Lake Innes may have been maintained around +0.4 m AHD (rather than -0.47 m AHD which was measured in January 2020) during the recent 2019-2020 drought which could have reduced the exposure of acid-generating soils known to occur at this elevation and sub-equate iron floc events.

The proposed earth bund, situated south of the pre-1933 location, would create separate water bodies, namely Lake Innes and Cathie Creek/Estuary. The models considered various scenarios (open entrance, closed entrance, sea level rise, and coastal flood) to assess hydrodynamic changes and water quality impacts. For an open entrance, water levels in a disconnected Lake Innes would respond only to rainfall and evaporation, no longer influenced by tides during open entrance conditions.

Downstream, increased peak water levels at specific locations and reduced tidal discharge upstream of the bund were modelled when disconnected. The modelled outcome here was that Lake Innes would exhibit freshwater conditions with reduced salinity, contrasting with the baseline's brackish to marine conditions. When the entrance is closed, a quicker rise in water levels downstream of the bund is expected. While hydraulically separate water storages result in varied water levels at

different locations, connecting when reaching the bund crest (assumed level at 1.6 m AHD). Minor differences in salinity, water temperature, dissolved oxygen, and nutrient concentrations were estimated when compared to the present-day Estuary condition.

With projected sea level rise, amplification of the tidal range downstream of the bund would occur. Water level changes at Lake Innes would be unaffected by sea level rise. Amplified tidal range would arise for downstream locations and during a coastal flood, the earth bund would provide some protection for Lake Innes against inundation. There would also be a substantial increase in tidal range for downstream localities. Limited water quality changes are modelled, but downstream locations experienced variations in salinity and nutrient concentrations.

The models indicate significant alterations to water levels, tidal discharge, and water quality parameters in Lake Innes and downstream areas, providing insights into the potential environmental consequences of disconnecting Lake Innes from Cathie Creek.

*Table 1: Summary of findings from Disconnecting Lake Innes from Cathie Creek*

<b>Modelled Scenario</b>	<b>Changes to Hydrodynamics</b>	<b>Changes to Water Quality</b>
<b>Open Entrance - Tide dominated</b>	Lake Innes would be isolated from tidal influence.  Downstream of the bund, the Estuary would experience a reduction in tidal prism (increased tidal range and discharge).	Lake Innes: lowered salinity due to dilution from rainfall. Dissolved oxygen (DO) and nutrient patterns would only be influenced by catchment runoff.  The Estuary would experience slightly larger salinity, DO and nutrient fluctuations compared to the baseline.
<b>Closed Entrance</b>	Quicker rise in water levels in the Estuary due to reduced tidal prism/flood storage downstream of the earth bund.	Negligible changes modelled.
<b>Predicated Sea Level Rise</b>	Tidal range amplified in the Estuary.	Not modelled
<b>Coastal Flood</b>	Beneficial for Lake Innes by providing some protection against coastal inundation risk. Increased peak water levels in the Estuary	Not modelled

*Note: Orange represents a marked difference, green represents negligible to minor differences*

**Modification of Ocean Drive Bridge and Kenwood Drive Bridge**

There is a belief in the community that widening Ocean Drive Bridge and Kenwood Drive Bridge would result in the system remaining open to the ocean for longer periods, and more occurrence of natural openings would occur. Both Ocean Drive Bridge and Kenwood Drive Bridge are having conditional assessments done this financial year. Discussions have included adjusting the bridge to allow for strategic long-term benefits.

Numerical models were utilised to assess the consequences of hypothetical bridge widening scenarios. Kenwood Drive Bridge was modelled with a 100% increase in span to 23 m, resulting in increased tidal discharge into and out of Lake Cathie. The widening, however, did not lead to a marked reduction in tidal flushing time or significant changes in hydrodynamics in the broader system. During a closed





entrance condition, the Kenwood Drive Bridge widening caused a slight delay in water level rise, but this was not a substantial change.

The widening of Ocean Drive Bridge was also investigated. The area around Ocean Drive was widened to match the circa 1940 Estuary width. Despite increased cross-sectional area, the widening alone did not significantly impact tidal discharge. Removal of the sand berm at the entrance would be necessary for any substantial improvement as this remains the key bathymetric control on tidal hydrodynamics for the Estuary (and not the width of the opening beneath Ocean Drive Bridge).

Minor changes in salinity were modelled due to the small increase in tidal flow passing through the widened bridges when the entrance was open. When the entrance was closed, salinity trends remained similar to baseline conditions, with minor changes attributed to the deepening and widening of waterways rather than large shifts in hydrodynamic patterns.

The study suggests that the widening of Kenwood Drive Bridge alone may not significantly improve tidal flushing or water quality. Widening Ocean Drive Bridge, even up to its historical width, would not be beneficial without addressing the sand berm at the entrance. Coastal flood scenarios demonstrated changes in water levels, emphasising the need for consideration of bridge modifications in the context of extreme events only, and a robust cost-benefit analysis would be required to justify an investment of this scale.

*Table 2: Summary of findings from modifications to Ocean Drive Bridge and Kenwood Drive Bridge*

Modelled Scenario	Changes to Hydrodynamics	Changes to Water Quality
Open Entrance - Tide dominated	Minor differences in tidal discharge are too small for any appreciable change in tidal flushing times.	Negligible changes modelled.
Closed Entrance	Negligible changes modelled.	Negligible changes modelled.
Predicated Sea Level Rise	A minor increase in tidal range.	Not modelled
Coastal Flood	A minor increase in peak water level.	Not modelled

*Note: Orange represents a marked difference, green represents negligible to minor differences*

**Coastal Protection Works**

Previously discussed coastal hazard management options were investigated as part of this project including a revetment wall, dune toe protection and a rock groyne. These options aim to address ongoing erosion and shoreline recession.

Due to the positioning (higher up the beach) the revetment wall and toe protection structure are not expected to interact with the dominant coastal process (tides) and therefore not expected to influence hydrodynamic flows or long-shore sediment transport regimes at the entrance. Their spatial scales (tens to hundreds of metres) are also of a different magnitude to be represented by the regional coastal model(s) developed for this project.

A rock groyne for beach nourishment was modelled using Xbeach to confirm a conceptual understanding of nearshore sediment transport processes occurring at the Estuary. A rock groyne would create a barrier to long-shore sand transport, interrupt northward sediment transport, and affect beach width near the entrance, i.e. sand accumulation updrift of the groyne in front of Illaroo Road and lee side erosion downdrift of the groyne and north of the entrance).





XBeach model simulations illustrate complex sediment transport processes including the possibility of erosion on the beach north of the entrance due to disrupted longshore sediment transport. The key implications of this are:

- Proactive sand dredging and redistribution are required to counteract bypassing and prevent coastal erosion.
- Permanent entrance maintenance would likely necessitate frequent dredging campaigns dependent on wave climate.
- Erosion on the beach north of the entrance is likely due to disrupted sediment transport.
- A second groyne may be needed to effectively protect the entrance from shoaling on the northern side of the entrance.
- Tides into and out of the Estuary are too weak to maintain water depth; a permanent entrance would require frequent maintenance dredging.

*Table 3: Changes to entrance morphology due to the presence of a rock groyne south of the entrance*

Management Scenario	Changes to entrance morphology
Groyne	<ul style="list-style-type: none"> <li>• Groyne acts as a barrier to northward long-shore sand transport.</li> <li>• Beach south of the groyne would experience build up. Over time, sand would eventually bypass the groyne and accumulate at the entrance.</li> <li>• With insufficient catchment runoff (small catchment upstream of the Estuary), there would be a tendency for the entrance to accumulate sand in the presence of persistent swell events. Tides alone are likely to be too weak to maintain an open channel under such conditions. Maintenance dredging of the entrance would be an ongoing occurrence.</li> <li>• The beach immediately north of the entrance would experience a decrease in sand supply leading to erosion/reduced beach width.</li> </ul>

*Note: Orange represents a marked difference*

**Creating a Permanent Opening**

There is a perception within the community that having a trained entrance with a groyne / break wall structure across the existing beach berm would be a benefit to the estuary function and condition and improve recreational amenity.

The possibility of achieving a permanently open ocean entrance for the Estuary through the construction of entrance training walls was examined, and a 200m rock groyne identified by the co-design report (Rhelm and Bluecoast, 2022) was used as the basis for this modelling study. While uncertainty remains as to whether such an option would prove to be successful in preventing the entrance from naturally closing, the purpose of this study was to investigate changes to hydrodynamics and water quality in the Estuary on the assumption that a permanent deep entrance can be successfully maintained.

Details of the frequency and scale of ongoing maintenance dredging and impacts to infrastructure cannot be provided by the Hydrodynamic assessment as such interpretations would require targeted optioneering assessment and are beyond the scope of the study.

A permanently open entrance would alter tidal discharge, tidal range, tidal currents, and water levels in the Estuary. Tidal discharge and tidal range increase near the entrance, affecting water levels and currents upstream. Changes in water levels upstream vary under different scenarios, including sea level rise and coastal flooding. A permanently open entrance may reduce peak water levels during coastal storm events, offering protection against surge events. The removal of the beach berm at

the entrance would allow water to leave the Estuary quicker after a coastal flood event. Minimal changes in salinity are modelled due to increased tidal discharge. Negligible changes to water temperature were modelled. Dissolved oxygen and nutrient trends are generally similar to baseline conditions, with minor differences attributed to altered hydrodynamics.

Haskoning provided commentary on the likely response of the deep entrance to large coastal storm events, and its tendency to fill with sand over time, which would necessitate regular maintenance dredging to guarantee a deep open entrance condition.

*Table 4: Summary of findings from creating a permanent opening*

<b>Modelled Scenario</b>	<b>Changes to Hydrodynamics</b>	<b>Changes to Water Quality</b>
<b>Open Entrance - Tide dominated</b>	Substantial increase in tidal discharge and tidal range (greater during ebb tides than flood tides). Changes greatest near the entrance and smaller changes modelled upstream.	Minor differences in salinity, DO and nutrients.
<b>Predicated Sea Level Rise</b>	Substantial increase to tidal range (greater during ebb tide than flood tides).	Not modelled
<b>Coastal Flood</b>	Beneficial reduction in peak water level due to reduced wave setup at the entrance.	Not modelled

*Note: Orange represents a marked difference, green represents negligible to minor differences*

**Modifications to existing dredging practices**

The fate of the sand placed on the beach, potential alternative sand sources for nourishment, and the viability of a sand back pass system area were discussed. The long-term fate is influenced by the net direction of long-shore sediment transport driven by swell waves from the open coast. While creating a sand buffer, the dredged sand also contributes to increased sand supply at the entrance compartment.

A sand back pass system could be used to re-circulate the net northward movement of sand along the coast to the south. Such a system would involve a pump station allowing wet sand to flow, building the beach and providing a permanent nourishment solution. The feasibility and benefits of a sand back pass system would require detailed investigations beyond the scope of the current study. Concerns include the potential for reduced sediment supply to the beach further north, making it more prone to erosion.

The community has identified a potential alternative sand source at Lower Cathie Creek between Ocean Drive Bridge and Kenwood Drive Bridge, where shoaling is observed. This site could provide around 10,000 m<sup>3</sup> of sand, but it requires environmental approvals due to its location in a protected area. The sand is less suitable for beach nourishment due to higher fines and organic content and the presence of vegetation across most of the shoaled area. This sand shoal has been present in its current location since at least 1940, which is the earliest aerial photograph available. The emergence of vegetation on the shoal is likely due to the entrance management activities of Council preventing long term inundation of the vegetation preventing its establishment. Prior to development it is estimated that typical NSW coastal ICOLLS would have had a natural berm height of up to 3.5m AHD.



Table 5: Considerations for dredging activities

Question	Consideration for Ongoing Future Management
What is the fate of the sand placed on the beach adjacent to Illaroo Road?	<ul style="list-style-type: none"> <li>• Difficult to quantify due to the complex and dynamic nature of coastal environments.</li> <li>• Several factors contribute to the difficulty in making accurate predictions including hydrodynamic complexity, sediment transport dynamics, variable bathymetry, meteorological and climate variability, human activities, nonlinear interactions, and data limitations.</li> <li>• In the short term (weeks), waves would locally rework the sand onto and along the beach. In the medium term (months), swell waves from the south and southeast would erode and push sand towards the entrance and into the entrance compartment where the sand was originally sourced.</li> </ul>
Feasibility of a sand back pass system	<ul style="list-style-type: none"> <li>• Sand back pass system could provide a permanent beach nourishment solution but would reduce sediment supply for the beach located further north.</li> <li>• Due to its likely high expense and potential negative impact on adjacent beaches downstream of the littoral drift, the sand back pass system should be adopted only when the benefits (e.g., to protect a highly populated coastline) outweigh the costs or negative impacts.</li> </ul>
What are the potential sand sources available?	<ul style="list-style-type: none"> <li>• The sediment shoal between Kenwood Drive Bridge and Ocean Drive Bridge in Lower Cathie Creek could provide around 10 000 m<sup>3</sup> of sand, however, this material is likely to have a higher percentage of fines (than clean marine sand) which is not desirable for beach nourishment.</li> <li>• Loss of vegetation and estuarine habitat.</li> <li>• The area is within the Lake Innes Nature Reserve and therefore being in conflict with the values of NPWS nature reserve, obtaining dredge approvals would be difficult.</li> </ul>

**Modifications to entrance management**

Entrance closure duration depends on large swell events and their frequency. Sand deposition during swell events gradually reduces the ability of tides to maintain an open entrance. Closure of the entrance is a gradual process but largely governed by swell wave direction and magnitude over several months. Entrance closure is more likely to occur during periods of low catchment rainfall and/or low lake levels coinciding with neap tide conditions.

Water level variations are influenced by tidal effects, meteorological forcing, and runoff from catchments. Open entrance conditions result in sub-daily water level changes, while closed entrance conditions behave like a "bathtub" with negligible gradients. Long-term water level measurements at Ocean Drive Bridge between 1993 and 2023 show similar minimum and maximum levels regardless of entrance conditions. Median water levels during closed entrances are approximately 0.4 m higher than during open entrance periods.

Lake level responses to rainfall are influenced by antecedent catchment conditions. Simulated scenarios demonstrate a more rapid water level rise with wet catchments and higher initial lake levels as expected. Council has historically opened the entrance between +1.5 m and +2.1 m AHD. The position of the pilot channel for entrance breakout is flexible and varies across the entrance. Breakouts can be achieved regardless of the pilot channel's location, but avoiding shallow bedrock is important. Coffee rock exposed by intertidal high wave energy and/or a change in local sand supply rates is visible on the northern side of the entrance. Berm scraping aims to maintain a lower berm height to allow lake water to flow out without artificial



breakout. Large-scale removal of sand reduces infilling, and mitigates flooding, but requires substantial effort compared to artificial breakout.

There is a complex interplay of factors influencing hydrodynamics, sediment transport and water quality in the Estuary. The effectiveness of artificial entrance breakouts, and the challenges and considerations associated with flood mitigation strategies, such as berm scraping emphasise the need for a comprehensive understanding of the system for effective management.

Table 6: Considerations of entrance management practices

Question	Consideration for Ongoing Future Management
<b>Lake level response</b>	<ul style="list-style-type: none"> <li>When the ICOLL is open or partially closed, the lake levels are governed by spring/neap and flood/ebb tides and the entrance bathymetry.</li> <li>Under closed conditions, the lake level is governed by net rainfall and catchment runoff. The rate of water level rise is influenced by rainfall duration/magnitude, how saturated the catchment is, and long-term climate determining the initial water level in the lakes.</li> <li>These have implications on how quickly the Council's trigger levels to mitigate flood risks would be reached.</li> </ul>
<b>Water level triggers for artificial entrance breakout</b>	<ul style="list-style-type: none"> <li>Historical records show that entrance breakout had been initiated with water levels generally varying between +1.5 and +2.1 m AHD. Regardless of the breakout level, the water level would rapidly decrease, mitigating the risk of inundation.</li> <li>Adopting a lower trigger level would further decrease the risk of inundation. However, if the berm level is high, more effort might be required to create the pilot channel.</li> </ul>
<b>Positioning of the pilot channel</b>	<ul style="list-style-type: none"> <li>Historical breakout events indicate that breaching the entrance berm can be achieved regardless of where the pilot channel is located. Flexibility as to where to position the pilot channel depends on factors like beach rotation and sand distribution.</li> <li>The position of the pilot channel is not expected to affect the rate of closure.</li> </ul>
<b>Beach scraping</b>	<ul style="list-style-type: none"> <li>Beach scraping could mitigate the risk of flooding but will create a flat berm in which multiple channels could form during overflow. These breakout channels may not achieve the necessary depth to facilitate tidal exchange as seen with breakouts created using designated pilot channels.</li> </ul>

Additional updates will be provided on the completion of the project, including an overview of the methodology, present day conditions of the system and any updates to the management options.

**2. Bundella Avenue Asbestos Remediation Works**

Council and NSW Crown Lands have committed to share the cost of remediating the section of embankment off Bundella Avenue known to contain illegally dumped historic Asbestos Containing Material, given the contamination has been identified across both Council and Crown Land tenure.

Soil Conservation Services have previously completed the first stage of the project which involved the development of safety and environmental documentation associated with undertaking the proposed remediation works at the site. On ground works are expected to commence mid-late May and take approximately 3 weeks to complete. A traffic control plan has been completed for the project which requires the eastern end of Bundella Avenue and the northern end of Illaroo Road to be closed to traffic (except for local residents) throughout the project. Council staff will undertake





community engagement with impacted residents prior to the commencement of the project.

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

Bluecoast Consulting Engineers commenced the Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project in December 2023. The first task associated with this project is to complete a comprehensive literature review. This task involves analysing the appropriateness and/or relevance of relevant datasets and studies that would be referenced in this study and to identify any data gaps.

The Literature review will help derive a contemporary sediment budget and quantified conceptual model(s) of sand movement for the PMHC open coast. These model(s) will identify, describe and quantify, the coastal processes that will affect coastal morphology and coastal inundation hazards in the area. It will provide a summary of the current state of knowledge on larger scale and long-term sand movements enough to inform potential management actions to address coastal hazards within PMHC LGA. Importantly, they include detailed description of data and assumptions on which they are based, and the potential limitations/accuracy/reliability of any assessments undertaken. PMHC staff have reviewed the draft document while NSW DCCEEW technical specialists are continuing to review the draft document. Once the literature review is finalised, Bluecoast Consulting Engineers will continue to assess the coastal hazards across the PMHC LGA.

The project is expected to be completed in September 2024.

### **4. Review of the Lake Cathie Opening Strategy**

Following finalisation of the Lake Cathie/Lake Innes Hydrodynamic Model and reporting by Royal HaskoningDHV in line with Council's resolution of April 2022, a review of the Opening Strategy will then be possible. An extension to the hydrodynamic model project is intended to be undertaken with consideration of the hydrodynamic model recommendations, and the recommendations put forward in the Soil Conservation Service / Southern Cross University Bushfire Affected Coastal Waterways report.

On 2 May 2024 the lake level exceeded 1.6m AHD. In accordance with Council's standard operating procedure, including consideration of the predicted weather conditions a decision was made to undertake a berm scrape to protect sewer infrastructure from flooding. The works were undertaken on 3 May 2024.

### **5. Invasive Weed Management**

Invasive weed control activities that have occurred since the April 2024 Lake Cathie Natural Resource Management Monthly Update Report included:

- Contractors treated approximately 5.5 hectares for a range of invasive species including Cassia, Lantana, Ground asparagus, Madeira vine, Morning glory and within the littoral rainforest off Chepana Street
- PMHC staff treated approximately 1 hectare of the reserve behind the Lake Cathie Bowling Club for Green cestrum. Staff discovered and mapped Yellow bells while undertaking the works. This will be treated in upcoming works.

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



The development of CMPs is prescriptive and includes five stages. Staff are currently undertaking investigations associated with Stage 2 of the CMP development. The CMP is being developed in geographical chapters. An indicative timeframe of the progression of the CMP is presented below in Table 1.

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

Table 1: Indicative CMP Timeframe

Staff are currently progressing with Stage 2 of the CMP development across the four chapters. Stage 2 of the CMP process involves undertaking detailed studies that will help Council to identify, analyse and evaluate risks, vulnerabilities, and opportunities in the study area. The studies conducted during Stage 2 are to provide information to support decision-making in the later stages of the CMP planning process. Given the complexities of these studies, this stage is the most time consuming. Ensuring high quality studies in Stage 2 will result in high quality management plans in the CMP.

**7. Other projects**

**Sea Country**

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

Discussions with working group members and staff are leading towards community feedback on a draft Sea Country Action Plan to take place during NAIDOC Week 2024.

**Options**

This report is provided for information purposes only.

**Community Engagement and Internal Consultation**

This report is provided for information purposes.

Community consultation has been undertaken in some of the abovementioned projects, as mentioned in the discussion section of this report.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

There are no financial and economic implications in relation to this report. An updated status of adopted projects is provided below.

Project	Grant Funding (\$)	Council Contribution (\$)	Total Estimated Project Cost (\$)
<b>Lake Cathie / Lake Innes / Cathie Creek</b>			
Hydrodynamic Model	300,000	150,000	450,000
Bushfire Affected Coastal Waterways Program	265,000	30,000	295,000
Bundella Avenue Asbestos Remediation Project	252,266	252,266	504,532
<b>SUB TOTAL</b>	<b>817,266</b>	<b>432,266</b>	<b>1,249,532</b>
<b>Open Coast</b>			
Coastal Hazard Assessment & Coastal Vulnerability Assessment	108,000	54,000	162,000
<b>SUB TOTAL</b>	<b>108,000</b>	<b>54,000</b>	<b>162,000</b>
<b>TOTAL</b>	<b>925,266</b>	<b>486,266</b>	<b>1,411,532</b>

**Attachments**

Nil

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**Item:** 13.06

**Subject:** LAKE CATHIE ENTRANCE MANAGEMENT

**Presented by:** Community Infrastructure, Robert Fish

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### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### **RECOMMENDATION**

**That Council note the information provided in the Lake Cathie Entrance Management report related to the dry berm scrape undertaken 3 May 2024.**

### **Executive Summary**

The purpose of this report is to advise of the dry berm scrape undertaken at Lake Cathie on Friday 3 May 2024 as part of the entrance management practices that occurred for the purposes of flood mitigation to protect Council sewer infrastructure.

The dry berm scrape was managed in accordance with advice received from DPI Fisheries on 10 November 2021 to mitigate the flood impact while having minimal environmental impact. The approach is designed to allow a slow release of water out of the lake system once water levels reach the scrapped berm height rather than causing the immediate opening of the lake.

As of Monday 6 May 2024, the lake had naturally opened to the ocean overnight following further rainfall and a rising lake level resulting in the overtopping of water onto the sand berm, scouring out a channel. Water levels in the lake have reduced significantly and the potential inundation of Councils sewer infrastructure is no longer a concern.

### **Discussion**

#### Background

On Friday 3 May 2024, Council staff undertook emergency maintenance through a dry berm scrape at Lake Cathie to prevent inundation of sewer infrastructure located at the southern side of Lake Cathie. Inundation of the system would have resulted in a risk of a surcharge of raw sewage into the environment resulting in pollution issues.

A team of staff, Surf Life Saving and contractors were on-site between 6.30am - 11am on Friday 3 May 2024 to conduct a variety of roles including leadership/coordination, technical advice, survey, machine operation and labour for the undertaking.

The adopted Lake Cathie Standard Opening Procedure, which is triggered when water levels reach 1.4m AHD and the sand berm is intact, was enacted from 19 April 2024. In accordance with the standard operating procedure, water levels were monitored twice daily from 19 April until the berm scrape was conducted on 3 May.

Due to continued rainfall and the continued rise in water levels a site inspection on 24 April 24 was undertaken to identify the impact of flooding from the lake on public and private infrastructure. The water levels were at approximately 1.47m AHD and the following Council assets were identified as impacted by the rising water levels:

- Aqua Reserve footpath,
- Aqua Reserve scaling table and,
- Jabiru Reserve boat ramp.

In the days following the site inspection, the long-range weather forecast was reviewed. Significant rainfall was predicted which would likely lead to water levels in the lake exceeding 1.8m AHD over a five-day period and would begin to impact sewer infrastructure. As optimum conditions were expected to be achieved, the decision was made on Thursday 2 May 2024 to conduct a dry berm scrape at the Lake Cathie foreshore to mitigate impacts of flooding on public and private infrastructure.

Notifications were sent to NSW Fisheries and Crown Lands of the proposed works, in addition to public notification.

#### Dry Berm Scrape Specifications

The dry berm scrape was managed in accordance with advice received from DPI Fisheries on 10 November 2021 to mitigate the flood impact while having minimal environmental impact. The approach is designed to allow a slow release of water out of the lake system once water levels reach the scrapped berm height rather than causing the immediate opening of the lake.

The berm scrape was 10m wide and approximately 100m in length with excavation proceeding from west to east and excavated sand placed on the berm.

To maintain a “dry berm scrape” the scrape was conducted at 1.7m AHD to ensure there was minimum head differential between the upstream lake level and the invert of the excavation.

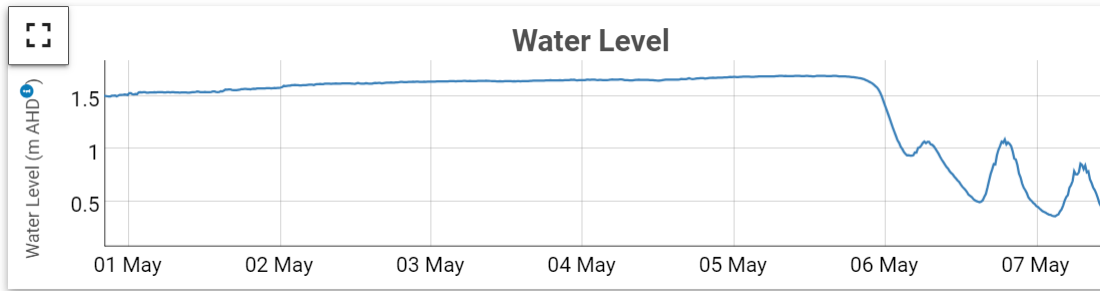
A surveyor was on-site throughout the works and a 1.7m AHD level was maintained for the entire length of the berm scrape.

Following the completion of works, footage that contained members of the public attempting to illegally open the Lake Cathie sand berm were featured on social media. The footage of attempts to open the lake prompted Council staff to inform Crown Lands and the NSW Environment Protection Authority (EPA) to report attempts of unauthorised opening of the lake and request assistance with compliance.

Council staff were required to attend the lake on Saturday 4 May to monitor the situation and request that community members cease any digging activities. Following Council staff presence on-site, communications via a Facebook post

occurred to remind the community that the lake will follow its own natural course of events with predicted rainfall and that further human intervention is not required.

As of Monday 6 May 2024, the lake had naturally opened to the ocean overnight following further rainfall and a rising lake level resulting in the overtopping of water onto the sand berm, scouring out a channel. Water levels in the lake have reduced significantly and the potential inundation of Councils sewer infrastructure is no longer a concern. A plot of water level within the lake between 1 May and 7 May is provided below.



As of Monday 7 May, Surf Life Saving staff remain on-site until Council staff deem that the lake is no longer releasing high volumes of water at a high velocity. The lake is expected to return to normal tidal fluctuations in the near future.

**Options**

This report is for information only.

**Community Engagement and Internal Consultation**

No community engagement was required with regard to this report.

Notifications to the community occurred from 19 April 2024 in accordance with the standard operating procedure to ensure they may remain abreast of monitoring and management actions undertaken by Council. Similarly, Councillors were also kept informed over this time.

Internal Consultation

- Group Manager Community Infrastructure Planning and Design
- Manager Planning and Design Programs
- Senior Stormwater Engineer Programs
- Flood Officer
- Coast and Estuary Coordinator
- Environmental Planner
- Senior Project Manager
- Construction Coordinator
- Corporate Communications Advisor



External Consultation

- Crown Lands
- Fisheries
- Surf Life Saving
- Security Services

**Planning and Policy Implications**

Monitoring, communications and entrance management activities occurred in accordance with the Lake Cathie Standard Opening Procedure. Entrance management actions were undertaken in accordance with Clause 2.127(a) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

**Financial and Economic Implications**

Council staff and supporting contractors were on site from 6.30am - 11am, and works were conducted between 7.30-11am. The total cost of works and labour on the day of the dry berm scrape was approximately \$5,000.

Additionally, further expenditure will be incurred to fulfill safety management requirements post works.

**Attachments**

Nil

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**Item:** 13.07

**Subject:** DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2024 - 2034

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

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### Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

### RECOMMENDATION

#### That Council:

1. Place the Draft Waste and Resource Recovery Strategy 2024 - 2034 on public exhibition no later than 27 May for a minimum of 28 days.
2. Note that a further report will be tabled at a future Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

#### Executive Summary

Council's existing Waste Strategy: 2017 - 2024 expires this year. The waste industry has seen significant change in recent years and still remains in a state of flux. Council has developed a draft Waste and Resource Recovery Strategy to guide the direction for the next ten years.

The draft Waste and Resource Recovery Strategy 2024-2034 updates the strategic direction for waste management to align with the NSW Waste Strategy and its targets. With a focus on the first 5 years, the draft Strategy is flexible and dynamic, developed to be able to respond to changes in waste policy and approaches. In addition to recovering resources, the Strategy is focused on protecting the environment from the impacts of waste, including littering and illegal dumping.

#### Discussion

Council's existing waste strategy was developed for a delivery period of 2017 - 2024. The NSW Government released the *NSW Waste and Sustainable Materials Strategy 2041- Stage 1: 2021-2027* (NSW Strategy) in 2021 which sets the targets and focus areas moving forward for the waste industry in NSW as a whole.

Council has developed a new Waste and Resource Recovery Strategy (WRR Strategy) to review the previous strategy and set new strategic objectives for Council that align with the NSW Strategy. The WRR Strategy has been developed with a 10-year delivery horizon from 2024-2034 with key focus on the first five years. It fits in with Council's Strategy Hierarchy as a Primary Strategy and takes guidance from other significant, strategies such as Council's Community Strategic Plan - Imagine2050 and Infrastructure Strategy 2022-2042. Within the Strategy is an Action Plan which sets specific tasks for Council to undertake in order to achieve the strategic objectives and targets set.

### Strategy Development

Talis Consultants were engaged in July 2023 to assist Council with the development of the strategy. Throughout the strategy development, key Council staff were engaged through development, including a workshop to discuss the strategy framework, direction, objectives and actions.

Councillors were provided a briefing on the progress and strategy development in February 2024.

### **Options**

Council has the following options:

1. Resolve as recommended; or
2. Request further information and/or amendments the WRR Strategy prior to public exhibition.

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

The draft WRR Strategy is now ready for community engagement and consultation.

The development of the draft WRR Strategy involved internal consultation with the following:

- Director, Community Utilities
- Group Manager, Utilities Planning & Design
- Group Manager, Utilities Operations
- Utilities Innovation, Process and Compliance Manager
- Utilities Process Operations Manager
- Waste Projects Officers
- Waste Coordinator
- Waste Officer
- Waste Administration Officer
- Communications Team
- Community Education Team
- Sustainability Coordinator
- Mayor and Councillors via an internal Briefing

### **Planning and Policy Implications**

The adoption of this strategy and supporting action plan would provide the strategic framework for Council to deliver waste management and resource recover initiatives for the next ten years.

### **Financial and Economic Implications**

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

### **Attachments**

1.  Draft Waste and Resource Recovery Strategy 2024-2034

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**Item: 13.08**

**Subject: POLICY REVIEW - UNSEALED ROADS POLICY**

**Presented by: Community Infrastructure, Robert Fish**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place the draft Unsealed Roads Policy on public exhibition for 28 days.**
- 2. Note that a further report will be provided to the July 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

This report provides a draft of the Unsealed Roads Policy (Policy) following review with an overview of the changes made.

The Policy has been reviewed and updated for consideration by Council. The update and review will ensure the Policy aligns with current practices, guidelines and standards, as well as relevant NSW legislation, including the Roads Act 1993, Local Government Act 1993, Environmental Planning and Assessment Act 1979 and the Civil Liability Act 2002.

### **Discussion**

The review of the Policy has been undertaken with the following considerations:

- Clarifying how Council intends to manage its road reserves and infrastructure within available resourcing
- Alignment with relevant legislation, Council's asset management and infrastructure strategies and community expectations
- Clear articulation of Council's provision of services to members of the community

The current Policy was adopted in 2018. The Policy outlined Council's service level provision to members of the community. The service levels were based on unsealed road condition data at the time. A review of the unsealed road condition is proposed in the 2024-2025 draft Operational Plan. The condition data will inform Council's Asset Management Plans, future policy reviews and service levels. This may inform a further review of the Policy.

Changes to the current Policy included in the draft are as follows:

- Updated introduction to ensure all Transport and Stormwater policies are consistently referenced
- Improved definitions of road ownership and responsibilities to outline the road network Council manages and the Policy applies to
- Updated management principles for:
  - programmed and reactive works
  - road sealing and upgrade management principles
  - Crown Road transfer and maintenance
- Updated service provision chapter and definition to improve clarity
- Updated legislation references

**Options**

Council has the option to not endorse the draft Unsealed Roads Policy for exhibition, or request amendment ahead of exhibition.

**Community Engagement and Internal Consultation**Community Engagement

Following endorsement of this report by Council, public exhibition for a period of 28 days will occur.

Internal Consultation

Informal consultation has occurred with relevant Council Units including the Community Organisational Project Delivery Unit, the Community Infrastructure and Recreation Operations Unit and Strategy Unit.

**Planning and Policy Implications**

By adopting this Policy following exhibition, Council will be updating an external policy and recognising the amendments.

**Financial and Economic Implications**

As these updates have been undertaken without a comprehensive review to current maintenance and management practices, there are no identified financial or economic implications associated with this update.

**Attachments**

1.  Unsealed Roads Policy - draft



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**Item: 13.09**

**Subject: POLICY REVIEW - WASTEWATER SERVICES POLICY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition the draft Wastewater Services Policy, commencing no later than 27 May for a minimum of 28 days.**
- 2. Note that a further report will be tabled at a future Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The attached draft Wastewater Services Policy provides a legislative and consistent framework for provision of wastewater services across the Local Government Area (LGA). This is a new Policy for Council adoption.

### **Discussion**

Port Macquarie-Hastings Council (Council) does not currently have an adopted Wastewater Services Policy.

Council is committed to supplying a high level of service for the provision of wastewater treatment processes, infrastructure and services provided across the LGA. Wastewater services are provided to the majority of the LGA and though there has been no formal Policy, there are many internal procedures and processes driving the delivery of these services for many years. This document provides a formally adopted position for the community to understand Council's services and responsibilities, and for wastewater staff to ensure that services and positions are being consistently applied in a way that supports Council's vision and objectives in relation to the provisions of wastewater services and their management.

The Policy outlines the legislative responsibilities of Council as well as levels of service and responsibilities of both Council and those who utilise the Council's wastewater services.

The Wastewater Services Policy includes information on treatment plants and systems provided, use of wastewater disposal services / facilities, applicable wastewater fees and charges, requirements for new properties and developments

within the LGA, approval requirements for wastewater augmentations and what materials are allowed to enter the wastewater system.

This Policy applies to Council activities, Council staff, anyone interacting with Council wastewater infrastructure, ratepayers and those in the community utilising Council's wastewater services.

**Options**

Council has the option to

1. Resolve in line with the recommendation and place this draft policy on public exhibition; or
2. Request further amendments be made prior to exhibition.

**Community Engagement and Internal Consultation**

Internal consultation has occurred within the Community Utilities Division with:

- Group Manager Utilities Planning and Design
- Innovation, Process and Compliance Manager
- Engineering Planning Manager
- Development and Design Manager
- Development Planning Engineers
- Operations Manager
- Process Manager
- Process Planning Engineer
- Water and Sewer Technical Officers

**Planning and Policy Implications**

The adoption of this Policy post-exhibition would provide Council a formal policy position relating to wastewater services and management.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Wastewater Services Policy

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**Item: 13.10**

**Subject: POLICY REVIEW - DRAFT WASTE SERVICES POLICY -  
FOLLOWING PUBLIC EXHIBITION**

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

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### **Alignment with Delivery Program**

4.1.7 Develop and implement effective waste management strategies.

### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt the Waste Services Policy.**
- 2. Note the responses to feedback on the Draft Waste Services Policy included in the Engagement Summary Report.**
- 3. Thank the community for their feedback.**

#### **Executive Summary**

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

The Draft Waste Services Policy were publicly exhibited from 26 February 2024 to 24 March 2024 (28 days). During this period five submissions were received, with a summary of the submissions included within the attached Engagement Summary Report. The key themes in the submissions were around incentivising lower rubbish production, reviewing needs for all waste streams to be separated and appropriately process from residential, commercial and industrial producers, and increasing the education provided to the community. Some minor changes were made to the Policy as a result, which are noted in the attached report.

Following review of exhibition submissions, and the resulting minor amendments to the Policy, this report recommends that the Draft Waste Services Policy be adopted. The document is attached to this report.

#### **Discussion**

The draft Port Macquarie-Hastings Council Waste Services Policy was considered at the Ordinary Council meeting held on 15 February 2024. At the February 2024 meeting Council resolved as follows:

#### *That Council:*

- 1. Place on public exhibition the draft Waste Services Policy 2024, commencing Monday 26 February 2024 for a minimum of 28 days.*
- 2. Note that a further report will be tabled at the May 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.*

The Draft Waste Services Policy was exhibited for 28 days, with 5 submissions received providing feedback. The Community Engagement section below outlines submissions from that period.

**Options**

Council has the option to:

1. Accept the recommendations as listed; or
2. Resolve in another way.

Following review of exhibition submissions, this report recommends that the Draft Waste Services Policy be adopted. The draft document for adoption is attached.

**Community Engagement and Internal Consultation**

From the period of 26 February 2024 to 24 March 2024, the Policy was listed on Council’s Have Your Say website.

A pop-up session was hosted in collaboration with the education team in March, and community members were informed of and encouraged to visit the website. Social media posts also directed community members to the page to review and provide feedback on the Draft Policy document. A summary of the engagement activities undertaken, and results is included within Attachment 1 of this report - Engagement Summary Report.

All actions above directed community members to the Have Your Say platform on Council’s website to share feedback. There were 135 visits to this page and the document was downloaded 22 times (16% of visitors). Two submissions (1% of viewers) were received via Have Your Say and three external submissions via customer service/direct email.

At the completion of the engagement, submissions were collated, reviewed, and considered by the project team and a response prepared for each one individually. This is included as Attachment 2 of this report - Submissions and Responses.

Minor amendments were made and some identified errors to the Draft Policies following consideration of the submissions. Additional internal reviews were also completed on the draft Policy which also led to some minor amendments, namely the inclusion of a section relating to the disposal of sharps and a statement relating to disposing of what is considered ‘problem waste’ streams.

The table below gives the details of all changes made.

**Table 1: Details of changes made to draft Waste Service Policy post exhibition**

Section	Change
1.1.2 Policy Statement and Scope	Replace word ‘assist in’ with the word ‘support’
	Addition of ‘local business and industries’ after community members
2.1.11 New Waste Services and	Addition of final paragraph ‘Waste services available and charged will be consistent with the formal classification of the





Changes to Existing Waste Services	dwelling or land. Changes in service type or bin sizes may have fees associated.'
2.1.15 Cancellation of Services	Addition of final paragraph 'For residential MUDs, any alteration or cancellation of services will only occur if it applies to all dwellings.'
2.2.5 No Scavenging	Removal of additional word 'and' at the end of second sentence.
2.3 Levels of Service	Addition of the words 'within the eligible service areas' at the end of the third dot point (previously incomplete)
2.5 Other Waste Types	<p>Addition of whole section:                      '2.5 Other Waste Types                      2.5.1. Disposal of Sharps                      Council has an internal procedure relating to the appropriate collection of sharps by staff. Disposal of sharps is via the use of appropriate containers                      Where sharps are found on private land, the landowner is responsible for their collection and disposal.                      Council owns and maintains a number of sharps bins across the LGA. Each of these are regularly emptied and cleaned. The frequency of servicing varies depending on location and usage. Council may install or remove sharps bins as required depending on location, usage and serviceability.                      Community sharps bins are intended for persons in the area to dispose of incidental sharps rubbish. Domestic or commercial sharps waste is not to be disposed of in community sharps bins - penalties may apply.                      2.5.2. Disposal of 'Problem wastes'                      There are a number of waste types which are emerging and being identified as 'problem' wastes in that there is no appropriate way of recycling or responsibly disposing of them. Council has ongoing relationships within the industry and regulatory bodies to keep informed of current and upcoming processes and technologies.</p>
3.2.4 Waste Vouchers	Replace incorrect reference to 'Table 1' with reference to Appendix 1.
4.1.3 Waste Collection Provisions	Replace 'where site characteristics allow (see ii above), no more than 12 bins must be placed on the council verge/kerbside at any one time for collection' with 'bins must be collected from within the property'.
4.1.4 High-Density Residential (including mixed-use) Provisions	Amend beginning of (ii) to read 'Where waste chutes are proposed by the development, they must'
5.1.1 All Events	Removal of the words 'and list' from within (iv)
5.1.3 Monitoring and Compliance	Addition of the words 'or management aspects relating to these' to (ii).

**Planning and Policy Implications**

If adopted, the Waste Services Policy will become a new Council adopted Policy, and will supersede the previous Developments, Public Places and Events Waste Minimisation and Management Policy (adopted in 2020).








**Financial and Economic Implications**

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

**Attachments**

1.  Engagement Summary Report
2.  Submissions and Responses
3.  Draft Waste Services Policy

**Item: 13.11**

**Subject: POLICY REVIEW - CONTRIBUTION FOR PATHS KERB AND GUTTER - FOLLOWING PUBLIC EXHIBITION**

**Presented by: Community Infrastructure, 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 adopt the Contribution for Paths, Kerb and Gutter Policy.**

**Executive Summary**

At the Ordinary Council Meeting held on 21 March 2024 Council resolved to place the Contributions for Paths, Kerb and Gutter Policy on public exhibition.

The policy was subsequently placed on public exhibition from 27 March 2024 to 24 April 2024. During the exhibition period, zero (0) submissions were received in relation to the proposed policy amendments.

**Discussion**

At the Ordinary Council meeting held on 21 March 2024 Council resolved as follows:

*That Council:*

1. *Place on public exhibition the Draft Contributions for Paths Kerb and Gutter Policy for a period of not less than 28 days.*
2. *Note that a further report will be provided to the May 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.*

This Policy details how and when Council considers contributions to paths, kerb and gutter from adjoining landowners in accordance with the NSW Roads Act 1993.

The Contributions for Paths, Kerb and Gutter policy was reviewed with the following amendments made in the draft publicly exhibited:

Updated title to reflect broader paving (paths)
Updated definition of kerb and gutter
Removal of contributions for path infrastructure
Clarification of where and when works are considered
Clarification of subsidies for works
Clarification of contributions when works are funded by grants
Clarification of how locations for works are determined and applications by landowners are considered

Reference to the Rates and Charges Hardship Assistance Policy
Responsible Officers updated and clarification of responsibilities

Public Exhibition

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

There was a total of thirty (30) visits to Council’s engagement website page during the exhibition period. Three (3) documents were downloaded or viewed. Zero (0) submissions were received in support or opposition of the proposed Policy amendments.

**Options**

Council has the option to amend or not to amend the Contributions for Paths, Kerb and Gutter Policy identified within this report prior to adoption.

**Community Engagement and Internal Consultation**

There were no submissions received in regard to this policy.

Internal Consultation was held with the below staff:

- Director Community Infrastructure
- Group Manager Community Infrastructure Planning and Design
- Manager Planning and Design (Strategic)

**Planning and Policy Implications**

This report recommends the amendment of one (1) current Council Policy. By adopting this Policy following exhibition, Council will be updating an external policy and recognising the amendments.

**Financial and Economic Implications**

The financial and economic impacts from this policy relate to how Council charges residents for provided infrastructure. Though there are no direct costs associated with this report, there are financial implications for the funding and provision of future infrastructure. This policy has been updated to provide balanced outcomes for the community in relation to the provision of infrastructure with affordability in the current economic climate.

**Attachments**

1.  Contributions for Paths, Kerb and Gutter Policy - For Adoption

**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

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

**Item 14.01 2024.004 Flood Recovery Works - Rock Supply**

**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.